



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Dan Wietecha, City Administrator
Date: November 6, 2023
Item: Personnel Policy Updates and Additions

Council Action Requested:

Review and approve new and updated personnel policies to be added to the Employee Handbook. Individual policy changes may be considered separately.

Background Information:

Following the 2023 legislative session, several statutes were updated or initiated that directly impact existing personnel policies.

Drug-Free Workplace and Drug, Alcohol, and Cannabis Testing Policy: Changes are reflective of the legalization of adult-use cannabis. Employees cannot use, possess, or be impaired by marijuana at work/on premises. Clarifies testing for marijuana will continue for applicants/employees in safety sensitive positions and those who possess a Commercial Drivers License.

Earned Safe and Sick Leave/Sick Leave Policy: Created separate policy for employees not covered by current sick leave policy. Expanded components of existing sick leave policy as required by statute.

Lactation Breaks: Statute strengthened the requirements of employers to provide time and space for lactation breaks.

Pregnancy Accommodations: Statute expands the statutory list of reasonable accommodations and now applies to all employers with 21 or more employees.

Time off for Voting: Statute expanded time off for voting to include the early voting period prior to election day.

Financial Impact:

To be determined.

Advisory Commission Discussion:

N/A

Council Committee Discussion:

The Administration Committee (Leifeld*, Haus, Pemble) met on September 13, 2023.

Attachments:

N/A

Drug-Free Workplace and Drug, Alcohol, and Cannabis Testing Policy

Drug-Free Workplace/Drug and Alcohol Testing Policy

The City of Hastings is a drug-free workplace and has adopted pre-employment and reasonable suspicion testing in compliance with State and Federal Statutes and to provide a safe workplace for all.

The City of Hastings recognizes that safety problems are created when employees use or abuse ~~illegal~~ drugs and/or alcohol. The City is concerned about providing a safe workplace for its employees with the goal of attaining and maintaining a drug and alcohol-free workplace. The City of Hastings expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs, cannabinoids, or other intoxicating substances. Alcohol, drug, and cannabis abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. Compliance with this ~~substance abuse~~ policy is a condition of employment.

The City of Hastings prohibits employees from the possession, use, impairment by, sale, dispensation, distribution, purchase, or unlawful manufacture of un-prescribed drugs and intoxicants on the City of Hastings' premises and from working under the influence of alcohol, ~~illegal drugs~~ controlled substances, cannabinoids, or intoxicants during working hours.

Any violator of this substance abuse policy will be subject to appropriate corrective action, up to and including termination of employment. When work is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the City of Hastings.

The City also recognizes the concerns of employees if they are part of drug testing in the workplace. ~~In order to~~ To guard against inaccurate test results, the testing policies and procedures will conform to the requirements of state law as set forth in Minnesota Statutes Chapter 181 and the Federal Drug-Free Workplace Act of 1988. Employees are required to adhere to the responsibilities and requirements outlined in this section. Failure to submit to testing is grounds for dismissal.

A. Definitions

Alcohol means the intoxicating agent in beverage alcohol or any low molecular weight alcohols, such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

Cannabinoid Products means products, including those that can be consumed or ingested, usually in the form of a food or beverage, containing a cannabinoid ingredient, particularly tetrahydrocannabinols (THC).

Cannabis means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

Cannabis testing means the analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd. 1, for the purpose of measuring their presence or absence of cannabis in the sample tested.

Confirmatory Test and Confirmatory Retest mean a drug or alcohol test that uses a method of analysis allowed under the program listed in Minnesota Statute [§ 181.953](#) [sSubd. 1](#).

Drug ~~means~~ includes any “controlled substance” as defined in Minnesota Statute [§152.01](#), [sSubd. 4](#), and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minnesota Statute [§152.01](#), [subd. 4](#). Cannabis and its metabolites are considered a “drug” for safety sensitive positions.

Drug and Alcohol Testing and “Drug or Alcohol Test” mean analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statute [§ 181.953](#), [Subd. 1](#) for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Drug Paraphernalia has the meaning set forth in Minnesota Statute [§ 152.01](#), [Subd. 18](#).

Employee means a person employed by the City. This definition includes all employees defined in the City Employee Handbook.

