

Purpose:

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Hewitt. They should not be construed as contract terms. The policies are not intended to cover every situation that may arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies.

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; or
5. Volunteers, except those volunteers serving as volunteer fire fighters.

If any specific provisions of the Personnel Policies conflict with any current union agreement or civil services rule, the union agreement or civil services rule will prevail. Any policy or portion thereof that does not conflict with the labor agreement will remain in full force and effect and will continue to govern the actions of all covered employees. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

Departments may have special work rules deemed necessary by the supervisor and approved by the City Council and/or 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 such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

DEFINITIONS:

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

Authorized hours: The number of hours an employee was hired to work. Authorized hours may vary from actual hours worked, based on workload demands and other factors.

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

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

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

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

Fiscal Year: The period from January 1 to December 31

Full-time employee: Employees who are required to work forty (40) hours per week, year round in an ongoing position

Managing 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 eligible for overtime at 1.5 times their regular wage for all hours worked over forty (40) in any given workweek

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

Pay period: A fourteen (14) day period beginning at 12:00 a.m. on Sunday through 11:59 p.m. on Saturday, fourteen (14) days later

PERA: Public Employees Retirement Association: Statewide pension program in which all city employees meeting program requirements must participate in accordance with Minnesota Law.

Probationary Period: The initial ninety (90) days of an employee's employment with the City. An employee review will be conducted after the probationary period.

Promotion: Movement of an employee from one job class to another within the City, where that 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 do not earn benefits or credit for seniority.

Service credit: Time worked for the City

Temporary Employee: Employees who work on a temporary basis. Temporary employees do not earn benefits or credit for seniority

Training Period: A ninety (90) period at the start, immediately following the ninety (90) day Probationary period, of employment with the City that is designated as a period within which to learn the job.

Transfer: Movement of an employee from one City Position to another with equivalent pay

Workweek: A workweek is seven (7) consecutive 24-hour periods, running Sunday through Saturday.

Equal Employment Opportunity Statement:

The City of Hewitt is committed to providing equal opportunity in all areas of employment, including but not limited to hiring, demotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Hewitt will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, or membership on local human rights commission.

Data Practices Advisory:

Employee records are maintained in a location designated by the City Clerk. Personnel data is kept in personnel files, finance files and benefit/medical files. Information is used to administer 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.

News Releases:

Formal news releases concerning municipal affairs are the responsibility of the City Clerk. All media interviews must be approved by the City Clerk and/or City Council before the interview. All contacts with the media should be reported to the City Clerk as soon as practicable. This provision shall specifically exclude the Fire Chief when the Fire Chief is speaking on behalf of the Fire Department only in regards to Fire Department matters.

No City Employee is authorized to speak on behalf of the City without prior authorization from the City Clerk and/or the City Council.

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 Hewitt. Employees should exhibit conduct that is ethical, professional, responsive and of standards becoming a City Employee. To achieve this goal, employees must adhere to established policies, rules and procedures and follow the instructions of their supervisors.

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

- Perform assigned duties to the best of their abilities at all times;
- Render prompt and courteous service to the public at all times;
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as those of their departments;
- Conduct themselves with decorum toward both residents and staff and respond to inquires and information requests with patience and every possible courtesy;
- Report any and all unsafe conditions immediately to the appropriate authority; and
- Maintain good attendance.

Attendance and Absence:

The operations and standards of service in the City of Hewitt require that employees be at work unless valid reasons warrant otherwise. In order 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 supervisors or other City Official as soon as possible in advance of the absence. In case of unexpected absence, employees should call their supervisor or City Official before the scheduled starting time. If the supervisor or City Official is not available, the employee should leave a message stating the absence and reason for the absence, along with a contact telephone number.

Employees must call the supervisor or City Official on each day of absence, unless other acceptable arrangements have been made. Employees who are absent for three (3) consecutive days or more who do not report the absence in accordance with policy, will be considered to have voluntarily resigned not in good standing. This may be waived in extenuating circumstances.

Access to and Use of City Property:

An employee who has authorized possession of keys, tools, cell phones, pagers or other City-owned property or equipment must register his/her name, serial number (if applicable) or identifying information about the equipment with the City Clerk. All such equipment must be turned in and accounted for by an 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 City keys is prohibited unless authorized by the City Clerk and/or City Official.

Appearance:

Personal appearance should be neat, clean and appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry or other items that could present a safety hazard are not acceptable in the workplace. Departments may establish specific dress codes required for specific job duties.

