



# **CITY OF SAINT PETER**

## **PERSONNEL POLICY MANUAL**

**Adopted by City Council January 9, 2023  
Modified November 27, 2023**

**CITY OF SAINT PETER, MINNESOTA**

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#### I. HOW THE CITY OF SAINT PETER OPERATES.

**About the City.** The City of Saint Peter has a population of over 12,000 and is the county seat of, and second largest city in, Nicollet County with close to one-third of the population of the entire county. The total area of the City is over 5 square miles and there are more than 4,000 households within Saint Peter's corporate limits.

The City of Saint Peter was incorporated in 1873. Until 1974, the City operated under Chapter 5, "Special Laws of Minnesota of 1891". Effective January 1, 1974, the City became known as a Statutory City. Saint Peter is a Minnesota City of the Fourth Class according to the statutory classification of cities.

**Organization.** The City derives its legal authority from the Minnesota Constitution and State Statutes. At the municipal level, ordinances, resolutions, and motions establish local law and policy. The City operates under a Mayor-Council form of government and provides a complete array of services to its citizenry. The City employs full-time and part-time staff members, and numerous temporary employees at different times of the year.

Included in these personnel policies you will find information identifying the various departments and divisions of the City and how they relate to one another in terms of the City's hierarchy. These divisions are defined below.

**Mayor and City Council.** As the elected representatives of the people, the City Council is the policy making and legislative body for the City. The Council is composed of the Mayor and six Councilmembers.

The Mayor serves as a voting member, as well as the presiding officer of the City Council, and is the official representative of the City. The City is divided into Ward 1 (north) and Ward 2 (south) with three Councilmembers elected from each ward to serve staggered four-year terms. The Mayor is elected at large to serve a two-year term.

The Council is responsible for the legislative functions of the City including the passage of laws, adoption of the annual budget and tax levies, appointment of boards and commissions, and establishment of policies governing City operations.

**City Administrator.** The Council employs a full-time professional administrator to serve as City Clerk/Administrator, known as City Administrator. The City Administrator is responsible for overseeing the operations of all City departments and implementing policies and actions of the City Council. The City Administrator's job is not that of policy maker, but rather that of an advisor and manager who ensures that the policies and goals of the Council are put into action. In an advisory capacity, the City Administrator researches issues, consults with experts, and makes recommendations to the Council for consideration in decision making on all issues before the Council.

The City Administrator is responsible for the overall management of City operations and overseeing departments through the recruitment, employment and supervision of Department Directors. Together, the City Administrator and Department Directors function as a staff management team by overseeing, coordinating, and managing the daily operations of the City.

The City Administrator prepares the annual budget for the General Fund, Enterprise Funds and all

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special funds. The annual budget is not only a compilation of numbers, but a program of services. Each appropriation equates to a level of service which the City will provide, establishing the type of quality of services provided.

The City Administrator's office is also responsible for documenting actions taken by the Council, maintaining all official City records and documents, serving as Saint Peter's public information office and conducting elections.

**Finance Department.** The Finance Department is responsible for a variety of tasks including meter reading, billing for municipal utilities, collection of bills, accounting functions for all City funds, payroll preparation, monthly financial reporting, assessment searches, maintenance of investment records, maintenance of insurance policies, computer services, and employee benefits administration among others. The Director of Finance also serves as the City Treasurer.

**Public Works Department.** The Public Works Department is responsible for the maintenance, repair, improvement, and new construction of the City's assets and infrastructure. The objectives of the Public Works Department are identified in capital plans as well as a regular budget approval process. The Department responds to the service needs of Saint Peter citizens within the guidelines of these objectives.

The Public Works Department is organized into two divisions. The Utilities Division is comprised of sections supported by income from sales and the Maintenance Division is comprised primarily of sections supported by property taxes. The two divisions reduce labor and material costs, contracting fees, and equipment costs through centralized purchasing, exchanging talents of various employees between divisions, and avoiding duplication of equipment by drawing from an equipment pool.

The Utilities Division is responsible for self-supporting electric, water, wastewater, stormwater and environmental service utilities. The City Council sets rates which provide the income necessary to cover all expenses of operation, maintenance, and improvements to utility facilities.

The Maintenance Division is responsible for the maintenance of streets and other municipally owned property; care for all boulevard and park trees; and maintenance of City parks. Property taxes are utilized to support these public works sections of City government.

**Police Department.** The Police Department is dedicated to the service and protection of the citizens of Saint Peter. Activities range from criminal investigation to youth and community education. The department's basic function is to provide law enforcement services to members of the community. This is accomplished through prevention, education, intervention, investigation, and development of a Community Oriented Policing program. The Police Department's dispatch center is busy 24 hours a day receiving calls and complaints, answering questions, gathering information and dispatching it to the field as well as to other City departments as needed. Through this communication center calls are dispatched, civil defense sirens are sounded, and a large number of burglar and fire alarms are monitored. The department is also responsible for animal control and emergency preparedness.

The Police Department operates under a Police Civil Service Commission. The Commission has control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the Police Department. The Chief of Police is responsible for directing the day-to-day operations of the department; planning, organizing and coordinating all activities of the

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department; and serving as the City's Emergency Services Director.

**Community Development Department.** The Community Development Department combines the responsibilities of the former Building and Planning and Economic Development Departments. The Community Development Department handles all City building, planning and zoning matters; rental housing administration, related code enforcement, license and permit issuance, processing of purchase orders, and development of the economic base of the community. The City employs a State Certified building official who works cooperatively with home owners, developers, designers, and others involved in the construction industry. All building permits, site plan reviews, and on-site inspections are secured through this office.

The Community Development Department is responsible for providing the means through which the economic base of Saint Peter can be strengthened, and for assisting the City Council and City Administrator with economic development matters.

**Recreation and Leisure Services Department.** The Recreation and Leisure Services Department strives to provide a variety of leisure time activities that help to meet the needs and interest of the Saint Peter community. The department is responsible for the City-operated Community Center, municipal swimming pool, warming house and skating rinks staffing and operations, and serves as the City's liaison to the Minnesota Valley Regional Library System regarding the operation of the branch library in Saint Peter.

**City Attorney.** The City Attorney is retained on a contractual basis and performs all legal services required for the operation of the City. The City Attorney's responsibilities include prosecuting criminal offenses committed within Saint Peter, furnishing legal opinions, handling civil litigation, advising the City Council, and drafting legal documents and instruments required for the normal operation of the City.

**City Engineer.** The City Engineer is retained on a contractual basis and performs engineering services as required for the operation of the City. The City Engineer advises on emergency matters, prepares project plans and specifications, and inspects all major construction projects. The Engineer works directly with the Public Works Director and City Administrator, reporting and advising on most large-scale Public Works improvement projects.

**Fire Department.** The Volunteer Fire Department is dedicated to protecting the lives and property of the citizens of Saint Peter through fire prevention and up-to-date fire fighting techniques. All members receive regular in-service training to sharpen their skills and learn new techniques. When a fire or other emergency threatens, fire fighters are summoned to the Fire Station by pagers.

**River's Edge Hospital.** River's Edge Hospital is a public, non-profit facility serving the people of Saint Peter, Nicollet County, and the surrounding area. It is owned by the City and operated by an independent board whose members are appointed by the City Council. The Commission establishes policies for the operation of the Hospital and provides general oversight of the operations of the facility. Supervision of the daily operations is the responsibility of the Hospital Administrator. River's Edge Hospital is located 1900 North Sunrise Drive.

**Housing and Redevelopment Authority.** The Housing and Redevelopment Authority was created to operate and maintain public housing in Saint Peter. The Housing Authority is staffed by an Executive Director and operated by an independent board whose members are appointed by the City Council. Parkview Manor, located at 1010 South Fourth Street, is the City's public housing

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facility.

**II. PURPOSE OF THE POLICY MANUAL**

The purpose of this policy manual is to establish a uniform and equitable system to govern the relationship between the City of Saint Peter as an employer and its employees. This policy manual applies to all employees including employees subject to collective bargaining agreements, except as otherwise provided by law or in such collective bargaining agreements. Elected officials and persons appointed to boards, commissions, committees, and task forces are exempt from the provisions of this policy manual.

It is the policy of the City Council to carry out the contents of this policy manual through the office of the City Administrator and with the assistance of Department Directors, in accordance with the City Code and applicable State of Minnesota Statutes and federal laws. The City Council retains the right to amend, in whole or in part, any or all of the provisions contained in this personnel policy manual.

No policy, benefit, or procedure contained herein may or should be construed to create a contractual right between the City and the employees. Employees not covered by a bargaining unit contract agreement are employed "at-will" by the City, meaning that either the employee or the City can terminate the employment relationship at any time, for any reason, with or without cause or notice.

No employee, including those covered by a bargaining unit contract, has an automatic, unalterable or unalienable right to employment by the City. Should an employee be in violation of rules or regulations promulgated by this policy manual, or departmental rules of conduct or procedure, or be unable or unwilling to reasonably and effectively perform the duties of the position for which they are employed, or interfere with another employee's performance of their duties, or be unable or unwilling to meet any other standard as required by the City, the employee may be subject to disciplinary action, up to and including dismissal.

Any employee, or group of employees, has the right to communicate their views, grievances, opinions or complaints on any matter covered in the personnel policy manual by meeting with the Department Director or the City Administrator.

It is the intent of the City Council to be in compliance with the laws governing employment as set forth in Minnesota Statutes. If any provision of this policy manual is in conflict with such laws, the State Statute will prevail. Such override by a State Statute will not automatically invalidate any other provision of this policy.

The provisions of this policy manual are superseded in certain cases. Any employee included in a collective bargaining agreement entered into in accordance with the Public Employee Labor Relations Act (MS179A) shall be exempt from any provision which is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under MS 44 or 420 is exempt from any provision which is inconsistent with such rules or regulations adopted thereunder. Nothing in this policy manual is intended to supersede any provision of the Veterans Preference Act (MS 197 and 43). The provisions of this policy manual dealing with harassment and with selection and recruitment will apply to all positions and employees, regardless of bargaining unit status.

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III. **AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy and intent of the City of Saint Peter to provide equality in employment to all persons. This policy expressly prohibits discrimination because of race, creed, color, religion, national origin, gender (including pregnancy, childbirth and related medical conditions), sexual orientation, gender identity, marital or familial status, military or veteran status, genetic information or characteristics, status with regard to public assistance, disability, age, or any other status protected by applicable federal, state or local law (except where gender, disability, or age is a bona fide occupational qualification) in all aspects of its personnel policies, programs, practices, and operations.

The City's commitment to equal employment opportunity and providing a workplace free of discrimination applies to all phases of full-time and part-time, temporary, interim and seasonal employment including, but not limited to, hiring, promotion/transfer, compensation, benefits and perks, training, performance management, discipline, termination, and all other terms and conditions of employment.

This policy also applies to the use of all City facilities and participation in all City sponsored employee activities.

A veteran as defined pursuant to Minnesota Statutes 197.447 will be accorded the rights set forth in the Veterans Preference Act, Minnesota Statutes 197.46, regarding the employment and separation of a veteran in or from a position with the City of Saint Peter. A removal of a veteran from a position includes discharge and demotion and such other separation from employment as determined by law to be governed by the Veterans Preference Act.

It is the responsibility of all City Department Directors, supervisors and employees to ensure implementation of this policy. Failure of any employee to perform in a manner consistent with the AA/EEO policy will constitute grounds for reprimand, suspension, demotion, or dismissal.

**Workplace Accommodations.** As part of the City's commitment to equal employment opportunity, the City recognizes that workplace accommodations may be necessary. Employees seeking reasonable accommodations should contact their supervisor. We strive to meet these requests to the extent that they do not cause undue hardship.

While the areas below are the most common areas where employees may need an accommodation, they are not necessarily the only areas. Employees are encouraged to speak to their supervisor regarding any situation that may warrant a workplace accommodation, including time off from work. The City seeks to work with employees on these needs within its ability to do so.

**Accommodations for Disabilities**

The City supports qualified persons with disabilities who can perform the essential functions of their job, with or without reasonable accommodation. Unless an employee informs the City otherwise, the City assumes the employee can perform the essential functions of their job without any accommodation.

As part of the interactive process to explore accommodation options with the employee, the employee may be asked about the type of accommodation they believe is necessary, the functional limitations caused by their disability, and/or permission to obtain information from



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their healthcare provider.

**Accommodations for Pregnancy**

Similarly, the City works with employees who may need a reasonable accommodation due to pregnancy or conditions related to pregnancy. Examples may include: more frequent or longer breaks; time off to attend to a pregnancy complication or recover from childbirth; acquisition or modification of equipment or seating; a temporary transfer to a less strenuous or hazardous position, if available; private non-bathroom space for expressing breast milk; assistance with manual labor; and modification of work schedule.

**Religious Accommodations**

A reasonable accommodation under this premise is one that eliminates the conflict between an employee's sincerely held religious beliefs, observances, or practices and the employee's job requirements.

**IV. DISCRIMINATION AND HARASSMENT**

The City of Saint Peter is committed to providing a work environment free of discrimination, harassment, bullying, disrespectful or other unprofessional conduct by or toward an employee, those in a supervisory or leadership role, or third party (citizens, vendors, contractors, etc.) for any reason, including, but not limited to: race, including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists creed, color, religion, national origin, gender (including pregnancy, childbirth and related medical conditions), sexual orientation, gender identity, marital or familial status, military or veteran status, genetic information or characteristics, status with regard to public assistance, disability, age, or any other status protected by applicable federal, state or local law.

