

# PERSONNEL POLICY FOR THE CITY OF LAKEFIELD/LAKEFIELD PUBLIC UTILITIES, MN

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## **INTRODUCTION**

### **Purpose**

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Lakefield/Lakefield Public Utilities. This personnel policy (collectively referred to as “personnel policies”) supersedes all previous personnel policies.

### **Disclaimer**

Nothing in this handbook or any other written or unwritten policies, course of conduct, or practices of the city creates or is intended to create an express or implied contract, covenant, promise or representation between the city and employees.

The city may change or eliminate policies, or portions thereof, contained in this handbook at its discretion at any time, and without notice.

This handbook does not vest any employee right, benefit, or privilege which cannot be changed or eliminated by the city council, in its discretion at any time, and without notice.

Employment with the city/public utilities is at-will, except otherwise provided by law or contract. This means that employment may be terminated with or without cause at any time at the option of the employee to the city/utilities. No Department Head or other representative of the city/utilities has authority to enter into any agreement to the contrary unless approved by the city council or utilities commissions.

### **Scope**

These policies apply to all employees of the city/utilities. Except where specifically noted, these policies do not apply to:

1. Elected officials
2. City attorney
3. Members of city boards, commissions, and committees
4. Consultants and contractors
5. Volunteers, except as specifically noted for paid-per-call firefighters.

If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an information guide to help employees become better informed and to make their experience with the city/utilities more rewarding. Departments may have special work rules deemed necessary by the Department Head and approved by the personnel committee for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained, and enforcement discussed with the employee by the immediate Department Head.

### **EEO Policy Statement**

The City of Lakefield/Lakefield Public Utilities is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Lakefield/Lakefield Public Utilities will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender

expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

## **Data Practices Advisory**

Employee records are maintained in a location designated by the city clerk. Personnel data is retained in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

## **Media Requests**

All city/utilities employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the appropriate department or to the data practices authority.

Any employee who identifies a mistake in reporting should bring the error to the city clerk or other appropriate staff. Regardless of whether the communication is in the employee's official city/utilities role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

With the exception of routine events and basic information that is readily available to the public, requests for interviews or information from the media are to be routed through the city clerk/or the appropriate Department Head. No city/utilities employee is authorized to speak on behalf of the City or Lakefield Public Utilities without prior authorization from the Department Head/city clerk or his/her designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the appropriate Department Head of the request.
2. If the request is regarding information about personnel, potential litigation, controversial issues, an opinion on a city or utilities matter, or if an employee is unsure if the request is a "routine" question, forward the request to the city clerk. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person, who will get back to you as soon as he/she can." Then ask the media representative's name, questions, deadline, and contact information.

All news releases concerning personnel will be the responsibility of the city clerk.

When/if the city clerk authorizes a staff person to communicate on behalf of the city or utilities in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the city/utilities. Account names on social media sites must be clearly connected to the city/utilities and approved by the city clerk.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: "The city finished street cleaning on 16 streets in the northwest corner of the city this past week" instead of "The city is doing a great job with street cleaning this year!" Corrections must be issued when needed.
- Generally not include personal opinions in official city/utilities statements. One exception is communications related to promoting a city service. For example, an employee could post the following on the city's Facebook page: "My family visited Hill Park this weekend and really enjoyed the new band

shelter.” Employees who have been approved to use social media sites on behalf of the city should seek assistance from the city clerk on this topic.

- Notify the city clerk if they will be using their personal technology (cell phones, home computer, cameras, etc.) for city business. Employees should be aware that the data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

## **Personal Communications and Use of Social Media**

It is important for city/utilities employees to remember that the personal communications of employees may reflect on the City and Lakefield Public Utilities, especially if employees are commenting on city/utilities business. The following guidelines apply to personal communications, including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- Remember that what you write or post is public and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home computers.
- The City of Lakefield/Lakefield Public Utilities expects its employees to be fair, courteous, and respectful to Department Heads, co-workers, citizens, customers, and other persons associated with the city/utilities. Avoid using statements photographs, video or audio that reasonably viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of sex, race, national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local commission.
- If you publish something related to city/utilities business, identify yourself and use a disclaimer such as, “I am an employee of the City of Lakefield/Lakefield Public Utilities, however, these are my own opinions and do not represent those of the City of Lakefield/Lakefield Public Utilities.”
- City/Utilities resources, working time, or official city or utilities positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city’s logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the city (e.g., Lakefield Cop).

## **CITYWIDE WORK RULES & CODE OF CONDUCT**

### **Conduct as a City and Lakefield Public Utilities Employee**

In accepting city/utilities employment, employees become representatives of the city/utilities and are responsible for assisting and serving the citizens for whom they work. An employee’s primary responsibility is to serve the residents of Lakefield. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a city/utilities employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their Department Heads.

The following are job requirements for every position at the City of Lakefield/Lakefield Public Utilities. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.

- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations as set forth in these personnel policies as well as those of their departments.
- Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate Department Head.
- Maintain good attendance while meeting the goals set by your Department Head.

## **Attendance & Absence**

The operations and standards of service for the City of Lakefield/Lakefield Public Utilities require that employees be at work unless valid reasons warrant absence or an employee has a position that has been approved to work remotely. In order for a team to function efficiently and effectively, employees must fully understand the goals that have been set for them and the time that is required to be on the job. Understanding attendance requirements is an essential function of every city/utilities position.

Employees who are going to be absent from work are required to notify their Department Head as soon as possible in advance of the absence. In case of an unexpected absence, employees should call their Department Head before the scheduled starting time and keep in mind the following procedures:

- If the Department Head is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the Department Head.
- Failure to use the established reporting process will be grounds for disciplinary action.
- The employee must call the Department Head on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the Department Head. Any illness absence beyond (3) days will require a doctor's note.
- Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing.
- The city may waive this rule if extenuating circumstances warranted such behavior.

This policy does not preclude the city from administering discipline for unexcused absences of less than three (3) days. Individual departments may establish more specific reporting procedures.

For budgetary and confidentiality reasons, non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their Department Head.

Please see LEAVES OF ABSENCE section on page 20 for further information.

## **Access to and Use of City Property**

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other city/utilities-owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with his/her Department Head.

All such equipment must be turned in and accounted for by any employee leaving employment with the city/utilities in order to resign in good standing.

Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the city/utilities is prohibited unless authorized by the city clerk or **Department Head**. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

## **Appearance**

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their Department Head.