Employer means the City of Hastings.

Initial Screening Test means a drug or alcohol test which uses a method of analysis under one of the programs listed in Minnesota Statute [§ 181.953](#), [sSubd. 1](#) or alcohol in a sample.

Job Applicant means a person, who applies to become an employee of the City of Hastings, and includes a person who has received a job offer made contingent on the person passing drug and alcohol testing(s).

Positive Test Result means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in the levels contained in the standards of one of the programs listed in Minnesota Statute [§ 181.953](#), [Subd. 1](#).

Reasonable Suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-Sensitive Position means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person; an employee designated in a federal DOT regulation as subject to drug and/or alcohol testing specified under 49 CFR part 40; and all sworn and non-sworn personnel, excluding clerical employees, in the Hastings Police Department, and the Fire Department, are safety-sensitive positions.

Tetrahydrocannabinols (THC) are the psychoactive ingredient occurring in the Cannabis sativa plant, whether derived naturally or synthetically.

Under the Influence means having the presence of a drug or alcohol at or above the level of a positive test result.

B. Employees subject to Drug or Alcohol Testing

No person will be tested for drugs or alcohol under this policy without the person's consent. The City will request or require an individual to undergo drug or alcohol testing only under the circumstances described in this policy.

1. Job Applicants—job applicants may be requested or required to undergo drug and alcohol testing after a job offer has been conditionally made and before commencing employment in the position. The City will not request or require a job applicant to undergo cannabis testing related to “lawful consumable products” pursuant to Minn. Stat. 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except with respect to the categories of positions defined as safety sensitive positions, peace officer, firefighter, or positions requiring a commercial driver’s license, or other positions for which state or federal law requires testing of job applicants.
2. Reasonable Suspicion Testing—The City may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion that the employee:
 - a. Is under the influence of drugs or alcohol while the employee is working; while the employee is on the City’s premises; or operating City vehicles, machinery, or equipment; or
 - b. Used, possessed, ~~sold~~ sold, or transferred drugs, alcohol, or drug paraphernalia while the employee is working; while the employee is on City premises; operating City vehicles, machinery, or equipment; or
 - c. Has sustained a work-related personal injury as that term is defined in Minnesota Statute § 176.011, sSubd. 16, or has caused another person to die or sustain personal injury; or
 - d. Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident resulting in total property damage exceeding \$1,000; or
 - e. Has discharged a firearm other than:
 - i. on a target range, or
 - ii. while conducting authorized ballistic tests, or
 - iii. as authorized by the City of Hastings Police Department General Order concerning dangerous or suffering animals; or
 - f. Has, as determined only by the employee’s department head, or the City Administrator, engaged in an act or omission related to the performance of the job, whether committed on or off duty, that logically requires or justifies testing, revealed clear and compelling necessity by the nature of the incident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, drugs or cannabis or containers or paraphernalia, poor safety record, excess absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city’s policies concerning alcohol, drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Form.

3. Required Random Drug and Alcohol Testing for City Employees with Commercial Driver’s Licenses—City of Hastings employees who are required to possess a valid commercial driver’s license as a condition of their employment position are subject to applicable State

or Federal random drug testing requirements as established and adopted by the City of Hastings.

