

**City of Walnut Grove**  
HUMAN RESOURCES & BENEFITS INFORMATION  
**PERSONNEL POLICY**

## **INTRODUCTION**

### **Purpose**

1. The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Walnut Grove. They should not be construed as contract terms for any city employee of the City of Walnut Grove. No supervisor or city representative has any authority to enter into any agreement for employment for any specific period of time, or to make any agreement contrary to this provision. Nothing in this Personnel Handbook, or in other city policies which may be communicated to the employee, constitutes a contract of employment for any city employee. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current city policy at all times. Except where noted otherwise, the city council or their designee is charged with ensuring compliance with these personnel policies.
2. It is the purpose of these policies to establish a uniform and equitable system of personnel administration for employees of the City of Walnut Grove. Their provisions do not establish terms and shall not be construed as contractual provisions. They are not intended to be all-inclusive or to cover every situation that may arise. These policies may be amended at any time at the sole discretion of the city, and they will supersede all previous personnel policies. Except where noted otherwise, the City Clerk or their designee is charged with ensuring compliance with these personnel policies. Revisions and amendments shall become effective upon approval by the City Council.
3. This handbook provides information to you, as an employee of the city of Walnut Grove, about certain terms and conditions of your employment. It is not, and should not be considered, an employment contract. Your continued employment, and the conditions of the employment, is solely within the discretion of the city of Walnut Grove. The handbook summarizes major policies and programs related to your employment. Additional information about many of these policies and programs is available from the city clerk's office. Except where noted otherwise, the city council or their designee is charged with ensuring compliance with these personnel policies.

Except as otherwise prohibited by law, the city of Walnut Grove has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

Employees may similarly terminate employment at any time for any reason.

## **Scope**

These policies apply to all employees of the City. 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 and Ambulance Members.

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 more rewarding. Departments may have special work rules deemed necessary by the supervisor and approved by the City Clerk 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 those rules will be further explained, and enforcement discussed with the employee by the immediate supervisor.

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## **EEO Policy Statement**

The City of Walnut Grove is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Walnut Grove will not discriminate against any employee or job applicant on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) 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**

### **Section 1.04 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 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 role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

Except for routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the City Clerk. No city employee is authorized to speak on behalf of the city without prior authorization from the 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 City Clerk of the request.
2. If the request is regarding information about city personnel, potential litigation, controversial issues, an opinion on a city 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 they can." Then ask the media representative's name, questions, deadline, and contact information.

All news releases concerning city 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 in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the city. Account names on social media sites must be clearly connected to the city 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, do not include personal opinions in official city 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 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 employees to remember the personal communications of employees may reflect on the city, especially if employees are commenting on city business or commenting on issues that implicate their city employment. As city representatives, employees share in the responsibility of earning and preserving the public's trust in the city. An employee's own personal communications, such as on social

media, can have a significant impact on the public's belief that all city staff will carry out city functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times. 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:

- Do not share any private or confidential information you have access to as a result of your city position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the city's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any city department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The city can act on the personal communication that violates this policy without waiting for the actual disruption.
- Remember what you write or post cannot easily be undone. It may also be spread to a larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible online, even if it is done after hours, from home and on home computers.
- The city expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city. Avoid using statements, photographs, video or audio that reasonably may be 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 (including traits associated with race, including, but not limited to, hair texture and hairstyles such as braids, locs and twists) 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 human rights commission:

- If you publish something related to city business and there is likely to be confusion whether you are speaking on behalf of the city, it would be best to identify yourself and use a disclaimer such as, "These are my own opinions and do not represent those of the city of Walnut Grove."
- City resources, working time, or official city 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 their side business as a plumber; a parks employee should not access a park after hours even though they 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.

## **News Releases**

All contacts with the media should be reported to the City Council as soon as practicable.

# CITYWIDE WORK RULES & CODE OF CONDUCT

## **Conduct as a City Employee**

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

Honesty is an important organizational attribute to our city. Therefore, any intentional misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like, will not be tolerated. Further, dishonesty in city positions may preclude workers from effectively performing their essential job duties. As just one example, a police officer with a credibility issue under a Brady/Giglio designation very likely will be excluded from providing testimony for court cases thereby creating an employment strain where an employee cannot effectively perform the essential functions of the job. Any violations will result in corrective action, up to and including termination.

The following are job requirements for every position at the City of Walnut Grove. All employees are expected to:

- Always perform assigned duties to the best of their ability.
- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations 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 supervisor.
- Meeting goals set by an employee's supervisor.
- Approach our organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication and compassion.

## **Attendance & Absence**

The operations and standards of service in the City of Walnut Grove require that employees be at work unless valid reasons warrant absence. For a team to function efficiently and effectively, employees must be on the job. Attendance is an essential function of every City position.

- Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of absence. In case of unexpected absence, employees should call their supervisor before the scheduled starting time. If the supervisor 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 supervisor.
- Failure to use established reporting process will be grounds for disciplinary action.
- Departments may establish more specific reporting procedures.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor.

*In compliance with the Earned Sick and Safe Time (ESST) law, employers need to exercise caution when asking for information about the reason for an employee's absence. As a result, it is*

*generally best to ask employees at the outset of the leave to generally verify if they are requesting to use available ESST leave for the absence, and if so, whether the leave is requested for an eligible ESST use. For more information about the documentation employers can request under ESST, see Minn. Stat. § 181.9447, Subd. 3.*

- 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.

*City employers should proceed with caution and consult with legal counsel prior to taking any adverse employment action for violations of this policy. The Minnesota Earned Sick and Safe Time (ESST) law & Minnesota Paid Leave law taking effect January 1, 2026, contain anti-retaliation provisions which prohibit employers from taking adverse action against employees for exercising their right to use the protected leave. There is also the potential for other laws like the Americans with Disabilities Act (ADA), Minnesota Human Rights Act (MHRA), or Family Medical Leave Act (FMLA) to intersect with an employee's absence, reiterating the importance of consulting with the city attorney for legal advice before acting.*

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

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other City-owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with his/her supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the city 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 is prohibited unless authorized by the City Council. 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 contact 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 to 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 supervisor. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the city. City staff shall not enforce the city's dress code more strictly against transgender and gender diverse employees than other employees. Additionally, this policy also respects and accommodates religious and cultural attire such as head coverings, religious jewelry, or specific garments that do not compromise safety.

In all instances, clothing and appearance must be neat, clean, not ripped, heavily frayed or worn, and not expose an excessive amount of skin.

The following are examples of clothing and shoe choices that are never acceptable, but it is not an exhaustive list. When in doubt, consult with Administration, HR or the manager:

- Sweatpants or other exercise apparel
- Beach wear

- Shorts above the knee
- Overalls unless required as part of a uniform
- Any clothing showing midriffs
- Sheer clothing
- Flip-flops, house slippers, Crocs shoes

Employees are allowed to wear jeans clean and free of rips, tears, fraying and not excessively tight or revealing.

Employees who need accommodation associated with a protected status such as religion or disability should speak with Administration to obtain approval to deviate from this policy.

### **Conflict of Interest**

City 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 personal benefit for themselves or a family member. If an employee has any question about whether such a conflict exists, they should consult with the administration.

### **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.

An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

It is the city's legal responsibility to protect employees who make a complaint of employment discrimination, who serve as a witness or participate in an investigation, or who are exercising their rights when requesting religious or disability accommodation from retaliation.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota Data Practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals with their legal rights of defense. The city will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact Administration immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

### **Personal Telephone Calls**

Personal telephone calls are to be made or received only when truly necessary. They are not to interfere with City 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 employees have the right to express their views and to pursue legitimate involvement in the political system outside of work time. Any employee who becomes a candidate for federal, state or municipal elective office, or assumes a federal, state, or municipal elective office, is expected to properly fulfill their

normal duties during such candidacy and while holding such office and may be disciplined for failure to do so. An employee holding such office will be permitted time off from regular employment to attend meetings required by the public office. Such time off may be without pay, by using appropriate paid leave, or made up with other hours, as agreed between the employee and the department head.

City employees cannot use their official authority or influence through their employment with the city to compel a person to apply for membership in or become a member of a political organization, or to compel a person to pay or promise to pay a political contribution, or to compel a person to take part in political activity. While at work, city employees must be politically neutral in the performance of their job duties and cannot engage in political activity while at work, on city property, or by using city resources (such as city branded clothing or uniforms, photos, ID badges, nametags, or using the city's email system or technology). Furthermore, employees should not use their city job title in conjunction with any political work or endorsements.

### **Smoking**

The city of Walnut Grove observes and supports the Minnesota Clean Indoor Air Act. All city buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that smoking in any form using tobacco products such as pipes, cigars, and cigarettes or "vaping" with e-cigarettes is prohibited while in a city facility or vehicle.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees 21 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

## **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 supervisor.

### **Benefits**

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

### **Benefit Earning Employees**

Employees who are eligible for at least a pro-rated portion of city-provided benefits. Except for Earned Sick and Safe Time (ESST) and Minnesota Paid Leave program benefits, such employees must be year-round employees who work at least 20 hours per week on a regular basis.

### **Core Hours**

The core hours all employees (exempt and non-exempt) are expected to work are 9 a.m. to 3:30 p.m., Monday through Friday. Police, fire, and public works employees do not have core hours and work the schedules established by their supervisors.

### **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.

### **Direct Deposit**

As permitted by state law, all city employees are required to participate in direct deposit.

### **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 of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers). These amounts may change if required by law.

### **Fiscal Year**

The period is from Jan. 1 to Dec. 31.