## **Conflict of Interest**

City/Utilities employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be a perceived or actual conflict of interest or could result in a personal benefit for themselves or a family member. If an employee has any question about whether such a conflict exists, he/she should consult with the city clerk.

## **Falsification of Records**

Any employee who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

## **Personal Telephone Calls/Messages**

Personal telephone calls/messages/social media are to be made or received only when necessary. They are not to interfere with city/utilities work and are to be completed as quickly as possible. Any personal long distance call costs will be paid for by the employee. Please refer to the cell phone policy for information on use of cellular phones.

## **Political Activity**

City/Utilities employees have the right to express their views and to pursue legitimate involvement in the political system. However, no city/utilities employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the city/utilities to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.

## **Smoking**

The City of Lakefield/Lakefield Public Utilities observes and supports the Minnesota Clean Indoor Air Act. All city and utilities buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that smoking in any form (through the use of cannabis and tobacco products such as pipes, cigars, and cigarettes) or “vaping” with e-cigarettes is prohibited while in a city/utilities facility or vehicle.

## **DEFINITIONS**

For purposes of these policies, the following definitions will apply:

### **Authorized Hours**

The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee’s Department Head.

### **Benefits**

Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.

**Demotion**

The movement of an employee from one job class to another within the city, where the maximum salary for the new position is lower than that of the employee's former position.

**Department Head**

The employee set by the authority that is responsible for the oversight of the department and the employees of that department. In general designee and Department Head are interchangeable in this document.

**Employee**

An individual who has successfully completed all stages of the selection process, including the training period.

**Exempt Employee**

Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act.

**FICA (Federal Insurance Contributions Act)**

FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution for Social Security and for Medicare. The city contributes a matching percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

**Fiscal Year**

The period from January 1 to December 31.

**Full-Time Employee**

Employees who are required to work forty (40) or more hours per week year-round in an ongoing position.

**Non-Exempt Employee**

Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

**Part-Time Employee**

Employees who are required to work less than forty (40) hours per week year-round in an ongoing position.

**Pay Period**

A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Sunday through 11:59 p.m. on Saturday, fourteen (14) days later unless defined differently by department policy.

**PERA (Public Employees Retirement Association)**

Statewide pension program in which all city/utilities employees meeting program requirements must participate in accordance with Minnesota law. The city/utilities and the employee each contribute to the employee's retirement account.

**Promotion**

Movement of an employee from one job class to another within the city/utilities, where the maximum salary for the new position is higher than that of the employee's former position

**Reclassify**

Movement of a job from one classification to another classification because of a significant change in the position's duties and responsibilities

### **Seasonal Employee**

Employees who work only part of the year (180 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority or PERA except that seasonal employees are eligible to accrue Earned Sick and Safe Time (ESST) leave as outlined in the ESST policy.

### **Service Credit**

Time worked for the city/utilities. An employee begins earning service credit on the first day worked for the city/utilities. Some forms of leave will create a break in service.

### **Temporary Employee**

Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority. Temporary employees do not earn benefits – except are eligible for Earned Sick and Safe Time (ESST) leave—and do not earn credit for seniority.

### **Training/Probationary Period**

A period at the start of employment with the city/utilities (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city/utilities' selection process and is used by Department Heads for closely observing an employee's work. An employee serving his/her initial probationary period may be disciplined at the sole discretion of the City/Utilities, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Nothing in this policy handbook shall be construed to imply that after completion of the probationary period, an employee has any vested interest or property right to continued City/Utilities employment.

Time served in temporary, seasonal, volunteer or interim positions are not considered part of the probationary period. If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked, and the probationary period will be extended by the length of time taken.

### **Transfer**

Movement of an employee from one city/utilities position to another of equivalent pay.

### **Weapons**

Weapons are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

### **Workweek**

A workweek is seven (7) consecutive 24-hour periods. For most employees the workweek will run from Sunday through the following Saturday. With the approval of the city clerk and personnel committee, departments may establish a different workweek based on coverage and service delivery needs (e.g., police department, fire department, park and recreation department).

## **EMPLOYEE RECRUITMENT & SELECTION**

### **Scope**

The city clerk or a designee will manage the hiring process for positions within the city/ utilities departments. While the hiring process may be coordinated by staff, the City Council and or Public Utilities Commission is responsible for the final hiring decision and must approve all hires to city/utilities employment. All hires will be made according to merit and fitness related to the position being filled.

### **Features of the Recruitment System**

The city clerk or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Application for employment will generally be made online or by application forms provided by the city/utilities. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the city clerk or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position.

The deadline for application may be extended by the city clerk and Personnel Committee. Unsolicited applications will not be kept on file.

Position vacancies may be filled on an “acting” basis as needed. The City Council and or Public Utilities Commission will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council and or Public Utilities Commission.

### **Testing and Examinations**

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test; or other appropriate job-related exam. For example:

- Keyboarding exercises for data entry positions.
- Writing exercises for positions requiring writing as part of the job duties.
- “In-basket” exercise for an administrative support position (sets up real-life scenarios and items that would likely be given to the position for action, and asks the candidate to list and prioritize the steps they would take to complete the tasks).
- Mock presentation to the City Council for a planning director position.
- Scenarios of situations police officers are likely to encounter on the job that test the candidate’s decision-making skills (can be role played or multiple choice questions).

Internal recruitments will be open to any city/utilities employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the city/utilities.

The City Council and or Public Utilities Commission or designee will establish minimum qualifications for each position with input from the appropriate Department Head. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

### **Pre-Employment Medical Exams**

The city clerk or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any city/utilities

position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the city/utilities with the cost of the exam paid by the city/utilities. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist). The physician will notify the city clerk or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the city clerk or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

### **Selection Process**

The selection process will be a cooperative effort between the city clerk or Department Head and personnel committee or designee and the hiring Department Head, subject to final hiring approval of the City Council and or Public Utilities Commission. Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal and temporary employees and part-time employees may be delegated to the appropriate Department Head. Except where prohibited by law, seasonal and temporary employees may be terminated by the Department Head at any time, with input of the personnel committee members.

The city/utilities has the right to make the final hiring decision based on qualifications, abilities, experience and City of Lakefield/Lakefield Public Utility's needs.

### **Background Checks**

All finalists for employment with the city/utilities may be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the personnel committee will determine the level of background check to be conducted based on the position being filled.

### **Training Period**

The training period is an integral part of the selection process and will be used for the purpose of closely observing the employees' work and for training the employee in work expectations. Training periods apply to new hires, transfers, promotions, and rehires.