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The City also prohibits discrimination, harassment, bullying, disrespectful or unprofessional conduct based on the perception that anyone has any of these characteristics or is associated with a person who has or is perceived as having any of these characteristics.

The conduct prohibited by this policy includes conduct in any form, whether verbal, non-verbal, visual, written, or physical. This includes, but is not limited to, e-mail, voice mail, internet activity, text messages, pictures, images, objects, writings, words, gestures, or physical contact.

In general, discrimination and harassment can be defined as conduct that disparages or shows hostility or aversion toward a protected status. It can take many forms, including epithets or slurs; threats; derogatory names, comments, objects or visual depictions; jokes or teasing; and other verbal, nonverbal, written, visual or physical conduct that is based on a protected status.

Sexual harassment in particular can include a range of subtle or blatant behaviors and may involve individuals of the same or different gender. It can be generally defined as: unwelcome sexual advances, requests for sexual favors, and/or conduct of a sexual nature including, but not limited to, sexually related images, jokes, teasing, uninvited touching or other sexually related conduct where such conduct:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

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- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of their gender, gender identity or expression, or sexual orientation can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Additional examples of sexual harassment include:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body; or
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; or
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; or
  - Sabotaging an individual's work; or
  - Bullying, yelling, name-calling.

Harassment, whether sexual or based on another protected status, is not limited to the physical workplace itself. It can occur while employees are traveling for business or at City sponsored events. Calls, texts, emails, and social media usage by employees can also constitute workplace harassment, even if they occur away from the workplace, on personal devices, and during non-working hours.

Individuals in a supervisory and/or leadership capacity are expected to have a high level of

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consciousness regarding this policy and must promptly advise the City Administrator of any potential incidents of harassment or discrimination. Specifically, with respect to sexual harassment, no one in any supervisory or leadership role shall threaten or insinuate either explicitly or implicitly that any individual's submission to or rejection of sexual advances will in any way influence any decisions regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other term or condition of employment.

Individuals must remain mindful that when conduct that may violate this policy occurs, it is not the intent of the person(s) engaging in the conduct that matters. Rather, it is the impact that conduct has on others that matters.

A victim of discrimination, harassment or other similar conduct does not have to be the intended recipient of the behavior. It can be anyone who finds the behavior offensive and feels affected by such behavior. Any employee who believes that they are being harassed in any form or who believes they have witnessed harassment, shall immediately report the conduct to their immediate supervisor, to their Department Director or to the City Administrator. Complaints shall be processed pursuant to the City's Affirmative Action complaint procedure. Such procedures shall be modified to include the following additional requirements:

1. If, when a complaint of harassment is initiated, the employee states that the employee is unable to function in the worksite from which the complaint arose, the City shall conduct a preliminary investigation within two (2) calendar days or reasonable extension thereof. If this preliminary investigation establishes that a reasonable basis exists for the employee's concern about continuing in the work situation, the City shall take intervening action to defuse the situation which may include temporary reassignment of either party to the complaint until such time as the complaint is fully investigated, there is a finding, and corrective action, if required, is implemented.
2. Within the time limit set forth in the affirmative action complaint procedures, but not to exceed thirty (30) days, the City shall conduct a full investigation and prepare a report along with designated actions to be taken to remedy the complaint. Reprisal against a complaining employee or a witness is strictly prohibited.

The City will investigate all reports promptly and fairly and in accordance with any legal requirements. The City will maintain confidentiality to the extent possible; however, the City cannot promise complete confidentiality. The City's duty to investigate and take appropriate action may require the disclosure of information to individuals with a need to know.

If the City determines that discrimination, harassment, retaliation or other prohibited conduct has occurred, appropriate action will be taken in accordance with the circumstances involved. This may include disciplinary action, up to and including termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

Adverse action will not be taken against an employee who, in good faith, reports or participates in an investigation under this policy. Retaliation or adverse action occurs when an employee experiences a negative consequence because they, in good faith, filed a complaint or participated in an investigation. Retaliation is illegal and will result in disciplinary action, up to and including termination.

The City takes its commitment very seriously to provide an environment free of harassment,

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discrimination, and retaliation, and the policy is meant to ensure employees feel comfortable asking questions or raising concerns. Employees are encouraged to contact their supervisor, Department Director, or the City Administrator for any questions or concerns. However, nothing herein shall be construed as limiting in any way an employee's right to file a charge of harassment with the Minnesota Department of Human Rights, the federal Equal Employment Opportunity Commission, or a court of appropriate jurisdiction.

**V. DATA PRACTICES**

Information contained in personnel files is defined as public or private under the criteria established by Minnesota Statutes 13.43. A copy of this statute will be provided to an employee who requests one from the City Administrator's office.

The Federal Equal Employment Opportunity Commission and the Minnesota Department of Human Rights may be authorized by federal or state law to receive private information from an employee's file in order to investigate specific complaints of employment discrimination. Otherwise, no private record will be shared with any outside person or agency without the employee's informed consent or a valid court order. Personnel data may be given to labor organizations to the extent necessary to conduct elections, notify employees of fair share fee assessments, and to implement the Public Employee Labor Relations Act. Personnel data may also be given to the Bureau of Mediation Services when it so orders.

Upon written request, employees have the right to review the material contained in their personnel files during regular office hours at a time that is mutually convenient for the employee and the City. The employee may not make marks or notations on materials contained in their files. Materials shall not be removed from the City Administrator's office. When requested, copies of materials in the personnel file will be provided to the employee, subject to the fee for the cost of the copies at the established municipal rate. Access shall generally be provided within one working day of the employee's written request. Copies shall generally be provided within two working days of the employees written request.

All messages, calls, e-mails, memorandums and all other work product documents are City records. The City reserves the right to review all written or printed documents, to use and access security cameras, to monitor all telephone lines and telephone calls and E-mail messages and to disclose these communications for any purpose without prior notice to any employee. This includes disclosure to law enforcement officials, if necessary. Occasional third-party use of computer systems is permitted with the understanding that these rules of City access to all data and information still apply, and users should have no expectation of privacy of their activities when using these systems.

All workspaces and storage areas, including but not limited to desks, file cabinets, shelving, cabinets, computer systems and files and storage media, and lockers, are the property of the City. The City reserves the right to perform inspections of these areas without prior notification or presence of the employee by the Department Director or the City Administrator or authorized law enforcement officials. To the extent permitted by law, the City also reserves the right to inspect packages, purses, backpacks, briefcases, or any other possessions or articles carried to and from City property, as well as any vehicles on the property.

The City also makes use of surveillance cameras throughout City property, excluding restrooms and changing areas. These cameras are monitored for a number of reasons to promote the safety

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and security of the property and all individuals on the property, and employees should expect that any of their activities may be captured on these cameras and viewed by City management without notice to the employee. When appropriate, camera activity may be turned over to law enforcement.

VI. **COMPENSATION**

**Setting of Wages.** Wages and other compensation for non-bargaining unit employees are set on an annual basis by City Council resolution, based on a recommendation by the City Administrator. Recommendations may be based on a combination of factors; annual adjustment increases, individual achievements, City compliance with pay equity laws, and availability of revenues. Prior to October 1 of each year, Department Directors will prepare and submit any suggestions on wage and/or other compensation recommendations for position classifications under their jurisdiction. The City Administrator will review these in preparing his/her recommendation to the City Council. Pay is reviewed yearly in November or December.

**Pay Date.** Employees are paid bi-weekly on Fridays. When a regular pay date falls on an official holiday that pay date will be moved to the last working day before the holiday. Payments will be made via direct deposit to an account designated by the employee in a bank or other savings institution. They will be available to the employee on the pay date. Exact time will depend on the individual financial institution's policies.

**Overtime Pay.** It is recognized that in order to maintain basic services under various circumstances including emergencies and peak workloads, employees may be required to work overtime. Overtime pay, as authorized by the Department Director, will be paid for time over forty (40) hours per week at the rate of 1½ times the employee's regular hourly rate of pay. Employees required to work on a designated holiday will either be given compensatory time off based on compensatory time or will be paid time and one-half of their regular pay, in addition to their regular holiday pay. Exempt employees, as determined under appropriate City, State, and Federal regulations, are not eligible for overtime pay.

**Compensatory Time.** Notwithstanding labor contract provisions, the following conditions shall apply to the accrual and use of compensatory time, in the case of non-exempt employees, and the use of discretionary time, in the case of exempt employees:

**Non-Exempt Employees.** Authorized overtime work by non-exempt employees may be compensated for by allowing the employee compensatory time off. When deemed appropriate by the Department Director, the employee may receive monetary compensation for authorized overtime at the rate of 1½ times regular pay for each hour of overtime worked. Adequate records will be maintained by the employee and his/her Department Director. Prior to working overtime hours, an employee must receive authorization from their supervisor and an agreement must be made whether the time will be compensated monetarily or with compensatory time. One and one-half hours of compensatory time shall be earned for each hour of authorized overtime work. No more than 80 hours of compensatory time may be accumulated at any time. Employees will then be compensated for the time on a monetary basis through the payroll process. As with any leave time, an employee must receive supervisory approval prior to taking compensatory time leave.

**Discretionary Time.** Department Directors and other employees who are exempt from the provisions of the Fair Labor Standards Act (i.e. executive, administrator and supervisory) will not be eligible to receive additional and/or premium pay as compensation for overtime

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worked. Such employees are expected to manage their work and balance their schedules as necessary to get their jobs done while maintaining a balance for their personal lives.

**Longevity Pay.** All full-time, non-union employees with four (4) or more years of continuous service shall receive an additional lump sum payment based upon continuous years of service to the City. The payment will be made on or before December 15 of each year. The payment will be made to employees with four (4) or more years of continuous, full-time service to the City as of November 1 each year. The payment will be calculated as a percentage of the employee's base wage, base wage being defined as salary for those employees receiving compensation on a salaried basis or the base hourly wage times the annual non-overtime, non-specialized hours worked by the employee to a maximum of two thousand eighty (2,080) per year for employees being paid on an hourly basis. Employees who have met the criteria of greater than four (4) years shall receive one half of one percent (0.5%). Employees who have met the criteria of greater than eight (8) years shall receive one percent (1%).

Adopted 11/27/2023

**Call Back Compensation.** Non-exempt employees who are called to their workplace during hours when they are not scheduled to work, will be compensated at the rate of time and one-half for a minimum of two hours. The "call back" must be approved by the employee's supervisor prior to responding to the workplace.

VII. **EMPLOYMENT PROCEDURES AND POLICIES.**

**Definitions:**

**Full-time Employee:** works at least forty scheduled hours per week on a regular basis and/or is designated by Council resolution as a full-time employee. Full-time employees are eligible for benefits described in this policy with whatever timing, experience or other eligibility restrictions apply to those benefits.

**Part-time Employee:** works less than forty hours per week on a regularly scheduled basis and is designated by Council resolution as a part-time employee. If working 30 or more hours per week on a regularly scheduled basis within a single job description, is eligible for benefits and payment of accruals proportional to that of a full-time, forty hour per week employee. For example, a part-time employee working 32 hours per week on a regularly scheduled basis would be eligible for benefits at an 80.0% rate or 32/40 of the full-time rate. Otherwise, part-time employees are only eligible for benefits required by law.

**Temporary or Seasonal Employee:** works not more than 180 scheduled days in a one-year period at the same position. Is not eligible for any benefits, except those required by law, regardless of the number of hours worked within their period of employment.

**Recruitment.** Appointments to positions of employment with the City of Saint Peter will be made on the basis of qualification, as determined by comparison of qualifications with the adopted job description, merit, efficiency and effectiveness as determined by reviewing such factors as ability, skill, training, relevant experience, past performance, and, if applicable, personal interview.

**Job Posting.** The City of Saint Peter will post all job openings on employee bulletin boards for at

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least ten (10) calendar days. All job posting, advertising, or other forms of recruitment will be done by the proper official of the City of Saint Peter or the City's appointed agent.

**Applications.** Applications for posted and/or advertised positions will be on forms prescribed by the City Administrator. These forms will be kept on file for one year beyond the date of appointment of the successful candidate.

**Examinations.** In evaluating candidates for employment openings, the City Administrator or Department Director may sanction written tests, oral tests, performance tests, physical, psychological, drug or other examinations designed to reveal an applicant's fitness for the position in question or as required by law. Evaluation of education, training, and experience will be accepted in determining a candidate's qualifications. Investigations of background, character, personality, education, and physical fitness for the position may be conducted. The necessity, extent and/or success of any or all of these measures will, when in question, be determined by the City Administrator.

**Screening.** Department Directors and other supervisors may review applications, as determined by the City Administrator. Interviews will be conducted as directed by the City Administrator.

**Appointments.** All regular full-time and part-time employee appointments are made by the City Council based upon the recommendation of the appropriate Department Director and the City Administrator. The City Administrator maintains City Code authority to appoint temporary employees for up to 120 working days. However, the City Administrator may make such appointments contingent upon City Council affirmation.