### **Full-Time Employee**

Employees who are required to work forty (36-40) or more hours per week year-round in an ongoing position.

- To comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended.

### **Hours of Operation**

The city's regular hours of operation are Monday through Thursday from 9 a.m. to 5 p.m. and Friday 9 a.m. to 12 p.m.

### **Management Employee**

An employee who is responsible for managing a department or division of the city.

### **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 a.m. (midnight) on Thursday through 11:59 p.m. on Wednesday, fourteen (14) days later.

## **PERA (Public Employees Retirement Association)**

Statewide pension program in which all city employees meet program requirements must participate in accordance with Minnesota law. The city 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, 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 (100 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 –except that seasonal employees are eligible to accrue Earned Sick and Safe Time (ESST) leave as outlined in the ESST policy— and do not earn credit for seniority. Additionally, effective January 1, 2026, most seasonal employees as defined in this section are also eligible for Minnesota Paid Leave program benefits. The city will provide notice to select seasonal employees who also fall under the Minnesota Paid Leave law's narrow definition of "seasonal employee," as these individuals will not be covered by Minnesota Paid Leave.

- *To be excluded from coverage under Minnesota Paid Leave law, seasonal employees working for the city must meet the requirements outlined in [Minn. Stat. § 268B.01, Subd. 35](#).*

## **Service Credit**

Time worked for the city. An employee begins earning service credit on the first day worked for the city. 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 – except that temporary employees are eligible for Minnesota Paid Leave Program benefits, and Earned Sick and Safe Time (ESST) leave as outlined in the ESST policy—and do not earn credit for seniority.

## **Training/Probationary Period**

A twelve-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) 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's selection process and is used by supervisors for closely observing an employee's work. It does not, however, alter the at-will status of employment between the city and employee.

An employee serving the initial probationary period may be disciplined for any reason at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights unless grievance rights are specifically provided by a collective bargaining agreement.

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

In the first few months, you will meet with your supervisor frequently to discuss your progress and at six months, you will have a formal review.

### **Transfer**

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

### **Weapons**

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

### **Workweek**

A workweek is seven consecutive 24-hour periods. For most employees the workweek will run from Thursday through the following Wednesday.

# **EMPLOYEE RECRUITMENT & SELECTION**

## **Scope**

The City Council will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

## **Features of the Recruitment System**

The City Council will determine if a vacancy will be filled through open recruitment or by promotion, transfer or some other method. This determination will be made on a case-by-case basis. Most position vacancies will be filled through an open recruitment process.

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

Position vacancies may be filled on an “acting” basis as needed. The City Council Department committee will approve all acting appointments. Pay rate adjustments, if there are any, will be determined by the City Council.

## **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.

Internal recruitment will be open to any City 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.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process a candidate must meet the minimum qualifications.

## **Pre-Employment Medical Exams**

The City Council 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 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 with the cost of the exam paid by the city. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist.) The physician will notify the City Clerk 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 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 Council and the Department supervisor, subject to final hiring approval of the City Council. Any, all or none of the candidates may be interviewed.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the supervisor at any time, subject to City Council approval.

#### **AFFIRMATIVE ACTION/EEO POLICY STATEMENT**

**There shall be no discrimination of employees or applicants for employment based on race, color, creed, religion, ancestry, national origin, sexual orientation, disability, marital status, status with regard to public assistance, political affiliation, sex or age (except where sex or age is a bona fide occupational qualification). The City of Walnut Grove will take Affirmative Action to ensure that all employment practices are free of such discrimination.**

**Such employment practices include, but are not limited to, the following: hiring, reclassification, demotion, transfer, recruitment, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training.**

**The City of Walnut Grove will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action. The City of Walnut Grove will evaluate the performance of its management and supervisory personnel based on their involvement in achieving these goals as well as other established criteria. Any employee of the City who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this Statement and Plan will be subject to disciplinary action.**

**The City of Walnut Grove has designated the City Clerk to manage the Equal Employment Opportunity Program. The Clerk's responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. If any employee or applicant for employment believes he/she has been discriminated against, please contact the City Clerk of the City of Walnut Grove.**

### **Background Checks**

All finalists for employment with the city will 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 City Council will determine the level of background check to be conducted based on the position being filled.

### **Training Period (Probation Period)**

The training or probation period is an integral part of the selection process and will be used for the purpose of observing the employee's work and for training the employees in work expectations. Training periods apply to new hires, transfers, promotions and rehires. Training periods are twelve months in duration, but may be extended by, for example, an unpaid leave of absence.

Employment may be discontinued at any point during the probationary period if an employee does not meet established performance standards. Written notice of the reasons for termination will be given.

Except as otherwise prohibited by law, the City of Walnut Grove has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

# ORGANIZATION

## **Job Descriptions**

The city will maintain job descriptions for each regular position. New positions will be developed as needed but must be approved by the City Council prior to the position being filled.

A job description is prepared for each position within the city. Each job description will include position title, department, supervisor's title, FLSA status (exempt or nonexempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. Good attendance and compliance with work rules and policies are essential functions of all City positions.

Prior to posting a vacant position the existing job description is reviewed by the City Council and the hiring supervisor to ensure that 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 for each new employee. Supervisors 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 Council.

## **Assigning and Scheduling Work**

Assignment of work duties and scheduling work is the responsibility of the supervisor subject to the approval of the City Council.

## **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 Council.

## **Layoff**

In the event that 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 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 City Council. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

# HOURS OF WORK

## **Work Hours**

Work schedules for employees will be established by supervisors with the approval of the City Council. The regular work week for employees is five eight-hour days in addition to a lunch period, except as otherwise approved by the City Council in accordance with the customs and needs of the individual departments.

## **Meal Breaks and Rest Periods**

A paid break of at least fifteen minutes or enough time to utilize the nearest convenient restroom (whichever is longer) is allowed within each four consecutive hours of work. Effective January 1, 2026, an unpaid thirty-minute lunch period is provided when an employee works six or more consecutive hours. Non-exempt 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. The lunch period will be paid for in instances when an employee is not completely relieved of work duties.

Employees working in city 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-minute break. Exceptions must be approved by the supervisor or city council.

#### **Adverse Weather Conditions**

City 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 will be allowed to use accrued vacation time, Earned Safe or Sick time or with supervisor 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.

Decisions to cancel departmental programs (special events, recreation programs, etc) will be made by the respective supervisor or the City Council.

## **COMPENSATION**

Full-time employees of the city will be compensated according to schedules adopted by the City Council. Unless approved by the Council, employees will not receive any payment from the city 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 up by the City Council at the time of hire, or on an annual basis.

#### **Paychecks / Direct Deposit**

Employees will be paid by ACH Direct Deposit every two weeks for both Full time employees and part time employees. Payroll will be done in a timely manner using accurate, consistent procedures. When paydays fall on a holiday, or weekend, payroll will be done on the next business day.

Employees are responsible for notifying the City Clerk of any change in status including changes in address, phone number, names of beneficiaries, marital status, etc.

#### **Improper Deduction and Overpayment Policy**

If an employee believes that an improper deduction or overpayment, or another type of error, has been made, they should immediately contact their supervisor. If the city determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.

In cases of improper overpayments, employees are required to promptly repay the city in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the

repayment. The city will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year-to-date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpay occurs, the repayment must be made within the same tax year.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required.

Any overpayments not repaid in full within the calendar year of the overpayment are considered "prior year overpayments" and the employee must repay not only for the net amount of the overpayment, but also the federal and state taxes the city has paid on their behalf. The city can recover the overpaid Social Security and Medicare taxes. Accordingly, the city will not require the employee to repay those taxes provided the employee provides a written statement that they will not request a refund of the taxes. The overpayment amount will remain taxable in the year of the overpayment since the employee had access to the funds. The employee is not entitled to file an amended tax return for the year but may be entitled to a deduction or credit with respect to the repayment in the year of repayment. Employees should contact their tax advisors for additional information.

### **Time Reporting**

Full-time employees are expected to average between 36- 40 hours per workweek and 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 leave time used by employees are to be recorded daily and submitted to payroll on a biweekly basis. Each time reporting form must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet may be cause for immediate termination. Employees are to record all time worked.

### **Overtime / Compensatory Time**

The City of Walnut Grove has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The city council will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime.

### **Overtime**

The City of Walnut Grove has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime.

All overtime-eligible employees will be compensated at the rate of time and one-half for all hours worked over 40 in one workweek. Vacation, sick leave and paid holidays do not count toward "hours worked". Full-time employees are expected to work a maximum of 40 hours each week. Overtime should only be used when no other options are available.

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

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors.

Generally, to meet these expectations, and for reasons of public accountability, 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 work week.

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

The City of Walnut Grove 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 vacation or personal leave and is absent for a day or more for personal reasons other than sickness or accident.
- To offset compensation received for military pay. If an employee works part of the week in military service, the city still must pay the entire week salary to the employee, but the city could offset the amount of the military pay for the week against the employee's salary.
- The employee is in a position that earns sick leave, ESST, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to sickness or disability, but they are either not yet qualified to use the paid leave, or they have exhausted all of their paid leave.
- The employee is absent for a full work week, and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all their 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 worked.
- The employee is in a position that earns paid leave and is absent for one or more full days 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 Walnut Grove 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 work week in which budget-related deductions are made.

The City of Walnut Grove 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 any amounts received by the employee as jury fees or witness fees.

If the city inadvertently makes an improper deduction to the weekly salary of an exempt employee, the city will reimburse the employee and make appropriate changes to comply in the future. If an employee thinks that a wage deduction was made in error, please contact [Human Resources] promptly.