## **ORGANIZATION**

### **Job Descriptions**

The city/utilities will maintain job descriptions for each regular position. New positions will be developed as needed but must be approved by the City Council and or Public Utilities Commission prior to the position being posted and filled.

A job description is prepared for each position within the city/utilities. Each job description will include: position title, department, Department Head's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, Department Head responsibilities (if any), and extent of Department Head

direction or guidance provided to position. In addition, job descriptions should also describe the benefits offered and potential career path opportunities as a means to entice a qualified pool of applicants. Good attendance and compliance with work rules and policies are essential functions of all city/utilities positions.

Prior to posting a vacant position the existing job description is reviewed by the city clerk or designee and the hiring Department Head to ensure the job description is an accurate reflection of the position and that the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Department Heads are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the city clerk.

### **Assigning and Scheduling Work**

Assignment of work duties and scheduling work is the responsibility of the Department Head.

### **Job Descriptions and Classifications**

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the city clerk and **Department Head.**

### **Layoff**

In the event it becomes necessary to reduce personnel, temporary employees and those serving a probationary period in affected job classes will be terminated from employment with the city/utilities before other employees in those job classes. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the Department Head, city clerk and personnel committee, subject to approval of the City Council and or Public Utilities Commission. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

## **HOURS OF WORK**

### **Work Hours**

Employee work schedules and opportunities to work remotely will be established by Department Heads with the approval of the city clerk and personnel committee. To ensure employee availability and accountability to the public the city serves, all full-time employees (exempt and non-exempt) are to be at work or available to the public and co-workers during their scheduled work hours.

### **Meal Breaks and Rest Periods**

A paid fifteen (15) minute break is allowed within each four (4) consecutive hours of work. **An unpaid thirty (30) minute or sixty (60) minute lunch period is provided when an employee works six (6) or more consecutive hours.** Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunch time by saving these breaks.

Employees working in city/utility buildings will normally take their break at the place provided for that purpose in each building. Employees working out-of-doors will normally take their break at the location of their work. Employees whose duties involve traveling throughout the city may stop along the assigned route at a restaurant or other public accommodation for their fifteen (15) minute break. Exceptions must be approved by the Department Head.

Departments with unique job or coverage requirements may have additional rules, issued by the Department Head and subject to approval of the city clerk and personnel committee, on the use of meal breaks and rest periods.

### **Adverse Weather Conditions**

City/Utilities facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees not reporting to work for reasons of personal safety will not normally have their pay reduced as a result of this absence. Employees will be allowed to use accrued **PTO or compensatory time**, or with Department Head approval, may modify the work schedule or make other reasonable schedule adjustments.

Sworn police officers and public works maintenance employees will generally be required to report to work regardless of conditions. Public works maintenance employees' hours of work may be adjusted for best use of work hours in response to weather conditions. (e.g. report to work at 4:00 a.m. after a major snow event) The hours adjustments shall be decided by the appropriate Department Head.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective Department Head or the city clerk.

### **COMPENSATION**

Employees of the city/utilities will be compensated according to schedules adopted by the City Council and or Public Utilities Commission. Unless approved by the Council/Utilities Commission, employees will not receive any amount from the city/utilities in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

Compensation for seasonal and temporary employees will be set by the City Council and or Public Utilities Commission at the time of hire, or on an annual basis.

The city values and recognizes the commitment and loyalty of its long-term employees. This policy outlines a longevity compensation program to reward employees for their continuous service. All full-time employees who have completed five (5) years of continuous, active employment are eligible for longevity compensation, provided they are actively employed on their eligibility date and at the time the compensation is distributed. Eligible employees will receive a lump-sum longevity bonus equal to one percent (1%) of their then-current annual base salary for five (5) years, two percent (2%) of their then-current annual base salary for ten (10) years and three percent (3%) of their then-current annual base salary for fifteen (15) years and thereafter of continuous service. The longevity bonus will be paid as a one-time payment on the first regular paycheck following the employee's fifth (5th), tenth (10th), fifteenth (15th), etc., employment anniversary date.

Under the Minnesota Wage Disclosure Protection Law, employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his or her wages as a condition of employment.
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. §181.172, subd. 3.

The city/utilities cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the city/utilities and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or (800) 342-5354.

### **Paychecks or Direct Deposit**

Paychecks may not be given to anyone other than the person for whom they were prepared, unless the person has a note signed by the employee authorizing the city/utilities to give the other person the check. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee. **As provided for in Minnesota law, all employees may participate in direct deposit.**

Employees are responsible for notifying the Finance Manager of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc. Paychecks will be distributed every two weeks on alternating Thursdays. Distribution of paychecks to city/utilities employees is to be accomplished in a timely manner using accurate, consistent procedures. When paydays fall on a holiday, checks are normally issued the day before the holiday.

### **Time Reporting**

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. They will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked, and any **PTO** used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. Each time reporting form must include the signature of the employee and immediate Department Head. Reporting false information on a time sheet may be cause for immediate termination.

### **Overtime / Compensatory Time**

The City of Lakefield/Lakefield Public Utilities has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Council and or Public Utilities Commission will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime. In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt.

### **Non-Exempt (Overtime-Eligible) Employees**

All overtime-eligible employees will be compensated at the rate of time-and-one-half for all hours worked over 40 in one workweek or, for police officers, hours worked over 80 hours in a two week (14 day) pay period. PTO does not count as "hours worked." Compensation will take the form of either time-and-one-half pay or compensatory time. Compensatory time is paid time off at the rate of one-and-one-half hours off for each hour of overtime worked.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. Department Heads may establish a different workweek based on the needs of the department. The employee's Department Head must approve overtime hours in advance, except in the situation of call out pay during the employee's on call hours. An employee who works overtime without prior approval may be subject to disciplinary action.

All employees in all departments, are required to work overtime as requested by their Department Heads as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Department Heads will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

Overtime earned will be paid at the rate of time-and-one-half on the next regularly scheduled payroll date, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

Compensatory time is accrued during the calendar year up to a maximum of 40 hours. With the last payroll in December, all compensatory hours shall be paid to the employee. Employees shall request and use compensatory time off in the same manner as other leave requests.

All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used. The Finance Department will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves city/utilities employment at the hourly pay rate the employee is earning at that time.

### **Exempt (Non-Overtime-Eligible) Employees**

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their Department Heads. Generally, to meet these expectations, and for reasons of public accountancy, an exempt employee will need to work 40 or more hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed, and they receive their full weekly salary for any week in which any work is performed.

