



CITY OF NEW HOPE

PERSONNEL RULES

AND

REGULATIONS

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PERSONNEL BOARD

1. Personnel Board. A City Personnel Board is hereby established in accordance with the provisions of the Civil Service Personnel System Ordinance. The Board shall consist of three (3) members.
2. Meetings of the Board. Meetings may be called by the Chairperson or by any two (2) Board members. All meetings of the Board shall be held in City facility and shall be open to the public. Any employee who wishes to participate in a Board meeting should make advance arrangements to be placed on the agenda. Two (2) members shall constitute a quorum for the transaction of business at any meeting and the concurrence of two (2) members shall be necessary to make any action effective.
3. Minutes. The minutes of the Board meetings shall be prepared and maintained on behalf of and subject to the approval of the Board. Any person may examine the minutes under such reasonable conditions as the Board may prescribe.
4. Duties and Powers. The power and duties of the Board shall be those prescribed by Minnesota Statutes, Chapter 44, as amended, the Civil Service Personnel Ordinance, and these rules.
5. Fire Personnel Committee. A permanent committee established by City Council in November, 1990, to act on and oversee personnel activities of the Fire Department. The committee shall consist of five (5) members: two City firefighters, one citizen with outside firefighter experience, Fire Chief, and a representative from the Personnel Board. This committee is directly answerable to the Personnel Board.

II

GENERAL PROVISIONS

It is hereby declared personnel policy of the City of New Hope that:

1. Employment in the service of the City shall be based on merit and fitness, free of personal consideration.
2. Just and equitable conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City government.
3. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
4. Appointments, promotions and other actions of the Board shall be based on systematic tests and evaluations.
5. Tenure of employees covered by these rules shall be subject to the need for the position, satisfactory work performance, and the availability of funds.
6. All employment practices shall be nondiscriminatory in compliance with federal laws, state statutes and local ordinances. No individual shall, on the basis of race, color, creed, religious or political affiliation or belief, national origin, sex, age, marital status, sexual preference, disability or status with regard to public assistance be excluded from employment or be subjected to discrimination in any terms and conditions of employment by the City of New Hope.
7. No person who advocates or is a member or an affiliate of any organization which advocates the overthrow of the Government of the United States or of the State of Minnesota by force or violence shall be hired, promoted or retained in employment.
8. The personnel rules and regulations adopted herein shall apply to all City employees, whether or not covered by the classified service, unless there is specific law, labor agreement, or written personnel policy approved by the Personnel Board, to the contrary. Where there is a labor agreement in effect, the provisions of the labor agreement shall apply. For matters on which the labor agreement is silent, the City personnel policies shall apply.
9. The personnel policies contained herein are subject to the laws of the United States, the State of Minnesota and the City of New Hope ordinances. In the event any personnel policy shall be held to be contrary to law, by a court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such personnel policy shall be voided. All other personnel policies shall continue in full force and effect until amended by the Board.
10. Sexual harassment by City officials and employees toward any member of the public or any other City official or employee is prohibited.

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III

PURPOSE AND ADMINISTRATION OF RULES

1. Purpose of Rules. These rules are established for employees in the City Service:
 - a. A system of personnel administration based on merit principles and designed to secure efficient administration and employee understanding, and
 - b. The general City personnel policy on hours of work and other terms and conditions of employment.
2. Administration. These personnel rules and regulations shall be administered by the City Manager as the chief administrative officer of the City. Any questions concerning the applicability of these rules shall be interpreted and resolved by the Personnel Board. Appeals from the application of these rules shall be made in the manner specified in Chapter XIV of these rules.

IV

DEFINITIONS

As used in these rules, the following words and terms, unless the context clearly requires otherwise, shall have the meaning indicated below:

1. Allocation means the assignment of an individual job to an appropriate job grade on the basis of the kind, difficulty and responsibility of the work actually performed in the job.
2. Appointing Authority means the City Manager.
3. Bereavement Leave is paid time off from work, provided at the time of occurrence, for a death in the employee's immediate family. Employees who receive sick leave are not eligible for Bereavement Leave.
4. Board means the Personnel Board of the City of New Hope.
5. Classified Service means the jobs covered by the merit system.
6. Compensatory Time means time off in lieu of pay for hours worked in excess of the maximum for the work period.
7. Day means eight (8) hours.
8. Employee shall include every officer, employee or other holder of a position in the City.
9. Exempt Employee means an employee who works in a position that is excluded from the minimum wage and overtime provisions of the Federal Fair Labor Standards Act.
10. Full-Time Employment means employment which is scheduled for the total number of hours in a normal work week for the work unit.
11. Holiday means the period between 12:01 a.m. and 12:00 midnight on the date on which the holiday falls.
12. Immediate Family means spouse, children, mother, father, brother, sister, grandmother, grandfather, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in law, or other relative living in the same household related by blood, marriage or adoption.
13. Job Description means the written description of a job containing a title, a definition, examples of duties, and the desirable qualifications that are necessary for the satisfactory performance of the duties of the job.
14. Job Grade (class) means the designated relative value and worth of a job in the City's Classification Plan.
15. Job Title means the title assigned to any particular job.
16. Layoff is the reduction of employees because of curtailment of work or funds in accordance with these Rules and Regulations or labor contract provisions, whichever is applicable.
17. Merit System means the method provided by Minnesota Statutes, City ordinance, and rules adopted thereunder for the employment, promotion, dismissal and discipline of municipal employees.

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18. Non-Exempt Employee means an employee who works in a position that is subject to the minimum wage and overtime provisions of the Federal Fair Labor Standards Act.
19. Paid-on-Call means an exempt employee who shall report to work only when notified by the City subject to the availability of the employee and consistent with the policies of the department.
20. Personal Leave is paid time off from work, earned by the employee through the accrual of years of continuous service. Employees who receive Personal Leave are not eligible for vacation or sick leave.
21. Part-time Employment means employment which is scheduled for less than the total number of hours in a normal work week for the work unit.
22. Position (job) includes any office, employment, or place in the City service that may be filled by an employee.
23. Probationary Period means a qualifying period of time during which an employee is required to demonstrate satisfactory work performance.
24. Promotion means a reassignment of an employee from a position in one job grade to a position in another job grade having a higher maximum pay range.
25. Provisional Employment means employment in a regular full-time or part-time position for not more than ninety (90) days when necessary due to the lack of eligible persons on the eligible list.
26. Regular Employment means employment (excluding paid-on-call) in a position that exists on a full calendar year basis and does not have an expected ending date.
27. Seasonal Employment means employment on a part-time or full-time basis in a position that does not exist for a full calendar year.
28. Sick Leave is paid time off from work, earned on a monthly basis, and provided for use as described in Chapter X, Attendance and Leaves. Employees who receive Sick Leave are not eligible for Bereavement Leave.
29. Temporary Employment means employment temporarily of persons on the eligible list, without regard to rank thereon, in a regular full-time or part-time position, for a period not to exceed ninety (90) days in emergencies.
30. Vacation means paid time off from work, earned by the employee through the accrual of years of continuous service, and provided for the purpose of rest and relaxation.
31. Veteran's Preference means that preference granted to veterans as defined by the State of Minnesota in accordance with M.S. 197.455 through 197.481 and 43A.11, as amended.
32. Violence is the abusive or unjust exercise of power, intimidation, harassment and/or the threatened or actual use of force which results in or has a high likelihood of causing hurt, fear, injury, suffering or death.
33. Sexual Harassment is defined as behavior such as, but not limited to, unwelcome sexual advances, request for sexual favors, sexually motivated physical contact, and other verbal or physical conduct or communication of a sexual nature.
34. Year of Service is defined as a minimum of 1,000 hours worked during a twelve-month period.