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

### **Schedules 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.

The normal hours of business for exempt staff are Monday through Friday, 8 a.m. to 5 p.m., plus evening meetings as necessary.

If one of the above employees is regularly absent from work under this policy and it is found 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 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. Additional notification and approval requirements may be adopted by the city council.

## **PERFORMANCE REVIEWS**

An objective performance review system will be established by the City Council for the purpose of periodically evaluating the performance of City 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 adjustments.

Performance reviews will be discussed with the employees. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable using the city's 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, generally annually. The form, with all required signatures, will be retained as part of the employee's personnel file.

During the training/probationary period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee with the opportunity to discuss what is expected, what is going well and what needs improvement.

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

## **BENEFITS**

### **Insurance and Medical Reimbursement**

The city will contribute a monthly amount to a Medical Reimbursement Plan or Health Savings Account that will be administered by TASC (Total Administrative Services Corp.) The amount to be contributed and the type of coverage will be determined annually by the City Council. The City of Walnut Grove does not offer a health care plan to full-time employees currently. The City Contribution amount can be used also to pay for premiums through the city to AFLAC for supplemental insurance or life insurance. The employee may opt to use all or part of these funds for a contribution into a 457(b) Deferred Compensation Plan for Governmental employees instead of using them for options listed above. The 457(b) plan is administered by the Minnesota State Retirement System. Any portion of the Monthly city contribution

that is contributed to the 457(b) Plan would require the employee to match. (Ex. If the employee chooses to have \$200 of the city contribution into the 457(b) plan, the employee will also have to have \$200 withheld from their wages and contributed to the 457(b) Plan.)

## **Retirement**

The City participates in the Public Employees Retirement Fund (PERA) to provide pension benefits for its eligible employees. The city 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 matches the employee's social security and Medicare withholding).

For information about PERA eligibility and contribution requirements contact the City Clerk.

## **457(b) Minnesota Deferred Compensation Plan:**

Beginning in June 2018 the City of Walnut Grove chose to enroll in the MN Deferred Compensation Plan through the Minnesota State Retirement System. Enrollment into the 457(b) Plan is optional for all employees. Employees may choose to have a percentage of their wages, or a set dollar amount withheld each pay period and contributed into the 457(b) Deferred Compensation Plan.

For information about 457(b) eligibility and contribution contact the City Clerk.

## **HOLIDAYS**

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

New Year's Day

Martin Luther King, Jr. Day

President's Day

Memorial Day

Juneteenth Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving

Christmas Day

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 operations/facilities that are closed on holidays.

Full-time employees will receive 8 hours 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 is not eligible for holiday pay.

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.

Employees wanting to observe holidays other than those officially observed by the City may request either vacation leave or unpaid leave for such time off.

## **LEAVES**

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's leave programs, must generally be taken concurrently, or, when allowed by law, consecutively, with no intervening unpaid leave. The city will provide employees with time away from work as required by state or federal statutes, if there are requirements for such times off that are not described in the personnel policies.

## **Minnesota Paid Leave**

### **Overview**

The city provides time off to eligible employees who qualify for Minnesota Paid Leave (MNPL) benefits under Minnesota law. The city of Walnut Grove is a participant in the State of Minnesota's Paid Leave program. MNPL benefits are funded through premium contributions payable to the State of Minnesota. The premium cost will be split between the city and employees as follows: The city will pay 50% of the required premium and employees will pay 50% of the premium cost through payroll deductions starting January 1, 2026.

### **Eligibility**

Eligibility determinations for MNPL benefits are made by the State of Minnesota. Generally, to be eligible for MNPL, you must:

- Work at least 50% of the time from a location in Minnesota, including employees who work from home or spend time in other states occasionally.
- Meet the financial eligibility requirements by having earned over a specific amount of wages as defined by Minnesota law at the time of your requested leave.

### **Benefit Amount**

An employee's weekly MNPL benefits are calculated and determined by the Minnesota Department of Employment and Economic Development (DEED).

### **Leave Entitlement and Usage**

The State of Minnesota may approve MNPL leave for the following conditions in a benefit year:

- Up to 12 weeks of medical leave (for yourself) to take care of yourself for serious health condition, including pregnancy, childbirth, recovery, or surgery.
- Up to 12 weeks of family leave to:
  - Bond with a child through birth, adoption, or foster placement
  - Care for a family member with serious health condition
  - Support a military family member called to active duty
  - Receive covered types of care for yourself or a family member because of domestic abuse, sexual assault, or stalking

You can take both types of leave in the same year, but you cannot exceed 20 weeks total within a single benefit year. For example, an employee may be entitled to 12 weeks of family leave to bond with a child and another 8 weeks of medical leave for their serious health condition. Your benefit year starts the first day you take Paid Leave. There is no waiting period for MNPL if you are granted the benefit.

## **MNPL Intermittent Leave**

Employees may apply for intermittent leave in most cases, provided the leave is reasonable and appropriate to the needs of the individual requiring care.

*Regarding intermittent leave: Generally, MNPL requires an event to be a seven-day qualifying event unless intermittent. Intermittent leave results in a pro-rated benefit paid by the state and provides employers with the option to cap intermittent leave at 480 hours in a 12-month period. Additionally, the minimum increment of leave must be taken in "increments consistent with the established policy of the employer to account for use of other forms of leave, so long as such employer's policy permits a minimum increment of at most one calendar day of intermittent leave. An applicant is not permitted to apply for payment for benefits associated with intermittent leave until the applicant has eight hours of accumulated leave time, unless more than 30 calendar days have lapsed since the initial taking of the leave."*

<https://www.revisor.mn.gov/statutes/cite/268B/full#:~:text=Subd.%206a.,of%20the%20leave>

### *A) Eligibility*

In addition to the other eligibility requirements under the MN Paid Leave law, employees seeking intermittent leave must have at least eight hours of accumulated leave (unless more than 30 days have lapsed since taking the initial leave).

### *B) Notice*

In situations where employees seek MNPL on an intermittent basis, employees must make a reasonable effort to provide written notice to their supervisor, the city clerk or city council of the need for intermittent leave *before* applying for MNPL benefits through the State program. As part of the notice, employees must provide the city with the following: 1) proposed intermittent leave schedule; and 2) completed certification from a health care provider identifying the leave as necessary and a reasonable estimate of the frequency and duration and treatment schedule for the leave.

Consistent with other forms of leave provided by the city, employees may take intermittent leave in increments of **one** calendar day. If eligible for intermittent leave, the city allows 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 MNPL provided the continuous leave does not exceed the maximum amount of MNPL allowed by law.

## **Definitions**

- **Family members** include:
  - 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
- **A 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**

Prior to starting a claim with the State, employees should reach out to their supervisor or the city clerk to notify them of their intention to take leave. If the need is foreseeable, employees should provide at least two-week notice prior to taking leave. If the leave is not foreseeable employees will still be able to take leave under MNPL and they should provide as much notice as possible.

## **How to Apply for Minnesota Paid Leave**

After your leave has been discussed with their supervisor, employees may apply for MNPL through the Minnesota Paid Leave's portal online <https://mn.gov/deed/paidleave/employees/faq/> or call **651-556-7777 or 844-556-0444 (toll-free)**

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

MNPL will run concurrently with any leave and/or wage supplement for which you may be eligible for under local, state, or federal law which may include

Family and Medical Leave Act (FMLA) and/or Minnesota Women's Economic Security Act (WESA) pregnancy and parenting leave

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

If you are receiving MNPL benefits, the city allows you to supplement, or "top off," your MNPL benefits with any accrued but unused paid leave. If you choose to supplement your MNPL benefits in this way, the combined weekly sum of MNPL benefits and city-provided paid leave benefits cannot exceed your Individual Average Weekly Wage (IAWW). For more information, contact the city clerk.

## **Maintaining City Benefits / Cafeteria plan**

Unless the employee revokes coverage while on MNPL, the city will continue to provide benefits for an employee on MNPL under the same conditions as the coverage was provided before the employee took leave. You 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 premiums and contributions to the city in order to ensure continuation of benefits.

## **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.

Upon return to work, if it becomes evident that the employee is unable to perform the key essential functions of their position (with or without reasonable accommodation), the city may engage in an interactive process, consistent with the American with Disability Act (ADA) and/or Minnesota Human Rights Act (MHRA) and other applicable workplace policies, including workplace safety protocols, to determine appropriate next steps.

## **Retaliation**

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

## **Sick Leave/Earned Sick and Safe Time (ESST) Leave**

With this option, the city provides one bank of leave for sick/ESST leave and a separate bank of leave for vacation. In this example, the entire sick leave bank follows the ESST law.

### **Overview and Eligibility**

“Earned Sick and Safe Time” (“ESST”) is paid time off for eligible uses outlined in this policy as required by Minnesota’s Earned Sick and Safe Time law, including but not limited to an employee’s mental or physical illness, injury, or other health condition. Employees will earn ESST as prescribed in this policy, provided that all employees will earn at least one hour of ESST for every 30 hours worked by an employee, up to a maximum of 48 hours of ESST per year. For part time employees, the base rate of ESST is the same hourly rate an employee earns from employment with the city. This specific leave applies to all employees (including temporary and part-time employees) anticipated to perform work for at least 80 hours in a year for the city.

The following positions are not eligible for leave under this policy:

1. Volunteer firefighter or paid on-call firefighter.
2. Volunteer ambulance attendant as defined in Minn. Stat. § 144E.001, subdivision 15.
3. On-call ambulance service personnel as defined in Minn. Stat. § 144E.001, subdivision 3a.
4. Elected officials or a person who is appointed to fill a vacancy in an elected office.