The City of Lakefield/Lakefield Public Utilities will only make deductions from the weekly salary of an exempt employee in the following situations:

- The employee is in a position that does not earn PTO and is absent for a day or more.
- The employee is in a position that earns PTO, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to disability, but he/she is either not yet qualified to use the paid time off.
- The employee is absent for a full workweek, and, for whatever reason, the absence is not charged to PTO (for example, a situation where the employee has exhausted all of his/her paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the city in which the employee does not work a full week. In this case, the city will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns PTO and is absent for more than half of the work day due to personal reasons, illness, or injury, but:
  - Paid leave has not been requested or has been denied.
  - Paid leave is exhausted.
- The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.
- The City of Lakefield/Lakefield Public Utilities may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

The City of Lakefield/Lakefield Public Utilities will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness but will require the employee to pay back to the city/utilities any amounts received by the employee as jury fees or witness fees.

If the city/utilities inadvertently make an improper deduction to the weekly salary of an exempt employee, the city/utilities will reimburse the employee and make appropriate changes to comply in the future.

Exempt employees that are required to regularly work on-call shifts may be provided a “on-call stipend” in the form of one annual payment, in an amount determined by the personnel committee and approved by council/commissioners.

### **Paid Time Off Policy for Exempt Employees**

Exempt employees are required to work the number of hours necessary to fulfill their responsibilities, including evening meetings and/or on-call hours.

Exempt employees are required to use paid leave when on personal business or away from the office for more than half of the work day – i.e: eight (8) hour shift, time off is required for four (4) hours or more, on a given day.

Absences of less than half of the work day, i.e: during an eight (8) hour shift, four (4) hours do not require use of paid leave as it is presumed that the staff members regularly put in work hours above and beyond the normal 8 a.m. to 5 p.m. Monday through Friday requirement. Exempt employees must communicate their absence to the city clerk or his/her designee.

If one of the above employees is regularly absent from work under this policy and it is found that there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

If it appears that less than forty (40) hours per week is needed to fulfill the position’s responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the city/utilities. Additional notification and approval requirements may be adopted by the personnel committee and city council/utility commissioners for specific situations as determined necessary.

### **PERFORMANCE REVIEWS**

An objective performance review system will be established by the city clerk and personnel committee or designee for the purpose of periodically evaluating the performance of city/utilities employees. The quality of an employee’s past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary/pay adjustments.

Performance reviews will be discussed with the employee. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable using the city/utilities grievance process, other performance evaluation data, including subjective assessments, are not. For those parts of the performance evaluation system deemed not challengeable, an employee may submit a written response, which will be attached to the performance review. Performance reviews are to be scheduled on a regular basis, at least annually. The form, with all required signatures, will be retained as part of the employee’s personnel file.

During the training period, informal performance meetings should occur frequently between the Department Head and the employee. Conducting these informal performance meetings provides both the Department Head and the employee the opportunity to discuss what is expected, what is going well and not so well.

Signing of the performance review document by the employee acknowledges the review has been discussed with the Department Head and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

## **BENEFITS**

### **Health, Dental, Life Insurance**

The city/utilities will contribute a monthly amount toward group health and life insurance benefits for each eligible employee and his/her dependents.

In accordance with federal health care reform laws and regulations, while avoiding penalties, the city will offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. The amount to be contributed and the type of coverage will be determined annually by the City Council.

For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact the city clerk or finance manager.

### **Retirement/PERA**

The city/utilities participate in the Public Employees Retirement Association (PERA) to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city/utilities and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the city/utilities matches the employee's Social Security and Medicare withholding). For information about PERA eligibility and contribution requirements, contact the finance manager.

## **HOLIDAYS**

The city observes the following official holidays for all regular full-time and part-time employees:

New Year's Day	Labor Day	Good Friday (open till noon)
Martin Luther King, Jr. Day	Veterans Day	
Presidents Day	Thanksgiving Day	
Memorial Day	Friday after Thanksgiving	
Juneteenth	Christmas Eve (open till noon)	
Indigenous Peoples' Day	Christmas Day	
Independence Day	New Year's Eve (open till noon)	

City facilities may not operate on holidays prohibited by local regulations. The municipal liquor store is excluded from the following holidays: Friday Day after Thanksgiving, Christmas Eve and New Years Eve.

Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

When a holiday falls on a Sunday, the following Monday will be the "observed" holiday and when a holiday falls on a Saturday, the preceding Friday will be the "observed" holiday for city/utilities operations/facilities that are closed on holidays.

Full-time employees will receive pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Any employee on a leave of absence without pay from the city/utilities is not eligible for holiday pay.

Full-time employees receive premium pay of 1.5 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the “actual” holiday as opposed to the “observed” holiday. Part-time employees receive premium pay of 2 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the “actual” holiday as opposed to the “observed” holiday. No additional hours will be paid to part-time employees.

Employees wanting to observe holidays other than those officially observed by the city/utilities may request either PTO or unpaid leave for such time off.

## LEAVES OF ABSENCE

Depending upon an employee’s situation, more than one form of leave may apply during the same period of time (e.g., the Family and Medical Leave Act is likely to apply during a workers’ compensation absence). An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

Except as otherwise stated, all paid time off, taken under any of the city/utilities leave programs, must be taken consecutively, with no intervening unpaid leave. The city/utilities will provide employees with time away from work as required by state or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

### Minnesota Paid Leave (MNPL) Employee Application and Eligibility

Employees seeking MNPL must apply with the Minnesota Department of Employment and Economic Development (DEED). Employee eligibility based on such application is determined solely by DEED.

#### Definitions

- **Family member** includes:
  - Spouse or partner
  - Child (including biological, adopted, step, or foster children, or a child you raise even if you are not legally related)
  - Parent or person who raised you
  - Sibling
  - Grandchild or grandparent
  - In-laws (including son, daughter, father, or mother)
  - Anyone close to you who depends on you like family, even if not related by blood
  
- **Serious health condition** means a physical or mental illness, injury, impairment, condition, or substance use disorder. Taking care of yourself for this serious condition may involve evaluation, treatment, inpatient care, recovery, or not being able to perform regular work, attend school, or do regular daily activities. This includes childbirth, conditions related to pregnancy, or surgery.

#### Notice

Employees must provide the city clerk or finance manager with at least thirty (30) days’ notice before their MNPL begins if the need for leave is foreseeable. If the leave is not foreseeable, employees must notify the City as soon as possible.