RECRUITMENT, SELECTION, AND PLACEMENT

1. Recruitment Policy. Recruitment of employees for positions in the service of the City shall be the responsibility of the Personnel Board with the assistance of the Personnel representative and the City Manager. The Board and City Manager may solicit assistance from department heads and other employees in the recruitment of qualified applicants for available openings.

Qualified applicants will be considered for employment without discrimination on the basis of race, color, creed, religious or political affiliation or belief, national origin, sex, age, marital status, sexual preference, disability or status with regard to public assistance.

Department heads shall notify the City Manager as far in advance as possible of any requirements for additional or replacement personnel, providing such information as the number of employees authorized and the job-relevant qualifications. Upon receipt of the request, the City Manager will review the request for feasibility of filling the vacancy. If the position for which a new employee is being requested is not provided for in the City's annual operating budget, the employee shall not be hired until the City Council has approved the position.

Upon determination that the position has been provided for, the City Manager shall notify the Board of the vacancy. The Board shall then provide for recruitment consistent with the City's equal employment opportunity policy. Advertisements will indicate that the City is an equal employment opportunity employer.

Notices of job openings, other than those for provisional or temporary employment, shall be posted prominently on all bulletin boards in order to encourage employees to apply for positions for which they meet the job-relevant qualifications. The posting period shall be determined by the Board with the assistance of the City Manager.

2. Types of Appointment. Whenever a vacancy in the classified service exists it shall be filled in the following order: by transfer, by re-employment, by promotion or by new hire. In the absence of persons eligible for appointment in these ways, a temporary or provisional appointment may be made in accordance with these rules. Appointment of seasonal employees, temporary laborers, and other employees excluded from the classified service, shall only be made by the City Manager, and these rules and regulations shall not apply or govern such appointments.
3. Notice of Examination. At least ten (10) calendar days before an examination, notice of the time and place of the examination shall be published once in the official newspaper, and posted at the City Hall and at two other places in the City. Written notice shall also be mailed in advance of the examination to each person who has previously submitted his or her application for the position.
4. Application for Employment. The application form will request only job related information. It will be revised periodically by the Board to comply with federal and state statutes and regulations regarding equal employment opportunity and data privacy.

An application for employment must be submitted on the form provided within the time specified in the notice of job opening. The Board may allow an applicant, upon his or her request, to amend an application which has already been submitted. Such request must be made to the Board by the applicant, within fourteen (14) calendar days following the receipt of the application.

The Board may require an applicant to provide additional job relevant information regarding health, character and qualifications. Falsification or misrepresentation of information on the application form or additional information provided by the applicant shall be grounds for rejection or dismissal. All applications and additional information shall be retained by the Board until the expiration of the eligible

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list or two (2) years following the date of receipt of the application, whichever is the longer period of time.

5. Rejection of applicants. The Board may reject an applicant for any of the following reasons:

- a. Failure to meet the job-relevant qualifications,
- b. Inability to perform job duties of the position,
- c. Previous criminal conviction or disgraceful conduct*
- d. Falsification or misrepresentation of information,
- e. Previous dismissal from public or private service because of delinquency or misconduct*.

*Arrest records will not be considered by the Board in making employment decisions. An applicant will not be rejected solely on the basis of previous criminal convictions or disgraceful conduct, or previous dismissal from public or private service because of delinquency or misconduct. In each case the nature, recency, job-relevancy and number of offenses will be considered, along with evidence of rehabilitation.

6. Examination. Examinations for positions in the classified service shall be competitive and may be of any form and content which, in the judgment of the Board, will best serve to determine the relative ability of the applicants to perform the duties of the position. Medical and physical tests may be either competitive or qualifying, as prescribed by the Board in its official announcement of position opening. All examinations shall be uniformly administered.

7. Scoring of Examinations. For all examinations the Board may set a minimal passing score and shall determine the standards and procedure by which placement on the eligible list, by rank order of score attained, may be achieved. Standards for scoring examinations shall be uniformly applied.

8. Notification of Examination Results. The Board shall notify each candidate of his or her test score and the passing score. If the candidate has passed the test, notification shall also include the candidate's relative ranking among those who have passed and the right to exercise veteran's preference if qualified.

In case an error has been made in scoring an examination, the Board shall correct the error, but such correction shall not invalidate a certification or appointment previously made. The candidate's correct score shall then be placed in the proper rank order on the eligible list.

9. Promotion From Within the City Service. Insofar as practical and consistent with the City's standards of merit and ability, positions open in a higher job grade will be filled by promotion from employees in lower job grades within the same department. The factors in determining promotions may include results of competitive examinations, efficiency of service, job-relevant education and experience, and length of service. The purpose of this practice is to encourage employees and the public to regard service with the City as a career, to recognize efficiency and ability, and to minimize turnover. It shall be the policy of the Board to require open competitive examinations, unless there are at least two (2) employees in the classified service who meet the job relevant qualifications for the position opening.

Length of service shall be the determining factor in promotion only if all other job-relevant qualifications are equal, in the judgment of the Board.

10. Transfers. The transfer of an employee from a position in one job grade to another position in the same job grade may be made by the City Manager with the approval of the Board. A transferred employee shall be required to serve a six (6) month probationary period to commence on the date of the transfer.

11. Eligible Lists. An eligible list shall be established for each position for which the Board has given an examination(s). The Board shall place the name of each candidate who passes all examinations given on an eligible list, ranked according to the candidate's total weighted score. If two (2) or more candidates have the same total weighted score, these candidates will be placed on the eligible list in order of date of receipt of their applications forms. (See 16. for Veteran's Preference).
12. Re-employment List. A re-employment list shall contain the names and classifications of all employees laid off and the names and classifications of former employees in whose written application, made within one (1) year of separation in good standing, are approved by the Board. The Board shall consider the recommendation of the City Manager before approving or rejecting applications of former employees. Names shall be placed on a re-employment list in order of consideration by the Board of merit, ability, efficiency of previous service and length of service.
13. Certification of Eligibles. If appointment is to be made from an eligible list, the Board shall certify to the City Manager the three (3) names highest on the list. If more than one (1) vacancy is to be filled, the names of one additional eligible candidate for each additional vacancy shall be certified. The City Manager shall make the appointment from the certified candidates on the eligible list and notify the Board of the person appointed.

Eligible lists of certified candidates shall expire in one (1) year from the date of certification.