4. Other Testing—The City may permit an employee who has requested a drug and alcohol test to undergo testing in accordance with the procedures established by the policy or by State or Federal Law.
 5. Treatment Program Testing—The City may request or require an employee to undergo drug and alcohol testing if the employee has been referred by the City for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period of up to two (2) years following completion of any prescribed chemical dependency treatment program.
- C. Refusal to Undergo Testing
1. Job Applicants—If a job applicant refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given, and the job applicant shall be deemed to have withdrawn the application for employment.
 2. Employees—If any employee refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given, and the appointing authority shall recommend that the employee be discharged from employment on the grounds of insubordination.
 3. Refusal on Religious Grounds—No employee or job applicant who refuses to undergo drug or alcohol testing of a blood sample upon religious grounds shall be deemed to have refused unless the employee or job applicant also refuses to undergo drug or alcohol testing of a urine sample.
- D. Procedure for Testing
1. Notification Form—Before requesting an employee or job applicant to undergo drug or alcohol testing, the City shall provide the individual with a form on which to:
 - a. Acknowledge that the individual has seen a copy of the City of Hastings drug and alcohol testing policy, and
 - b. Indicate consent to undergo the drug and alcohol testing.
 2. Test Sample—the test sample shall be obtained in a private setting, and the procedures for taking the sample shall ensure privacy to employees and with job applicant to the extent practicable, consistent with preventing tampering with the sample, and may include a witness. No test sample shall be taken on the City’s premises and the test sample shall not be handled by City of Hastings employees.
 3. Identification of Samples—Each sample shall be sealed into a suitable container free of any contamination that could affect test results. The sample shall be identified for processing by the licensed testing laboratory.
 4. Chain of Custody—the City shall use a testing laboratory that has established reliable chain-of-custody procedures to ensure proper recordkeeping, handling, labeling, and identification of the samples to be tested. The procedures must require the following:
 - a. Possession of a sample must be traceable to the employee from whom the sample is collected through the time the sample is delivered to the laboratory;
 - b. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
 - c. A sample must be accompanied by a written chain-of-custody record; and
 - d. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain of custody record at the time of transfer.

5. Laboratory—~~the City~~The city shall use the services of a testing laboratory that meets one of the following criteria:
 - a. Drug Testing
 - i. Is certified by the National Institute on Drug Abuse as meeting the mandatory guidelines published at 54 Federal Register 11970 to 11989, April 11, 1988;
 - ii. Is accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program; or
 - iii. Is licensed to test for drugs by the State of New York, Department of Health, under Public Health Law, article 5, title V, and rules adopted under that law.
 - b. Alcohol Testing
 - i. Licensed to test for drugs and alcohol by the state of New York, Department of Health, under Public Health Law, article 5, title V, and the rules adopted under that law; or
 - ii. Accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, in the laboratory accreditation program.
6. Retention and Storage—All samples that produced a positive test result shall be retained and properly stored for at least six (6) months.
7. Test Report—The testing laboratory shall prepare a written report indicating the drugs, alcohol, or their metabolites tested for and whether the test produced negative or positive test results. The testing laboratory shall disclose that report to the City within three (3) working days after obtaining the final test results.
 - a. Notice of Test Results—Within three (3) working days after receipt of the test result from the testing laboratory, the City shall inform an employee or job applicant who has undergone drug or alcohol testing in writing of a negative test result on an initial screening test of a negative test result or of a positive test result on a confirmatory test. The City shall also inform an employee or job applicant to the following rights pursuant to Minnesota Statute [§ 181.953](#):
 - i. The right to request and receive from the City a copy of the test result report.
 - ii. The right to request within five (5) working days after notice of a positive test result a confirmatory test retest of the original sample at the employee's or applicant's own expense. If a confirmatory retest is conducted in accordance with Minnesota Statute [§ 181.953](#), [s](#)Subd. 1 by a licensed laboratory at the same threshold detection levels as used in the confirmatory test, and the confirmatory retest does not result in a positive test result, the City shall reimburse the actual cost of the confirmatory retest in an amount not to exceed \$100.00.
 - iii. The right to submit information to the City within three (3) working days after a notice of a positive test result to explain that result.
 - iv. The right of an employee, for whom a positive test result on a confirmatory test was the first such result on a drug or alcohol test requested by the City, not to be discharged unless the City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program. Participation in a counseling or rehabilitation program will be at the employee's own expense or pursuant to coverage under an employee's benefit plan. The City may determine which type of

program is more appropriate for the employee after consultation with a certified chemical use counselor or physician trained in the diagnosis of chemical dependency. The employee may be discharged if they have either refused to participate in the counseling or rehabilitation or has failed to successfully complete the program. Withdrawal from the program before its completion or a positive test result on a confirmatory test after completion of the program will be considered evidence that the employee failed to successfully complete the program.