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. If an employee has a question of whether a conflict exists, he/she should consult with the City Clerk or other City Official.

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 an including termination and potential criminal prosecution.

Personal Telephone Calls:

Personal telephone calls are only to be made or received when necessary. They are not to interfere with the employee's work and are to be completed as quickly as possible. No personal long distance calls shall be made from any business telephone.

Political Activity:

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

Smoking:

All City buildings shall be designated as smoke-free, meaning that no person will smoke tobacco or other substances while in a City facility.

EMPLOYEE RECRUITMENT AND SELECTION

Scope:

The Council or Designee of the 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 Process:

The Council or Designee of the Council will determine if a vacancy will be filled through an open recruitment or by promotion, transfer or some other method. The determination will be made on a case-by-case basis.

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 Council or Designee of the Council. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline in order to be considered for the position. The deadline for application may be extended by the City Council.

Position vacancies may be filled on an "acting" basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if 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 recruitments 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 has been, for the past year, in good standing with the City.

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

Pre-Employment Medical Exams:

The City Council or Designee may determine that a pre-employment medical examination, which may include a psychological evaluation, if 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 examination.

When a pre-employment medical examination 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 examination will be treated as confidential medical records.

When required, a medical examination will be conducted by a licensed physician designated by the City Council with the cost of the exam being paid by the City. The Physician will notify the City Clerk or designated City Official that a candidate 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 accommodations to perform one or more essential job functions, the City Clerk or designated City Official 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 examination, he/she will be notified of this determination.

Selection Process:

The selection process will be a cooperative effort between the City Clerk and the City Council and any 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 will follow the same procedures

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 defined by law, the City Clerk and/or City Council will determine the level of background check to be conducted based on the position being filled.

Training Period:

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

ORGANIZATION:

Job Descriptions:

The City will maintain job descriptions for each regular position. New positions will be developed as needed and 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 non-exempt)
- primary objective of the position
- examples of performance criteria
- minimum requirements (Educational, physical)
- essential functions of the position
- certification requirements
- desirable training and experience

➤ responsibilities of the position

Prior to posting a vacant position, the existing job description is reviewed by the City Clerk or Designee and the job class supervisor to ensure that the job description is an accurate reflection of the position and the stated qualifications do not present artificial barriers to employment.

A current job description is provided to 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 is the responsibility of the supervisor, subject to the approval of the City Council.

Job Descriptions and Classifications:

The maintenance of assignment of job titles, establishment of minimum qualifications, job descriptions and related records is the responsibility of the City Clerk.

Layoff:

The City Clerk will maintain a seniority list. In the event that it becomes necessary to reduce personnel, temporary employees and those serving probationary period in affected job classes will be terminated from employment with the City before others 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 layoff.

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 (5) eight-hour days, in addition to a lunch period, Monday through Friday, except as otherwise provided by and approved by City Council.

Breaks and Rest Periods:

A paid 15 minute break is allowed within each four (4) consecutive hours of work. An unpaid thirty (30) minute meal period is provided when an employee works for eight (8) or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to use them to adjust work day start and end times.

Adverse Weather Conditions:

City facilities will generally be open during adverse weather conditions. However, due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work or leave work early. Likewise, duties of department employees may need to be adjusted during adverse weather conditions.

On Call Policy:

One employee of the City of Hewitt shall be required to be on-call during all non-business hours. The on-call employee shall be required to carry a City-provided cellular telephone to serve as an after-hours and emergency contact telephone number.

The on-call employee shall respond to calls in one of the following manners:

- If the caller does not leave a voice mail message, and the on-call employee does not answer the call, no action is necessary.
- If the caller leaves a voice mail message, the on-call employee shall direct the call through one of the following channels:
 - If the call is not a true emergency, the call shall be handled on the next business day
 - If the call can be handled verbally, the situation shall be handled over the phone

- If the call is an emergency, and the contact employee is capable of handling the situation, it shall be taken care of in that manner
- If the on-call employee is unable to remedy the emergency, one or more of the following appropriate designated persons or organizations shall be contacted:
 - City Maintenance Supervisor
 - City Maintenance Operator
 - Mayor of the City
 - Council Member of the City
 - MnWARN Mutual Aid Assistance Line
- All calls that are an emergency shall be responded to in no less than thirty minutes from the time of the initial call
- If the caller disagrees with the emergency nature of the call, as determined by the City Clerk, the Clerk has discretion to refer callers to another appropriate authority.