If the employee does not provide the City with at least thirty (30) days’ notice when the need for leave is foreseeable, the employee must explain why it was not possible or practicable upon request from City.

In addition, employees are required to comply with any and all City policies and procedures for requesting leave, including but not limited to: Leave of Absences pg.20 Employees that fail to comply with relevant City policies and procedures are subject to discipline, up to and including termination from employment.

### **MNPL Intermittent Leave**

Employees taking intermittent MNPL are required to provide the City with a schedule of the workdays the employee needs off as soon as possible. Employees taking intermittent leave must make a reasonable effort to schedule the intermittent leave.

Employees may take intermittent leave in increments of one calendar day. Employees eligible for intermittent leave are permitted to use a maximum of 480 hours of intermittent leave in any 12-month period. After reaching the maximum amount of allowed intermittent leave, employees may request continuous MPL provided the continuous leave does not exceed the maximum amount of MPL allowed by law

### **Interaction with Other Laws and Benefits**

Employees taking MNPL, whether intermittently or continuously, that are concurrently eligible for Family and Medical Leave Act (“FMLA”) and/or pregnancy/parenting leave under Minn. Stat. sec. 181.941 will automatically be placed on such leaves to run concurrently with MPL.

### **Supplementing MNPL Benefits with Accrued Paid Leave**

Employees are not permitted to use their available paid leave time as a supplemental benefit while on leave under MNPL.

### **Maintaining Health Coverage During Leave**

Unless the employee revokes coverage while on MNPL, the City will continue to provide group health insurance coverage for an employee on MNPL under the same conditions as the coverage was provided before the employee took leave. Employees must continue to make timely payments of your share of the premiums for such coverage. If you are not using paid time off to cover part or all of the leave, you will be responsible for remitting your portion of health premiums to the City in order to ensure continuation of benefits. Group health insurance may be cancelled if an employee’s premium payment is 30 days late. Before terminating coverage, the City will provide written notice to the employee at least 15 days before the coverage is terminated listing the final date payment is due (30 days past the due date) to avoid cancellation and the date coverage will end if payment is not received.

An employee's share of premium payments for their group health insurance coverage may, at the employee's option, be:

1. prepaid at or before the start of the leave in which your health deductions may be modified to accept the agreed upon amounts and cadence of premium deductions;
2. arranged to write a check every 2 to 4 weeks for the duration that the employee may be out;

Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period.

### **Reinstatement**

Upon return from covered MNPL, you will be reinstated to your previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit, and seniority credit as of the date of leave as long as you have worked for the city for a minimum of 90 calendar days.

### **Retaliation**

The city will not interfere or retaliate against employees who request or take leave in accordance with MN Paid Leave.

## **Earned Sick and Safe Leave**

Employers must provide each employee Minnesota with at least one hour of paid sick and safe time for every 30 hours worked, up to at least 48 hours of accrued ESST a year. An employee is anyone who works at least 80 hours a year for an employer in Minnesota and is not an independent contractor.

### **Eligibility/Accrual**

All Employees are entitled to Earned Sick and Safe Time. Regular full-time employees will accumulate sick and safe time at a rate of 8 hours per month.

Part-Time, Temporary, Seasonal, volunteer firefighter, ambulance (run time only for ambulance) employees will earn Sick and Safe Time at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours accrued yearly. Accrued and unused hours carry over into future years, up to a maximum of eighty (80) hours accrued overall. When the 80-hour overall limit is reached, accrual immediately stops until usage occurs, at which time accrual restarts (until either the yearly or overall limit is reached). When the 48-hour yearly limit is reached, accrual does not restart until the following year.

Sick and safe time may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.

The year starts on January 1 and ends on December 31.

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act is assumed to work 40 hours per week.

### **Earned Sick and Safe Leave Use**

The leave may be used as it is accrued in the smallest increment of time tracked by the city's payroll system for the following circumstances:

- An employee's own:
  - Mental or physical illness, injury or other health condition
  - Need for medical diagnosis, care or treatment, of a mental or physical illness
  - injury or health condition
  - Need for preventative care
  - Closure of the employee's place of business due to weather or other public emergency
  - The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.
  - Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
    - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
    - Obtain services from a victim services organization
    - Obtain psychological or other counseling
    - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking

- Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- Care of a family member:
- With mental or physical illness, injury or other health condition Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition Who needs preventative medical or health care Whose school or place of care has been closed due to weather or other public emergency When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
- Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:
  - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
  - Obtain services from a victim services organization
  - Obtain psychological or other counseling
  - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
  - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

**For Earned Sick and Safe Leave purposes, family member includes an employee's:**

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

**Advance Notice for use of Earned Sick and Safe Leave**

If the need for sick and safe leave is foreseeable, the city requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Earned Sick and Safe time as soon as practicable. When an employee uses Earned Sick and Safe time for more than three consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may

include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Leave for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using Earned Sick and Safe leave to find a replacement worker to cover the hours the employee will be absent.

### **Carry Over of Earned Sick and Safe Leave**

Employees are eligible for carry over accrued but unused Earned Sick and Safe time into the following year, but the total of Earned Sick and Safe Leave carry over hours shall not exceed 80 hours. Other than a city elected payout as described above, there is no requirement under statute to pay out any accrued but unused accrued Earned Sick and Safe Time.

### **Retaliation prohibited**

The city shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Leave rights, requesting an Earned Sick and Safe Leave absence, or pursuing remedies. Further, use of Earned Sick and Safe Leave will not be factored into any attendance point system the city may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Leave.

### **Benefits and return to work protections**

During an employee's use of Earned Sick and Safe Leave, an employee will continue to receive the city's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using accrued Earned Sick and Safe Leave is entitled to return to their city employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during Earned Sick and Safe Leave absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the city and the employee is rehired again within 180 days of separation, previously accrued Earned Sick and Safe Leave that had not been used will be reinstated. An employee is entitled to use and accrue Earned Sick and Safe Leave at the commencement of reemployment.

### **Paid Time Off Leave**

Earning of leave: See current year employee benefit program

### **Eligibility**

Full-time employees will earn **PTO** in accordance with the current year employee benefit program and achieving full-time hours (40).

Permanent part-time employees who work at least 20 hours per week on a regular basis will accrue **PTO** on a prorated basis of the full-time employee schedule. Based on the previous calendar year hours worked. Part-time employees who work less than 20 hours per week on a regular basis, temporary and seasonal employees will not earn or accrue PTO only ESST.