- v. The right to be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative. Employees may be temporarily suspended pending the results of a confirmatory test.
- vi. The right not to be discharged, disciplined, discriminated against, or required to be rehabilitated on the basis of medical history information revealed to the City concerning the reliability of, or explanation of, a positive test result unless the employee or job applicant was under an affirmative duty to provide the information before, upon, or after hire.
- vii. The right to access the information on the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process including conclusions drawn from and actions taken based on the reports or other acquitted information.
- viii. The right of an employee or a job applicant, who has received a job offer made contingent on the applicant passing drug and alcohol testing, to not have the offer withdrawn based on a positive test result from an initial screening test that has not been verified by a confirmatory test.

E. Action After Test

1. Job Applicants—The appointing authority will not withdraw an offer of employment made contingent on the job applicant passing drug and alcohol testing based on a positive test result from an initial screening test that has not been verified by a confirmatory test. When there has been a positive test result in a confirmatory test and in any confirmatory retest, the appointing authority will withdraw the contingent offer of employment if the City ~~determined~~ determines in accordance with the Minnesota Human Rights Act that alcohol or drug usage or abuse:
 - a. Prevents the job applicant from performing the essential functions of the job in question; or
 - b. Constitutes a direct threat to property or the safety of others; or
 - c. Otherwise constitutes a bona fide occupational qualification.
2. Employees—The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee solely on the basis of a positive test result from an initial screening test. Where there has been a positive test result in a confirmatory test and in any confirmatory retest, the City may do the following:
 - a. First Positive Test Result—Give the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate. The City may determine which program is more appropriate after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation in a counseling or rehabilitation program will be at the employee's own expense or pursuant to coverage under an employee's own benefit plan. If the employee either refuses to participate in the counseling or rehabilitation program or fails to successfully

- complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program, and alcohol or drug abuse prevents the employee from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others or otherwise constitutes a bona fide occupational qualification, the appointing authority will recommend that the employee be disciplined; including but not limited to, discharge from employment.
- b. Suspensions and Transfers—Notwithstanding any other provisions herein, the City may temporarily suspend the tested employee with pay for up to ninety (90) days or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory retest, and, if requested, the confirmatory retest, provided that the City believes that it is necessary to protect the health or safety of the employee, co-employees, or the public.
 - c. Other Misconduct—Nothing in this policy limits the right of the City to discipline or discharge an employee on grounds other than a positive test result in a confirmatory test, including for a violation occurring in the workplace.
- F. Data Privacy—The City of Hastings will not disclose the test result reports and other information acquired in the drug or alcohol testing process to another employee or to a third-party individual, governmental agency, or private organization without the written consent of the employee tested, unless permitted by law or court order.
 - G. Rights of Employees—An employee has the right to offer the City a written explanation of a positive test result on a confirmatory test within three (3) working days after notice of the positive test result, and has a right to request within five (5) working days after notice of a positive test result a confirmatory retest of the original sample at another licensed testing laboratory at the employee's or job applicant's own expense.
 - H. Appeals Procedure—The appeals procedure concerning disciplinary actions taken pursuant to this drug and alcohol testing policy are as follows:
 1. Temporary Employees—Temporary employees shall have no right of appeal.
 2. Non-Veterans on Probation—An employee who has not completed the probationary period and who is not a veteran has no right of appeal.
 3. Non-Veterans After Probation—A regular employee who has completed the review period and who is not a veteran has a right to appeal. Disciplinary actions taken pursuant to his drug and alcohol testing policy are appealable pursuant to the procedures established in the City's Grievance and Discipline policies.
 4. Veterans—An employee who is a veteran has the right to appeal to the City Council a permanent demotion (including salary decreases), or a discharge, if the employee submits a notice of appeal within sixty (60) calendar days of the action, regardless of status with respect to the review period. An employee who is a veteran may have additional rights under the Veterans Preference Act, Minnesota Statute [§ 197.46](#).
 5. Employees Covered under Collective Bargaining Units Contracts—An employee who is covered by a collective bargaining agreement may elect to seek relief under the terms of that agreement by contacting the appropriate union and initiating grievance procedures in lieu of taking up the grievance procedure outlined in the City Employee Handbook. All notices of appeal not covered under a collective bargaining agreement must be submitted in writing to the Hastings City Administrator, 101 4th Street East, Hastings, MN 55033.