Compensation of the on-call employee:

The on-call employee shall be the City Clerk. The City Clerk position shall be a salaried position. There shall be no additional compensation, above and beyond the Clerk's regular salaried compensation, so long as all actual hours worked are paid in accordance with the Fair Labor Standards Act.

The on-call employee shall not be required to remain within any given distance of the City or be so restricted as to interfere with or cause the employee to lose use of his or her personal, after hours time, unless he or she is responding to a call, as required.

Should the on-call employee be unable to respond to calls after hours, the cellular telephone shall be turned over to the Mayor of the City or other designated elected official, to the extent that the on-call employee is aware beforehand that he or she will be unable to respond to calls. If the employee unexpectedly becomes unable to respond to calls, due to medical, personal or other reasons beyond the control of the on-call employee, calls shall be forwarded to the Mayor or other designated person as soon as practical.

In addition to the on-call employee, one employee from the maintenance division of the City shall be the designated, after hours contact person in the case there is an actual emergency that needs to be handled by the maintenance department. The designated maintenance employee shall be only required to carry a City-provided cellular telephone. There shall not be any restrictions or limits to interfere with the employee's off duty time, except to the extent that the employee's job description requires that the employee respond to emergency calls.

The designated maintenance employee shall be the employee performing the regular weekend routine checks. These duties shall be rotated weekly among all maintenance division employees so as to provide for equal requirements to perform work duties on the weekends.

Decisions to modify or cancel departmental programs will be made by the respective supervisor or employee and with the approval of the designated City Official.

COMPENSATION

Employees will be compensated according to schedules adopted by the City Council.

Paychecks are issued every two weeks. Distribution of paychecks to City Employees is to be accomplished in a timely manner using accurate, consistent procedures. If a payday falls on a holiday, paychecks will be issued the day before the holiday.

Paychecks will not be given to anyone other than the person for whom they were prepared unless the person has a note signed by the employee authorizing the City to give the other person the paycheck. Checks will be given to

the spouse, or other immediate family member in the case of a deceased employee. Checks may be given to a department supervisor to distribute to the department employees.

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.

Time Reporting:

Each employee is responsible for accurate reporting of his or her hours worked. Hours worked are to be reported on a time sheet and turned in to the City Clerk at the end of each pay period for payroll processing. Time sheets are to be signed by the employee and the employee's immediate supervisor (if applicable).

Overtime/Compensatory Time:

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

Non-exempt (overtime-eligible) Employees:

All non-exempt employees will be compensated at a rate of one and one-half (1 ½) time for all hours worked over forty (40) hours in one workweek. Vacation, sick-leave and holidays do not count towards hours worked.

Compensation time will take the form of either time-and-one-half (1 ½) pay or compensatory time. Compensatory time is paid time off at a rate of one and one-half hours off for each hour of overtime worked. Compensatory time can be accumulated for a maximum of forty-five (45) hours total time paid off (maximum of 30 hours worked can be banked to be paid as compensatory time) in each calendar year. Once this maximum has been reached, all further overtime will be paid at one-and-one-half (1 ½) times the regular hourly rate.

Overtime must be approved by the department supervisor or the City Council.

Overtime earned will be paid at a rate of one and one-half times (1 ½) regular hourly rate on the next regularly scheduled payroll date, unless the employee indicates on his or her time sheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

Exempt (non-overtime-eligible) Employees:

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

Exempt employees are paid on a salary basis. This means that they receive a pre-determined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on actual hours worked. Exempt employees receive their full weekly salary for any week in which work was performed.

The City of Hewitt will only make deductions from the weekly salary of an exempt employee in the following situation:

- 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;
- The employee is in a position that earns sick leave, receives short term disability benefit or worker's compensation wage loss benefits and is absent for a full day due to sickness or disability, but he/she is either not yet qualified to use the paid leave or he/she has exhausted all of his/her paid leave.
- The employee is absent for a full workweek and the absence is not charged to paid leave.
- The very first workweek or the very last workweek with the City in which the employee does not work a full week. In such case, the salary will be pro-rated based on actual hours worked.
- The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons.

illness or injury, but:

- Paid leave has not been requested or has been denied;
 - Paid leave is exhausted; or
 - The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary action
 - The employee takes unpaid leave under FMLA
 - The City of Hewitt may, for budgetary reasons, implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary from the exempt employee. In this case, the exempt employee will be treated as a non-exempt employee for any workweek in which the budget related deductions are made.