**Physical and Psychological Examinations.** Employees may be required to undergo physical and/or psychological examinations prior to beginning employment or during the term of employment. The cost of any such examination will be paid by the City of Saint Peter. Such examination(s) will be performed by competent, licensed personnel appropriate to the examination(s). Such personnel will be designated by the City of Saint Peter.

**Introductory Period.** Unless otherwise stipulated in a collective bargaining agreement, the first six months of employment will be regarded as an introductory period for all full-time employees. The introductory period for all part-time employees shall be equivalent to a period of 1,040 hours worked or one (1) year, whichever occurs first. The period will be used to evaluate the employee's ability to perform job functions and complete work assignments as well as to evaluate the employee's overall suitability for employment with the City of Saint Peter. During the introductory period, an employee may be dismissed if the employee is, in the opinion of the Supervisor and/or Department Director, unable to perform the required job functions in a satisfactory manner or if the employee's conduct is inappropriate. At the discretion of the City Administrator, an employee's introductory period may be extended for further evaluation of the employee but will in no case extend beyond twelve (12) months from the starting employment date. This extension of the introductory period, disciplinary action during the introductory period, or termination during the introductory period are not subject to the grievance procedures of this or any other policy except as may be required during Minnesota Statutes or federal law.

Vacation and sick leave benefits will accrue at the appropriate rate for an employee during the introductory period.

Employees transferred or promoted to a different position will be considered to be subject to this

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introductory period in all respects except as regards the vacation and sick leave use prohibition.

The successful completion of the introductory period is not a guarantee of ongoing employment.

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**Promotions.** The City of Saint Peter will promote employees from within the organization when such employees are considered to be appropriate appointments to a vacant position. Such consideration will be based on past performance in the current position, expected performance in the new position, and the perceived ability of the employee to handle the duties and responsibilities of a new position. The City of Saint Peter will open all positions for both internal and external application as described in this section and does not guarantee that an internal applicant will be selected for a given position.

**Transfers.** The City Administrator may transfer employees from one position or department to another, or may transfer job functions or work assignments from one employee or department to another, or may transfer such work assignments or job functions to an independent contractor. These things may be done in order to realize economies of scale, efficiencies of operation, or financial necessities. Nothing herein prohibits an employee from accepting an assignment to a position with a lower rate of pay if such a transfer is accepted or requested in order to avoid a layoff.

**Residency Requirements.** Employees of the City are strongly encouraged, but not required, to live within the City limits. It is expected that employees will reside within a distance allowing a reasonable response time to job requirements. Reasonable response time will be determined by the City Administrator based on the job classification and requirements of an employee or as specified in job descriptions.

**Outside Employment.** It is requested that all full-time employees obtain approval from their Department Director and the City Administrator prior to engaging in any other employment, activity, or enterprise for private gain. Outside employment or other activity is regarded as secondary to regular City employment and must not interfere with the requirements of the job, including availability for on-call or emergency duty. Should the Department Director and/or the City Administrator determine that outside employment or activity is interfering with the performance of the employee's duties with the City, the employee will be given the choice of continuing the outside employment or activity or resigning from the appointed City position.

**Solicitation/Political Activity.** No employee shall, directly or indirectly, during the employee's working hours solicit or receive funds, or at any time, whether on or off working time, use the employee's authority or influence to compel any other employee to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. An employee shall take an unpaid leave of absence upon becoming a candidate for any public office if the City Council determines that the candidacy conflicts with the employee's City job or employment. Such leave of absence shall terminate on the day following the date of election for which the employee is a candidate.

City employees are neither appointed to nor retained in municipal employment on the basis of their political activity. Rather employees are hired and retained on the basis of competency, merit, ability and performance. City employees are advised to refrain from engaging in political activity for or against any candidate for elective municipal office. However, this policy statement shall be advisory in nature and not prohibitive of such activity as long as such activity is not engaged in during hours



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of employment and does not affect the performance of the employee or others in the work area. Employees should never suggest, either directly or indirectly, that their views are the views of the City or that the City is otherwise endorsing their views or activities.

**Employment of Minors.** In most cases, an employee must be over sixteen years of age to be employed by the City of Saint Peter. Persons under sixteen (16) years of age may be employed with the specific approval of the City Administrator. Employees younger than eighteen (18) years of age will be required to provide verification of their age. Employment of minors under age eighteen (18) will be prohibited in positions of hazardous or sensitive nature and when prohibited by State or Federal law.

**Parking.** Employees are to use the parking lots designated for employee use. Efforts must be made to avoid on-street parking, parking in areas designated for visitors, or parking in front of the Municipal Building.

**Conduct.** Working for the City is different from most other jobs. In accepting employment with the City of Saint Peter, the employee becomes a representative of the City organization to the citizens of the community. City employees provide service and assistance to the general public. In large measure, people's attitudes and opinions about the City and City government will reflect their experiences in dealing with City employees. An employee's attitude and willingness to assist and serve the general public is noticed by those they serve in the community. Therefore, it is expected that an employee's conduct will be exemplary of the orientation to public service and beyond criticism. In this way, employees continue to make the effectiveness of City government a source of pride for the community.

Employees should listen carefully to citizen concerns and complaints. Answers to questions should be accurate and clear. When answers cannot be properly provided by the employee, the questions should be forwarded to the proper officials in a timely manner. If an employee does not know or is not certain of the answer to a question, it is better to refer the question to someone who can properly answer the question than to guess at, conjecture or speculate about an answer. In this way, the citizen/customer gets a timely and proper response which generates greater citizen/customer satisfaction.

A respectful and considerate attitude from the employee toward other employees is also expected. Employee criticism of co-workers, supervisors, or decision makers, including the City Council, is inappropriate. Cooperation and mutual respect should be the rule of daily operations.

Employees should be neat in their appearance, their work habits, and in maintaining the areas and equipment they work with. If an employee has questions about the appropriateness of work attire or seeks an exception to normal attire due to medical or religious concerns, the employee should ask their supervisor.

Always remember that as a public employee, the primary job duty of employees is to serve the citizens of the Saint Peter community. The employees may be the only contact a citizen has with the City government. The impression that an employee makes in person, over the telephone, or in a meeting often determines the general public's opinions about the overall performance and effectiveness of their City government. The citizens of the community are never an interruption of employee's work; they are the reason for it.

### **DRUG FREE WORKPLACE**

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Employees are entrusted to safely carry out their job duties. Use and/or abuse of drugs or alcohol jeopardize the health, safety, and well-being of the individual user, all City employees, and also endangers the safety of the general public. In addition, the City must comply with all federal and state regulations that require affirmative actions to eliminate the impact of the misuse of alcohol and drugs in the workplace.

The City of Saint Peter Drug Free Workplace Policy, which includes provisions calling for the use of drug and alcohol testing under certain circumstances, has been implemented to keep the workplace free from drug and alcohol influenced employees.

The overall goal of the policy is to ensure a drug free workplace environment that in turn will reduce accidents and injuries in City operations.

Intent of Policy - The intent of this policy is for the City to maintain a drug free workplace for all of its employees and the public. The City and its employees will provide a drug free workplace by adhering to the following regulations:

- (1) The distribution, sale, manufacture, possession or use of alcohol, drugs, controlled substances, drug paraphernalia, or any combination thereof is prohibited in the workplace.
- (2) Any employee convicted of manufacturing, using, selling, distributing or possessing a controlled substance or failing to comply with any drug free workplace requirement may be subject to immediate disciplinary action up to and including discharge, and/or may be required to participate in chemical dependency treatment.
- (3) Any employee desiring information concerning drug abuse counseling and/or rehabilitation programs should contact the City Administrator's Office or their Department Director for this information and additional resources.
- (4) Any employee convicted of manufacturing, using, selling, distributing or possessing a controlled substance while employed by the City of Saint Peter shall notify the City Administrator's Office within five (5) days of the conviction.
- (5) The City of Saint Peter, as the employer, is required to report any workplace drug crimes to the United States Department of Labor within ten (10) days of conviction.

**Non-Discrimination** - The City's policy on work-related substance abuse is non-discriminatory in intent and application in respect to recovering addicts and alcoholics who are not currently using drugs or alcohol. In accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

**Prohibitions/Requirements** - During work hours or while on the City's premises, no employee shall use, sell, manufacture, possess or transfer any illegal drug, alcohol, controlled substance, or any prescription drug, except as medically prescribed and directed and which does not adversely affect work performance.

- (1) No employee shall report to work under the influence of illegal drugs, alcohol, controlled substances or other prescription drugs which adversely affect their alertness, reaction,

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response, judgment, decision-making, or safety.

- (2) No employee shall operate, use, or drive any equipment, machinery, or vehicle while under the influence of illegal drugs, alcohol, controlled substances, or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify their supervisor that they are not in an appropriate mental or physical condition to operate, use, or drive City equipment or their personal vehicle while on City business.
- (3) During work hours, including rest and lunch breaks, or while on the City's premises, no employee shall use, sell, possess, or transfer alcoholic beverages.
- (4) The required transportation or possession of illegal drugs, alcohol, or controlled substances as a result of performing official peace officer duties or undercover operations by order of the Chief of Police are not considered in violation of this policy.
- (5) Supervisors and others who believe that an employee may have illegal drugs in their possession at work or on City premises shall inform their Department Director who shall determine and if reasonable suspicion exists and notify local law enforcement.
- (6) Any employee engaging in the off-duty manufacture, sale, transfer, use, or possession of illegal drugs or controlled substances is subject to discipline up to and including discharge.

**Data Disclosure** - The City will not disclose individual test result reports and other information acquired in the drug or alcohol testing process to another employer 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. Questions in this area shall be directed to the City Administrator's Office.

**Testing Procedures** - Any alcohol and/or drug testing undertaken by the City shall be in accordance with Minnesota Statutes 181.950-.957 (1996), the Minnesota Drug and Alcohol Testing in the Workplace Act as amended and all applicable Federal regulations.

Any employee that has a confirmed positive drug or alcohol test will be removed from their position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment. The employee may be subject to disciplinary action up to and including discharge. A negative-dilute result for drugs and/or alcohol will be subject to a retest.

**Required Drug and Alcohol Testing**

- (1) Pre-Employment Testing. Applicants for positions that will require pre-employment drug and alcohol testing shall be notified of the required testing at the time of application for the position. Pre-employment drug and alcohol testing will be given after a conditional offer of employment has been made. Receipt of a negative drug test result is required prior to employment.
- (2) Reasonable Suspicion Testing. All employees may be subject to drug and alcohol testing if the City has a reasonable suspicion that the employee:
  - (a) Is under the influence of drugs or alcohol; or

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- (b) Has violated the City's Drug Free Workplace policy; or
- (c) Has sustained a personal injury arising out of and in the course of employment, or has caused another employee to sustain a 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.

A reasonable suspicion referral for testing will be made on the basis of specific facts and rational inferences drawn from those facts.

- (3) Routine Physical Examination Testing. An employee may be required to undergo drug and alcohol testing as part of a routine physical examination which will occur not more than once annually. The employee will be given two weeks written notice that a drug or alcohol test is being required as part of the physical examination.
- (4) Random Testing. Non-safety sensitive employees are not subject to random drug and alcohol testing procedures. However, an employee who tests positive will undergo random follow-up drug tests outlined in the Treatment Program Testing of this policy.
- (5) Return-to-Duty Testing. Employees who previously tested positive on a drug or alcohol test and were not terminated must test negative for drugs and alcohol and be evaluated and released by the SAP before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP must assess the employee and determine if the required treatment has been completed. The SAP should schedule the return-to-duty test only when the employee is known to be drug and alcohol free and there is no risk to public safety.
- (6) 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 under an employee benefit plan. In this case, the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for up to two (2) years following completion of any prescribed chemical dependency treatment program.
- (7) Critical Incident Testing. (For Law Enforcement Personnel) A law enforcement employee may be subject to a drug and alcohol test under the following situations:
  - (a) When an employee, during the performance of their duty, is involved in an incident in which the employee has discharged a firearm outside of training.
  - (b) When an employee is involved in a vehicle pursuit, as defined by Minnesota Statute 609.487 and Minnesota Statute 626.5532 as amended that results in death or personal injury.

**Employee Rights During Drug and/or Alcohol Testing** - If an employee or job applicant refuses to take an alcohol or drug test, no test shall be given. However, if an employee refuses a test, they will be considered insubordinate and will be subject to disciplinary action, up to and including

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discharge. A job applicant who refuses to take a drug or alcohol test shall be deemed to have withdrawn their application for employment.

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.

An employee or job applicant has a right to offer the City a written explanation of a positive test result on a confirmatory test within three (3) working days after employer notice of the positive test result. They also have the right to request within five (5) working days after employer 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.

In the event of a positive test, the employee shall be suspended from duty without pay. Should the confirmatory test result show positive, the employee will be considered to have violated the policy. Should the confirmatory test result show negative, the employee will be returned to full duty status and will be paid as if working for the suspended period.

**Consequences of Violations**- Each situation will be reviewed on a case-by-case basis evaluating the severity and circumstances involved. An employee violating this policy may be referred to treatment in accordance with Minnesota Statutes 181.950-957 and/or subject to disciplinary action up to and including discharge.

**Employee Notification of Drug and Alcohol-Free Workplace Policy** - The City will provide a copy of this policy to every employee currently employed by the City. New employees of the City will receive a copy of this policy with their orientation materials. Every job applicant subject to drug and alcohol testing will be given a copy of this policy prior to any testing. Copies of this policy and applicable Minnesota Statutes are available for inspection by appointment during regular business hours in the City Administrator's Office.

