



City Council Memorandum

To: Mayor Fasbender & City Councilmembers

From: Dan Wietecha, City Administrator

Date: March 6, 2023

Item: Personnel Policy Updates and Additions

Council Action Requested:

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

Background Information:

Following the 2022 updates to the Employee Handbook and the Compensation and Classification Study, there was interest in also updating some of the policies related to employee benefits. The documents following this memo show the policy proposals or changes.

Juneteenth: Juneteenth is recognized by the State as an official holiday, effective August 1, 2023, making the holiday required in 2024. The Administration Committee recommended implementation of City recognition June 19, 2023. This would require MOU's or other incorporation into union contracts.

Remote Work Policy: This is a new policy to enable hybrid work schedules, largely formalizing practices we've used during and since the pandemic.

Sick Leave Donation Policy: There are modest updates to the existing policy to provide clarity and ensure compliance with IRS regulations.

Safety Boot Policy: The reimbursement amount was first adopted in 2005. An increase to the reimbursement is recommended to more accurately reflect the cost of boots, to emphasize OSHA standards, and to include POC Firefighters on an equal footing. The financial impact is up to \$13K more than current spending.

Compensatory Time: Exempt (salaried) employees are allowed to document time worked over 80 hours in a pay period, up to a cap of 120 hours. The proposed policy change would implement a payout of comp time accrued over 80 hours on December 1 each year. The financial impact would be approximately \$45K in 2023 if all eligible exempt employees had accrued 120 hours of compensatory time.

Vacation Accrual: Currently, vacation accrual rates increase after the 6th year of employment with the City. In order to aid employee retention, the proposal would increase accrual in the earlier years of employment. There is no immediate financial impact as unused vacation is paid out upon separation from the City.

Longevity: The current longevity rates provide additional compensation at 5, 10, and 15 years with the City. The proposal would add another tier at 20 years of service at 4%. Presently, twenty-one employees have served 20 years or more. The financial impact would be \$18K for the full year at 2023 wages.

Paid Family/Parental Leave: While there is discussion at the legislature, paid leave has been a topic of conversation across the City. It is recommended that an intermediate program be put in place while the program at the State level is going through its processes. The Administration Committee recommended 20 days of leave paid at 50% with the balance supplemented by the employee's accrued leave. Eligibility would mirror that of the federal Family Medical Leave Act. There is no direct financial impact; however, it would reduce the amount of accrued leave used by employees taking an extended leave.

The Administration Committee recommended 90 or more days from adoption for implementation with no policy to be applied retroactively.

Financial Impact:

Unbudgeted expenses:

Safety Boots – up to \$13K

Comp Time – up to \$45K

Longevity – up to \$18K

Advisory Commission Discussion:

N/A

Council Committee Discussion:

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

Attachments:

N/A



City of Hastings Remote Work Policy

The City of Hastings is committed to providing excellent customer service for our residents, as well as attracting and retaining critical employee talent. A remote work policy provides these benefits to the City and is hereby adopted according to the guidelines below.

This policy governs the practice of working remotely from locations other than a City facility, including an employee's home. Remote work should not adversely affect other operational needs of the City. It is voluntary for the employee and at the sole discretion of management.

General Guidelines

Remote work, for this policy, is defined as regularly working some scheduled hours off-site and some on City premises. This policy does not pertain to occasional work outside the office or "work from home" days. No employee will be allowed to remotely work all scheduled work hours unless approved as a reasonable ADA accommodation.

Regardless of location, a remote worker remains responsible for all job duties, responsibilities and obligations associated with their position, even if such duties require the employee to come into a City facility while performing work remotely. Employees and supervisors should seek to find solutions to maximize benefit to the City and to the employee.

City employees who meet the eligibility criteria will be considered for remote work on a case-by-case basis, where remote work arrangements have been shown to accomplish both work and personal goals, and meet the criteria and guidelines set forth below. Remote schedules may need to change to accommodate the needs of the City or when employee job duties change.

When making the decision to approve remote work, supervisors and the City Administrator will consider the following guidelines:

- The remote work arrangement must be set in advance and approved by the supervisor and the City Administrator.
- Remote work requires the same focus on job duties as if the employee were in the office; frequent interruptions from household members, pets or other distractions may disqualify an employee from remote work.
- There must be adequate department coverage during all standard hours.
- There must be no adverse impact on internal or external customers.
- There must be no known safety issues associated with working remotely.
- There must not be any known security issues with technology or otherwise, in order to protect nonpublic government data.
- Employees working under a Performance Improvement Plan are not eligible for remote work.
- Employee and supervisor will define daily availability and manner in which employee will be available to internal and external customers.