The City of Hewitt 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 the exempt employee, the City will reimburse the employee and make the appropriate changes to comply in the future.

All employees are required to work overtime as requested by the City Council as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Reasonable efforts will be made to accommodate personal needs of employees.

Leave Policy for Exempt Employees:

Employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and on-call hours.

Employees that earn paid leave are required to use paid leave when on personal business or away from the office (or usual place of work) for four (4) or more hours on a given day. Absence of less than four (4) hours in a given day does not require the use of paid leave.

PERFORMANCE REVIEWS

An objective performance review system will be established 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 and salary or hourly rate adjustments.

Performance reviews will be discussed with the employee. Performance reviews will be held annually.

Employees do not have the right to change or grieve performance reviews, but may submit a written response that shall be attached to the performance review.

Signing of the performance review document by the employee acknowledges that the review has been discussed and does not necessarily constitute agreement.

The form, with all required signatures, will be retained as a part of the employee's personnel file.

BENEFITS

The City will contribute a monthly amount towards a health, dental, and/or life insurance benefit for each eligible employee. The eligibility, amount and type of coverage will be determined annually by the City Council.

The City participates in the PERA program to provide pension benefits for its eligible employees. Contributions are determined by State Law.

For information about benefits, contact the City Clerk.

HOLIDAYS

The City observes the following official holidays for all regular employees:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

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

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

Regular City employees will receive pay for official holidays if the holiday falls on a regularly scheduled work day for the employee. Holidays will be paid at the employee's normal rate and will be paid straight hours for the number of hours the employee is regularly scheduled to work for that day.

Employees on an unpaid leave-of-absence with the City will not be paid holiday pay during the time of the unpaid leave.

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.

LEAVES

Depending upon an employee's situation, more than one form of leave may apply during the same period of time. An employee will need to meet the requirements for each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

Except as otherwise states, all paid time off, taken under any of the City's leave programs, must be taken 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 time off that are not described within this personnel policy.

Sick Leave:

Sick leave is authorized absence from work, with pay, granted to qualified employees. Sick leave is only to be used when an employee is unable to work for medical reasons. Sick leave will be accrued at a rate set by Council. Sick leave does not accrue during an employee's unpaid leave of absence. Sick leave is a privilege and not a right and may be accrued and used only as outlined below:

- Full time employees working a regularly scheduled forty (40) hour work week will accumulate sick leave at a rate of 6.6 hours per calendar month;

- Part time employees regularly scheduled to work at least twenty (20) hours per week will accrue sick leave on a pro-rated basis of the full time employee schedule;
- Part time employees regularly scheduled to work fewer than twenty (20) hours per workweek will not earn or accrue sick leave;
- Temporary and seasonal employees will not earn or accrue sick leave;
- Sick leave may only be used when an employee is regularly scheduled to work. It may not be used for scheduled days off, and may only be used as follows
 - When an employee is unable to perform work duties due to illness or injury (including pregnancy);
 - For medical, dental or other care provider appointments;
 - When an employee has been exposed to a contagious disease of such nature that his/her presence at the work place could endanger the health of others;
 - To care for the employee's injured or ill children, including step children or foster children for such periods that may be necessary to care for the child;
 - To take children or other family members to a medical, dental or other care provider appointment;
 - To care for an ill spouse, father, mother, sister or brother.

After accrued sick leave has been exhausted, vacation leave may be used upon the approval of the City Council, to the extent the employee is entitled to such leave.

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 accommodations.

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. Sick leave may be denied to any employee required to provide a doctor's statement until such 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 for and pay for an appropriate medical evaluation when it is required by the City.

An employee who makes a false claim for sick leave will be subject to disciplinary action, 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 medical leave, except when parenting Leave under Minnesota Law and the medical leave overlap.

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

Sick leave can not be transferred from one employee to another without prior Council approval.

Earned sick leave has no cash value upon termination or retirement.

There is no maximum accumulation for sick leave. If an employee has accumulated at least eighty (80) hours of sick time, the employee may, at his or her discretion, transfer twenty (20) of those accumulated hours into vacation time.