**Medical Marijuana** - To the extent permitted by applicable state law, all aspects of this policy apply fully to the use of marijuana, even when used for medicinal purposes. Employees seeking accommodation for lawful and prescribed use should contact their supervisor to determine what, if any, accommodations are available. In making these determinations, safety in the workplace and adherence to applicable laws will always be the City's priority.

**OFF-DUTY RESPONSE**

**Purpose** - The purpose of this policy is to provide guidance to employees and volunteers of the City of Saint Peter on off-duty response when they have consumed alcoholic beverages or are under the influence of prescription or over the counter drugs. The policy applies to all employees and volunteers of the City who are subject to or are occasionally summoned for duty when off-duty.

**Policy** - It is the policy of the City that no employee or volunteer will perform their official duties when they are under the influence of an alcoholic beverage, illegal drugs or physician prescribed drugs which may prohibit an employee or volunteer from safely performing their official duties. This policy applies whether the employee/volunteer is on-duty or off-duty. For the purpose of this policy, "fit for duty" shall be defined as:

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“A determination that the employee or volunteer is capable of performing ALL essential job functions, with or without reasonable accommodation.”

There may be times when an employee or volunteer has consumed alcoholic beverages and is summoned (paged or called) for duty. The individual shall do the following when summoned for duty after they have consumed alcoholic beverages:

- (1) Make their own assessment whether they are “fit for duty” based on the quantity of alcoholic beverages consumed and the time since the consumption.

If the employee or volunteer does not feel they are “fit for duty,” they shall not respond to the call for duty. If there is a doubt on their fitness for duty, the employee/volunteer shall not respond. If the summoning is done by “group page,” there is no need for an individual response. If the employee or volunteer is summoned individually, they shall advise their supervisor or the supervisor making the request for the off-duty response of the fact the employee/volunteer will not be responding in keeping with this policy.

- (2) If the employee or volunteer is satisfied that they are “fit for duty,” then they may respond to the request for an off-duty response. Immediately upon arriving at the work location, the employee/volunteer shall report to a supervisor and advise the supervisor of their condition. The supervisor will make a “confirmation” assessment and either clear the employee/volunteer for duty or ask them to leave the work location. If there is no departmental supervisor on duty, the employee/volunteer is to summon the department supervisor on duty.
- (3) Employees or volunteers who are taking prescription or over the counter drugs shall abide by the restrictions for the drug(s) being taken. If the restrictions preclude the employee/volunteer from operating equipment or working when taking the drug(s), the employee/volunteer shall not respond to call(s) for off-duty responses.
- (4) Supervisors who are notified by employees/volunteers responding under this policy shall evaluate each individual and note the report by the employee/volunteer as part of the critique of the incident. A decision of a supervisor, after making an evaluation, that the employee/volunteer is “unfit for duty” shall be binding on the employee/volunteer.
- (5) If an employee/volunteer is judged to be “unfit for duty” and not capable of returning home, the supervisor shall ensure the employee/volunteer is provided transportation home. No disciplinary action will be taken against an employee/volunteer who responds in good faith and is judged to be “unfit for duty” by a supervisor. Employees/volunteers who respond in an obvious state of intoxication are subject to enforcement action. If the employee/volunteer is eligible for remuneration for the off-duty response, no remuneration or credit will be granted if the employee/volunteer is judged unfit for duty.

## VIII. HOURS OF WORK

**Work Week.** The City provides service twenty-four hours per day, seven (7) days per week. Therefore, a reasonable condition of employment is a requirement that employees work a regular schedule of hours as established by the City. A normal work week for a full-time employee shall consist of 40 hours total in a seven-day period beginning each Monday. Most frequently these hours will be worked between Monday and Friday. Regular schedules shall not be construed as excluding

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shift rotations and emergency work schedules based on public necessity as determined by the City. Specific work schedules for department and employees shall be determined by the Department Director and approved by the City Administrator. The City reserves the right to establish work schedules without regard to usual or traditional practices. Non-traditional work arrangements, such as job sharing or flexible scheduling, may be arranged with the approval of the Department Director and the concurrence of the City Administrator.

**Schedules.** Work schedules and assignments for all employees will be arranged by the employee's immediate supervisor, Foreman, Superintendent, Department Director, City Administrator or other supervisor. Normal working schedules for each department will be determined by the Department Director with the approval of the City Administrator, and if necessary, the City Council.

**Breaks.** A paid 15-minute break will be provided for every 4 hours of regular work time. The 15 minutes starts when the employee leaves the workstation and ends when the employee returns to the work station. Unless other Departmental arrangements prescribe differently, an unpaid one hour lunch period will be allowed for every eight hours scheduled. Department Directors are responsible for scheduling breaks and lunch periods such that these periods do not interfere with the provision of service to the general public during office hours. Non-exempt employees are prohibited from performing work for or on behalf of the City during any unpaid period.

Public safety personnel will be on call and required to respond to calls for service or perform assigned tasks during any break period without regard to these provisions.

Generally, normal open hours for various City departments and building are as follows subject to change:

Municipal Building	Monday through Friday	8:00 AM to 5:00 PM
Public Works Building	Monday through Friday	7:00 AM to 5:00 PM
Police Department	Monday through Friday	24 hours
Community Center	As posted at the Community Center	
Public Library	As posted at the library	

**IX. HOLIDAYS.**

The following days are established as holidays:

New Year's Day	January 1st
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday following Thanksgiving	Fourth Friday in November
Christmas Day	December 25th
Designated Floating Holiday*	See explanation
Floating Holiday+	See explanation

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\*If Christmas Day should fall on a Tuesday, or Thursday, the Monday before or the Friday after, respectively, will be designated as a floating holiday. If Christmas Day falls on any other day, the designated floating holiday would be waived.

+ One shift shall be provided to each employee to use after a request at least 14 days in advance of the date and with the approval of the employee’s supervisor.

Full-time employees will receive eight (8) hours of regular pay for the holiday. Regular part-time employees will receive a pro rata number of hours of pay based on the portion of a forty hour per week schedule worked.

When New Year’s Day, Independence Day, Veteran’s Day, or Christmas Day falls on a Sunday, the following day shall be a holiday. When any of these four (4) holidays falls on a Saturday, the preceding day will be a holiday.

Employees shall be allowed to leave four (4) hours early on Christmas Eve (December 24th) if said day falls on a workday that is not designated as the designated floating holiday. All employees must work four hours on the same day to be allowed credit for the early dismissal.

Employees required to work on a holiday will be paid time and one-half (1-1/2) their regular rate of pay for hours worked on that designated holiday in addition to their eight hours of holiday pay. Said hours will be paid in cash on the next payroll or will be banked as compensatory time at the employee’s option.

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**X. EMPLOYEE LEAVES**

Leave is an authorized absence from duty. It shall be granted when legitimate needs of the employee arise unless such leave will result in an undue disruption of work. Leave is a privilege and should not be abused by employees.

Vacation Leave. Full-time employees and regular part-time employees working thirty (30) hours per week or more are eligible for vacation leave. Regular part-time employees will accrue this leave pro-rated on the basis of the portion of a forty (40) hour week worked. Employees that are new to City employment will receive 40 hours of Vacation Leave at the start of their employment.

The following chart shows the rate of accumulation of vacation time and the limits for total accumulation at any point in time based upon completed months of continuous service with the City.

<b><u>Months of Service</u></b>	<b><u>Accumulation Rate</u></b>	<b><u>Maximum Accumulation</u></b>
0-60 months	7 hours per month	160 hours
61-120 months	10.00 hours per month	200 hours
121-180 months	12.00 hours per month	240 hours
181-240 months	13.33 hours per month	264 hours
241-300 months	14.5 hours per month	280 hours
301–360 months	16.5 hours per month	280 hours
361+ months	18 hours per month	280 hours

Employees designated as Department Directors or higher will receive 3.33 hours per month



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accumulation rate in addition to the above schedule.

All employees must receive permission from the appropriate supervisor at least 10 working days prior to taking vacation leave when such leave is to extend for a period of more than two (2) consecutive days. In cases where leave is requested for less than two (2) days, the appropriate supervisor may grant the leave time as long as the employee's absence does not adversely affect provision of City services. Priority in scheduling vacation leave will be based from January 1 to April 1 of each year on seniority (total continuous time employed by the City) and from April 1 to December 31 each year on earliest date of request. Vacation leave will not be granted in less than one (1) hour increments.

No employee will be allowed to receive vacation pay in lieu of taking the actual time off.

Any employee separating from service in good standing will be either compensated for vacation leave accrued to the day of separation or will be allowed to use said vacation as terminal leave. Use of vacation at termination of employment to extend the official period of employment in order to continue receiving benefits is not allowed unless approved by the City Administrator. In order to use this provision, an employee must have served twelve (12) consecutive months of service and have arranged a minimum of two (2) weeks of notice prior to the date of separation.

Sick Leave. Full-time employees that are new to City employment will receive 40 hours of sick leave at the start of their employment. All full-time employees shall accumulate sick leave at the rate of eight (8) hours per month. Regular part-time employees shall accumulate at a rate proportional to their hours of work based on a forty (40) hour work week for full-time employees. If an employee receives compensation under the Worker's Compensation law, only that portion of their regular salary will be paid which will, together with said compensation received, equal their regular base rate of pay.

Sick leave shall only be granted for the following reasons:

1. The employee's mental or physical illness, treatment or preventative care;
2. A family member's mental or physical illness, treatment or preventative care;
3. Absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
4. Closure of the employee's 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
5. When determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease.

Employees may use Earned Safe and Sick Time (ESST) for the following family members:

1. Their 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 (in place of a parent);
2. Their spouse or registered domestic partner;
3. Their sibling, stepsibling or foster sibling;
4. Their biological, adoptive, or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. Their grandchild, foster grandchild or step-grandchild;
6. Their grandparent or step-grandparent.

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7. A child of a sibling of the employee;
8. A sibling of the parents of the employee;
9. A child-in-law or sibling-in-law;
10. Any of the family members (1 through 9 above) of an employee's spouse or registered domestic partner;
11. Any other individual related by blood whose close association with the employee is the equivalent of a family relationship; and
12. Up to one individual annually designated by the employee.. Such use of time, if greater than 3 days, may be verified by a doctor's certificate or any such other evidence as may be required by the Immediate Supervisor or the City Administrator. Additional unpaid family leave time may be available when these paid leave options are exhausted through the provisions of the state and federal Family and Medical Leave laws. The City Administrator can provide additional information. The definition of immediate family shall be made by the City Administrator and shall normally consist of spouse, child, parent, sibling, parent-in-law, sister-in-law, brother-in-law, grandparent, grandchild, and members of household.

In order to be eligible for sick leave with pay, an employee must:

- a. Report promptly to the Immediate Supervisor the reason for the absence.
- b. Keep the Immediate Supervisor informed if the absence is more than three (3) consecutive days.
- c. Submit a medical certificate for any absence if requested by the Department Director or City Administrator.

An employee who has been unable to work for a period of time because of illness or accident may be required, before being permitted to return to work, to provide medical evidence that they are again able to perform the essential duties of their job with or without reasonable accommodation in a safe and competent manner. All medical evidence must be supplied by a licensed physician approved by the City.

Claiming sick leave when the employee or immediate family members are not ill or injured may result in disciplinary action, including cancellation of sick leave benefits, suspension, demotion or termination of employment. The employee must notify the Immediate Supervisor of their need for leave at the earliest possible moment and before the start of their scheduled working hours unless a medical emergency delays the employee's ability to make timely notification. Failure to notify the Immediate Supervisor may result in loss of compensation for such time taken.

Employees injured during the performance of their duties for the City and thereby rendered unable to work for the City will be allowed to utilize available vacation, sick leave, or other accumulated paid benefits to supplement the difference between the employee's regular pay and worker's compensation insurance payments, not to exceed 100% of the employee's regular base weekly wages.

In lieu of accumulation of sick leave, hours accumulated in excess of four hundred eighty (480) may be exchanged for additional vacation days. The ratio of exchange will be eight (8) hours of sick leave in exchange for one (1) hour of vacation time; OR hours in excess of one thousand forty (1,040) hours may be exchanged for pay. The ratio of the exchange would be four (4) hours of sick leave for one (1) hour of pay at the employee's current rate of pay at the time of the exchange. No

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more than 1,040 hours may be carried into the following year.

Payment of accrued sick leave is to be made according to the following schedule for all regular, full-time employees and regular part-time employees upon retirement or voluntary termination in good standing with the City. Regular full-time employees shall be paid a percentage of their accumulated sick leave at a rate of pay on a pro-rated basis determined by actual hours worked, according to the following schedule. Regular part-time employees shall be paid a percentage of their accumulated sick leave at a rate of pay on a pro-rated basis determined by actual hours worked, according to the following schedule. Payment of accrued sick leave will be based on a maximum of 1,040 hours.