14. Temporary Appointment. When necessary to prevent inconvenience to the public and to continue public services, the City Manager may make temporary appointments. These appointments shall be made from an appropriate eligible list.
15. Provisional Appointments. Upon receipt of a request for certification to a position for which there is no eligible list, the Board may authorize the appointing authority to fill such position by a provisional appointment. Such provisional appointment shall remain in force not longer than thirty (30) days after certification is made from an appropriate list. Within sixty (60) days after granting permission for the appointment, the Board shall hold an examination for such position. In no case shall any provisional appointment remain in force longer than ninety (90) days, and successive provisional appointments to the same position shall not exceed a total of ninety (90) days in any calendar year. Employees who have served in a provisional employment status are subject to the same requirements as other applicants in applying for employment in a non-provisional status.
16. Veteran's Preference. All applicants are given the opportunity to claim veteran's preference when completing the City's Application for Employment. Form DD214 may be requested for proof of honorable discharge. Internal candidates may request veteran's preference each and every time they apply for a position that will be filled by open competitive exam. However, only disabled veterans are eligible for preference, and one time only, on competitive promotional exams.

Candidates must pass all scoring requirements (written exam, skills test, oral interview) before veteran's preference is considered. Veteran's preference is an addition to the combined test score, 5% if veteran, 10% if disabled (5% on promotional exam). The records will show the combined test scores plus the preference score. Each veteran's name is placed on the eligible list in the ranking order in which the augmented score entitles him or her. If a veteran and a non-veteran have the same score, the veteran's name is placed first.

17. Physical Examinations. Candidates for employment may be required to undergo a physical examination by a physician designated by the City. The City Manager would appoint the employee to a position, contingent upon satisfactory results from the physical exam. If the results indicate the employee is not physically fit for the position, the employee would be terminated from the City's employment.

THE CLASSIFICATION PLAN

1. Preparation of Plan. There shall be a written job description for each position covered in the merit system. All job descriptions shall consist of a title, a definition, examples of duties, a list of the desirable knowledge, abilities, skills, experience and training; and other pertinent information relative to the preparation and abilities necessary for the performance of the duties of the job.
2. Allocation of Positions to Job Grades. All positions shall be grouped in job grades having a definite range of difficulty and responsibility. When a new job is created, or the duties of a job change, the position shall be allocated to a job grade according to the duties and responsibilities of the job.
3. Amendment of the Classification Plan. When a new position is created for which no appropriate job grade exists, or when duties of an existing position have sufficiently changed so that no appropriate job grade exists, the Board shall create a new job grade and shall cause an appropriate job description to be written. The new position shall not be filled until the classification plan has been amended to provide for it.
4. Abolition of Job Grades. When, in the opinion of the City Manager, a job grade exists for which there is no appropriate position in the City service, the Manager may abolish the job grade, subject to approval of the Board.
5. Use of Job Titles. The titles assigned to positions by their allocation to job grades established by the classification plan shall be used in all personnel, accounting, budget, appropriation, financial and official records of the City.
6. Interpretation of Job Descriptions. Descriptions will be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples will not be isolated and treated as full definitions of a job grade. Descriptions shall be deemed only as descriptive and explanatory of the kind of work required in positions in the several job grades, but not necessarily inclusive of all duties to be performed.

VII

THE PAY PLAN

1. Preparation.
 - a. By City Manager. The City Manager shall be responsible for developing a uniform and equitable pay plan which shall include minimum and maximum rates of pay for each job grade.
 - b. Factors Determining Pay. Pay ranges shall be linked directly to the position classification plan and shall be determined with regard to ranges of pay for other job grades, requisite qualifications, prevailing rates of pay for comparable work in other public and private employment in the area, cost of living factors, suggestions of department heads, the financial policy of the City, and other economic considerations, including union negotiations.
2. Adoption. The proposed pay plan, as recommended by the City Manager, shall be submitted to the City Council for adoption. After adoption of the pay plan no position shall be assigned a wage higher than the maximum or lower than the minimum pay provided for the job grade, unless the pay schedule for the job grade is amended.
3. Initial Effect. Upon adoption of the pay plan, the current pay rates of all City employees within the classified service shall be made to conform to the nearest rate in the pay plan for their job grade, except that no employee shall be required to take a pay cut when the new plan is installed.
4. Amendments. The City Manager may recommend to the City Council amendment of the pay plan when, in the judgment of the Manager, the rate of pay for any job grade is too high, or too low, because of changes in responsibilities or work, living costs, recruiting experience, prevailing rates of pay, the City's financial condition and policies, or other pertinent conditions. All amendments to the pay plan shall be made by resolution of the City Council.
5. Administration.
 - a. Appointment Rate. The minimum rate of pay for a job grade shall normally be paid upon appointment to the job grade. Appointment rates above the minimum rate may be paid, at the discretion of the City Manager, in recognition of exceptional qualifications of an applicant, or for lack of available applicants at the minimum rate. If a former employee is re-employed in a job grade in which he or she was previously employed, the City Manager may make an appointment at the same rate of pay which the employee had been receiving at the termination of service.
 - b. Pay Increases. Pay adjustments within an established range shall not be automatic except upon satisfactory completion of the probationary period for initial appointments, based upon the approved pay plan. Additional merit increases within the pay range shall be made by the City Manager on the basis of merit, except that in no case shall an individual employee be given more than two (2) merit increases in any one (1) calendar year without Council approval.
 - c. Effect of Promotion and Demotion. Employees who are promoted to a higher position, having a higher minimum rate than their current rate, shall enter the new position at its minimum rate. Employees who are demoted may receive a reduction in pay at the discretion of the City Manager, the extent of the reduction to depend upon the reason for the demotion.

d. Overtime Payment.

1. Non-exempt Employees. Authorized overtime work by non-exempt employees shall be compensated for at one and one-half (1 1/2 x) the regular rate of pay.
2. Exempt Employees. Exempt employees will not be compensated for hours worked in excess of the normal work week of (40) hours.

e. Compensatory Time.

1. Non-Exempt Employees. Hourly employees may take time off, with the approval of the department head, in lieu of overtime payment if the time off is taken within the next two pay periods after it is earned. If forty (40) or more hours are actually worked in the week compensatory time is taken, the time off should be taken at one and one-half (1 1/2) hours for each hour of overtime worked. However, if fewer than 40 hours are actually worked in the week compensatory time is taken, the time off should be taken at one hour (1) for each hour of overtime worked.
2. Exempt employees. Extended periods of scheduled work beyond the normal work week may be compensated for by allowing the employee time off, as approved by the department head or City Manager.

- f. Gratuities. No fee, reward, gift, tip, or other form of remuneration shall be accepted by employees from any source for the performance of their duties.

6. Pay Days. Effective January 3, 2003, payday shall be every other Friday. Pay will be direct deposited to an account authorized by each employee.
7. Travel and Other Expenses. The prescribed minimum and maximum rates of pay do not include allowances for official travel or other expenses incurred in conducting City business or allowance made to employees for the use of personally owned automotive equipment. Employees shall be reimbursed for such expenses as specified in the Administrative Regulation for travel expense allowances.