Vacation Leave:

Vacation leave will be accrued as follows:

- Full time employees working a regularly scheduled forty (40) hour work week will accumulate vacation

leave at a rate of 5.5 hours per calendar month;

- Part time employees regularly scheduled to work at least twenty (20) hours per week will accrue vacation leave on a pro-rated basis of the full time employee schedule;
- Part time employees regularly scheduled to work fewer than twenty (20) hours per workweek will not earn or accrue vacation leave;
- Temporary and seasonal employees will not earn or accrue vacation leave;

Vacation leave may be used as it is earned after six months of service with the City. Vacation time will not be accrued unless an employee is employed by the City and in good standing on the last scheduled work day of the pay period.

Requests for vacation must be presented to Council at the Regular City Council Meeting just prior to the vacation leave request. This may be waived in a situation where advance notice of such is not possible. Vacation leave can be taken for a minimum of one hour up to a maximum of 40 consecutive hours. Vacation is to be taken only by the employee who accumulated it. Vacation can only be transferred to another employee upon approval of the City Council.

Vacation leave may be accumulated up to a maximum of one and one-half times the employee's annual accrual rate. No vacation will be allowed to accrue in excess of this amount without prior approval of the City Council. Vacation leave cannot be converted into cash payments, except upon termination of the employee.

Funeral Leave:

Employees will be permitted to take up to three (3) consecutive working days off of work, without pay, as funeral leave upon the death of an immediate family member. An employee may use vacation time without prior Council approval in lieu of taking an unpaid funeral leave.

Medical Absence and Certification:

Good attendance is essential for the function of the City. 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 his or her essential job functions, duties and responsibilities. A statement attesting to the employee's ability to return to work and perform essential job functions, duties and responsibilities and the description of any work restrictions may also be required before the employee returns to work.

If an employee knows in advance that he or she will be out for more than three (3) consecutive days before a medical absence, he or she will be eligible to use accrued sick leave beginning the first day of the absence. After a medical leave, 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 his or her job functions, duties and responsibilities. Any work restrictions must be clearly stated on the physician's statement.

Unpaid Leave:

Unpaid leaves may be approved by the City Council. Generally, an employee must use all of his or her accrued vacation time before taking an unpaid leave. If the leave qualifies under the parenting Leave or Family and Medical Leave, the employee may retain a balance of forty (40) hours when taking an unpaid leave. Exceptions must be approved by the City Council.

Military Leave:

State and Federal laws provide protections 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 fifteen (15) days in any calendar year.

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 (15) days of paid leave. Employees on extended unpaid military leave will receive fifteen (15) days paid leave in each calendar year, not to exceed five years.

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

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation and sick leave accrual.

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

Jury Duty:

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

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

Employees are required to notify their 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.

Court Appearances:

Employees will be paid their regular wage to testify in court for City-related business. Any compensation received for court appearances arising out of or in connection with City employment, minus mileage reimbursement, must be turned over to the City.

Job Related Illness or Injury:

All employees are required to report any job-related illness or injury to their supervisor immediately, no matter how minor. If a supervisor is not available and the nature of the injury or illness requires immediate medical treatment, the employee is to go to the nearest medical facility for treatment and notify the supervisor of the action taken as soon as possible.

If the injury or illness is not of any emergency nature, but requires medical treatment, the employee will report it to the supervisor and make arrangements for a medical appointment.

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

Parenting Leave:

Employees who work twenty (20) hours or more and have been employed more than one year are entitled to take an unpaid leave of absence in connection with the birth or adoption of a child. The leave may not exceed six weeks and must begin within six weeks after the birth or adoption of the child.

Employees are not required to use sick leave or vacation leave during the time of a parenting leave, but may use sick leave or vacation leave at their option for any period of this leave.

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.

If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently until eligibility for either leave runs out.

Administrative Leave:

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances of the leave, and with the decision being determined by the City Council.

School Conference Leave:

An employee who has worked half-time or more for more than twelve (12) consecutive 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, provided the conference or classroom activities can not be scheduled during non-working hours.

Bone Marrow Donation Leave:

Employees working an average of twenty (20) or more hours per week, may take paid leave, not to exceed forty (40) hours unless agreed to by the City Council, to undergo medical procedures to donate bone marrow. The City may request verification from a physician 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 proceedings for the purpose of giving testimony is entitled to reasonable time off from work to attend proceedings, without negative consequences.

Elections/Voting:

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

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of the United States Senator or Representative, or in a Presidential primary, will be allowed time off, with pay to vote during the morning of the election day.