<b>Percentage of Pay for Years of Service</b>	<b>Accumulated Sick Days</b>
Less than 3	0%
3	5%
4	7%
5	9%
6	11%
7	13%
8	15%
9	17%
10	19%
11	21%
12	23%
13	25%
14	27%
15	29%
16	31%
17	33%
18	35%
19	37%
20	39%
21	41%
22	43%
23	45%
24	47%
25	50%
26	52%
27	54%
28	56%
29	58%
30 and over	60%

**Earned Sick and Safe Time** – Effective December 25, 2023 the City of Saint Peter chooses to provide part-time, seasonal and temporary employees, Earned Sick and Safe Time (ESST). Eligible employees will receive one hour of ESST for every thirty (30) hours worked and may to accumulate up to 48 hours of ESST each year.

Employees may use ESST as it is accrued once they have worked 80 hours.

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Employees can use ESST for reasons such as:

1. The employee's mental or physical illness, treatment or preventative care;
2. A family member's mental or physical illness, treatment or preventative care;
3. Absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
4. Closure of the employee's 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
5. When determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease.

Employees may use ESST for the following family members:

1. Their 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 (in place of a parent);
2. Their spouse or registered domestic partner;
3. Their sibling, stepsibling or foster sibling;
4. Their biological, adoptive, or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. Their grandchild, foster grandchild or step-grandchild;
6. Their grandparent or step-grandparent.
7. A child of a sibling of the employee;
8. A sibling of the parents of the employee;
9. A child-in-law or sibling-in-law;
10. Any of the family members (1 through 9 above) of an employee's spouse or registered domestic partner;
11. Any other individual related by blood whose close association with the employee is the equivalent of a family relationship; and
12. Up to one individual annually designated by the employee.

For the purposes of ESST accrual, a year is defined as a calendar year January 1 – December 31 each year. The maximum allowed accrual of ESST hours is 80. Hours may be accrued from one year to the next the if eligible employee is continuously employed.

Eligible employees who separate from employment will be paid out any ESST hours they have accrued.

Calculation of ESST hours will begin on the applicable employee's first day of employment. Employees will accrue one (1) hour of ESST for every 30 hours worked (including overtime hours) up to a maximum of 48 hours in one (1) year.

Employees are allowed to carryover any unused ESST hours to a subsequent calendar year, but unused ESST must not exceed 80 hours at any time.

If the need for usage is foreseeable, advance notice of intent to use ESST is preferred. If the need is unforeseeable, notice can be given as soon as practical.

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**School Conference and Activities Leave.** An employee will be granted up to sixteen (16) hours off during any school year to attend school conferences or classroom activities related to the employee's child if these cannot be scheduled during non-work hours. The employee will provide reasonable prior notice of such leave. The employee may use vacation or compensatory time to obtain pay during this leave.

**Education Leave.** The Department Director, subject to approval by the City Administrator, may grant time away from the job without loss of regular pay but excluding any form of overtime compensation or accumulation to an employee for the purpose of attending a school, meeting, conference, seminar, or other function which will improve or enhance the employee's abilities to understand or perform their job; or if, in the judgment of the City Administrator, the employee's presence will be of benefit to the City.

**Voting.** Employees eligible to vote may take a reasonable amount of paid time off to vote during the morning of election day for State general elections and to fill federal positions. Such leave shall be approved and scheduled by the Department Director.

**Military Leave.** Military leave will be granted to eligible employees in accordance with federal laws and Minnesota Statutes, Section 192.26. An employee who is a member of the national guard, or any other component of the militia of the state, or who is a member of the officers' reserve corps, the enlisted reserve corps, the naval reserve, the marine corps reserve, or any other component of the military or naval forces of the United States, is entitled to leave of absence without loss of pay or seniority status, efficiency rating, vacation, sick leave, or other benefits for the time which such employee is engaged in training or active service not exceeding a total of fifteen (15) working days in a calendar year. Time beyond this is granted in accordance with applicable federal or state law but is unpaid, or the employee may choose to use any available vacation or compensatory time.

The military leave of absence is allowed only if the employee returns to employment immediately upon being relieved from military or naval service (or within the timeframes prescribed in applicable law based on the length of absence), or is prevented from so 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 15-day period allowed for the military leave of absence.

Notice of intent to take military leave must be given to the employee's Department Director within five (5) working days after receipt of orders by the employee and no less than 24 hours prior to the date of leave. If orders are received at a time which would make compliance with this provision impossible, the employee shall give notice as soon as possible

**Parental Leave.** Parental leave will be granted to eligible employees in accordance with Minnesota Statutes, Section 181.94. Sick leave may be utilized by an employee for doctor appointments, illness, and/or disability relating to pregnancy. Other leave under this law will be unpaid unless the employee elects to use compensatory hours or vacation hours to obtain compensation.

Employees working twenty (20) or more hours per week on a routine basis, and who have been employed by the City of Saint Peter for at least twelve (12) months, are eligible for a twelve (12) week unpaid parental leave of absence in connection with the birth or adoption of a child.

The parental leave must begin no later than six weeks after the birth or adoption and notice of intent to take such leave must be given to the employee's department supervisor at least two (2) weeks

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prior to the commencement of such leave.

An employee returning from a parental leave of absence of twelve (12) weeks or less will be entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a parental absence longer than one (1) month must notify the employee's department supervisor at least two (2) weeks prior to the return from leave.

**Bereavement Leave.** Paid leave time may be used by an employee in the case of death in the employee's immediate family, a stillbirth; a miscarriage; an unsuccessful reproductive procedure; a failed adoption match or an adoption that is not finalized because it is contested; a failed surrogacy agreement; or a diagnosis that negatively impacts pregnancy or fertility.

Leave time allowed shall be as actually required, but not to exceed three (3) days. Time used shall not be charged against the employee's sick leave or vacation account. Additional days after three (3) days shall be charged to the employee's sick leave or vacation account upon approval from the employee's supervisor.

The determination of "immediate" family shall be the employee's spouse, child, father, mother, brother, sister, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparents and grandchildren. For children, parents, and siblings, "step" relationships are also included.

Adopted 11-27-2023

**Jury Duty.** All employees will be granted a leave of absence for jury duty. The employee shall be paid their regular wage by the City, provided the employee provides proof of attendance at jury duty for the days of work missed. To the extent permitted by law, employees are expected to return to work if excused from jury duty during their regular working time.

**Political Party.** Political party leave will be granted for participation in precinct caucuses of major political parties, and for delegates to conventions. Vacation or compensatory time will be used if the employee wishes this to be paid leave.

**Bone Marrow Donor.** An employee who works at least 20 hours per week who chooses to donate bone marrow may request up to 40 hours of paid leave for this purpose. Documentation from a physician confirming the purpose and length of leave is required.

**Family/Medical Leave (FMLA):**

In accordance with the federal Family and Medical Leave Act (FMLA), the City will provide up to twelve (12) work weeks of unpaid, job protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for the City at least one (1) year and for one thousand two hundred fifty (1,250) hours or more during the previous twelve months.

Under FMLA, unpaid leave will be granted for:

- birth of a child, or to care for a newly-born child (up to 12 weeks);
- placement of a child with the employee for adoption or foster care (up to 12 weeks);

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- to care for an immediate family member (employee's spouse, child, or parent) with a serious health condition (up to 12 weeks);
- because of the employee's serious health condition that makes the employee unable to perform the employee's job (up to 12 weeks);
- to care for a covered servicemember with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military-Related FMLA Leave for more details);  
**or**
- to handle certain qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on duty under a call or order to active duty in the Uniformed Services (up to 12 weeks) (see Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception. For leave to care for a covered servicemember, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

Note that in cases where the City employs spouses, the spouses are limited to a combined total of 12 weeks of FMLA due to the birth, adoption, or foster care placement of a child or to care for a parent with a serious health condition. Additional parameters apply for spouses who work for the City, so these employees should work with the City Administrator to determine exactly how much time each spouse is eligible for under FMLA, depending on the circumstances of the leave.

#### **Definitions**

A "*serious health condition*" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

A "*covered service member*" is a member or veteran of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The term "*serious injury or illness*" means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating or one that existed before the beginning of active duty and was aggravated by service in the line of duty while on active duty. With regard to veterans, the injury or illness may manifest itself before or after the individual assumed veteran status.

"*Qualifying exigencies*" include activities such as short-notice deployment, military events,

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arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

#### **Identifying the 12-Month Period**

The 12-month period in which 12 weeks of leave may be taken is a calendar year. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

#### **Using Leave**

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered servicemember, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for the birth of a child, to care for a newly born child, or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the City's operations.

#### **Use of Accrued Paid Leave**

To the extent you have any accrued vacation and/or sick time, you may request or may be required to use it concurrently with your FMLA leave. Benefits received under other income replacement programs, such as disability or workers' compensation also run concurrently with FMLA and do not extend the period of FMLA. However, employees may be able to supplement these paid benefits with available time off benefits, to a maximum of 100% of their regular base pay for the week.

#### **Maintenance of Health Benefits**

If you and/or your family participate in the City's group health plan, the City will maintain coverage during your FMLA leave on the same terms as if you had continued to work. You must make arrangements to pay your share of health plan premiums while on leave prior to beginning leave, unless the need for leave is unforeseeable, in which case you must make arrangements as soon as possible. In some instances, the City may recover premiums it paid to maintain health coverage or other benefits for you and your family.

#### **Employee Notice and Medical Certification Requirements**

When seeking FMLA leave, you are required to provide:

- sufficient information and documentation for the City to determine if the requested leave qualifies for FMLA protection and the anticipated timing and duration of the leave. You must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified;
- if the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the City's normal call-in procedures, absent unusual circumstances;
- medical certification supporting the need for leave due to a serious health condition affecting you or an immediate family member within 15 calendar days of the City's request to provide the certification. If you fail to do so, the City may delay the commencement of



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your leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with our standard leave of absence and attendance policies, subjecting you to discipline up to and including termination. Second or third medical opinions and periodic re-certifications may also be required;

- periodic reports as deemed appropriate by the City during the leave regarding your status and intent to return to work; and
- medical certification of fitness for duty before returning to work, if the leave was due to your serious health condition. The City will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including termination.

#### **Employer Responsibilities**

To the extent required by law, the City will inform employees whether they are eligible under FMLA. Should an employee be eligible for FMLA, the City will provide them with a notice that specifies any additional information required as well as the employee's rights and responsibilities. If employees are not eligible, the City will provide a reason for the ineligibility. The City will also inform employees if leave will be designated as FMLA and, to the extent possible, note the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

#### **Job Restoration**

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

#### **Exemption for Key Employees**

Certain key employees may not be returned to their former or equivalent position following a leave if doing so would cause substantial economic injury to the City. Key employees are salaried and among the highest paid 10 percent of all employees. The City will notify you if you qualify as a key employee and if the City intends to deny reinstatement and your rights in such instances.

#### **Failure to Return after FMLA Leave**

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to the City's standard leave of absence and attendance policies. This may result in termination if you have no other City-provided or legally mandated leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, the City's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

#### **Fraud**

Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including termination.

#### **Employers' Compliance with FMLA and Employee's Enforcement Rights**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for opposing any

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practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the City encourages employees to bring any concerns or complaints about compliance with FMLA to the attention of City management, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

Further, FMLA does not affect any federal or state law prohibiting discrimination, nor does it supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

**Limited Nature of This Policy**

This policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The City reserves the right to modify this or any other policy as necessary, in its sole discretion, to the extent permitted by law. State or local leave laws may also apply.

**Military-Related Federal FMLA Leave**

FMLA leave may also be available to eligible employees in connection with certain service-related medical and nonmedical needs of family members. There are two forms of such leave. The first is Military Caregiver Leave, and the second is Qualifying Exigency Leave. Each of these leaves is detailed below.

**Military Caregiver Leave**

Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a “covered servicemember,” which means: (1) a current member or veteran of the Armed Forces, National Guard, or Reserves, (2) who is undergoing medical treatment, recuperation, or therapy; or, in the case of a veteran, who was a current member of the Armed Forces, National Guard or Reserves within five years prior to the treatment for which an eligible employee requests leave; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, (3) for a serious injury or illness that may render a current member medically unfit to perform the duties of the member’s office, grade, rank, or rating. Military Caregiver Leave is not available to care for servicemembers on the *permanent* disability retired list.

To be “eligible” for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember. “Next of kin” means the nearest blood relative of the servicemember, other than the servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within this FMLA policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered servicemember in a “single 12-month period.” The “single 12-month period” begins on the first day leave is taken to care for a covered servicemember and ends 12

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months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this “single 12-month period,” the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered servicemember, and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any “single 12-month period.”

Within the “single 12-month period” described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the “single 12-month period,” an eligible employee may take up to 16 weeks of FMLA leave to care for a covered servicemember when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered servicemember and completed by an authorized health care provider within 15 days.

Military Caregiver Leave is subject to the other provisions in this FMLA policy (requirements regarding employee eligibility, appropriate notice, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

**Qualifying Exigency Leave**

Eligible employees may take unpaid “Qualifying Exigency Leave” to tend to certain “exigencies” arising out of the duty under a call or order to active duty of a “covered military member” (i.e., the employee’s spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA leave within this FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a “single 12-month period”). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above). The employee must meet all other eligibility standards as set forth within this FMLA policy.

Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve. A call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

Qualifying Exigency Leave is available under the following circumstances:

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- **Short-notice deployment.** To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.
- **Military events and related activities.** To attend any official military ceremony, program; or event related to active duty; or a call to active-duty status; or to attend certain family support; or assistance programs and informational briefings.
- **Childcare and school activities.** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
- **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member's representative before a federal, state, or local entity in connection with service benefits.
- **Counseling.** To attend counseling (by someone other than a health care provider) for the employee, the covered military member, or for a child or dependent when necessary as a result of duty under a call or order to active duty.
- **Temporary rest and recuperation.** To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five of days of leave for each instance of rest and recuperation.
- **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following the termination of the covered military member's active-duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active-duty status.
- **Mutually agreed leave.** Other events that arise from the close family member's duty under a call or order to active duty, provided that the City and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

#### Leaves of Absence

The City recognizes that employees may need to request a leave of absence for medical, family, or personal reasons when they are not eligible for a federal or state-specific leave right or another City leave policy.

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During any leave, the employee will be required to use any earned vacation and compensatory time before taking the time as unpaid, unless the employee's leave is covered under another income replacement benefit, such as workers' compensation, the City's short-term disability benefit, or a state-specific benefit. In these cases, to the extent the income replacement benefits permits, the employee may use vacation or compensatory time to supplement these other payments, as long as the employee's total wages for the week do not exceed 100% of the employee's regular base rate of pay. The substitution of paid leave for unpaid leave does not extend the allowable leave period.

If the leave is for a medical or family related reason, the leave will be considered in accordance with any legal requirements in addition to this policy. To the extent permitted by law, the need for more than one type of leave may be combined, and leaves will run concurrently with any other leaves.

When the need for leave is foreseeable, employees must provide their supervisor notice as far in advance as is practical. When the need for leave is not foreseeable, such notice must be provided as soon as the need for leave is learned. Requests must include documented proof of the need for leave, the date leave is to begin and the expected date of return. Leave requests for the employee's or an immediate family member's illness or injury must accompany a physician's documentation and statement supporting the need for leave. Depending on the nature of the leaves, additional documentation may be required.

When leave is due to the employee's own illness or injury, the City reserves the right to have the employee examined by a physician of the City's choosing and at the City's expense to support the need for leave. Employees may also be required to provide periodic physician documentation during their leave to support the need for continued leave in addition to a physician's certification permitting them to return to work at the completion of the leave period. Employees may also be required to maintain contact with their supervisor during a leave at designated intervals about their status and tentative return to work plans.

While on leave, the City will pay for its portion of the employee's insurance premiums for up to one month. The employee is required to pay their portion of monthly premiums. Failure to make payments as arranged may result in loss of coverage. Vacation, sick, and personal time, and any other City sponsored benefits do not accrue during leaves, and employees will not be paid for holidays.

The City recognizes that circumstances may occasionally prevent an employee from returning to work as planned. These situations will be assessed on a case-by-case basis, in accordance with the law, to determine if approval of additional leave time can be granted.

The City will attempt to reinstate employees returning from a leave to their same or similar position; however, depending on the nature and length of the leave, there may not be a guarantee that the City will be able to return an employee to any position upon completion of their leave. In making these decisions, the City complies with all applicable laws regarding reinstatement.

Employees who fail to return to work the day after an approved leave ends will be deemed to have voluntarily resigned from their employment.

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XI. **INSURANCE**

**Medical Insurance:** The City of Saint Peter will provide premium payments for full-time non-union employee basic major medical insurance coverage. The plan and coverage will be determined by the City Council. If the employee wishes to have dependent family members included in this coverage, the employee will be required to pay a portion of the differential cost of the premium between single and family coverage. This portion of the differential cost will also be determined by the City Council. The payment will be collected through payroll deduction. The amount currently required is 10% of the total basic premium.

If a non-union employee accepts coverage only for themselves, an additional payment of \$30.00 per month will be added to the employee's compensation to account for a portion of the difference between the City's contribution for single versus family medical coverage.

**Dental Insurance.** The City of Saint Peter will provide premium payments for basic dental insurance for non-bargaining unit employees and dependent family members. The plan and coverage will be determined by the City Council.

**Life Insurance.** The City of Saint Peter will provide premium payments for a \$20,000 term life insurance policy for all full-time, regular, non-bargaining unit employees. If an employee desires to purchase additional term life insurance on the same policy, the employee will pay the premium differential cost through a payroll deduction.

Adopted 11-27-2023

**Disability Insurance:** The City provides eligible employees the opportunity to purchase long-term disability and/or short-term disability insurance. Employees will be responsible for 100% of the premium cost.

For all coverages, employees should refer the actual summary plan descriptions and plan documents for detailed information, as those documents are controlling. Should there be a conflict between the information contained in this Personnel Policy Manual and the plan documents, the plan documents will govern.

To the extent allowed by law, the City reserves the right to change its benefits offerings at any time, including eligibility requirements and how much employees contribute to premiums.

Other benefit may be provided from time to time as determined by the City.

XII. **RETIREMENT**

All full-time employees at any wage level and part-time employees earning more than \$425 per month are included in membership in the Public Employees Retirement Association (PERA). As such, these employees have retirement contributions equaling a percentage of their gross pay as designated by PERA withheld from each paycheck and sent to the PERA offices. This amount is held in an account for the employee and is matched by a City contribution as the employer. Upon retirement, PERA distributes a retirement annuity to qualified employees based on several factors.

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If an employee terminates employment prior to retirement, the employee may receive a refund of the amounts deducted from their pay. Alternately, the amount may be left in the retirement account along with the City's matching share for annuity distribution at retirement.

Employees with questions about PERA and its operation and regulations should contact either the Accountant in the Saint Peter Finance Department or PERA directly.

**XIII. SEPARATION.**

Eligible employees will participate in a contribution of severance pay to a fund(s) that will provide the contributor with opportunity to pay health related costs after separation of employment from the City.

- Employees who have reached their 20th – 24th anniversary and who retire or resign from employment with the City shall have 50% of their accrued vacation and sick leave severance pay placed into their Health Care Savings Plan (HCSP) account to be used for purposes of healthcare provision for the employee, spouse or legal dependent.
- Employees who reach/exceed their 25th anniversary and who retire or resign from employment with the City, shall have 100% of their accrued vacation and sick leave severance pay placed into their Health Care Savings Plan account to be used for purposes of healthcare provision for the employee, spouse or legal dependent.
- HCSP pay shall include sick and vacation benefits as defined in the personnel policy manual or union contract.
- Accrued vacation and sick leave pay shall not be eligible to be placed into the HCSP upon death of an employee.
- This plan shall be administered by the Minnesota State Retirement System.

**Resignations.** An employee wishing to resign from City employment is requested to submit a written resignation to the employee's Department Director at least fourteen (14) calendar days prior to the effective date of the resignation. Failure to give proper notice may result in the forfeiture of accumulated vacation and other accumulated benefits. In unusual circumstances, the two-week notice may be waived if the City Administrator agrees to accept a notice period shorter than fourteen (14) calendar days. Unauthorized absence from work for a period of three (3) working days or more may be considered by the Department Director as a voluntary resignation without benefits.

**Layoffs.** The City Administrator may recommend to the City Council that employees be laid off whenever such action is made necessary by reason of shortage of funds, lack of work, the elimination of a position, or a change in organization. However, no full-time employee will be subject to layoff, except for disciplinary reasons, when the employee may be shifted to replace a part-time, temporary, or probationary employee in the same classification for which the full-time employee is qualified, eligible, and available. Layoff decisions will be made after taking into account both merit and seniority, but the City does not guarantee that these will be the only factors considered.

No separation of an employee for disciplinary reasons shall be considered a layoff.

Actions of the City Council relating to employee layoffs are not subject to the provisions of the grievance procedure.

**Dismissals.** The City Administrator will recommend to the City Council for final action the dismissal of an employee whenever it is deemed that the employee's conduct or work performance so

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warrants. Dismissal may be initiated by the employee's Department Director or by the City Administrator. The employee will remain on paid leave of absence while the facts and determinations are being considered. The City Administrator will determine the questions of fact as to whether a dismissal is proper. In the case of a dispute about the facts relating to a dismissal, the City Administrator may hold a hearing thereon. Such a hearing will be held within three (3) working days of a dismissal action. When such facts are assembled, they shall be presented to the City Council for final disposition of the dismissal. Final termination becomes effective upon action by the Council to affirm such decision by the Department Director or City Administrator. Such action by the City Council will take place within five (5) working days of such a dismissal action. A written record of the facts in the dismissal plus the City Council's action thereon will be sent to the employee at the employee's last known address within forty-eight (48) hours of the final decision by the City Council.

Failure to report or refusal to report to work when necessary to keep essential services operating or perform necessary services is cause for dismissal.

**Additional Provisions.** Coverage under any City-sponsored insurance plan ends in accordance with plan provisions; employees will be provided information on how to continue these plans at their expense through COBRA. Any accrued, unused vacation or sick time will be handled in accordance with those policies.

All City property must be returned upon separation of employment. Otherwise, the City may take action to recoup any replacement costs and/or seek the return of the property through appropriate legal recourse.

If your address changes during the calendar year in which termination occurs, you should notify the City's Accountant before the end of the year so that your tax information will be sent to the correct address.

#### **XIV. USE OF CITY VEHICLES AND EQUIPMENT, AND FACILITIES**

##### **Requirements For All Employees Operating City Vehicles:**

1. Must possess a current/valid unrestricted driver's license and be at least 18 years of age.
2. Possess and maintain the proper license or endorsements as identified in the position description.
3. Report any changes in license status to your supervisor immediately.

**Driving Record Evaluation.** For insurance purposes, the City will review driving records of potential employees whose job description requires possession of a valid/current driver's license before commencing employment. The City will review employee driving records following any documented or reported arrest, accident or incident that results in the revocation, suspension, or limitation of driving privileges. The City may review on a yearly basis the driver's record of all current employees whose job qualifications require possession of a current/valid driver's license.

**Expired/Revoked/Suspended/Otherwise.** Should the driver's license of an employee who is required to possess a current/valid driver's license expire or be revoked for any reason, said employee will/may not be allowed to drive until a meeting has been held with the supervisor. The City will address each occurrence on a case-by-case basis with consideration given to City and Departmental operation, staffing levels, liability and work load. Licenses that are expired, revoked, suspended, and invalid or the status of which has been otherwise changed in a way that can



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impact the employee's ability to meet their job requirements or expectations can result in disciplinary action including but not limited to unpaid suspension and/or termination. Failure to report any change in status may result in immediate termination.

**City Vehicles.** Employees may be assigned the use of City vehicles by a Department Director or other supervisor. Unless formally approved in writing by the City Administrator, employees will not use City vehicles for personal travel, except in emergency cases which must be reported promptly to the City Administrator. Unauthorized use of City vehicles for personal use may be sufficient grounds for disciplinary action, including termination. Employees using City vehicles are charged with the responsibility of monitoring the maintenance of the vehicle, including such items as fluid levels, tire pressure and condition, general cleanliness or other mechanical problems. Problems encountered which the employee is not able to repair should be reported as soon as possible to the Department Director.

The use of cell phones or other devices that may distract a driver are not permitted when driving a City vehicle or when driving a personal vehicle for work purposes unless it is work-related, urgent, and a hands-free option is used.

The use of seatbelts in City vehicles is mandatory, and personal or unauthorized passengers are not allowed.

City vehicles may have GPS vehicle tracking systems in them. These devices allow the City to monitor the location, speed, direction, ignition status, and other information of its vehicles. Employees understand that the City may use this data to make employment and management decisions regarding employees based solely, or in part, on GPS data. Employees face disciplinary action, up to and including termination of employment, if as a result of GPS monitoring, the City has reason to believe the employee has violated the law or City policies, procedures, or expectations for conduct.

**City Equipment.** Employees are charged with monitoring the condition of the equipment used in the performance of their duties. Equipment specifically assigned to an individual employee, such as keys, tools, clothing, or other equipment, must register the possession of that equipment with the Department Director or assignee. Use of such equipment or any other City equipment including, but not limited to computers, copiers, fax machines, and tools for personal purposes, whether at the workplace or at home, is prohibited unless specifically authorized in writing by the City Administrator. All equipment in the employee's possession must be returned to the City and its condition accounted for prior to the issue of a final paycheck upon termination for any reason.

**City Facilities.** City facilities open and available to the general public will be available to employees for personal use at the same times and at the same rates as the general public. These include parks and Community Center facilities. Facilities not open or available to the general public will not be made available to employees for personal reasons except by specific written permission of the City Administrator. These include the Public Works facilities and Municipal Building garages. Charges for any such use will be determined by the City Administrator.

**XV. SAFETY**

The City of Saint Peter will at all times provide the safest working conditions possible. It is the responsibility of each Department Director to establish safety regulations and to instruct workers in accident prevention. Workers are expected to adhere strictly to all safety regulations and

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requirements. Suggestions regarding safety are welcomed from employees by Department Directors.

Work-related illnesses and injuries are covered under the City's workers' compensation policy. Whenever an employee is injured on the job, no matter how slightly, the employee must report such incident immediately to the job supervisor or Department Director. The Supervisor or Department Director, whoever is directly responsible for daily supervision of the employees, must file the appropriate "first report of injury" with the City Clerk's office within twenty-four (24) hours of the incident. Such report must include the necessary particulars of the incident. Failure to follow these procedures may result in disciplinary action and may jeopardize an employee's rights to workers' compensation benefits.