I. Good Faith Effort—The City of Hastings will make a continuing good faith effort to maintain a drug-free workplace through the implementation of its Drug and Alcohol Testing Policy.

J. Notice to Employees in Safety-Sensitive Positions:

- a. Employees in safety-sensitive positions may not consume alcoholic beverages or consumable cannabinoid products (CBD) to the extent the employee would be rendered unfit for their next scheduled shift.
- b. The City of Hastings requires testing for marijuana and not CBD.
- c. The labeling of many CBD products may be misleading because the products could contain higher levels of THC than what the product label states. Neither the Food and Drug Administration (FDA) nor the Minnesota Pharmacy Board currently certifies the levels of THC in CBD products, so there is no oversight to ensure that the labels are accurate.
- ~~a-d.~~ Neither City policy nor applicable federal regulation authorize the use of Schedule I drugs, including marijuana, for any reason. As a result, City regulated safety-sensitive employees should exercise caution when considering whether to use cannabis or CBD products.

Sick Leave

All regular full-time employees are eligible to accrue sick leave at a rate of 96 hours per twelve-month period. Regular part-time employees will earn sick leave on a prorated basis, up to the maximum accrual equal to a full-time employee accrual rate. Sick leave may be accumulated to a maximum of 960 hours. Sick leave may be used as it is accrued in the smallest increment of time tracked in the City's payroll system, which is in 15-minute increments. No advance of sick leave will be allowed.

Employees can use their sick leave for reasons such as: the employee's mental or physical illness, treatment or preventive care; a family member's mental or physical illness, treatment or preventive care; absence due to domestic abuse, sexual assault or stalking of the employee or family member; closure of the employees' workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and when determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease. Sick leave may be granted only for absence from duty because of personal illness, medical appointments, personal accident, job-related accident, legal quarantine, personal medical disability, care for immediate family member with medical disability or serious illness in the immediate family.

Immediate family is defined as includes the employee's spouse or registered domestic partner; child, including 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; biological, adoptive or foster, parent, stepparent or a person who stood in loco parentis when the employee was a minor child; child(ren)/foster/step child(ren); sibling, stepsibling or foster sibling; brother/sister, grandchild, step-grandchild or foster grandchild; grandparent or step-grandparent; child of a sibling of the employee; sibling of the parents of the employee; child-in-law or sibling-in-law; any of the family members previously listed of an employee's spouse or registered domestic partner; any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; up to one individual annually designated by the employee. brother/sister-in-law, mother/father-in-law, grandparents/spouse's grandparents, grandchildren, step parents, and legal guardians.

~~No advance of sick leave will be allowed. When sick leave is requested for non-emergency and preventative medical appointments, previous approval must be granted by the immediate supervisor.~~

Employees are required to give seven days' advance notice when using sick time for foreseeable needs of time off. If not foreseeable, Eemployees are required to notify their immediate supervisor within 15 minutes of the employee's scheduled workday, or as soon as is practicable, if they will be late or not in to work that day for sick leave use. Employees must provide daily updates to their immediate supervisor.

~~Upon request, the employee shall be required to submit medical certification for any absence. When an employee uses Sick Leave for more than three consecutive days, the City may require appropriate supporting documentation (medical documentation, court records or other related documents). 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, Sick Leave for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or~~

the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using Sick Leave to find a replacement worker to cover the hours the employee will be absent. An employee may be required, before being permitted to return to work, to provide medical evidence that ~~s/he is~~they are able to perform all significant duties of their job in a competent manner and without hazard.

~~Sick leave is not a privilege or a vested right, but rather is a type of insurance that is allowed only when the employee is unable to work for permitted medical reasons.~~ Claiming sick leave when mentally and physically fit, unsubstantiated excessive sick leave use, or failure to notify as outlined in this policy may be cause for disciplinary action.

Once 960 hours of sick leave has been accumulated, the leave accrual will be as follows:

- ½ of the accrual will be placed in a Prolonged Illness Bank. An employee may only use the prolonged illness bank after all other accumulated sick leave has been used.
- ½ of the accrual will be earned as additional vacation. All vacation is subject to the maximum accrual cap.