Family and Medical Leave:

Family and Medical Leave will be granted in accordance to the Family and Medical Leave Act (FMLA) for up to twelve (12) weeks per twelve (12) month period for the following reasons:

- Birth 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 medical condition; or
- A serious health condition that makes the employee unable to perform essential functions of the position.

To be eligible for FMLA Leave, the employee must have worked for the City for a cumulative period of twelve (12) months and at least 1,250 hours during the twelve (12) month period prior to requesting the leave.

Vacation Leave and Sick Leave are not accrued during an FMLA Leave.

Extension and exceptions to requirements of an FMLA leave must be granted by the City Council.

SEXUAL HARASSMENT PREVENTION

The City of Hewitt is committed to creating and maintaining a work place free of harassment and discrimination. Such harassment is a violation of the Civil Rights Act of 1964 and the Minnesota Human Rights Act.

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

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

The definition of sexual harassment, based on Minnesota Statute 36.01, Subdivision 41 shall be:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature, when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as a 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.

Inappropriate conduct includes but is not limited to:

- unwanted physical contact
- unwelcome sexual jokes or comments
- sexually explicit posters or pinups
- repeated and unwelcome requests for dates or sexual favors
- sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behaviors

The City of Hewitt recognizes the need to educate its employees on the subject of sexual harassment and stands committed to providing training and information. All employees are expected to treat each other and the general public with respect and to assist in fostering an environment that is free from unwanted harassment. Violations of this policy may result in discipline, up to and including termination. Each situation will be evaluated on a case-by-case basis.

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

- Immediate Supervisor
- City Clerk
- Mayor of City Council Member

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

- make it clear to the harasser that the conduct is unwelcome and document that conversation
- document the occurrences of harassment
- submit the documented complaints to the Supervisor, City Clerk, Mayor of City Council Member.
- document any further harassment or reprisals that occur after the initial complaint is put in writing.

The City urges that conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if necessary.

Management has the obligation to provide an environment free of harassment. The City is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this, cooperation of all employees and City Officials is necessary.

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

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

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

RESPECTFUL WORKPLACE POLICY

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

Maintaining a respectful workplace is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, firefighters and City Council members.

While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact. If the offender continues with the abusive behavior, the employee shall immediately contact law enforcement.

If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. Employees should leave the area immediately when violence is imminent unless their duties require them to remain.

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

- **Violent behavior:** includes use of physical force, harassment or intimidation
- **Discriminatory behavior:** includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation or status with regard to public assistance.
- **Offensive behavior:** may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language or any other behavior regarded as offensive to a reasonable person.
- **Sexual harassment:** can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - Submitting to or rejecting the conduct is uses as a 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
- Verbal abuse, written abuse, kidding or comments that are sexually-oriented and considered unacceptable

by another individual

- Requests or demands for sexual favors

Possession and Use of Dangerous Weapons:

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles or in a personal vehicle being used to conduct City business, except:

- Employees legally in possession of a firearm for which the employee carries a valid permit;
- A person who is showing or transferring the weapon or firearm to a police officer as a part of an investigation;
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

Employee Response to Disrespectful Workplace Behavior:

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

- Politely but firmly tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended or uncomfortable. If practical, bring a witness with you for this discussion.
- If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or City Official or law enforcement. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten (10) days after the day of the initial report.
- In the case of violent behavior, all employees are required to report the incident immediately to their supervisor or City Official or police department.
- If, after thirty (30) days, you believe inadequate action is being taken to resolve you complaint/concern, you should report this to the City Clerk or the Mayor for further action.

Response to Allegations of a Disrespectful Workplace:

A supervisor or City Official receiving a report of a disrespectful workplace has the obligation to act upon the allegations in a timely manner, as called for by the allegations.

When the supervisor of City Official is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Clerk or the City Attorney, who will assume the responsibility for investigation and discipline.

SEPARATION FROM EMPLOYMENT

Resignations:

Employees wishing to leave the City service in good standing must provide a written resignation notice to the City Council at least ten (10) working days prior to leaving. Exempt employees must give thirty (30) calendar days notice. A written resignation must state the effective date of the employees' resignation.

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 Hewitt. 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 policy.

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 grievance procedures established in the City's personnel policies. The appropriate City Official will investigate the allegations.

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 with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate.