### **Use of ESST**

ESST leave may be used as it is accrued in the same increment of time for which employees are paid for the following circumstances:

1. 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 preventive medical or health care, or
  - Need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member
2. 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, or
  - Who needs preventative medical or health care
3. Absence due to domestic abuse, sexual assault or stalking of the employee or 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

4. Closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or another public emergency.
5. 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.
6. When it has been determined by health authorities or a health care professional that the presence of the employee or family member in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has contracted the communicable disease.

### **“Family Member” Defined**

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

1. Spouse or registered domestic partner
2. 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
3. Sibling, step sibling or foster sibling
4. Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
5. Grandchild, foster grandchild or step grandchild
6. Grandparent or step grandparent
7. A child of a sibling of the employee
8. A sibling of the parent of the employee or
9. A child-in-law or sibling-in-law
10. Any of the above family members of a spouse or registered domestic partner
11. Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
12. Up to one individual annually designated by the employee

### **Notice and Documentation**

When the need for ESST leave is foreseeable, employees must notify their supervisor or the city clerk within seven days of the leave. In the event the need for leave is unforeseeable, employees must notify their supervisor or the city clerk as soon as reasonably possible.

When an employee uses ESST for more than two consecutive scheduled workdays, 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, ESST 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 ESST to find a replacement

worker to cover the hours the employee will be absent. However, this is not meant to limit employees who choose to voluntarily seek a replacement staff member or trade shifts to cover their ESST absence.

Employers must maintain the confidentiality of Earned Sick and Safe records, medical certifications, histories, and documents information pertaining to domestic abuse, sexual assault or stalking, and any statement from the employee about the need for leave. Medical records should be maintained confidentially and apart from personnel files.

Employers must comply with the ESST recordkeeping requirements outlined in Minn. Stat. § 181.9447. Among other provisions, cities must preserve the required ESST documentation for a minimum of three years and ensure the documentation is readily accessible by the Commissioner within 72 hours from the Commissioner's request.

### **Accrual and Carry Over of ESST**

#### *Accrual:*

Employees will accrue one hour of ESST for every 30 hours worked up to a maximum of 48 hours per calendar year.

#### *Carry Over Limits:*

Employees are eligible to carry over accrued but unused ESST into the following year, provided the total accrued ESST hours shall not exceed 80 hours at any one 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 Time rights, requesting an Earned Sick and Safe Time absence, or pursuing remedies. Further, use of Earned Sick and Safe Time 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 Time.

### **Benefits and return to work protection**

During an employee's use of Earned Sick and Safe Time absence, 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 Time 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 Time 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 Time that had not been used or previously paid out will be reinstated. An employee is entitled to use and accrue Earned Sick and Safe Time at the commencement of reemployment.

### **Personal Sick Leave / ESST for Full Time benefit employees**

Personal Sick leave is authorized absence from work with pay, granted to qualified full-time employees. Personal sick leave is a privilege, not a right. Employees may use this paid sick leave in the same capacity as Earned Safe & Sick Time is allowable. Personal Sick leave does not accrue during an unpaid leave of absence.

- Full-time employees that work 40 hour per week will accumulate personal sick leave at a rate of one day (8 hours) per month. 30-hour per week benefit employees will accumulate sick leave at a rate of 6 hours per month.
- Full-time employees 40-hour and 30-hour benefit employees may accrue up to 25 days (200 hours) of personal sick pay.
- Full-time employees that work 40 hour per week and 30 hour per week benefit employees leaving municipal employment in good standing and with proper notice will be compensated for unused personal sick days at a rate of 25% of their current wage.

Personal Sick leave may be used as follows:

- Personal sick leave may be used for the same purposes as Earned Safe & Sick Time

After accrued personal sick leave has been exhausted, catastrophic sick leave may be used if the employee has documentation from a physician requiring time off for medical reasons for the employee or employee's child. Vacation leave may be used upon approval of the City Council, to the extent the employee is entitled to such leave.

**Catastrophic Sick Leave**

- Hours will accrue at the rate of 2 days (16 hours) per month and 12 hours per month for 30 hour / week employees.
- Each employee will be able to accumulate to a maximum of 110 (8 hour) days (880 hours).
- This Sick leave may only be used after all regular sick days have been used and the employee must have a physician's note excusing them from work.
- This Unused catastrophic sick time will not be paid out when employment is discontinued with the city.
- Catastrophic Sick leave does not accrue during an unpaid leave of absence.

To be eligible for sick leave pay, the employee will:

- Communicate with his/her immediate supervisor, as soon as possible after the scheduled start of the work day, for each and every day absent;
- Keep his/her immediate supervisor informed of the status of the illness/injury or the condition of the ill family member;
- Submit a physician's statement upon request.

After an absence, a physician's statement may be required on the employee's first day back to work, indicating the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Full time employees may need to use vacation hours for time off if they have failed to provide the return-to-work release from their doctor. If the employee's doctor has completed a return-to-work form with restrictions, the city agrees to follow those restrictions. If the employee chooses to take more time off because they do not wish to be limited by the restrictions, they may use their vacation pay but may not use additional sick pay. Sick leave may be denied for any employee required to provide a doctor's statement until such a statement is provided.

The City has the right to obtain a second medical opinion to determine the validity of an employee's worker's compensation or sick leave claim, or to obtain information related to restrictions or an

employee's ability to work. The city will arrange and pay for an appropriate medical evaluation when it is required by the city.

Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

Employees must normally use sick leave prior to using paid vacation, or compensatory time and prior to an unpaid leave of absence during a medical leave, except where Parenting Leave under Minnesota law and the medical leave overlaps.

Sick leave will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the City Council.

Personal Sick leave for full-time benefit employees cannot be transferred from one employee to another. Personal Sick leave for full time benefit employees will be paid out at 25% upon termination or retirement.

### **Vacation Leave for 40-hour/ week and 30-hour/ week full-time benefit employees**

#### **Vacation Leave Schedule**

Vacation earned Year 1 = 3.34 hours / month

Vacation earned Year 2-5 = 6.68 hours / month or 10 days annually

Vacation earned Year 6 = 7.33 hours /month or 11 days annually

Vacation earned Year 7 = 8 hours /month or 12 days annually

Vacation earned Year 8 = 8.67 hours /month or 13 days annually

Vacation earned Year 9 = 9.33 hours /month or 14 days annually

Vacation earned Year 10 = 10 hours /month or 15 days annually

Vacation earned Year 11 = 10.67 hours /month or 16 days annually

Vacation earned Year 12 = 11.33 hours /month or 17 days annually

Vacation earned Year 13 = 12 hours /month or 18 days annually

Vacation earned Year 14 = 12.67 hours /month or 19 days annually

Vacation earned Year 15 + = 13.33 hours /month or 20 days annually

#### **Vacation Leave (30 hour/week employee)**

Vacation earned Year 1 = 3.0 hours / month

Vacation earned Year 2-5 = 5 hours / month or 10 days annually

Vacation earned Year 6 = 5.5 hours /month or 11 days annually

Vacation earned Year 7 = 6. hours /month or 12 days annually

Vacation earned Year 8 = 6.5 hours /month or 13 days annually

Vacation earned Year 9 = 7 hours /month or 14 days annually

Vacation earned Year 10 = 7.5 hours /month or 15 days annually

Vacation earned Year 11 = 8.0 hours /month or 16 days annually

Vacation earned Year 12 = 8.5 hours /month or 17 days annually

Vacation earned Year 13 = 9 hours /month or 18 days annually

Vacation earned Year 14 = 9.5 hours /month or 19 days annually

Vacation earned Year 15 + = 10 hours /month or 20 days annually

### **Eligibility**

40/ hour Full-time employees and 30/hour week benefit employees will earn vacation leave in accordance with the above schedule. Vacation leave does not accrue during unpaid leave of absence.

Part-time employees who work at least 20 hours per week on a regular basis will receive 24 hours of vacation leave beginning in year 2 of employment. The hours will be given to the employees on January 1 each year and cannot be carried over to next year if not used.

Part-time employees who work less than 20 hours per week on a regular basis, temporary and seasonal employees will not earn or accrue vacation leave.

### **Accrual Rate**

For determining an employee's vacation accrual rate, years of service will include all continuous time that the employee has worked at the city (including authorized unpaid leave). Employees who are rehired after terminating city employment will not receive credit for their prior service unless specifically negotiated at the time of hire. Accrual rates may be different if negotiated at the time of hire for a different accrual rate.

### **Earnings and Use**

After six months of service, vacation leave may be used as it is earned, subject to approval by the City Council.

An employee will earn vacation hours on a prorated basis for the last month of employment whether employment ends voluntarily or involuntarily and is leaving municipal employment in good standing and with proper notice.

Requests for vacation 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 supervisor and City Council. Vacation can be requested in increments as small as one hour up to the total amount of the accrued leave balance. Vacation leave is to be used only by the employee who accumulated it. It cannot be transferred to another employee.

Employees may carry over the annual accrued hours for that employee of vacation into the next year. Vacation leave cannot be converted into cash payments except at termination.

### **Vacation Separation Payout**

Full-time employees will be paid accrued, unused vacation, earned through the last date of active employment, subject to applicable caps as noted above, (and applicable taxes withheld) following termination of employment. The rate of pay will be the employee's base rate of pay at the employee's termination date. Employees have the option of directing those dollars into a 457 deferred compensation plan (subject to IRS maximum deferral regulations and Minnesota law). In the event of the employee's death, earned, unused vacation time will be paid to the employee's surviving spouse directly, (if there is not personal representative of the estate appointed) up to statutory limits.