Where items of safety equipment are required by federal, state, or local rules and regulations, the City will require such equipment to be worn or correctly used by the employee. Failure to do so may result in disciplinary action, up to and including dismissal. In most cases, required safety equipment will be provided by the City. If an employee has a medically documented need for personal protective equipment or special circumstances in the workplace not provided to all employees, this equipment will, in most cases, be provided by the City. The City will require that such equipment be worn or correctly used by the employee. Failure to do so may result in disciplinary action, up to and including dismissal.

All accidents involving City vehicles or equipment, or involving the employee's approved personal vehicle or equipment while being used for official City business, must be reported to the Police Department immediately, and to the City Administrator within 24 hours of the accident. Failure to follow these procedures may result in disciplinary action, up to and including termination. Employees are responsible for any moving and parking violations and fines that may result when operating a City or personal vehicle for work purposes.

No employee may carry or possess a firearm upon their person while acting in the course and scope of employment with the City of Saint Peter. Personal firearms are also not permitted inside a City vehicle at any time. These restrictions shall not apply to those employees of the City who are POST licensed police officers.

#### **XVI. DISCIPLINARY ACTION**

The City Administrator, Department Directors, and Superintendents have the right to impose disciplinary action upon an employee. Cause for such action may include, but is not limited to:

- Incompetence in the performance of job duties.
- Failure to report or refusal to work when necessary to keep essential services operating or provide service to the public.
- Reporting for work under the influence of alcohol or drugs.
- Use of intoxicating beverages or illegal drugs while on duty including breaks and meals
- Willful misconduct or insubordination.
- Carelessness and/or negligence in the handling or control of municipal property.
- Discourteous, insulting, or abusive conduct toward the public or other employees.
- Theft or dishonesty in the performance of duties, including falsification of any document or information.
- Acceptance of a gift under circumstances from which it could be inferred that the giver expected, hoped for, or received preferential treatment in a municipal function or service.

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- Evidence of failure to observe safety rules and regulations or conduct that may threaten property or endanger the life or safety of a person.
- Failure to observe federal, state or local laws, regulations, or policies.
- Violation of the City's policies against discrimination and harassment.
- Unacceptable attendance.

Disciplinary action will normally follow the procedure set forth below. This procedure does not preclude immediate suspension or dismissal when the degree of disciplinary action requires such action. The City considers disciplinary decisions on a case-by-case basis, does not guarantee that one form of discipline will precede another and may choose immediate termination of employment when deemed appropriate.

**Warnings.** An oral warning or reprimand will be given by the Superintendent, Department Director or City Administrator if the employee's conduct so warrants. A written record of this oral warning will be placed in the employee's personnel file. While immediate and sustained improvement is required, a reasonable amount of time will be allowed for correction of the conduct before further disciplinary action is taken, if appropriate. If conduct is not sufficiently improved, or if conditions require a written warning as an immediate first step, a written warning or reprimand will be issued by the Superintendent, Department Director or City Administrator. A copy of such written warning will be placed in the employee's personnel file.

**Suspension.** If warranted as a following step or if such action is required as a first step in the disciplinary process, the City Administrator may suspend an employee without pay for a period not to exceed thirty (30) days. A written statement giving the reasons for suspension will be prepared by the Superintendent, or Department Director recommending the suspension or by the City Administrator if they initiate the suspension action and given to the employee. A copy of such statement will also be placed in the employee's personnel file. An employee so suspended will be entitled to a hearing before the City Council or designated appropriate committee of the City Council by filing such a request with the City Administrator within five (5) calendar days after the notice of suspension. A suspension of more than thirty (30) days may be imposed by the City Council.

In the event that an employee is charged with a criminal offense or is involved in a civil litigation matter such that, in the opinion of the City Administrator, the employee's ability to function in the employee's job will be seriously impaired, such employee shall be suspended until final judgment of the criminal or civil matter is rendered. In the event that an employee is exonerated from criminal culpability in a criminal matter, such employee will be reinstated with full rights of seniority and full back pay for the period of the suspension.

**Dismissal.** An employee may be dismissed after a written warning or, if an incident is so severe as to warrant immediate dismissal, immediately upon review of such an incident by the City Administrator and without advance notice to the employee. An employee guilty of theft or intentional destruction of City property at any time, assault, or gross misconduct, shall be dismissed immediately. Dismissals shall be approved by a majority vote of the City Council. A written statement giving the reasons(s) for the dismissal will be prepared by the City Administrator and provided to the employee within five (5) days from the date of such action. The employee and a representative of the employee shall have the right to appear before the City Council or designated Committee at this hearing. Any dismissal not appealed in this manner and within this period shall be considered final.

Discipline and discharge of employees in their introductory period is governed by the provisions of

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Section VII relating to employees during the introductory period.

**XVII. EMPLOYEE RELATIONS**

**General Policy.** It is the intention of the City of Saint Peter that written or unwritten policies and procedures shall be developed as necessary to ensure effective communication between employees and management and to promote high employee morale.

**Working Conditions.** Every effort shall be made to provide and maintain working conditions which are safe and conducive to maximum work effort. The City Administrator may investigate working conditions which fail to meet these criteria and implement solutions to correct poor working conditions.

Should an employee require special equipment or circumstances in order to perform their job functions in a safe and efficient manner, a request for accommodation should be made to the employee's supervisor. Documentation of the employee's limitations from a qualified medical professional may be required. A workplace assessment study will then be performed to determine the extent to which special equipment or conditions must be provided. The City seeks to provide appropriate accommodations to the extent they do not pose an undue hardship.

**Orientation of New Employees.** It is the responsibility of Department Directors to ensure the proper orientation of a new employee to the workplace. This includes providing information about the rights and obligations of employees, working facilities, safety policies and procedures, equipment and conditions, job duties of the new employee and other general and departmental policies. Also included will be hours of work, overtime provisions, leave provisions, paychecks and deductions, benefit programs, education, pay increases and promotion possibilities.

**Communication.** Efforts shall be made to ensure that employees are made aware of policy changes or procedure changes, additional staff duties, changes in personnel, general City business items and other information necessary for the performance of the employee's duties. Employees are encouraged to make suggestions but are expected to respect and support other employees and departments in their comments. Employees may request clarification of policies and management decisions that may affect the performance of their jobs.

**Personnel Files.** The City Administrator's Office will keep and maintain all personnel files for all employees. Separate files for medical information will also be maintained by the City Administrator's Office. Access to these files by employees is detailed in Section V on Data Practices and Privacy.

An employee may contest the accuracy or completeness of data in their own files. To exercise this right, the employee shall notify the City Administrator of the disagreement in writing. Within thirty (30) days of receiving such a notice, the City Administrator shall either correct the data found to be inaccurate or incomplete or notify the employee that the Administrator believes the information to be correct and/or complete. If disputed data is disclosed, it shall only be done with the inclusion of the employee's objection.

Irrespective of disputed material, employees shall have the right to include written statements in their personnel files explaining or disputing specific materials included therein. Such statements will be attached to, but will not replace, any disputed material.

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**XVIII. GRIEVANCE PROCEDURE**

It is the intent of the City of Saint Peter to resolve grievances of employees in a prompt and fair manner. Any grievance which arises in reference to the interpretation of, adherence to, or application of this personnel policy manual or from any dispute or disagreement regarding the existence of just cause in the discipline of any employee or from the termination of any employee not in their introductory period will be addressed through the procedure that follows:

**Step 1.** The employee shall discuss any alleged violation and/or grievance with their immediate supervisor before proceeding to the formal written grievance in Step 2.

**Step 2.** An employee claiming a violation concerning the interpretation or application of this personnel policy manual shall, within fourteen (14) calendar days after such alleged violation has occurred, present such grievance in writing to the Department Director. The written grievance must include the facts of the grievance and appeal, the specific section of the personnel policy manual violated, and the relief sought. The Department Director will discuss the grievance with the employee and provide the employee a written response within fourteen (14) calendar days following the receipt of the grievance.

**Step 3.** If the grievance is not resolved in Step 2, the employee can appeal the decision by presenting the written grievance to the City Administrator within seven (7) calendar days after receipt of the written decision of the Department Director. The City Administrator shall discuss the grievance with the employee and will give the employee a written response to the employee's appeal within twenty-one (21) calendar days after receipt of the appeal. The City Administrator's decision will be final. The City Administrator will make City Council aware of these Step 3 grievances and may be consulted on the resolution of such grievances; however, employees may not file a grievance or an appeal with City Council.

**XIX. TRAVEL/PERSONAL EXPENSE REIMBURSEMENT**

**General:** City employees and elected officials are eligible to receive expense reimbursement for expenses incurred in the conduct of City business. Under some circumstances, employees and elected officials may be eligible for advance payment of expense monies in order to attend conferences or schools, or for the conduct of official City business. It is the intent of the City to reimburse or pay for necessary transportation, food, lodging, registration fees and authorized miscellaneous expenses. It is expected that employees and elected officials will secure accommodations and services which are reasonable but appropriate. Employees and/or elected officials attending the same function are encouraged to share transportation and accommodations insofar as practical and reasonable. The City Administrator shall have the authority to determine the reasonableness of expense claims for employees. Reimbursements or advances shall be made under the following guidelines:

**Personal Automobile.** Employees shall use a City owned vehicle for all travel on City business or for conferences or training except when use of a personal vehicle is approved in advance and in writing by the Department Director or City Administrator. An employee so authorized shall be paid the rate allowed by the IRS for mileage reimbursement while using a personal vehicle for City business. If an employee elects to use a personal vehicle when a City vehicle is available or when personal vehicle use is not authorized, it is done at the employee's own risk and expense. The City of Saint Peter will not be held responsible for damage to a personal vehicle or any other vehicle when use of the personal vehicle is not

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authorized.

**Meals.** While attending meetings or conferences or traveling on official City business, employees will be reimbursed for meals under the federal regulations for reimbursement. Meals will be reimbursed at a maximum amount daily reimbursement of \$59.00 for all three meals. Snacks will not be reimbursed. Exceptions will be granted when meals and/or snacks are prepackaged as part of a conference or training session. Gratuities will be reimbursed at a maximum of 15%. No reimbursement shall be made for alcoholic beverages.

**Lodging.** Lodging reimbursement will be made for the actual cost of lodging up to a maximum of \$130 excluding tax per day. Lodging at a greater cost must be preapproved by the City Administrator, who will have the authority to determine whether conditions warrant the additional cost. Exceptions may be granted when lodging is prepackaged as part of a conference or training session. Business or government rates must be requested when making arrangements for lodging.

Overnight lodging will only be allowed when the employee must travel beyond a reasonable daily driving distance from Saint Peter. Normally, travel within a sixty-five mile radius of Saint Peter will not qualify for overnight lodging. Any lodging within such a radius must receive advance approval of the Department Director and the City Administrator. Any overnight lodging within a 120 miles radius for business of longer than one day must also be approved in advance by the Department Director and the City Administrator. Lodging beyond a 120 miles radius for business of longer than one day duration may be approved by the Department Director and City Administrator.

**Additional Expenses.** Employees will be reimbursed for the actual cost of registration fees, parking, business telephone calls, and other necessary expenditures. When possible, registration fees should be paid in advance so that early registration discounts may be obtained.

**Advances:** Advances for extended travel or exceptional expense may be granted upon approval from the Department Director and the City Administrator. Upon return from the travel an accurate accounting for advance expense monies, including itemized receipts, shall be tendered first to the Department Director and finally to the Finance Department along with reimbursement of any unused advance monies or request for additional reimbursement beyond the amount of the advance.

All travel expenses must be submitted promptly on the appropriate forms upon returning to work. Such requests must be accompanied by itemized receipts. Lack of an appropriate receipt may be grounds for refusal of an expense reimbursement or allowance. Receipts for lodging, airfare, registration and meals are required. All expense claims and vouchers must be signed by the claimant and Department Director. Claims or vouchers must be processed according the rules established in the City Purchasing Policy.

**Required Licenses:** Employees have a clear responsibility and obligation to ensure that any license(s) or certifications required for employment are valid. In addition, employees are required to report any change in the status of their license(s) or certification(s) to their Supervisor before work requiring the license or certification is to occur. Failure to maintain required license(s) and certification(s) is a basis for disciplinary action including termination.

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When an employee is required to maintain specific licenses and/or endorsements as a condition of the employee's employment with the City, such employee shall be reimbursed by the City for the actual cost of the license and/or required endorsements. The City is not responsible for the cost of any continuing education or other requirements to maintain the license, nor is the City responsible for any late or reinstatement fees if the employee fails to make timely renewal.

**XX. EDUCATION**

The City of Saint Peter allows and encourages many forms of in-service training to provide opportunities for improvement of an employee's skills and qualifications. These opportunities need not be limited to training for specific job functions but may include training to improve general fitness of the employee for public service.

Availability of educational opportunities will be limited by workload, staffing and financial constraints of the employee's Department.

Training such as special courses, conferences, workshops and other meetings must first be approved by the employee's immediate supervisor. The Department Director and City Administrator must also approve the request. If the training is approved, the City will pay registration fees and appropriate lodging and meal costs. Travel to and from such training, if required, will be in City vehicles when available. Personal vehicle use must follow the requirements of Section XVIII. Compensation for training, including travel time, will not exceed a regular work shift, including time worked on the day of training.