VIII

PROBATIONARY PERIOD

1. Objective. The probationary or qualifying period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his or her position, and for terminating any employee whose performance does not meet required performance standards.
2. Duration. Every person appointed to a regular position shall be required to successfully complete a probationary period of six (6) months to enable the City Manager and supervisor to observe the employee's ability to perform the various principal duties pertaining to the position. The qualifying period may be terminated before the end of the six (6) months if, in the opinion of the City Manager and supervisor, it is evident that the probationary employee cannot perform the required duties.
3. Evaluation of Performance.
 - a. Report by City Manager. At least ten (10) days prior to the expiration of an employee's probationary period, the City Manager and department head shall file a performance report in the employee's personnel records. This report shall include: their observations of the employee's willingness and ability to perform job duties satisfactorily, their comments regarding the employee's work habits and dependability, and a statement indicating whether the employee should continue to be employed in the position.
 - b. Discussion with Employee. The performance report shall be discussed with the employee and the employee shall be requested to sign a statement indicating that such discussion has taken place. If the employee is to continue to be employed in the position, the employee shall have regular employment status upon completion of the probationary period.
 - c. Copy to Board. A copy of such report shall be given to the Board.

IX

OUTSIDE EMPLOYMENT, CONTRACTUAL SERVICE AND POLITICAL ACTIVITY

1. Outside Employment Permitted.

Regular city employees may be permitted to work at outside jobs if, in the opinion of the City Manager, there is no conflict with working hours, the employee's efficiency in performing City work, or conflict with the interests of the City. Upon determination by the City Manager that no conflict exists, the City Manager, or department head with permission of the Manager, must give written permission before the employee can accept the outside job.

2. Contractual Services Prohibited. No employee may enter into contract or agreement with an individual or organization for performance of personal services while on City time, or while using City equipment, without the approval of the City Manager.

3. Political Activity. The Board's policy regarding the restriction of political activities of City employees shall be in conformance with the Federal Hatch Political Activities Act, as amended. Federal and state statutes include prohibited and permitted employee activities as follows:

a. Prohibited Activities. A City employee may not:

1. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
2. During working hours solicit or receive funds for political purposes.
3. At any time use their official authority or influence to compel any officer or employee in the classified service to:

apply for membership in or become a member of any political organization; or pay, promise to pay or lend any assessment, subscription, or contribution for political activity.
4. Be a candidate for elective office in a public partisan election.

Any employee who violates these provisions is guilty of a misdemeanor and, if found guilty, is automatically separated from employment with the City.

b. Permitted Activities. A City employee may:

1. Express opinion on political subjects and candidates.
2. Take an active part in political management and political campaigns.
3. Hold membership or office in a political party, organization or club.
4. Attend a political convention and participate in the deliberations of proceedings of the convention or any of its committees.
5. Be a candidate for office or serve as a delegate at a convention as long as such candidacy does not involve a public partisan election.
6. Engage in volunteer work for a partisan candidate, campaign, committee, political party or nominating convention of a political party.

7. Sign nominating petitions for candidates in a partisan election for public office and originate or circulate such petitions.
8. Make a financial contribution to a political party or organization and solicit and collect voluntary political contributions.

The City may grant, upon request, an unpaid leave of absence to an employee who becomes a candidate for or assumes a federal, state or local government office. If the needs of the municipal service so require, the vacancy subsequently created by the leave of absence may be filled and the services of the employee on unpaid leave of absence may be terminated. A City employee who becomes a candidate for or assumes a federal, state or local government office and does not elect to request an unpaid leave of absence shall not conduct the business of such candidacy or public office during hours when the employee is scheduled to work.

ATTENDANCE AND LEAVES

1. Hours of Work. The hours of work shall be those established by the City for the efficient conduct of City business. The regular work day shall be eight (8) hours of work plus a lunch period. The regular work week shall be forty (40) hours, Monday through Friday. When a different schedule is required to meet the needs of the City, employees shall work according to schedules prepared by the supervising official and approved by the City Manager.
2. Attendance and Punctuality.
 - a. Employees shall be in attendance at their place of work in accordance with these rules and general or departmental regulations. Prompt appearance for work at the specified hour is required of all employees. Each department may set up such requirements as it sees fit to enforce this rule.
 - b. Severe Weather. Based on consultation with the City Engineer, Police Chief, and/or other appropriate public officials, the City Manager shall be responsible for closing City offices to the public due to severe weather. In such cases, non-emergency personnel normally scheduled to work shall be excused with pay. On those occasions when City offices remain open but an employee is unable to come to work or must miss part of a day due to weather conditions, the employee must make up the time within the same pay period or deduct it from accrued floating holiday or vacation leave. Employees who are required to come to work when the offices have been closed to the public shall be credited with time worked at straight time rates.
3. Office Hours. The general City office shall be open from 8:00 a.m. to 4:30 p.m. Monday through Friday and will be closed on Saturdays and Sundays, except when required to be open by the City Manager or the City Council. The City office will be closed on legal holidays.
4. Holidays
 - a. Number of Days. There are twelve (12) days or ninety-six (96) hours of holiday time provided within a calendar year.

The following days are designated as holidays:

New Year's Day	Veteran's Day
Martin Luther King Day	Thanksgiving Day
Presidents Day	Day After Thanksgiving
Memorial Day	Christmas Day
Independence Day	Two (2) Floating Holidays
Labor Day	

Whenever a holiday falls on a Saturday, the preceding Friday shall be taken as a holiday. Whenever a holiday falls on a Sunday, the following Monday shall be taken as a holiday.

Employees must be actively at work in order to earn a holiday benefit. Employees who are receiving a disability benefit or who are on an unpaid leave, are not considered actively at work and will not accrue holiday leave during their absence.

- b. The floating holidays must be scheduled in advance with the permission of the employee's immediate supervisor and must be used by the end of each calendar year, or they will be lost. A new employee hired before July 1 will be credited with sixteen (16) hours floating holiday for the current calendar year. For new employees hired July 1 or after, the floating holidays will be pro-rated. An employee who resigns or is discharged before using the floating holidays will not receive pay,

unless the employee has been employed for at least six months of the calendar year. An employee who is being laid off will receive pay for unused floating holidays.

- c. Procedure for Taking Holidays. Holidays are to be taken as a paid eight (8) hours off whenever they occur except where otherwise provided for in labor agreements or when the need for providing City services necessitates the scheduling of work on a holiday.

When the department head has scheduled an employee to work on a holiday, the employee shall be given credit for the holiday in one of the following two (2) alternatives, at the discretion of the department head:

1. Receiving an additional eight (8) hours off before the end of the calendar year or within ninety (90) days of occurrence.
 2. Receiving an extra eight (8) hours added to accrued annual vacation leave, except that in no case shall more than 24 hours be accumulated to be added to annual vacation leave.
- d. Regular part-time employees shall receive holiday benefits at one-half the rate earned by regular full-time employees. Part-time employees regularly scheduled to work fewer than 20 hours per week shall not receive holiday benefits.
- e. Temporary and Provisional full-time employees will receive the same holiday benefit as regular full-time employees for holidays that fall on days they would normally be scheduled to work. Temporary and provisional part-time employees shall not receive holiday benefits.
- f. Seasonal and paid-on-call employees shall not receive holiday benefits.

5. Personal Leave Plan

Personal Leave was implemented on January 1, 1994, as a replacement plan for both Vacation and Sick Leave. Unless otherwise stated in a labor agreement, all employees hired after December 31, 1993 will participate in Personal Leave. Employees who wish to move from the Vacation/Sick plan to the Personal Leave plan will be governed by a written conversion policy.