### **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. This paid leave will be deducted from the employee's regular sick leave balance. Immediate family includes spouse, child, stepchild, brother, sister, step-sister, step-brother, mother, father, step-mother, step father, grandchild, step- grandchild, mother-in-law, and father-in-law. Employees may use up to one (1) day of funeral leave upon the death of someone other than an immediate family member.

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

### **Medical Certification**

Good attendance is an essential job function for all City employees. If unplanned absences are excessive, a doctor's certification may be required. The physician's certification is to state the nature and duration of the illness or injury and verify that the employee is unable to perform the duties and responsibilities of his/her position. A statement attesting to the employee's ability to return to work and perform the essential functions of the job and a description of any work restrictions may also be required before the employee returns to work.

### **Severance Pay**

Employees leaving the city in good standing will receive 100% of their vacation leave balance and 25% of their regular sick pay as compensation (applicable taxes will be withheld).

### **Unpaid Leave**

Unpaid leaves may be approved in accordance with the City personnel policies. Employees must normally use all accrued annual leave prior to taking unpaid leave. If the leave qualifies under Parenting Leave or Family and Medical Leave, the employee may retain a balance of forty (40) hours when going on unpaid leave. Any exceptions to this policy must be approved by the City Council.

### **Military Leave**

State and federal laws provide protection and benefits to city 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 15 workdays in any calendar year. City compensation is in addition to the military pay for these 15 days, as per MN Attorney General's Opinion.

The leave of absence is only in the event the employee returns to employment with the city 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-day paid leave of absence. Employees on extended unpaid military leave will receive fifteen days' paid leave of absence in each calendar year, not to exceed five years.

Where possible, notice is to be provided to the city at least ten working days in advance of the requested leave. A training notice, signed orders, or battle assembly schedule are examples of typical written notification to share with the city.

If an employee has not yet used their fifteen 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 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 vacation leave and sick leave accruals.

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

### **Military Leave for Family Members**

The city will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States or Minnesota.

Nor will the city discharge from employment or take adverse employment action against an employee because they attend departure or homecoming ceremonies for deploying or returning personnel, family training or readiness events or events held as part of official military reintegration programs. Employees may substitute paid leave if they choose to do so.

Unless the leave would unduly disrupt the operations of the city, employees whose immediate family member, as a member of the United States armed forces has been ordered into active service in support of a war or other national emergency, will be granted an unpaid leave of absence, not to exceed one day's duration in any calendar year, to attend a send-off or homecoming ceremony for the mobilized service member.

### **Military Leave for Family Member Injured or Killed in Active Service**

Employees will be granted up to ten working days of unpaid leave whose immediate family member (defined as a person's parent, child, grandparents, siblings or spouse) is a member of the United States armed forces who has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

### **Jury Duty**

Regular full-time and part-time employees will be granted paid leaves of absence for required jury duty to be served on the said employees' regularly scheduled workday. Such employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the city 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 supervisor 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 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 leave without pay subject to department head approval. However, if a temporary or seasonal employee is classified as exempt, they 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 employment, minus mileage reimbursement, must be turned over to the city.

### **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 to attend criminal proceedings related to the victim's case. Additionally, a victim of a violent crime, as well as the victim's spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) may have reasonable time off from work to attend criminal proceedings related to the victim's case. An employee must give 48 hours' advance notice to the city of their need to be absent unless it is impracticable, or an emergency prevents them from doing so. The city may request verification that supports the employee's reason for being absent from the workplace. [See also: Safety Leave under the Sick Leave Policy for additional information on leave benefits available to employees and certain family members].

### **Other Benefits**

Benefit accruals, such as vacation and holiday pay benefits, do not continue during periods of unpaid leave—except when required by law—and will resume upon your return to active employment.

### **Job Related Injury or Illness**

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In case of a serious emergency, 911 should be called.

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

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

### **Minnesota Pregnancy and Parenting Leave**

#### **Overview & Eligibility**

All employees are entitled to take an unpaid pregnancy and/or parenting leave of absence under the Minnesota Women's Economic Security Act (WESA). Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with the birth or adoption of a child, are eligible for up to 12 weeks of unpaid leave. Any paid or unpaid leave taken for prenatal care medical appointments will not count toward the 12-week leave.

Additionally, leave under this section must begin within twelve months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employees should provide reasonable notice, which is at least XX [30] days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

#### **Interaction with Other Laws and Paid Leave**

Leave under this section runs concurrently with FMLA when the leave is for the same purpose.

Additionally, employees may choose, but are not required, to use any accrued vacation leave or Sick Leave/Earned Sick and Safe Time leave during this leave. When the employee is also receiving MN Paid Leave benefits, the combined weekly sum of MNPL benefits and any city-provided paid leave benefits cannot exceed your Individual Average Weekly Wage (IAWW). For more information, contact the city clerk or city council.

### **Job Reinstatement**

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave.

Employer contributions toward the benefits will continue while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, provided the employee continues to pay any employee share of the cost of the benefits.

The city will inform employees of their parental leave rights at the time of hire and when an employee makes an inquiry about or requests parental leave.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting parental leave rights or remedies.

### **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 City Council.

### **Adoptive Parents**

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave).

The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

### **School Conference Leave** (state law requirement for cities with more than 21 employees)

Any employee who has worked half-time or more for more than twelve (12) months, may take unpaid leave for up to a total of sixteen (16) hours during any school year to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or activities cannot be scheduled during non-work hours.

### **Bone Marrow Donation Leave** (state law requirement for cities with more than 20 employees)

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours unless agreed by the city, to undergo medical procedures to donate bone marrow.

The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow.

### **Victim or Witness Leave**

An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony is entitled to reasonable time off from work to attend criminal proceedings related to the victim's case.

### **Elections / Voting**

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off with pay for purposes of serving as an election judge, provided the employee gives the city at least twenty days written notice, including a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve. The city may reduce the wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment.

Thus, employees will be paid the difference between their pay as an election judge and their regular rate of pay for their normal workday.

The city reserves the right to restrict the number of employees absent from work for the purpose of serving as an election judge to no more than 20 percent of the total work force at any single worksite.

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 supervisors to avoid coverage issues.

Employees may be absent from work without penalty or deduction from salary or wages for the time necessary to vote to include voting during the period allowed for voting in person before election day.

### **Delegates to Party Conventions**

An employee may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a member of the committee. The employee may attend any convention of a major political party delegate, including meetings of official convention committees if the employee is a delegate or an alternate delegate to that convention.

Per the statutory requirement, the employee must give at least ten days' written notice of their planned absence to attend committee meetings or conventions. Time away from work for this purpose will be considered unpaid unless the employee chooses to use vacation/ PTO leave during their absence.

### **Regular Leave without Pay**

The City Council may authorize leave without pay for up to thirty (30) days 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, dental and life insurance may be continued, if approved by the City Council, 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 (or be paid for) holidays, sick leave, or vacation leave (*annual leave*). Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue sick leave and vacation leave (*annual leave*) based on actual hours worked.

Leave without pay will not count toward seniority and all accrued vacation leave 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 sick leave earned unless the leave is for medical reasons. (An employee absent from 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.

## **Family and Medical Leave**

### **ELIGIBILITY**

To qualify to take Family and Medical Leave Act (“FMLA”) leave under this policy, an employee must meet all the following conditions:

- Have worked for the city for 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive; however, the city will not consider any service seven years prior to the employee’s most recent hire date.

*Optional: unless the break is due to National Guard or Reserves military service obligation.*

- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (“FLSA”) determine the number of hours worked by an employee.

### **TYPES OF LEAVE COVERED BY FMLA**

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or placement of a child with the employee for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- Due to serious health conditions, that makes the employee unable to perform the essential functions of the position.
- A covered military member’s active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave) (described below).

### **DEFINITIONS**

- **“Spouse”** does not include domestic partners or common-law spouses.
- **“Caring for”** a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties. An eligible **“child,”** with some exceptions, is under 18 years of age.
- An eligible **“parent”** includes a biological parent or a person who stood in the place of a parent.
- **“Serious Health Condition”** means an illness, injury, impairment, or physical or mental condition that involves one of the following:
  - **Hospital Care:** Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.
  - **Pregnancy:** Any period of incapacity due to pregnancy, prenatal medical care or childbirth.
  - **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
  - **Chronic Conditions Requiring Treatments:** An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period, and may cause episodic rather than a continuing period of incapacity;
  - **Permanent/Long-Term Conditions Requiring Supervision**

- **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

## **LENGTH AND AMOUNT OF LEAVE**

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on a yearly basis.

The entitlement to FMLA leave for the birth or placement of a child for adoption expires twelve (12) months after the birth or placement of that child.

## **HOW LEAVE MAY BE TAKEN**

FMLA leave may be taken for 12 (or less) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced work schedule. In all cases, the leave may not exceed a total of 12 work weeks.

Intermittent leave may be taken when medically necessary for the employee's serious health or to care for a family member with a serious health condition. Intermittent leave must be documented in the medical certification form as medically necessary.

If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment to not disrupt the city's business.

In instances when intermittent or reduced schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the city may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Intermittent/reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child only with the city's approval.

## **PROCEDURE FOR REQUESTING LEAVE AND NOTICE**

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to the city clerk or city council.

When the need for the leave is foreseeable, the employee must give verbal or written notice to their supervisor at least thirty (30) days prior to the date on which leave is to begin.

If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures.

The city requires an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## **CERTIFICATION AND DOCUMENTATION REQUIREMENTS**

For leave due to an employee's serious health condition or that of an employee's family member, the city may require the completion of a Medical Certification form by the attending physician or practitioner as allowed by law. The form must be submitted by the employee to the city clerk within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the FMLA leave.