The employee will be expected to be at work before and after training sessions, if time permits.

Any education involving college or technical school credit must be requested in writing and approved in writing prior to course registration. The employer must be allowed no less than ten (10) working days to review a request. The request must include the type of course with a course description from the institution or sponsor, the reason for requesting the course, the expected benefit to the employee and to the City, the cost reimbursement amount requested, and time involved.

If coursework is taken for credits to be applied toward a degree program the employee will submit a degree plan of courses to be taken and a statement of the total cost reimbursement expected to be requested for this degree plan.

Time away from regular work schedule must be pre-arranged and must not adversely affect Department operations, in the opinion of the Department Director and the City Administrator. Time away from the job for this kind of education may be compensated through the use of vacation or compensatory time.

Reimbursement for coursework not suggested or required by the City, if approved, will range from half of tuition to full tuition, as determined by the City Administrator, depending on the funding available, the relevance of the employee's work and the public interest. Reimbursement for coursework grading degree credits and not suggested or required by the City will be limited to \$5,000 per academic year and \$10,000 total reimbursement per employee. Should an employee leave the employ of the City of Saint Peter within three (3) years after completing such coursework, one half (1/2) of the reimbursement must be refunded to the City. No fees, books, materials or supplies will be reimbursed. In order to receive reimbursement, a grade of "C" or better must be

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obtained for the course.

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**XXI. GRATUITIES, GIFTS, AND ENDORSEMENTS**

Minnesota Statutes makes it illegal for a City official to accept gifts or gratuities of any value from a party who may be benefited by the City official's actions or decisions. While this may or may not apply to the individual employee, it is recommended that employees refrain from accepting gifts from others as a result of their job duties or activities. This includes meals, trinkets, clothing or other gifts. Plaques or award certificates are exempted from this prohibition. Employees who willfully violate this law may be subject to disciplinary action, up to and including dismissal.

Community members may ask an employee to recommend a product, vendor or local service as a remedy to citizen concerns or needs. City employees should not recommend or endorse products or services used or experienced in the course of their job duties. In the case of recommendation of local vendors or services it is particularly important for City employees to remain officially neutral in the endorsement of any particular vendor or product. **M.S. 10A.071**

**XXII. EMERGENCY VOLUNTEERISM**

It will be the policy and intent of the City of Saint Peter to encourage many forms of emergency service volunteerism in order to provide better service to the community and to allow employees to better serve their community. Such emergency volunteer projects and programs include, but are not limited to: Police Reserve Officer, Firefighter, Rescue Squad Personnel, Emergency Medical Personnel, and Crisis Counselor.

While the City encourages volunteerism, certain guidelines must be followed by union and non-union employees to ensure continuation and minimal interruption of City services.

An employee must have prior approval from their Department Director and the City Administrator to participate in any emergency volunteer program or project that conflicts with the employee's regular work schedule. For employees already members of emergency volunteer programs at the inception date of this policy, permission will be automatically granted when the required emergency volunteer request form is received. The employee's request to participate in an emergency volunteer activity during regularly scheduled work hours must be presented in writing at least one month in advance of the employee's first request to leave the workplace for such activity. If the volunteer program or project does not conflict with the employee's work, such approval is unnecessary. Management will approve or deny the written request and state the conditions of such approval or reasons for denial within ten (10) working days of receipt. Any employee request that is denied may be appealed through the grievance process available to the employee.

Should an employee be called upon for an emergency situation during working hours, that employee must notify their immediate supervisor or the supervisor's designee before leaving the workplace. Leave will be granted by the supervisor, the supervisor's designee, or the City Administrator in the chain of command, unless such leave poses an undue hardship on City operations. Employees leaving or returning from emergency volunteer activities are to do so with minimal interruption and disturbance to patron and colleagues. In no case will a City vehicle be used by an employee for transportation to and from the emergency volunteer program or project without prior supervisory approval.



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Employees will not be granted leave and will not take working time for non-emergency situations or tasks without prior approval from the Department Director. Time or leave granted for non-emergency situations will be vacation time, compensatory time use or leave without pay.

When the emergency volunteer project or program requires the employee to be called upon during their regularly scheduled work hours and all other requirements of this policy have been met, the time away from work will be considered paid time.

When the employee must be called upon as a City employee for emergency purposes of the City and the emergency volunteer program or project also calls upon the employee, the employee's duties for the City will take precedence.

Time spent serving in an emergency volunteer program or project is not considered work-related, and the City's workers' compensation and liability coverages do not cover employees in these situations.

Abuses or violations of this policy, including its administrative procedures, may result in revocation of approval to participate in the emergency volunteer program during work hours. Abuses or violations of this policy, including its administrative procedures, may also result in disciplinary procedures.

**XXIII. ADDITIONAL REGULATIONS**

Each Department Director may prescribe additional rules and regulations for the efficient operation and effectiveness of that department. Such additional rules and regulations will be placed in writing, will be consistent with the policies and procedures contained herein, and will be affirmed in writing by the City Administrator.

**XXIV. EMPLOYEE ANNIVERSARY RECOGNITION PROGRAM**

The City of Saint Peter has chosen to recognize the excellence and longevity of its full-time, regular employees through an "Anniversary Recognition Program". As an employee reaches their 1, 5, 10, 15, 20, 25, 30, 35 and 40 years and up work anniversaries, they will be provided with a recognition award from the City Administration in the form of Chamber Bucks. Chamber Bucks can be used like gift cards at local Chamber member businesses.

Employees will not be allowed to receive the cash equivalent of the recognition award in lieu of the award.

**XXV. SOCIAL MEDIA AND INTERNET USE POLICIES**

- A. Social Media Policy- "Social Media" refers to social networking sites and tools; such as Facebook, Twitter, and LinkedIn; as well as blogs, RSS feeds and other public forums. Information put on social media sites should complement other current City of Saint Peter communication channels such as the Hot Sheet, City website, and other media. Information put on social media is typically happening in real-time. Unless an employee has been given permission from their Department Director, they may not post content to any social media site on behalf of the City or in a way that implies that the employee is posting based on their official capacity within the City organization. The City's computers

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and mobile devices are tools provided to employees for official City business for the purpose of providing efficient communication among citizens, staff, other business professionals, and to assist in the assimilation and reporting of information to facilitate City business. All social media, online and mobile communications shall adhere to the regulations contained herein.

1. **Social Media Site Approval** - All requests for “social media sites” must be approved by the appropriate Department Director and be submitted to the IT Specialist. The City Administrator must provide final approval. A social media site (i.e. a page name in Facebook) should be clearly identified as being affiliated with the City and be descriptive of the Department being represented. The IT Specialist will be added as an additional administrator of any social media site affiliated with the City of Saint Peter including sites currently existing and any newly approved site. When acting in an official capacity as a City employee, employees may not post content to any blog or social media site without the permission of their Department Director. Sites should contain outgoing information only. The City will not respond to comments or postings on any site unless authorization is provided by the City Administrator. If the site has no option to prohibit comments or postings, the City reserves the right to remove all comments or postings.
2. **Social Media Site Maintenance** - The City Department that created the site will be responsible for posting (publishing) relevant and accurate information, keeping it timely, and for monitoring the site. Employees are responsible for everything they post. Wherever possible, content posted to City social media sites should contain links directing users back to the City's website for in-depth information, forms, or documents necessary to conduct business with the City. All information posted to social media is subject to the Minnesota Data Practices Act.
3. **Prohibited Uses** - Postings to social media must not contain obscene language or sexual content, threaten or harass any person or organization, support or oppose political candidates and viewpoints, promote illegal or unethical activity, or promote products not affiliated with the City. Employees cannot post information that is otherwise prohibited by City regulations. When in doubt, don't post it.
4. **Confidential and Private Information** – Private and/or confidential information, as defined by the Minnesota Data Practices Act, must never be posted on a social media site.
5. **Publishing photos or videos** - Publishing photos or videos of the City of Saint Peter, City staff, citizens or visitors requires permission from the appropriate Department Director and must follow the Minnesota Data Practices Act.
6. **Interactive Communication** - Social media is designed to be a tool for sharing and discussing information. All social media sites will originally be created as strictly informational. If the site becomes interactive, the site must contain the following disclaimer: “Comments posted to this page will be monitored. The City reserves the right to remove inappropriate comments including those that are harmful to children, have obscene language or sexual content, threaten or harass any person or organization, support or oppose political candidates and viewpoints, promote

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illegal or unethical activity, promote commercial products or are not related to the particular posting.”

7. Personal Social Media - If an employee maintains a personal website or social networking site, they may indicate that they are an employee of the City. Any employee who posts comments related to the City or their employment with the City must also include something like the following disclaimer: “This is my opinion only and does not represent the views of the City of Saint Peter.”

While the City does not seek to interfere with employees’ personal social media and online activity, ultimately, employees are responsible for what they post online. Any conduct that adversely affects an employee’s job performance, the performance of other employees, or otherwise adversely affects the City’s interests can have repercussions for an employee at work, including termination of employment, as can inappropriate postings that may include discriminatory remarks, harassment, threats of violence, or similar conduct. This is true, even if the online activity occurs away from the workplace, on non-working time, and using non-City systems and devices.

- B. Personal Computer Usage - The City’s computers are tools provided to employees for official City business as a means of providing efficient communication among staff and other business professionals and to assist in the assimilation and reporting of information to facilitate City business.

1. Data - All information stored on City computers is the property of the City and may be monitored at any time. Data stored on individual computer hard drives is not configured for secure storage or communication. Information considered private by the Minnesota Data Practices Act requires additional security consideration.

2. Hardware and Software - All software and hardware changes must be coordinated with the IT Specialist. No additional software or hardware, including screen savers and specialized software, may be installed without consulting the IT Specialist.

3. Backups - The City backs up its computer servers on a daily, weekly, and monthly schedule depending on the type of server. Data stored on individual workstations is not backed up.

4. Virus Protection - All computers will be provided with virus protection software which must be used at all times.

5. E-Mail and Internet Usage - The Internet and electronic mail (e-mail) are to be used for City business purposes. These services allow employees to increase the timeliness and effectiveness of City communications. Appropriate use is always expected. The internet opens up a wealth of information and resources, but remember, it is uncensored and sites may report inaccurate information. Full-time (and some part-time employees) of the City of Saint Peter are assigned e-mail accounts. Employees using the Internet or e-mail for any reason must do so with professional conduct and

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in accordance with City policies. All e-mail messages must include the employee's signature line.

6. Prohibited Use - Prohibited uses of the Internet and e-mail include but are not limited to the following:
  - Illegal activities
  - Harassment
  - Pornographic or sexually explicit activities
  - Non-City business and solicitation
  - Visiting chat rooms (except for business purposes)
  - Instant Messaging
  - Streaming Audio and or Video
  - Any activity against City policy
  - Personal financial gain such as wagering, betting, and electronic trading
  - Working under another's identity without proper authorization
  - Games
  - Other unethical activities
  
7. Monitoring Usage -.The City does not promise employees any right of privacy in the use of the systems, resources, and devices provide by the City. In accordance with applicable law, the City reserves the right to enter, search and/or monitor these resources without notice, and employees should expect that any files, documents, messages, communications, or other activities which are accessed, created, sent, received, viewed, or stored on any of the City's owned, leased, or managed systems, resources, or devices may be disclosed to City management. Similarly, employees should expect that all of their internet activity, including the websites they visit, and any files, documents, etc., they access, view, upload or download, send or receive may be disclosed to City management; this includes deleted information.

Employees are prohibited from attempting to disable, defeat or circumvent any security or monitoring mechanism.
  
8. Downloading - The City does not authorize downloading programs from the Internet onto employee computer workstation without prior approval of the IT Specialist and the appropriate Department Director.
  
9. Confidential and Private Information - City individual computers are not configured for secure internet and e-mail communication. Information considered private by the Minnesota Data Practices Act requires encryption.
  
10. Receiving Offensive or Unsolicited Material - Inappropriate and unsolicited e-mail messages should be reported to the IT Specialist. "Junk mail" should be deleted immediately and the IT Specialist should be notified if it becomes excessive by slowing down the computer or consuming employee

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time.

11. Opening Attachments - Employees should never open attachments from an unknown source or attachments they are not expecting from a known e-mail address. Attachments from friends, relatives, and business associates may contain viruses the sender is unaware they are sending

**XXVI. SERVICE ON BOARDS AND COMMISSIONS**

The City of Saint Peter has chosen to recognize that employees may wish to serve the community in a number of ways. One of the ways they may serve is through participation on City advisory boards, commissions and committees.

Employees that work more than sixteen (16) regularly scheduled hours per week will be disqualified from serving; however, those who work fewer hours than stated may serve under the following conditions:

- Must meet all criteria and qualifications for serving that is included in all applicable laws, ordinances and rules for boards, commissions and/or committees.
- An employee will be allowed to serve on a board, commission or committee that is not within the City Department where they are employed. As an example, a Public Works employee shall not be allowed to serve on the Parks and Recreation Advisory Board.
- Service on a board, commission or committee will be voluntary and not a part of employment and therefore not compensated.

**XXVII. PERSONNEL FILE POLICY**

Personnel files are maintained by the City Administrator's Office. As provided for in State Statute, employees have the right to review their personnel file. Requests to review your personnel file should be made to the City Administrator's Office.