- a. Number of Days. Each regular, full-time employee shall accrue personal leave at a per pay-period rate that will total the following number of days per year:

Years Service	Earned/Year	Required Use/Year
1 Year	18 days	5 days
2 years	18 days	8 days
3 years	18 days	8 days
4 years	19 days	8 days
5 years	21 days	8 days
6 years	22 days	8 days
7 years	23 days	8 days
8 years	23 days	8 days
9 years	23 days	8 days
10 years	23 days	8 days
11 years	24 days	8 days
12 years	25 days	8 days
13 years	26 days	9 days
14 years	26 days	9 days
15 years	27 days	10 days

16 years	28 days	10 days
17 years	28 days	10 days
18 years	28 days	10 days
19 years	29 days	10 days
20 years	31 days	10 days
21 years	31 days	11 days
22 years	31 days	11 days
23 years	31 days	11 days
24 years	31 days	12 days
25 years+	33 days	12 days

The personal leave year for each employee shall begin on the date of employment with the City or, if there is a change of status, on the date the employee becomes eligible for personal leave.

Personal leave will continue to accrue during the elimination period for short-term disability. Personal leave will not continue to accrue while an employee is receiving a short-term or long-term disability benefit, nor while an employee is on lay-off, suspension, or other leave of absence without pay.

One of the purposes of the personal leave plan is to provide employees with a period of recreation. Therefore, employees must use the minimum time per year as listed in the above schedule of days.

Personal leave with pay cannot be taken before it has been earned.

A new employee will start earning personal leave on the date of employment. Accrued leave time will be available for use on the first of the month following 30 days of continuous employment. The required use of leave time may be waived for the first year of employment.

Regular part-time employees shall accrue personal leave at one-half the rate earned by regular full-time employees. Part-time employees regularly scheduled to work fewer than 20 hours per week shall not accrue nor be given paid personal leave.

Temporary, provisional, seasonal, and paid-on-call employees shall not accrue nor be given paid personal leave.

b. Maximum Accumulation.

Personal leave may be accumulated by regular, full-time employees up to a maximum of 50 days (or 400 hours) at the end of each calendar year.

At the end of each calendar year, regular full-time employees may elect one of the following options for disposition of accumulated personal leave time in excess of the maximum accumulation:

1. Carry-over into the new year of up to 5 days (or 40 hours). All time carried over under this option must be used by the end of the first quarter (March 31) or it will be lost.
2. Annual buy-out of up to 3 days (or 24 hours) in excess of 200 hours. An employee electing this option would be paid through payroll in January on an hour-for-hour basis at his/her previous December's base wage rate.

Additional personal leave accumulation, beyond the standard 400 hour maximum, may be provided by labor agreement or council resolution.

For regular, part-time employees eligible for paid personal leave, the maximum accumulation is 25 days (or 200 hours). For disposition of hours in excess of the maximum accumulation, the carry-over option is limited to 2.5 days (or 20 hours) and the buy-out option is limited to 1.5 days (or 12 hours).

c. Administration of Leave.

Except in the case of injury or illness, personal leave may only be taken upon approval of the employee's supervisor. The supervisor shall give consideration to both the needs of the employee and the needs of the City. The supervisor's approval shall not be unreasonably withheld.

Personal leave will be taken in one of two forms:

1. "Planned leave" which must be scheduled in advance with the supervisor's approval.
2. "Unplanned leave" which will require notification of the supervisor within 30 minutes of the employee's scheduled workday. Or, if the employee is already at work, he/she must notify the supervisor before leaving work.

If unplanned leave shows a pattern suggesting abuse, the supervisor shall notify the employee of his/her concern. If such abuse continues the employee shall be warned in writing that such continued abuse may be cause to deny future unplanned leave requests.

d. Severance Payment.

Unused personal leave will be canceled upon the date of termination of City employment. Employees who leave in good standing shall be paid at their current base wage rate for 100% of their accumulated personal leave balances, subject to the maximum allowable accumulation. Unless otherwise stated for specific employee groups by council resolution or union agreement, the maximum allowable accumulation is 400 hours for full-time employees and 200 hours for part-time employees.

6. Bereavement Leave.

All regular full-time employees who participate in Personal Leave shall be granted up to a maximum of 3 days paid Bereavement Leave for a death in their immediate family. The actual number of days taken must be approved by the Department Head, based upon the length of time actually required. Any time taken in excess of the approved Bereavement Leave shall be charged against Personal Leave.

"Immediate family" and "day" shall be interpreted according to Chapter IV, Definitions.

Regular part-time employees who are eligible for Personal Leave, are also eligible for up to 3 days paid Bereavement Leave. For part-time employees, a "day" of Bereavement Leave is defined as the amount of time that the employee was originally scheduled to work on the day the Leave was required.

7. Annual Vacation Leave. (Not available to employees hired after December 31, 1993).

- a. Number of Days Earned. Vacation shall be accrued by each regular full-time employee in accordance with the following schedule:

<u>Years of Continuous Service</u>	<u>Days Earned Per Year</u>
0 - 5 years	10 days
6 - 10 year	15 days
11 - 20 years	An additional one (1) day per year to a maximum of twenty (20) days
21 - 25 years	An additional one (1) day per year to a maximum of twenty five (25) days per year

Vacation time shall be earned, beginning with the date of employment, for each month, or portion thereof, during which an employee receives pay. Vacation time will not be earned during periods of time when an employee is on lay off, suspension, or other leave of absence without pay.

- b. Regular part-time employees may become eligible for vacation pay after accumulating 1000 hours of work with the City. After accumulating 1,000 hours, part-time employees regularly scheduled (as assigned at the beginning of a calendar year) to work 20 or more hours per week shall receive vacation benefits at one-half the rate earned by regular full-time employees. Part-time employees regularly scheduled to work fewer than 20 hours per week shall not receive vacation benefits.
- c. Temporary, provisional, seasonal, and paid-on-call employees shall not accumulate nor be given paid vacation leave.
- d. Probationary Period. Vacation time will be accrued during the original probationary period. However, it will not be earned until successful completion of this qualifying period, when a regular appointment is made.
- e. Separation. Regular full-time employees who are separated from City service in good standing shall be compensated for vacation accrued up to the date of separation at their regular rate of pay, not to exceed payment for 160 hours to full-time employees or 80 hours to part-time employees.
- f. Vacation Year. The vacation year for each employee shall begin on the date of the employment with the City or, if there is a change of status, on the date the employee becomes eligible for benefits.
- g. Accumulation. Earned vacation may be accumulated upon the recommendation of the department head, and with the consent of the City Manager, with no more than 160 hours (80 hours for part-time employees) accumulated vacation being carried over to a new calendar year.
- h. When Taken. The time at which an employee shall take vacation shall be determined by the department head with due consideration of the wishes of the employee and priority given to the need for continuation of City services.
- i. Waiving Vacation. Vacation leave is granted to employees for a period of recreation. An employee shall not be permitted to waive such leave for the purpose of receiving double pay.