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform their duties, an FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

Recertification of leave may be required if the employee requests an extension of the original length approved by the city or if the circumstances regarding the leave have changed. Additionally, recertification may be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to serious health condition.

## **ANNUAL MEDICAL CERTIFICATION AND RECERTIFICATION**

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the city will require employees to provide a new medical certification in each subsequent leave year.

If you are receiving MNPL or STD benefits while you are out on FMLA, you may be able to supplement, or "top off," your MNPL benefits with any accrued but unused paid leave. If you choose to supplement your MNPL benefits in this way, the combined weekly sum of MNPL benefits and employer-provided paid leave benefits cannot exceed your Individual Average Weekly Wage (IAWW). For more information, contact [appropriate person or department].

Rights to additional continued benefits will depend on whether leave is paid or unpaid. Employees may choose, but are not required, to use disability leave benefits accrued vacation, Sick Leave/Earned Sick and Safe Time leave benefits concurrently with FMLA.

## **REINSTATEMENT**

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment.

## **FAILURE TO RETURN TO WORK AFTER FMLA**

Except when the employee is also receiving MN Paid Leave benefits, under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the city may require the employee to repay the portion of the monthly cost paid by the city for benefits. The city may also require the employee to repay any amount the city paid on the employee's behalf to maintain benefits.

## **FMLA – QUALIFIED EXIGENCY AND MILITARY CAREGIVER LEAVE**

### **Qualified Exigency**

Eligible employees whose spouse, son, daughter, or parent either have been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: (1) short-notice deployment; (2) military events and activities; (3) childcare and school activities; (3) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing

and duration of the leave.

### **Military Caregiver Leave**

An employee eligible for FMLA leave who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which they are undergoing medical treatment, recuperation, or therapy, or otherwise is on outpatient status or on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, or members on the permanent disability retired list.

### **Definitions for this section**

- A “**son or daughter of a covered servicemember**” means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A “**parent of a covered servicemember**” means a covered servicemember’s biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- The “**next of kin of a covered servicemember**” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.
- “**Covered active duty**” means:
  - “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
  - “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.
- “**Covered servicemember**” means:
  - An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
  - A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- “**Serious injury or illness**” means:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of their office, grade, rank or rating.

### **AMOUNT OF LEAVE – QUALIFIED EXIGENCY**

An eligible employee can take up to 12 weeks of leave for a qualified exigency under the FMLA.

### **AMOUNT OF LEAVE – MILITARY CAREGIVER**

An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

Leave taken for any FMLA reason counts towards the 26-week entitlement. If an employee does not take all 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127(e)(1) (2017).

### **CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE**

The city will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

### **CERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICEMEMBER FOR MILITARY FAMILY LEAVE**

The city will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.

### **Reasonable Work Time for Nursing Mothers and Lactating Employees**

Nursing mothers and lactating employees will be provided with reasonable paid break times (which may run concurrently with already provided break times) to express milk.

The city will provide a clean, private and secure room (other than a bathroom) 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.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

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

This policy is to establish guidelines for short-term assignments of work to employees who are temporarily medically unable to perform their regular work duties. Light duty is evaluated by the city council 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 council. The city council 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 their job due to a temporary medical condition, they will notify the supervisor in writing as to the nature and extent of the condition(s) and the reason why they are 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 medical condition.

The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the city's job description along with a written request for light duty. Upon receipt of the written request, the supervisor 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 condition, and work restrictions.

Each situation will be assessed on a case-by-case basis. It is at the discretion of the city council whether or not to assign light duty work to the employee. If the city offers a light duty assignment to an employee who is out on workers' compensation leave, the employee's eligibility for benefits may be impacted if they refuse 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 accommodations for her health conditions related to her pregnancy or childbirth without advice of a licensed health care provider or certified doula:

- More frequent or longer restroom, food, and water breaks.
- Seating; and/or

  

- Limits on lifting over 20 pounds.

Additionally, an employer must provide reasonable accommodations, including, but not limited to, temporary leaves of absence, modification in work schedule or job assignments, seating, more frequent or

longer break periods and limits to heavy lifting to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed health care provider or certified doula, unless the employer demonstrates the accommodation would impose an undue hardship on the operation of the employer's business. In accordance with state law, no employee is required to take a leave of absence for a pregnancy nor accept pregnancy accommodation.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting reasonable accommodations pregnancy rights or remedies.

## **DIVERSITY, EQUITY AND INCLUSION**

### **General**

The city of Walnut Grove is committed to fostering, cultivating, and preserving a workplace where all individuals are valued, respected, and included.

Our policy is to be welcoming, safe, and equitable to all employees and members of the community. By embracing a diversity of experiences, backgrounds, and perspectives, the city recognizes we are more efficient, effective, and responsive. The goal of our policy is for the work environment to be free of unlawful harassment, discrimination, and retaliation.

Furthermore, it is our belief that:

- We are more efficient when all are valued and included.
- We are more effective when we leverage our different ideas, backgrounds and identities.
- We are more responsive when we acknowledge and reflect the identity and experience of our residents and colleagues.

Definitions within this section

**Cultural Competence:** the ability to interact effectively across differences. We acknowledge that a ‘one size fits all’ approach is not effective and actively seek ways to make our services accessible and culturally relevant.

**Unlawful Discrimination:** unfair treatment because of protected class status.

**Diversity:** Recognizes the unique differences of all individuals. This includes the many apparent and non-apparent ways which people differ in their identity such as age, gender and gender identity, race, ethnicity, national origin, language, religious beliefs, sexual orientation, veteran status, gender identity, mental or physical ability, marital status, family status, or educational background.

**Equity:** the principle of fairness by seeking to remove barriers and increase access to services. This includes understanding and acknowledging historical and ongoing inequities between groups of people and a commitment to actions that challenge those inequities.

**Unlawful Harassment:** unwelcome conduct that is based on a protected class status that is intimidating, hostile or abusive. This includes sexual harassment.

**Inclusion:** an environment that is built with respect and which creates a sense of belonging for all who live and work here. By being inclusive we acknowledge and value individual contribution as well as the background and identity of those with whom we work, partner, or serve.

### **Policy Statement**

It is the city's policy to respect culture and reduce bias in our workplace and service delivery. The commitment to inclusion, diversity, and equity influences the work that is performed by the city, the workplace environment, relationships between employees, and relationships between the city and community.

While individual employees have their own beliefs and values, performing work on behalf of the city requires upholding cultural competence and respect to ensure work occurs that not only meets, but also exceeds, our obligations under federal and state law.

The city of Walnut Grove values all diversity and recognizes individual protected-class status as defined under state and federal law and seeks to ensure equal opportunities in all phases of employment. The city expects each employee to cooperate to achieve this goal and personally stand behind the principles as defined within this policy.

All employees of the city are expected to act and perform their work professionally, including respecting cultural differences. Pursuant to the city's Personnel Policy, unlawful discrimination, including harassment, will not be tolerated. Any employee found to have exhibited any inappropriate conduct or behavior may be subject to disciplinary action.

## **RESPECTFUL WORKPLACE POLICY**

### **I. Policy Statement**

The city of Walnut Grove is committed to creating, promoting, and maintaining a diverse and inclusive work environment where employees, members of boards and commissions, elected officials and "third parties" (i.e., job applicants, volunteers, contractors/vendors, members of the public, and other persons visiting the workplace and public service environment) are respected and valued in the workplace and at city-sponsored social events.

The intent of this policy is to promote a respectful workplace and public service environment free from unlawful discrimination or harassment, violence, and disrespectful behavior by providing general guidelines as to what constitutes disrespectful behavior, discrimination, or harassment. This policy applies to all forms of discrimination, harassment, violence, and disrespectful behavior in the workplace, and covers all employees, members of boards and commissions, elected officials, and "third parties" (i.e., job applicants, volunteers, contractors/vendors, members of the public, and other persons visiting the workplace and public service environment) both in the workplace and other city-sponsored social events.

The city acknowledges this policy cannot possibly predict all situations that might arise and also recognizes that some employees can be exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

### **Equal Employment Opportunity Employer**

The City of Walnut Grove is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Walnut Grove will not discriminate against any employee or job applicant on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) 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.

## **Responsibilities**

Employees, volunteers, elected officials, commissioners, and other third parties are expected to:

- Conduct themselves in a manner that demonstrates respect for others in the workplace and public service environment.
- Except for instances of suspected unlawful discrimination and harassment based on a legally protected class, *only when the employee is comfortable doing so*, use informal means to address issues with the individual(s) involved whenever possible.
- Participate fully and in good faith in any informal resolution process or formal complaint and investigative process for which they may have relevant information.
- Report incidents that may violate this policy in accordance with processes identified in this policy.

In addition to their responsibilities as employees as described above, managers and supervisors are also expected to:

- Inform their employees and third parties for whom they are responsible of the expectations outlined in this policy.
- Achieve and maintain compliance with this policy.
- Take timely and appropriate action when a complaint is made alleging violation of this policy.

## **Prohibited Conduct**

The following behaviors are unacceptable and therefore prohibited under this policy, even if not unlawful in and of themselves:

### **A. Unlawful Discrimination and Harassment based on legally protected class:**

Discrimination and harassment consists of behaviors that are based on an employee's legally protected characteristics such as race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) 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, membership on a local human rights commission, lawful participation in the Minnesota Medical Cannabis Patient Registry, or any other characteristic protected by local, state, or federal law.