### **Accrual Rate**

For the purpose of determining an employee's PTO accrual rate, years of service will include all continuous time that the employee has worked at the city/utilities (including authorized unpaid leave). **PTO will not accrue while on leave.** Employees who are rehired after terminating city/utilities employment will not receive credit for their prior service unless specifically negotiated at the time of hire.

## Earnings and Use

PTO leave may be used as it is earned, subject to approval by the employee's Department Head.

Requests for foreseen PTO must be received at least forty-eight (48) hours in advance of the requested time off. This notice may be waived at the discretion of the Department Head and city clerk. PTO can be requested in increments as small as one hour up to the total amount of the accrued leave balance. PTO is to be used only by the employee who accumulated it. It cannot be transferred to another employee.

Employees may accrue PTO up to a maximum of three hundred and fifty (350) hours. No PTO will be allowed to accrue in excess of this amount without the approval of the City Council and or Public Utilities Commission. PTO cannot be converted into cash payments except at voluntary termination with a minimum of two weeks' notice. PTO balance will be paid out at the employee's base rate of pay at time of termination date, up to one hundred and twenty (120) hours.

## Funeral Leave

Employees will be permitted to use up to three (3) consecutive working days, with pay, as funeral leave upon the death of an immediate family member and 1 day for extended family. This paid leave will not be deducted from the employee's PTO balance unless additional days are requested.

The actual amount of time off, and funeral leave approved, will be determined by the Department Head or city clerk depending on individual circumstances (such as the closeness of the relative, arrangements to be made, distance to the funeral, etc.).

## Military Leave

State and federal laws provide protections and benefits to city/utilities employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of fifteen (15) days in any calendar year.

The leave of absence is only in the event the employee returns to employment with the city/utilities as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, as long as they are a member in good standing in the military service.

Where possible, notice (military orders) are to be provided to the city/utilities at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of PTO accruals. Employer Support of the Guard and Reserve (ESGR) may provide additional rights for employees on active-duty military service.

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

## **Jury Duty**

Regular full-time and part-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the city/utilities in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

Employees are required to notify their Department Head as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the clerk of court so the city/utilities will be able to determine the amount of compensation due for the period involved.

Temporary and seasonal employees are generally not eligible for compensation for absences due to jury duty, but can take a leave without pay subject to Department Head approval. However, if a temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

## **Court Appearances**

Employees will be paid their regular wage to testify in court for city-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with city/utilities employment, minus mileage reimbursement, must be turned over to the city/utilities.

## **Victim or Witness Leave**

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case. [See Safety Leave under the Sick Leave Policy for additional information on leave benefits available to employees and certain family members].

## **Job Related Injury or Illness**

All employees are required to report any job-related illnesses or injuries to their Department Head immediately (no matter how minor) by completion of a First Report of Injury form. If a Department Head is not available and the nature of injury or illness requires immediate treatment, the employee is to notify city staff at city hall and then go to the nearest available medical facility for treatment and, as soon as possible, notify his/her Department Head or city hall staff of the action taken. In case of a serious emergency, 911 should be called. Department Head or designee will complete a Department Head's Report of Accident.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the Department Head and make arrangements for a medical appointment.

Workers' compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

## **Administrative Leave**

Under special circumstances, an employee may be placed on administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the appropriate governing board(s).

## **Elections / Voting**

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the city/utilities at least ten (10) days written notice.

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote on the election day. Employees wanting to take advantage of such leave are required to work with their Department Heads to avoid coverage issues.

## **Regular Leave without Pay**

The Personnel Committee may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the governing board(s) to a maximum of one (1) year.

Normally employee benefits will not be earned by an employee while on leave without pay. However, the city's contribution toward health and life insurance may be continued, if approved by the City Council/LPU, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted.

If an employee is on regular leave without pay and is not working any hours, the employee will not accrue PTO. Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue PTO based on actual hours worked.

Leave without pay hours will not count towards seniority and all accrued PTO and compensatory time must normally be used before an unpaid leave of absence will be approved.

To qualify for leave without pay, an employee need not have used all PTO earned unless the leave is for medical reasons. (An employee absent for Parenting Leave is not required to use sick leave). Leave without pay for purposes other than medical leave or work-related injuries will be at the convenience of the city.

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave or FMLA, will be guaranteed return to the original position only for absences of thirty (30) calendar days or less.

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the city clerk subject to approval of the City Council.

The FMLA applies to all public agencies, including state, local and federal employers, and local education agencies (schools). To be eligible for FMLA leave, an employee must work for a covered employer and:

- have worked for that employer for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
- work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

Given the employee eligibility requirements, even though all cities are covered by the FMLA, only employees in cities with more than 50 employees have the potential to qualify for FMLA protected leave. Thus, only cities with 50 or more employees generally include an FMLA policy in their personnel policies.

## **Reasonable Unpaid Work Time for Nursing Mothers**

Nursing mothers will be provided reasonable paid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The city will provide a room as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

## **Light Duty/Modified Duty Assignment**

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the city clerk on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the city clerk. The city clerk reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the Department Head in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice **must** be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the city/utilities job description along with a written request for light duty. Upon receipt of the written request, the Department Head is to forward a copy of the report to the city clerk.

The city may require a medical exam conducted by a physician selected by the city to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the city clerk and personnel committee whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six months.

If the city offers a light duty assignment to an employee who is out on workers' compensation leave, the employee may be subject to penalties if he/she refuses such work. The city will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

## **Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy**

The city will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth:

- More frequent restroom, food, and water breaks;
- Seating;
- Limits on lifting over 20 pounds; and/or
- Temporary transfer to a less strenuous or hazardous position, should one be available.

Unless such accommodations impose an undue hardship on the city, the city will engage in an interactive

process with respect to an employee's request for a reasonable accommodation.

## **SEXUAL HARASSMENT PREVENTION**

### **General**

The City of Lakefield/Lakefield Public Utilities is committed to creating and maintaining a work place free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act.

In keeping with this commitment, the city maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

This policy statement is intended to make all employees sensitive to the matter of sexual harassment, to express the city's strong disapproval of unlawful sexual harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

### **Definitions**

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of inappropriate conduct include but are not limited to: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior. In summary, sexual harassment is the unwanted, unwelcome and repeated action of an individual against another individual, using sexual overtones as a means of creating stress.

### **Expectations**

The City of Lakefield/Lakefield Public Utilities recognizes the need to educate its employees on the subject of sexual harassment and stands committed to providing information and training.