8. Sick Leave. (Not available to employees hired after December 31, 1993).

- a. Number of Days Earned. Sick leave with pay shall be credited to regular full-time employees at the rate of one (1) work day for each full month of service and shall be accumulated to a maximum of 960 hours.
- b. Regular part-time employees may become eligible for sick pay after accumulating 1000 hours of work with the City. After accumulating 1000 hours, part-time employees regularly scheduled (as assigned at the beginning of a calendar year) to work 20 or more hours per week shall receive sick leave benefits at one-half the rate earned by regular full-time employees. Part-time employees regularly scheduled to work fewer than 20 hours per week shall not receive sick leave benefits.
- c. Temporary, provisional, seasonal, and paid-on-call employees shall not accumulate nor be given paid sick leave.
- d. Not a Privilege. Sick leave shall not be considered a privilege which an employee may use at will, but shall be allowed only in case of necessity and actual sickness or disability of the employee; or because of illness, birth or death in the immediate family; or to meet dental appointments, take physical or eye examinations, or take other illness prevention measures.

Three (3) days is the normal maximum use of sick leave for a death in the employee's immediate family. Under unusual circumstances, however, the City Manager may extend the maximum to five (5) days. Dental appointments and physical or eye examinations are to be taken at the convenience of the City.

- e. Notification of Supervisor. To receive compensation while absent on sick leave, the employee shall notify the immediate supervisor prior to use of sick leave, if possible, or within four (4) hours of the start of the normal work day, or as may be specified by the department head.
- f. Physician's Certificate. When absence is for more than three (3) consecutive workdays, the employee may be required to provide a physician's certificate.
- g. False Pretenses. Claiming sick leave under false pretenses shall be cause for disciplinary action, including transfer, suspension, demotion or discharge.
- h. Injury in Line of Duty Not Counted. Time lost from work because of injury received while on duty will not be charged against sick leave, unless at the option of the employee as outlined in paragraph 7 in the option to use sick leave and vacation credits.
- i. Severance Payment. Unused sick leave will be canceled upon the date of termination of City employment. Employees shall be paid, as severance pay, one-third (1/3) of their accumulated unused sick leave at a straight time rate, not to exceed payment for more than 320 hours to full-time employees or 160 hours to part-time employees.

9. Family and Medical Leave.

A regular full-time or part-time employee is eligible for Family and Medical Leave (FMLA) if the employee has been employed for at least 12 months and has worked a minimum of 1,250 hours during the 12-month period preceding the commencement of the leave. FMLA Leave may be granted for any of the following reasons:

- o the birth, adoption, or foster care placement of a child;
- o the care of a family member (spouse, child or parent) who has a serious health condition; or
- o a serious health condition that makes the employee unable to perform the functions of his or her position.

The length of the leave shall not exceed 12 weeks in any 12-month period. The entitlement to FMLA for the birth or placement of a child expires 12 months after the birth or placement of the child. FMLA leave requested because of a serious health condition may be taken intermittently or on a reduced schedule if such leave is deemed to be medically necessary. The 12-month period will begin on the first day the employee is absent from work on FMLA leave.

The employee is required to provide 30 days' advance notice to the City Manager when the need for FMLA leave is foreseeable. If 30 days is not possible, then the employee shall provide written notice as soon as practicable.

Employees who request FMLA leave based on a serious health condition must submit a medical certificate outlining the dates on which treatment is expected and the expected duration of the treatment. When requested for a spouse, child or parent, the medical certificate must specifically state that the employee is needed to care for the relative. The City reserves the right to request a second or third opinion at the City's expense.

The employee may request or the employer may require that the employee substitute accrued paid personal, vacation or sick leave for all or part of a FMLA leave taken for any reason. Paid leave is

considered to be taken simultaneously with the FMLA leave and does not extend the length of the FMLA leave.

Use of approved FMLA leave - whether paid or unpaid - will not constitute a break in service for purposes of computing years of service. Personal, vacation and sick leave will not be earned during a period of unpaid FMLA leave.

Health (medical and dental) benefits will continue to be paid by the City for an employee who is absent on family leave at the same level as if the employee were working. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction during a paid leave or by personal check during an unpaid leave.

The employee has the right to return to an equivalent position with equivalent benefits, pay and other terms and conditions of employment upon return to work after a period of FMLA leave.

This general policy statement is for information purposes only and is not meant to increase or decrease the benefits actually available under the Family and Medical Leave Act (FMLA) of 1993.

10. Leave for Injury or Sickness Incurred in Line of Duty.

- a. Benefit Provided. A regular employee who is injured while on duty, or who incurs an illness arising out of, and in the course of employment, and who is entitled under state law to Worker's Compensation, will continue to receive that portion of their regular pay, which will, together with any payments received from Workers' Compensation insurance, equal their normal gross pay for the same period for a maximum of ninety (90) calendar days.
- b. Option to Use Sick Leave and Vacation Credits. If, because of this injury, a regular employee is unable to return to work at the expiration of the ninety (90) day period, the employee may, at his or her option, use all accumulated sick leave and vacation credits which will together with payment received from Workers' Compensation insurance equal their normal gross pay before being removed from the payroll and before being transferred for disability benefits available under the retirement plan.
- c. Disability Payments. If, because of this injury, a regular employee is unable to return to work at the expiration of both the ninety (90) day period and the accumulated sick leave and vacation credits, the employee will receive compensation in accordance with the provisions of the Workers' Compensation Act and disability payments as provided under the retirement plan.

11. Other Leaves of Absence with Pay.

- a. Jury or Witness Duty. When a regular part-time or regular full-time employee performs jury duty, is subpoenaed as a witness in court in a case in which the City is a party, or serves voluntarily in a case in which the City is a party, the employee will receive the full regular City pay. Any compensation received for the jury duty shall be deducted from the employee's gross earnings.

An employee who is paid to serve as an expert witness in a case in which the City is not a party must take leave (paid or unpaid) for the time spent participating in the case.

- b. Official Meetings. Leave with pay may be authorized in order that regular employees may attend meetings, if such meeting attendance is approved by the department head and/or City Manager.

- c. Official Training. Leave with pay may also be granted for the purpose of allowing a regular employee to engage in official training courses or to participate in other official activities or training required by the City.

12. Leave of Absence Without Pay.

- a. Period Approved The City Manager may grant a regular employee leave of absence without pay for a period not to exceed one (1) year. Such leave shall be granted only when it is deemed to be in the best interest of the City.
- b. Written Request. No leave without pay shall be granted except upon written request of the employee. The request must be approved by both the department head and the City Manager.
- c. Reinstatement. Upon expiration of an approved leave without pay, the employee shall be reinstated in the position held at the time leave was granted.
- d. Failure to Report to Duty. Failure of an employee on unpaid leave to report to duty immediately after the expiration of the leave shall be cause for discharge.
- e. When Granted. Leave without pay shall be granted only when it will not result in undue prejudice to the interest of the City as an employer.

13. Military Leave of Absence.

Military leaves of absence and reemployment of an employee returning from active service with the Armed Forces shall be subject to applicable Federal and State Legislation.

14. Accrual of Benefits During Leave. Employees on paid leave or suspension with pay shall accrue all benefits. Employees on unpaid leave of absence or suspension without pay shall not accrue benefits.