More specifically, discrimination and harassment may include, but are not limited to, the following behaviors when based on an employee's legally protected characteristic(s):

- Conduct that imposes conditions on any element of the person's employment unless otherwise permitted or required by applicable law.
- Conduct of any type (verbal, written, graphic, electronic or physical) which unreasonably interferes with the person's ability to perform their job or creates a hostile, threatening, or intimidating work environment.

### **B. Sexual Harassment**

Another form of unlawful harassment. 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 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, making jokes, 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. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
- 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.

#### C. Disrespectful behavior for any reason:

Disrespectful behavior may or may not be intentional. Unintentional disrespectful behavior may still violate this policy. 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 supervisor what is regarded as offensive, considering the sensibilities of employees and the possibility of public reaction.

Although the standard for how employees treat each other and the public will be the same throughout the city, 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 supervisor or the city administrator.

Examples of disrespectful behavior include but are not limited to:

- Exhibiting aggressive behaviors including shouting, abusive language, threats of violence, the use of obscenities or other non-verbal expressions of aggression.
- The use of physical force, bullying or intimidation.
- Behavior that a reasonable person would find to be demeaning, humiliating, or bullying.

- Repeatedly or deliberately mispronouncing a person's name, including use of an unwelcome nickname, or shortening a name without permission.
- Microaggressions, which may have the appearance of being harmless. Microaggressions include comments, behavior, or other interactions that intentionally or unintentionally communicate hostility or bias toward a person who is a member of a marginalized group.
- Comments, behavior, or other interactions are often rooted in a bias towards a certain group.
- Deliberately destroying, damaging, or obstructing someone's work performance, work product, tools, or materials.
- Use of this policy and procedure to make knowingly false complaints.
- Repeatedly mispronouncing employee's name or pronoun (e.g., she/her/hers, he/ him/his, they/them/their), or title (e.g., Mrs., Mr., Ms.). A court-ordered name or gender change is not required for an employee to use a different name or pronoun in the workplace.

Overall, context is important in understanding the difference between respectful behavior and disrespectful behavior. Individuals may experience stress or discomfort in the workplace that is not related to disrespectful behavior. For example, disrespectful behavior does not include:

- The normal exercise of supervisory or managerial responsibilities, including, but not limited to performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner.
- Disagreements, misunderstandings, miscommunication, or conflict situations where the behavior remains respectful.

## Reporting Process & Procedure

All employees should feel comfortable calling their supervisor or another manager to request assistance should they not feel comfortable with a situation. If situations involve violent behavior call the police, ask the individual to leave the area, and/or take other reasonable action.

When an employee comes forward with a workplace complaint, it is important to note the city cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical and related information will only be shared on a need-to-know basis and in accordance with the Minnesota Government Data Practices Act and/or any other applicable laws.

### *Important Notice:*

*The city is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, subd. 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.*

*The disclaimer above is in reaction to Peterson v. City of Minneapolis 892 N.W. 2d 824 (Minn. 2017), in which the Minnesota Supreme Court held that the City's Respect in the Workplace Policy is a "dispute resolution process" under Minn. Stat. § 363A.28, subd. 3(b), and that the party's voluntary engagement in that process suspended the one-year statute of limitations period under the Minnesota Human Rights Act for the duration of the process. It is not clear whether a disclaimer will be legally valid. As a result, cities should conduct prompt investigations under this policy and notify complainants when an investigation is complete.*

## **A. Informal Resolution (Optional)**

If you feel comfortable doing so, professionally, 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.

All instances of suspected discrimination or harassment based on a legally protected class must be reported pursuant to the process outlined below.

## **B. Report**

Any employee who observes or experiences unlawful harassment, including sexual harassment, discriminatory behavior, or receives any reliable information about such conduct, must immediately submit a report to a supervisor, city council or city clerk. If these individuals are suspected to be involved with the complaint, follow the reporting protocol in the “Special reporting requirements” section below.

If, after what is 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, the mayor or the city attorney.

### *Disrespectful behavior*

If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, you may report the incident to your supervisor, human resources, your supervisor’s supervisor, or the city clerk. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter.

In some situations, such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with the individual.

### *Special reporting requirements*

When the supervisor is perceived to be the cause of the suspected violation, a report will be made to the city clerk, or city council, who will determine how to proceed in addressing the complaint as well as appropriate discipline.

If the city clerk is perceived to be the cause of the suspected policy violation, a report will be made to the city attorney who will confer with the City Council regarding appropriate investigation and action.

If a council member is perceived to be the cause of the suspected policy violation, the report will be made to the city clerk and referred to the city attorney. Depending on the nature of the allegations, the city council may authorize an investigation by an independent investigator (consultant), in which case the independent investigator will report their findings to the City Council. The city will take reasonable and timely action, depending on the circumstances of the situation.

If an elected or appointed city official (e.g., council member or commission member) is the victim of a suspected policy violation, the city attorney will be consulted as to the appropriate course of action

## **C. Screening**

In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy offender will be informed of the allegations, and the alleged offender will have the opportunity to answer questions and respond to the allegations at some point in the city’s process. The city will follow any other

applicable policies or laws in the investigatory process.

In the case of reported unlawful harassment, including sexual harassment, or discriminatory behavior, a supervisor must report the allegations promptly to the city council and city clerk, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim.

If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the alleged offender, explaining the impact of their actions and requiring the conduct not to recur. This approach is particularly appropriate when there is some ambiguity about whether the conduct rose to the level of disrespectful behavior.

Even if resolved informally, the supervisor must notify the city council and city clerk about the allegations (assuming the allegations do not involve the city clerk).

#### **D. Investigate**

If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. Formal investigations will be prompt, impartial, and thorough. Typically, the investigator will obtain the following description of the incident, including date, time and place:

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

To facilitate fostering a respectful work environment, all employees are encouraged to respond to questions or to otherwise participate in investigations.

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 employees' personnel files involved. 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).

#### **E. Resolve**

After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether disciplinary action will be taken. As part of this process, the city council may at their discretion take appropriate action to protect the alleged victim, other employees, or citizens.

The alleged offender and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Government Data Practices Act.

The city will take reasonable and timely action in a fair and objective manner, depending on the circumstances of the situation.

#### **Retaliation**

Retaliation is strictly prohibited against any employee or third party who:

- Initiates a complaint.
- Reports an incident that may violate this policy.
- Participates in an investigation related to a complaint.
- Is associated or perceived to be associated with a person who initiates a complaint or participates in the investigation of a complaint under this policy.
- Reports a complaint of unlawful harassment or discrimination to a local, state, or federal enforcement agency or participates as a witness in an external investigation by an enforcement agency.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment because an employee engaged in one of the above-mentioned behaviors.

While each situation is very fact dependent, retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false reports to government authorities because an employee has engaged or may engage in protected activities. 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.

If you feel retaliation is occurring within the workplace, report your concern immediately to any of the following:

1. Immediate supervisor.
2. City Clerk
3. City Council
4. In the event an employee feels retaliation has occurred by the city clerk or the city council, then reporting may be made to the city attorney.

Supervisors who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the city administrator, or if the complaint is against the city administrator to the city attorney, who will decide how to proceed in addressing the complaint.

Consistent with the terms of applicable statutes and city personnel policies, the city may discipline any individual who retaliates against any person who reports alleged violations of this policy. The city may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations.

#### Violations

Failure to comply with this policy and its procedures may result in disciplinary action, up to and including discharge, or ending a contractor or volunteer relationship with the city.

Determination of discipline or other corrective action will be made on a case-by-case basis, depending upon the circumstances of the matter, including the type of misconduct alleged, the context in which the alleged acts or statements occurred, and any other facts deemed relevant

## **POSSESSION AND USE OF DANGEROUS WEAPONS**

Possession or use of a dangerous weapon (see Article III for definitions) is prohibited on city property, in city vehicles, or in any personal vehicle which is being used for city 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 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.

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

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City 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 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.

## **SEPARATION FROM SERVICE**

### **Resignations**

Employees wishing to leave the City service in good standing must provide a written resignation notice to their supervisor, at least ten (10) working days before leaving. The written resignation must state the effective date of the employee's resignation.

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

### **Severance Pay**

Employees who leave the employment of the city in good standing by retirement or resignation will receive pay for 100% of unused accrued vacation (*annual leave and 25% of the unused regular sick pay*).

## **DISCIPLINE**

### **General Policy**

Supervisors are responsible for maintaining compliance with city standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the city of Walnut Grove. City 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's personnel policies. The supervisor and/or the city administrator 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 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 employee has a contractual right or guarantee (also known as a property right) to the job they perform.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee. The following are descriptions of the types of disciplinary actions:

### **Oral Reprimand**

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors can issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

### **Written Reprimand**

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period.

Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the city administrator.

A written reprimand will: (1) state what happened; (2) state what should have happened; (3) identify the policy, directive or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. An employee's

signature does not mean the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file.

### **Suspension With or Without Pay**

The City Council may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on several factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file, and the employee will receive any compensation and benefits due had the suspension not taken place.

### **Demotion**

An employee may be demoted if attempts at resolving an issue have failed and the City Council determines a demotion to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted. The City Council must approve this action.

### **Salary**

An employee's salary increase may be withheld, or the salary may be decreased due to performance deficiencies.

### **Dismissal**

The City Council may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with city standards.

If the disciplinary action involves the removal of a qualified veteran, who has completed their initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded by the veteran in accordance with Minnesota law.

## **GRIEVANCE PROCEDURE**

Any dispute between an employee and the city 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 date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the proper supervisor within twenty-one days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven 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 date at which the incident allegedly occurred, 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 or city council within seven days after the supervisor's

response is due. The city council or their designee will respond to the employee in writing within seven calendar days.