All employees are expected to treat each other and the general public with respect and to assist in fostering an environment that is free from unwanted harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

1. Immediate Department Head;
2. City clerk;
3. Mayor or personnel committee member.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also encouraged to take the following steps:

1. Make it clear to the harasser that the conduct is unwelcome and document that conversation.
2. Document the occurrences of harassment.
3. Submit the documented complaints to your Department Head, city clerk, mayor/LPU chair, or any member of the personnel committee. Employees are strongly encouraged to put the complaint in writing.
4. Document any further harassment or reprisals that occur after the initial complaint is made.

The city/utilities urge that conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate.

Management has the obligation to provide an environment free of sexual harassment. The city/utilities is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

The city/utilities will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

Any employee who makes a false complaint or provides false information during an investigation may be subject to disciplinary action, up to and including termination.

## **Retaliation**

The City of Lakefield/Lakefield Public Utilities will not tolerate retaliation or intimidation directed towards anyone who makes a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

## **RESPECTFUL WORKPLACE POLICY**

### **(Includes sexual harassment prevention)**

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The city/utilities acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

### **Applicability**

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all city/utilities personnel including regular and temporary employees, volunteers, firefighters, and Lakefield Public Utility Commission members and City Council members.

### **Abusive Customer Behavior**

While the city/utilities has a strong commitment to customer service, the city/utilities does not expect that employees accept verbal abuse from any customer. An employee may request that a Department Head intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

If there is a concern over the possibility of physical violence, a Department Head should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area

immediately when violence is imminent unless their duties require them to remain. Employees must notify their Department Head about the incident as soon as possible.

## **Types of Disrespectful Behavior**

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

### **Violent behavior:**

includes the use of physical force, harassment, bullying or intimidation.

### **Discriminatory behavior:**

includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.

### **Offensive behavior:**

may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and Department Head what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

Although the standard for how employees treat each other and the general public will be the same throughout the city/utilities, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their Department Head or the city clerk.

### **Sexual harassment:**

can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

### **Sexual harassment includes, but is not limited to, the following:**

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

## **Possession and Use of Dangerous Weapons**

Possession or use of a dangerous weapon (see attached definitions) is prohibited on city/utilities property, in city/utilities vehicles, or in any personal vehicle, which is being used for city/utilities business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on city/utilities property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

## **Employee Response to Disrespectful Workplace Behavior**

Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a violation of this policy, they are encouraged to follow the steps below.

**Step 1(a).** Politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

**Step 1(b).** If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your Department Head or city clerk. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

**Step 1(c).** In the case of violent behavior, all employees are required to report the incident immediately to their Department Head, city clerk, and Police Department. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to a Department Head or the city clerk.

**Step 2.** If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the city clerk or the mayor/utility chair.

## **Department Head's Response to Allegations of Disrespectful Workplace Behavior**

Employees who have a complaint of disrespectful workplace behavior will be taken seriously.

In the case of sexual harassment or discriminatory behavior, a Department Head must report the allegations within two business days to the city clerk, who will determine whether an investigation is warranted. A Department Head must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, Department Heads will use the following guidelines when an allegation is reported:

**Step 1.** If the nature of the allegations and the wishes of the victim warrant a simple intervention, the Department Head may choose to handle the matter informally. The Department Head may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful. All coaching, including informal correction, should be documented.

**Step 2.** If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. The investigator will obtain the following description of the incident, including date, time and place:

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

**Step 3.** The Department Head must notify the city clerk about the allegations.

**Step 4.** As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

**Step 5.** After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

**Step 6.** The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable.

### **Special Reporting Requirements**

When the Department Head is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the city clerk who will assume the responsibility for investigation and discipline.

If the city clerk is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the personnel committee member who will confer with the mayor and City Council regarding appropriate investigation and action.

If a councilmember or utility board member is perceived to be the cause of a disrespectful workplace behavior incident involving city/utilities personnel, the report will be made to the city clerk and referred to the city attorney who will undertake the necessary investigation. The city attorney will report his/her findings to the City Council/Public Utilities Commission, which will take the action it deems appropriate.

Pending completion of the investigation, the city clerk may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

### **Confidentiality**

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

### **Retaliation**

Consistent with the terms of applicable statutes and city/utilities personnel policies, the city/utilities may discipline any individual who retaliates against any person who reports alleged violations of this policy. The city/utilities may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **SEPARATION FROM SERVICE**

### **Resignations**

Employees wishing to leave the city/utilities service in good standing must provide a written resignation notice to their Department Head, at least ten (10) working days before leaving.

Exempt employees must give thirty (30) calendar days' notice. The written resignation must state the effective date of the employee's resignation.

Unauthorized absences from work for a period of three (3) consecutive workdays may be considered as resignation without proper notice.

Failure to comply with this procedure may be cause for denying the employee's severance pay and any future employment with the city/utilities.

### **Severance Pay**

Employees who leave the employment of the city in good standing by retirement or resignation will receive pay as per the benefit summary.

## **DISCIPLINE**

### **General Policy**

Department Heads are responsible for maintaining compliance with city/utilities standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Lakefield/Lakefield Public Utilities. City/Utilities employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the city/utilities' personnel policies. The Department Head and/or the city clerk will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

### **No Contract Language Established**

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

### **Process**

The city/utilities may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any city/utilities employee has a contractual right or guarantee (also known as a property right) to the job he/she performs.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee. If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

The following are descriptions of the types of disciplinary actions:

- Oral Reprimand
- Written Reprimand
- Suspension With or Without Pay
- Demotion and/or Transfer
- Salary Change
- Termination

## **GRIEVANCE PROCEDURE**

Any dispute between an employee and the city/utilities relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner:

**Step 1:** The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper Department Head within twenty-one (21) days after the alleged violation or dispute has occurred. The Department Head will respond to the employee in writing within seven (7) calendar days.

**Step 2:** If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the city clerk within seven (7) days after the Department Head's response is due. The city clerk or his/her designee will respond to the employee in writing within seven (7) calendar days. The decision of the city clerk and personnel committee is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

## **Waiver**

If a grievance is not presented within the time limits set forth above, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the city/utilities' last answer. If the city/utilities does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the city/utilities and the employee without prejudice to either party.

The following actions are not grievable:

1. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
2. Pay increases or lack thereof; and
3. Merit pay awards.

The above list is not meant to be all inclusive or exhaustive.

## **EMPLOYEE EDUCATION & TRAINING**

The city/utilities promote staff development as an essential, ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for staff development are to ensure that employees

develop and maintain the knowledge and skills necessary for effective job performance and to provide employees with an opportunity for job enrichment and mobility.