15. Absence Without Leave.

- a. Definition. Absence of an employee from duty, including any absence for a single day, or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed to be on absence without leave.
- b. Without Pay and Subject to Discipline. Any such absence shall be without pay and may be cause for disciplinary action.
- c. Reconciliation. Such action may be reconciled by a subsequent grant of leave at the discretion of the City Manager, if the conditions warrant.

DISCIPLINARY ACTION, LAYOFF AND RESIGNATION

1. Disciplinary Action. Disciplinary action will be for just cause and will be in one or more of the following forms:

- a. Oral reprimand,
- b. Written reprimand,
- c. Withholding of a pay increment,
- d. Suspension without pay,
- e. Demotion, or
- f. Discharge.

Written reprimands, withholding of a pay increment, suspension, demotion and discharge will be in writing and will set forth the reasons for such action. The written notices will become part of an employee's personnel file and will be read and acknowledged by signature of the employee.

2. Oral and Written Reprimands. The employee's immediate supervisor has the authority to issue oral and written reprimands for cause.
3. Withholding of a Pay Increment. Withholding of a pay increment for cause may be recommended by the employee's immediate supervisor and department head to the City Manager. The City Manager has the authority to withhold a pay increment for cause.
4. Suspension Without Pay. Suspension without pay may be authorized by the City Manager for cause. The employee's immediate supervisor and department head may recommend such action.
 - a. For Thirty (30) Calendar Days or Less. The City Manager may suspend the employee without pay for thirty (30) calendar days or less and shall provide the Board with a copy of the written notice of suspension issued to the employee.
 - b. For More Than Thirty (30) Calendar Days. A suspension without pay for more than thirty (30) calendar days may be appealed by the employee to the Board in accordance with the provisions of Chapter XIV. The employee shall be given advance written notice of the suspension. A copy of this notice shall be provided to the Board.
5. Demotion. An employee may be demoted by the City Manager by reassignment to a job in a lower job grade or by reduction of pay for the current job on a temporary or permanent basis. Cause for demotion includes, but is not limited to: failure to meet performance standards or a significant decrease in the level of performance, infraction of rules or misconduct, changes in qualifications of the employee to perform the job, or a change in the nature and responsibilities of the job. The City Manager will consider recommendations regarding demotions from the employee's immediate supervisor and department head.
 - a. Right of Appeal. The employee may appeal demotion to the Board in accordance with the provisions of Chapter XIV.
 - b. Demotion by Reassignment to a Job in a Lower Job Grade. Demotion by reassignment to a job in a lower job grade shall not take place unless the employee has the job-relevant qualifications for employment in a lower job grade and such demotion would not require the lay off of an employee in the lower job grade.
 - c. Demotion in Lieu of Layoff. The City Manager, with the consent of the affected employee, may demote an employee in lieu of layoff. Upon request, the employee's name shall be placed on the re-employment list for the job grade from which the employee was demoted.

6. Discharge. Discharge is involuntary separation from employment for cause. The employee's immediate supervisor and department head may recommend discharge. The City Manager has the authority to discharge an employee. Written notice of the discharge will include the reasons for such action. A copy of the notice will be provided to the Board.
- a. Cause for Discharge. Cause for discharge includes, but is not limited to, evidence of the following:
1. Inability to meet required standards of job performance;
 2. Conviction of a felony;
 3. Violation of any lawful or official rule, regulation or order;
 4. Failure to obey a lawful order given by the employee's supervisor or other insubordinate acts;
 5. Intoxication on duty;
 6. Abuse of sick leave;
 7. Offensive conduct or language toward the public, City officials, or employees;
 8. Unauthorized participation in outside employment or other financial agreements that adversely affect job performance;
 9. Abuse of public trust;
 10. Carelessness and/or negligence in the handling or control of City equipment and property;
 11. Attempts to induce an official or employee of the City to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order;
 12. Acceptance of a fee, reward, gift, tip, or other form of remuneration from any source for the performance of job duties;
 13. Incompatibility with fellow employees or supervisors;
 14. Dishonesty in the performance of job duties; and
 15. Sexual harassment of any member of the public or any other City official or employee as governed by Chapter XV.
 16. Possession of alcohol, illegal drugs, or any dangerous weapon, including any firearm, while acting in the course and scope of employment, except by law enforcement personnel while carrying out official duties.
- b. Right of Appeal. Discharge may be appealed to the Board in accordance with the provisions of Chapter XIV.
- c. Disqualification from Future Employment. Any discharged employee shall be disqualified from future employment by the City unless the Board, after investigation, shall determine that the cause for discharge has been adequately remedied by the former employee and that the former employee is qualified for re-employment consideration through the normal procedures established in Chapter V.
- d. Discharge of Veterans. Discharge of veterans, including discharge during the probationary period, shall be in accordance with M.S. 197-455 through 197.481, as amended.

7. Layoff.

- a. Authority. The City Manager may lay off an employee as deemed necessary because of shortage of work or funds, the abolition of the position, changes in the job duties or organizational structure, or for other related reasons.
- b. Not Disciplinary Action. Suspension or discharge shall not be considered a layoff.
- c. Order of Layoff. Employees serving in the position to be reduced shall be laid off based on consideration of performance or job duties, abilities and length of service.

8. Resignation.

- a. Required Advance Resignation Notice. To resign in good standing an employee must give the City Manager at least fourteen (14) calendar days advance written notice unless the City Manager, because of extenuating circumstances, agrees to permit a shorter period of notice. The resignation notice shall include a statement of the reason(s) for leaving.
- b. Failure to Comply. Failure to comply with the requirement for advance written resignation notice shall be entered in the employee's personnel file and may be cause for denying future employment with the City.
- c. Report to City Manager. The resignation of any employee who fails to give advance written notice shall be reported immediately to the City Manager by the department head.

RETIREMENT

1. Retirement is governed by Federal and State Law. The Public Employee's Retirement Association (PERA) covers almost all regular full-time and some part-time non-seasonal City employees in Minnesota. Covered employees must belong to PERA and contributions from the City and the employee are mandatory. Employees should contact the PERA office when they have questions about their retirement benefit or the current law.

XIII

GENERAL PROVISIONS AND PROHIBITIONS

1. General Prohibitions.

- a. No Political Endorsement. In no event shall any political endorsement be considered in connection with the appointment to a position in the City service.
- b. No Abuse of Official Authority. No person shall use or promise to use, directly or indirectly, any official authority or influence to secure or attempt to secure an appointment or advantage in appointment to a position in the City Service, or an increase in pay, promotion, or other advantage in employment in any such position, for the purpose of influencing the vote or political action for any purpose, or for any other consideration.

2. Compliance. All officers and employees of the City shall comply with and adhere to the provisions of these personnel rules and regulations.

3. Employment of Relatives. It is prohibited for relatives or spouses to work within the same supervisory structure. This shall mean that no spouse or relative may be appointed as a regular, temporary or seasonal employee if another spouse or relative has the authority to appoint, supervise, evaluate or discipline the position.

4. Change of Address. Employees are required to promptly notify their department head and the personnel representative of any change of address or telephone number so that the employee may be contacted at all times by either mail or telephone.