The decision of the city council 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.

#### Section 19.01 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 based on the city’s last answer. If the city 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 and the employee without prejudice to either party.

The following actions are not grievable:

- 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.
- Pay increases or lack thereof; and
- Merit pay awards.

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

# **EMPLOYEE EDUCATION & TRAINING**

The City promotes 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 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 of the training session or conference is directly job-related and relevant to the performance of the employees' 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 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 supervisor and the City Council are responsible for determining job-relatedness and approving or disapproving training and conference attendance.

### **Job-Related Meetings**

Attendance at professional meetings costing \$50 or less and directly related to the performance of the employee's work responsibilities does not require the approval of the City Council. Advance supervisor's approval is required to ensure adequate department coverage.

### **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 supervisor 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 employees' work responsibilities with the city.

Requests totaling more than \$50 must be approved by the employees' supervisor and the City Council. 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 accounting for prompt payment.

### **Out of State Travel**

Attendance at training or conferences out of state is approved only if the training or conference is not available locally. **All requests for out-of-state travel are reviewed for approval/disapproval by the City Council.**

### **Not to Exceed Figure**

Payment of training and/or conference expenses must not exceed \$300 per employee per fiscal year, excluding travel and subsistence costs. Exceptions must receive approval from the City Council.

### **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 membership to various professional organizations must be directly related to the betterment of the services of the city. Normally, one City membership per agency, as determined by the City Council is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the City and are transferred to another employee by the supervisor.

### **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 of \$40 per day will be allowed.

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.

### **Tuition Reimbursement**

To be considered for tuition reimbursement the employee must be in good standing and have been employed by the city for at least one year. **All requests for tuition reimbursement will be considered on a case-by-case basis by the City Council.**

Courses taken for credit at an approved educational institution must meet the following criteria to be approved for reimbursement:

- Courses must be directly related to the employee's present position (whether required for a degree program or not)

The City will pay the cost of tuition upon successful completion (C grade or better; "pass" in a pass/fail course) of the approved course.

Tuition reimbursement for an individual employee will not exceed \$1000 per year.

## OUTSIDE EMPLOYMENT

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

For this policy, outside employment refers to any non-City 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 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's 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 equipment, resources or staff in the course of outside employment.
- The employee must not violate any City personnel policies because 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. 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.
- No employee will work for another employer, or for his/her own business, while using paid sick leave from the city for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Clerk.

City 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.

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

In accordance with federal law, the City of Walnut Grove 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's intent and obligation to provide a drug-free, safe and secure work environment.
- B. The unlawful manufacture, distribution, possession, or use of drugs on city property or while conducting city 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 recognizes 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 business. A report of the conviction must be made within five days after the conviction as required by the Drug-Free Workplace Act of 1988.

Additionally, city employees must pay careful attention to comply with the city's policy prohibiting use and possession of alcohol or drugs- including cannabis- while performing work for the city:

### **A. Use and Possession of Alcohol or Drug(s):**

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia, while on duty; while on city premises; while operating any city vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the city or while "on call" and subject to return to work.

Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites.

Employees are subject to being disciplined, suspended, or terminated if the employee used or possessed alcohol, drugs, or cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

### **B. Driving While Impaired:**

A conviction of driving while impaired in a city-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

**C. Criminal Drug Convictions:**

Any employee convicted of any criminal drug statute must notify their supervisor [and the city's Human Resources Division/City Administrator] in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a drug-related conviction, the city will take appropriate personnel action against the employee up to and including discharge or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment.

In accordance with the Federal Drug-Free Workplace Act of 1988, if the city receives federal grants or contracts of over \$25,000, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

**D. Failure to Disclose Lawful Drugs:**

Employees taking a lawful drug, including prescription and over-the-counter drugs or cannabis, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from their physician or pharmacist regarding medication and any job performance impairment and relay that information to their supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

**CITY DRIVING POLICY**

This policy applies to all employees who regularly operate a city vehicle, whether driving a city-owned vehicle or their own personal vehicle for city business. 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 expects all employees who are required to drive as part of their job to drive safely and legally while on city business and to maintain a good driving record.

The city will examine driving records once per year 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 supervisor on the first workday after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter. The city 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 issued cellular telephones. Its application is to ensure cellular phone usage is consistent with the best interests of the city 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 city employees exercise the highest standards of propriety in their use.

**General Policy**

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

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

- 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.
- All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving.  
Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided with city-issued phones to facilitate the provisions of this policy.
- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
  - In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a state law exception for authorized emergency vehicles while in the performance of official duties.
- Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See above “City Driving Policy” for more information on reporting driver’s license restrictions”.

Therefore, the best practice is to limit usage of personal cell phones for city 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 their supervisor. Supervisors 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 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 supervisor.

Personal calls will be made or received only when necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible.

In cases where the city does not regard accounting for personal calls as unreasonable or administratively impractical due to the minimal cost involved, personal calls made by employees on a city-provided cellular phone must be paid for by the employee through reimbursement to the city based on actual cost listed on the city’s phone bill.

## Procedures

It is the objective of the City of Walnut Grove 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 council or designee will have primary responsibility for implementation and coordination of this policy. All supervisors will be responsible for enforcement within their departments.

## SAFETY

The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the city.

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 supervisor.

### Reporting Accidents and Illnesses

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require all job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to their supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms 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.

### Unsafe Behavior

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

### Access to Gender-Segregated Activities and Areas

With respect to all restrooms, locker rooms or changing facilities, employees will have access to facilities corresponding to their affirmed gender identity, regardless of their sex at birth. The city maintains separate restroom and/or changing facilities for male and female employees and allows employees to access them based on their gender identity.

In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the city will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

Under no circumstances may employees be required to use sex-segregated facilities inconsistent with their gender identity.

# Ambulance Service & Fire Department

## **Alcohol and Drug Use Policy:**

1. A Firefighter, EMT or First Responder who has consumed more than two drinks of alcoholic beverages in the previous four hours shall not respond to an emergency call.
2. A Firefighter, EMT or First Responder who has used any illegal drug during the preceding 24 hours shall not respond to an emergency call.
3. Upon arriving at the fire hall or Ambulance Garage in response to an emergency call, a Firefighter, EMT or First Responder shall immediately inform the EMT or Officer in charge of any of the following conditions:
  - If the Firefighter, EMT or First Responder has consumed alcohol during the preceding four-hour period, and the amount consumed in that period.
  - If the Firefighter, EMT or First Responder is using any prescription or non-prescription medication that is labeled with a warning regarding drowsiness, driving, or operation of machinery.
4. A Firefighter, EMT or First Responder who has consumed any alcohol in the preceding four-hour period, or who is using a prescription or non-prescription medication that is labeled with a warning regarding drowsiness, driving, or operation of machinery shall not perform any of the functions listed below, but will instead be assigned to other duties.
  - Drive any vehicle.
  - Use SCBA.
  - Enter a structure fire.
  - Provide emergency medical assistance or first aid.
5. The Fire Officer in charge shall restrict the activities of any firefighter as s/he deems appropriate if the Fire Officer in charge reasonably believes or suspects that the firefighter may be unable for any reason to safely and properly perform the duties of a firefighter. This applies even if the firefighter is in compliance with the requirements of Paragraphs 1 through 4 of this policy.
6. Any Firefighter, EMT or First Responder who during an emergency response observes any indication that another Firefighter, EMT or First Responder is under the influence of alcohol or drugs shall immediately report those observations to the Officer in charge. Such indications include the odor of alcohol on the breath, slurred speech, unsteady gait, or disorientation.
7. In any case of a scheduled social event that may involve consumption of alcohol by a substantial percentage of the Fire Department members, the Fire Chief shall arrange in advance for emergency response by a neighboring department pursuant to the appropriate mutual aid agreement.

## **CITY DRIVING POLICY**

This policy applies to all employees who drive a vehicle on city business at least once per month, whether driving a city-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 expects all employees who are required to drive as part of their job to drive safely and legally while on City business and to maintain a good driving record.

The City will examine driving records once per year 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 supervisor on the first workday after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter.

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

## **CELLULAR PHONE USE**

This policy is intended to define acceptable and unacceptable uses of cellular telephones. Its application is to ensure that cellular phone usage is consistent with the best interests of the City 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 employees exercise the highest standards of propriety in their use.

Cell phone use while driving a city vehicle is not allowed regardless of whether it is a city cell phone or a personal cell phone. This includes text messaging. If an employee needs to use a cell phone while driving, they will be expected to pull over in a safe place to make the phone call or send a message. Any violations of this may result in disciplinary action.

### **General Policy**

Cellular telephones are intended for the use of City employees in the conduct of their work for the city. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor 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.

A supervisor may authorize an employee to use his/her own personal phone for city business and be reimbursed by the city for those calls. An employee will not be reimbursed for business-related calls without prior authorization from his/her supervisor. Supervisors 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 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 supervisor.

All personal calls made by employees on a city-provided cellular phone must be paid for by the employee

through reimbursement to the City based on actual cost listed on the City's phone bill. Personal calls will be made or received only when necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible.

### **Procedures**

It is the objective of the City of Walnut Grove 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 Council will have primary responsibility for implementation and coordination of this policy. All supervisors will be responsible for enforcement within their departments.

### **SAFETY**

The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the city. 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 supervisor.

### **Reporting Accidents and Illnesses**

Both Minnesota Worker's 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 supervisor. The employee's immediate supervisor 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.

Any accident on city property involving injury or damage to any property must be reported to our insurance agent within 24 hours whether a claim is going to need to be filed or not.

### **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.

### **Unsafe Behavior**

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