## **Policy**

The city/utilities will pay for the costs of an employee's participation in training and attendance at professional conferences, provided that attendance is approved in advance under the following criteria and procedures:

### **Job-Related Training & Conferences**

The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related.

CLE or similar courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee's duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the city.

The Department Head and the city clerk are responsible for determining job-relatedness and approving or disapproving training and conference attendance.

### **Request for Participation in Training & Conferences**

The request for participation in a training session or conference must be submitted in writing to the employee's Department Head on the appropriate form. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the city/utilities.

Requests must be approved by the employee's Department Head and the city clerk. Documentation approving conference or training attendance will be provided to the employee with a copy placed in the employee's personnel file.

Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to finance manager for prompt payment. Expense receipts must be itemized.

### **Compensation for Travel & Training Time**

Time spent traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act.

Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

### **Memberships and Dues**

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the city. Normally, one city/utilities membership per agency, as determined by the city clerk is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the city/utilities and are transferred to another employee by the Department Head.

## **Travel & Meal Allowance**

If employees are required to travel outside of the area in performance of their duties as a city employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. However, the city will not reimburse employees for meals connected with training or meetings within city limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting.

Employees who find it necessary to use their private automobiles for city travel and who do not receive a car allowance will be reimbursed at the prevailing mileage rate as established by the City Council, not to exceed the allowable IRS rate.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Meal expenses limits, see benefit summary sheet. Itemized receipts must be provided for reimbursement.

A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending banquets, training sessions, or meetings of professional organizations.

## **OUTSIDE EMPLOYMENT**

The potential for conflicts of interest is lessened when individuals employed by the City of Lakefield/Lakefield Public Utilities regard the city/utilities as their primary employment responsibility. All outside employment is to be reported to the employee's immediate Department Head. If a potential conflict exists based on this policy or any other consideration, the Department Head will consult with the city clerk. Any city/utilities employee accepting employment in an outside position that is determined by the city clerk to be in conflict with the employee's city/utilities job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-city/non-utilities employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with city/utilities employment. The following is to be considered when determining if outside employment is acceptable:

- Outside employment must not interfere with a full-time employee's availability during the city/utilities' regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use city/utilities equipment, resources or staff in the course of the outside employment.
- The employee must not violate any city/utilities personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the city/utilities. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- Departments may establish more specific policies as appropriate, subject to the approval of the personnel committee.

City/utilities employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspect of the city/utilities.

## **DRUG, ALCOHOL, CANNABIS FREE WORKPLACE**

In accordance with federal law, the City of Lakefield/Lakefield Public Utilities has adopted the following policy on drugs, including cannabis in the workplace:

- A. Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the city/utilities' intent and obligation to provide a drug-free, safe and secure work environment.
- B. The unlawful manufacture distribution, possession, or use of a controlled substance on city/utilities property or while conducting city/utilities business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- C. The city/utilities recognize drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
- D. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting city/utilities business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

## **CITY DRIVING POLICY**

This policy applies to all employees who drive a vehicle on city/utilities business at least once per month, whether driving city/utilities owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. The city/utilities expect all employees who are required to drive as part of their job to drive safely and legally while on city/utilities business to maintain a good driving record.

The city/utilities will examine driving records as needed for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate Department Head on the first workday after any temporary, pending or permanent action is taken on their license and to keep their Department Head informed of any changes thereafter.

The city/utilities will determine appropriate action on a case-by-case basis.

## **CELLULAR PHONE USE**

This policy is intended to define acceptable and unacceptable uses of city/utilities issued cellular telephones. Its application is to ensure cellular phone usage is consistent with the best interests of the city/utilities without unnecessary restriction of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cellular phones and to ensure that city/utilities employees exercise the highest standards of propriety in their use.

## **General Policy**

Cellular telephones are intended for the use of city/utilities employees in the conduct of their work for the city.

Department Heads are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit Department Head discretion to allow reasonable and prudent personal use of such telephones or equipment provided that:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained or outside employment is served.

Alternatively, a Department Head may authorize an employee to use his/her own personal phone for city/utilities business and maybe reimburse by the city/utilities for those calls.

Regardless of who pays the bill, cell phone records about city/utilities business are subject to the Minnesota Government Data Practices Act. What this means is that if a request were received, the city/utilities would be under the obligation to determine what information is public data and what information is private data and would need access to the employee's phone records and possibly the phone itself in order to provide the data that is being requested. Therefore, the best practice is to limit usage of personal cell phones for city/utilities business to that which is truly necessary or be prepared to produce your cell phone and the associated records if needed.

An employee will not be reimbursed for business-related calls without prior authorization from his/her Department Head. Department Heads may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

Use of public resources by city/utilities employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the Department Head.

Personal calls will be made or received only when absolutely necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible. In cases where the city/utilities does not regard accounting for personal calls to be unreasonable or administratively impractical due to the minimal cost involved, personal calls made by employees on a city/utilities -provided cellular phone must be paid for by the employee through reimbursement to the city/utilities based on actual cost listed on the city/utilities' phone bill.

## **Procedures**

It is the objective of the City of Lakefield/Lakefield Public Utilities to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action.

## **Responsibility**

The city clerk, or designee, will have primary responsibility for implementation and coordination of this policy. All Department Heads will be responsible for enforcement within their departments.

## **SAFETY**

The health and safety of each employee of the city/utilities and the prevention of occupational injuries and illnesses are of primary importance to the city/utilities. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each Department Head.

## **Reporting Accidents and Illnesses**

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her Department Head. If the Department Head is unavailable, injuries or illnesses should be reported to the city clerk. The employee's immediate Department Head is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

### **Safety Equipment/Gear**

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee. Clothing and equipment purchased by the employer shall remain with the employer at time of separation. Equipment shall be submitted to the appropriate Department Head for verification of return.

### **Unsafe Behavior**

Department Heads are authorized to send an employee home immediately when the employee's behavior violates the city/utilities' personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

Acknowledgement of receipt of the **PERSONNEL POLICY for the City of Lakefield/Lakefield Public Utilities, MN**

I, \_\_\_\_\_, acknowledge that I have received a copy of the **PERSONNEL POLICY for the City of Lakefield/Lakefield Public Utilities, MN**. I understand that it is my responsibility to read and abide by this policy in its entirety.

Signed:

\_\_\_\_\_  
(employee signature)

\_\_\_\_\_  
(Mayor or Utility Commission Chair)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature)

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