5. Employee Training. To help employees maximize their efficiency and productivity, and to better prepare them for increased challenges and responsibilities, department heads and the City Manager shall encourage and support employee training. The City Manager may, upon recommendation from department heads, approve employee participation in an educational assistance program.

PROCEDURE FOR SUGGESTIONS, COMPLAINTS AND APPEALS

1. Suggestions. The Board, the City Council and the City Manager welcome suggestions from any employee or City resident for improving municipal personnel services. These suggestions may be presented to the City Manager by letter, memorandum or in person. Suggestions which appear desirable and feasible will be reviewed by the Board and, if compatible with City service, they will be incorporated into the personnel rules and regulations.
2. Complaints.

- a. Jurisdiction. This procedure applies to an employee complaint relevant to any aspect of the terms and conditions of his or her employment with the City, but excludes appeals of the following: a suspension of more than thirty (30) calendar days, demotions or discharge. Appeals of such action shall be made directly to the Board in accordance with Section 3 of this Chapter.
- b. Complaint Procedure. An employee who has a complaint arising out of any aspect of the terms and conditions of his or her employment may discuss the complaint with his or her immediate supervisor within fifteen (15) calendar days of the event(s) and situation(s) giving rise to the complaint.

If the complaint is unresolved, the employee may, within ten (10) calendar days of the response from the immediate supervisor, discuss the complaint with the department head.

If the complaint is unresolved after discussion with the department head, the employee may submit the complaint in writing to the City Manager within ten (10) calendar days of the response from the department head. The written complaint shall be dated and shall explain the nature of the complaint and responses received from the immediate supervisor and department head. The City Manager shall investigate the complaint and render a written decision, a copy of which shall be submitted to the immediate supervisor and department head.

If the complaint remains unresolved, the employee may forward the written complaint to the Board and include a copy of the City Manager's written decision within thirty (30) calendar days of the response from the City Manager. The Board shall investigate the complaint and may, at its discretion, conduct a hearing in accordance with Section 4 of this Chapter if considered necessary for proper resolution of the complaint.

Any complaint not submitted within the time limits specified above shall be considered waived.

- c. Board Decision Final. The decision of the Board shall be given to the employee in writing and shall be final. Copies of the decision shall also be provided to the immediate supervisor, the department head and the City Manager.
- d. Other Investigation. The Board shall receive and consider any complaints regarding the administration of these rules. On the basis of such complaints, or on its own initiative, the Board shall make such investigation and hold such hearings as it deems desirable concerning all matters touching the enforcement and effect of the provision of the merit system ordinance and these rules. On the basis of its investigations and hearings, the Board shall take such remedial action as it deems warranted.

3. Direct Appeal to the Board.

- a. Jurisdiction. Direct appeal to the Board may be made by an employee who wishes to appeal a suspension of more than thirty (30) calendar days, demotion, or discharge.
- b. Appeal Procedure. The employee may, within fifteen (15) calendar days of the date of receipt of the notice of suspension, demotion or discharge, file a written request with the Board for a hearing, with a copy to the City Manager. When a timely appeal has been filed, the City Manager shall file with the Secretary of the Board the charges to show cause for the action taken. The employee shall receive ten (10) days advance written notice of the date, time and place of the hearing. The Board shall hold the hearing to determine whether the action taken is to be upheld, modified or overturned.

Action taken by the City Manager to suspend without pay for more than thirty (30) calendar days, demote or discharge shall be final in the absence of the filing of a timely appeal to the Board.

4. Hearings.

- a. Conduct of Hearings. The Board, in considering an appeal, shall conduct the hearing in such a manner most conducive to quick and satisfactory solution of the complaint involved.
- b. Board Decision Final. The decision of the Board shall be in writing and shall be final.
- c. Conduct of Hearing. Every hearing held by the Board shall be open to the public. The Board shall have the powers provided in Subd. 2, Section 8 of "An Ordinance Providing for Civil Service Personnel System in the City of New Hope" in conducting the hearing.
- d. Action After Hearing. If, after the hearing, the Board finds that the action taken is sustained, the action taken shall be upheld unless an appeal is made to the courts as provided by law. If the Board finds that the action taken is not sustained, appropriate remedial action shall be ordered: a suspended employee shall be immediately reinstated and shall be paid all back pay for and accrue all benefits during the period of suspension; a demoted or discharged employee shall be continued in their position.
- e. Filing and Notice. Findings hereunder and orders sustaining actions or compelling reinstatements shall be in writing and shall be filed among the records of the Board within three (3) calendar days after the completion of the hearing. The Board shall give written notice of the decision to the concerned employee and to the City Manager.

SEXUAL HARASSMENT POLICY

1. It is the City's policy that the work force environment will be free of sexual harassment and that all individuals will be treated with respect at all times.
2. Sexual harassment by City officials and employees toward any member of the public or any other City official or employee is prohibited.
3. This policy will apply to all officials and employees of the City of New Hope.
4. Sexual harassment is defined as behavior such as, but not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal or physical conduct or communication of a sexual nature when:
 - a. Submission to or conduct or communication is made either implicitly or explicitly a term or condition of an individual's employment.
 - b. Submission to or rejection of such conduct or communication is used as a basis for an employment decision affecting that individual's employment.
 - c. Such conduct or communication has a purpose or effect or substantially interfering in an individual's employment or creating an intimidating, hostile, or offensive employment environment.
5. Other behavior, whether subtle, overt or otherwise, which constitutes sexual harassment includes, but is not limited to:
 - a. Verbal harassment (epithets, derogatory remarks, or slurs);
 - b. Physical harassment (gestures, assault, impeding or blocking movement; or any physical interference with normal work or movement);
 - c. Visual forms of harassment (derogatory posters, letters, poems, graffiti, cartoons, or drawings); and
 - d. Requests for sexual favors or unwanted sexual advances.
6. It is the responsibility of any employee who feels he or she is being subjected to sexual harassment in any form, or who believes he or she has witnessed sexual harassment in any form, to contact his or her supervisor, the City Manager, or the human resources manager immediately without fear of any retaliatory action by any employee of the City. All supervisors are required to report immediately any allegations to the appropriate city personnel.
7. Any complaints which are made will be investigated confidentially and in a timely fashion. All officials and employees shall cooperate in any investigation of such a complaint. If the facts support the allegations, the perpetrator of the sexual harassment will be subject to disciplinary action up to and including termination. Any official or employee found to have made a false complaint of sexual harassment or found to have knowingly given false information during an investigation of such a complaint may also be subject to disciplinary action. "Discipline", as used in this paragraph, shall mean any of the courses of action described in Chapter XI, including dismissal.

VIOLENCE IN THE WORKPLACE

The City of New Hope is committed to providing its employees with a safe work environment. Violence, threats of violence, intimidation of employees or attempts to instill fear in employees will not be tolerated. Menacing behavior, stalking, and the possession of weapons (except by law enforcement personnel while carrying out official duties) in the workplace are all prohibited actions. Any of these confirmed behaviors will be met with appropriate disciplinary action, up to and including termination. Employees who become aware of such behavior on the part of others should notify a department head, the Human Resources Manager, or the City Manager. **In an emergency situation, violent behavior should be immediately reported by calling 911.** All reports of violent behavior will be promptly investigated and dealt with appropriately.