Earned Sick and Safe Leave

Effective January 1, 2024, employees not covered by the above Sick Leave policy (temporary, seasonal, and paid on-call), and who work at least 80 hours in calendar a year for the City, will be covered by the Earned Sick and Safe Leave policy that follows.

Employees covered under this policy earn one hour of Earned Sick and Safe Leave for every 30 hours worked, up to a maximum of 48 hours of Sick and Safe Leave per calendar year.

Employees can use their sick leave for reasons such as: the employee's mental or physical illness, treatment or preventive care; a family member's mental or physical illness, treatment or preventive care; absence due to domestic abuse, sexual assault or stalking of the employee or family member; closure of the employees' workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and when determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

Family includes the employee's spouse or registered domestic partner; child, including 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; biological, adoptive or foster, parent, stepparent or a person who stood in loco parentis when the employee was a minor child; sibling, stepsibling or foster sibling; grandchild, step-grandchild or foster grandchild; grandparent or step-grandparent; child of a sibling of the employee; sibling of the parents of the employee; child-in-law or sibling-in-law; any of the family members previously listed of an employee's spouse or registered domestic partner; any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; up to one individual annually designated by the employee.

Employees are required to give seven days' advance notice when using sick time for foreseeable needs of time off. If not foreseeable, employees are required to notify their immediate supervisor within 15

minutes of the employee's scheduled workday, or as soon as is practicable, if they will be late or not in to work that day for sick leave use. Employees must provide daily updates to their immediate supervisor.

When an employee uses Sick Leave for more than three consecutive days, the City may require appropriate supporting documentation (medical documentation, court records or other related documents). 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, Sick Leave for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the city will not require an employee using Sick Leave to find a replacement worker to cover the hours the employee will be absent. An employee may be required, before being permitted to return to work, to provide medical evidence that they are able to perform all significant duties of their job in a competent manner and without hazard. Claiming sick leave when mentally and physically fit, unsubstantiated excessive sick leave use, or failure to notify as outlined in this policy may be cause for disciplinary action.

Employees are eligible for carry over accrued but unused Earned Sick and Safe time into the following year, but the total of Earned Sick and Safe Leave carry over hours shall not exceed 80 hours. Unused accrued time will not be paid out upon separation.

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

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

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

~~Nursing Mothers~~Lactation Breaks

The City of Hastings complies with state law allowing employees who need to express breast milk for infant children reasonable break time ~~unless it would cause undue business disruption~~. The paid break time must, if possible, run concurrently with any other break time already provided to the employee.

The City of Hastings will ~~make reasonable efforts to~~ provide a clean, private, secure room ~~or other location that is shielded~~

~~from view~~ other than a bathroom or toilet stall, free from intrusion from coworkers and the public and includes access to an electrical outlet for the employee to express ~~her~~ milk in privacy. The City of Hastings will not retaliate against an employee for asserting ~~her~~their rights under this MN statute.

Pregnancy Accommodation

The City of Hastings will provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if ~~she so requests requested, with the advice of her licensed health care provider or certified doula, unless doing so would impose an undue hardship on the company.~~ "Reasonable accommodation" may include, but is not limited to, temporary transfer to a less strenuous or hazardous position, seating, more frequent restroom, food and water breaks, and limits to heavy lifting.

~~At a minimum, the~~The City of Hastings will offer the following accommodations to the pregnant or lactating employee without requiring them to seek advice of ~~her a~~ licensed health care provider or certified doula: more frequent restroom, food and water breaks; seating; and limits on lifting over 20 pounds. Employees have the right to request other workplace changes when given advice from a health care provider or doula.

The City of Hastings will not retaliate against an employee for requesting or obtaining accommodations under this section. Further, the City of Hastings shall not require an employee to take a leave or accept an accommodation.

Time off to Vote

All eligible employees are encouraged to vote. While many polling facilities are open to accommodate working voters, employees eligible to vote in an election may take time off during the early voting period prior to or on Election Day for a reasonable period to vote without loss of wages or salary. A reasonable period includes the time necessary to appear at the employee's polling place, cast a ballot, and return to work ~~on the day of that election~~.

“Election” for purposes of this section includes a regularly scheduled state primary or general election, an election to fill a vacancy for a US senator or representative, and a presidential primary.