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 have the authority to 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 that the performance or behavior needs to change, and what changes need to be made.
- 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 improved in a reasonable period of time. Serious infractions may require skipping the oral or written reprimand, or both. Written reprimands are given by the department supervisor with prior approval of the City Council. A written reprimand will:
 - State what did happen
 - state what should have happened
 - Identify the policy, directive or performance expectation that was not followed
 - provide history, if any, on the issue
 - state goals, including time tables, and expectations for the future
 - indicate consequences of recurrence

Employees will be given a copy of the reprimand to sign and acknowledge its receipt. Employee's signature does not mean he or she 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 by immediate dismissal as deemed appropriate by the City Council, except in the case of a veteran. Qualified veterans will not be suspended without pay in conjunction with a termination. The employee will be notified in writing of the reason for suspension either prior to the suspension or shortly thereafter. A copy of the letter 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. If the allegations prove to be false, all related documentation will be removed from the employee's personnel file and any compensation and benefits due, had the employee not been suspended, will be given to the employee.
- Demotion/Transfer: An employee may be demoted or transferred if attempts at resolving an issue have failed and the City Council determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve the 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 in not keeping with City standards. If the disciplinary action involves the removal of

a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota Law.

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:

- The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested. This statement must be given to the City Clerk or the Mayor within twenty-one (21) days after the alleged violation or dispute has occurred. The City Council will respond to the employee in writing within fourteen (14) days.

If a grievance is not presented within the time limits outlined above, it will be considered "waived." If a grievance is not appealed, it will be considered settled.

The following actions are not grievable:

- performance evaluations
- pay increase or lack thereof
- merit pay awards

This list is not meant to be all inclusive or exhaustive.

EMPLOYEE EDUCATION AND 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.

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 and under the following criteria and procedures:

- **Job Related Training and Conferences:** The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related. The City Council and the City Clerk will be responsible for determining job-relatedness and approving or disapproving training and conference attendance.
- **Job Related Meetings:** Attendance at professional meetings directly related to the performance of the employee's work responsibilities shall be approved by the City Council.
- **Request for Participation in Training and Conferences:** The request for participation in a training session or conference shall be presented, in writing, to the City Council for prior approval. The request shall state how the training is related to the employee's work performance with the City and the estimated costs of the training or conference.

Out of state travel requests will be approved by Council and only if the training is necessary and not available within the State of Minnesota.

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

Memberships and Dues: The purpose of memberships to various professional organizations must be directly related to the betterment of the City. Upon separation of employment, individual memberships remain with the City and are transferred to another employee by the supervisor.

Travel and Meal Allowance: If employees are required to travel outside the area in performance of their duties as a City employee, they will receive reimbursement of expenses form meals, lodging and necessary travel expenses incurred.

Employees who use their personal vehicle for City travel will be reimbursed at the standard IRS Rate.

Employees seeking reimbursement must provide proper documentation and receipts for reimbursement.

DRUG FREE WORKPLACE

In accordance with Federal Law, the City of Hewitt has adopted the following policy on drugs in the workplace:

- Employees are expected to and required to report to work on time and in an appropriate mental and physical condition. It is the City's intent and obligation to provide a drug-free, safe and secure workplace.
- The unlawful manufacture, distribution, possession or use of a controlled substance on City property or while conducting City business is absolutely prohibited.
- 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 of the work premises. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.
- Employees and finalists for employment shall be subject to random drug testing, as allowed by law.
- The City of Hewitt adopts and abides by the Drug-Free Workplace Act of 1988.

CITY DRIVING POLICY

The City of Hewitt expects all employees who are required to drive as part of their job to drive safely and legally while on City business and maintain a good driving record.

The City may 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 the City Clerk immediately and are required to keep the City Clerk informed of all action taken upon his or her driving privileges.

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

CELLULAR TELEPHONE USE

Cellular telephones are intended for the use of City employees in the conduct of their work for the City. An employee may be authorized to use his or her personal cellular telephone to conduct City business, in which the City will reimburse the employee's actual cost of conducting City business. If an employee uses a City owned cellular telephone for personal use, the employee shall reimburse the actual cost of the personal use of the cellular telephone to the City, as determined by the cellular telephone invoice.

SAFETY

The health and safety of each employee of the City and the prevention of occupational injuries and illness 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. Each employee is required to follow City safety Standard Operating Guidelines and State and Federal OSHA Requirements.

Both Minnesota Worker's Compensation Law 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 or her supervisor or other City Official. A First Report of Injury and any other necessary forms must be completed immediately.

When safety equipment is required by state or federal law, it is a condition of employment that such equipment be worn by the employee.

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 hazard to the employee or others.