- Internal and external customers must be given direction on whom to contact in the employee's absence and how, if the employee is not available during all business hours.
- The schedule must not result in additional overtime for the employee or co-workers, unless pre-approved by the Supervisor.
- The supervisor or City Administrator may end the remote work arrangement at any time.

Remote work arrangements may vary depending on the position and department. Supervisors are responsible for determining the work schedules within their departments, subject to the approval of the City Administrator. Because the primary focus is serving the needs of the customers, it is important to realize remote work arrangements may not be possible for some positions.

A remote work agreement is to be completed and signed by the employee, the employee's supervisor, and the City Administrator prior to beginning the remote work.

Eligibility for Flexibility in the Place of Work

Individuals requesting remote work arrangements must be employed with the City for a minimum of 12 months of continuous, regular employment and be successfully performing their job duties, as determined with supervisor input.

There may be additional considerations when an employee requests remote work as a reasonable accommodation and the City will consider those requests on a case by case basis.

Supervision and Performance Evaluation

For employees who are working remotely at least half of their schedule, supervisors must hold regular meetings to discuss work progress and issues for the first three months. These meetings can be conducted by phone, virtual computer technology or in person. Evaluation of remote worker performance beyond the initial three months will be consistent with that received by employees working at the office.

If work performance declines or becomes unsatisfactory, the employee may face discipline and/or the remote work arrangement may be terminated at the discretion of the City.

Work Hours, Calendars and Meetings

The employee and supervisor will agree on the number of days of remote work that will be allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee agrees to be accessible by phone, virtual computer software or email within a reasonable time period during the agreed upon work schedule. Depending on the employee's position and the needs of the City, the work schedule may include core hours during which the employee must be available or the schedule can include greater flexibility for the employee to work outside the City's normal business hours.

Remote workers who are not exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) will be required to record all hours worked in a manner designated by the City. Hours worked in



excess of 40 hours (or regularly assigned hours) per week, will require advance approval of the supervisor. Failure to comply with this requirement may result in termination of the remote work arrangement.

Remote workers who are exempt from the overtime requirements of the FLSA must follow the City's normal payroll and timekeeping policies and are generally accountable for their normal work week hours (e.g., for most full-time employees that will be at least 40 hours/week).

All remote workers must use sick, vacation or compensatory time off as needed to cover periods of time off, following the City's normal paid leave policies. See the Employee Handbook for other types of leave, notification, and coverage for eligible employees.

Remote workers must attend all required meetings, including those which normally would be held on a remote workday, and are also responsible for obtaining information from optional meetings when such meetings impact their work with the City. In-person business meetings with others cannot be held at an employee's home.

Work Environment and Technology

For employees working remotely on a routine basis, the employee must establish an appropriate work environment to avoid problems associated with safety or poor ergonomics. The City will not be responsible for costs associated with initial setup of the employee's remote office such as remodeling, furniture, lighting, repairs, or modifications to the office space. Employees will be offered appropriate guidance in setting up a workstation designed for safe, comfortable work.

The City will provide employees with appropriate technology (e.g., computer, monitor(s), docking station, mouse, keyboard, headset) as determined by consultation with the employee, supervisor and IT. Employees will be required to perform software and hardware updates in keeping with standards set by the IT Department. Employees are required to provide a reliable internet connection and follow all guidelines regarding appropriate use of City technology equipment found in the Employee Handbook. All City-owned equipment must be returned upon termination of the remote work arrangement or at termination of employment.

The City will supply the employee with the appropriate office supplies (pens, paper, etc.) for their assigned job responsibilities. The organization will also reimburse the employee for all pre-approved, appropriate business-related expenses; however, the employee may be required to come into the office in order to perform some duties such as mailing, scanning, photocopying or picking up supplies.

City Employment Policy and Benefits Coverage

The City's normal policies and procedures (for example, computer use, data practices, respectful workplace, outside employment, etc.) apply to employees working remotely. Employees should review the Employee Handbook or ask their supervisors if they have any questions about whether or how a particular City policy applies to a remote work environment.



X-E-01

An employee working remotely is generally covered by the City's Workers' Compensation insurance while acting in the course and scope of employment and must report any injury to their supervisor as soon as possible.

Approved XX/XX/2023

~~Donated Sick Leave~~ Donation Policy

Purpose

With the written approval of the City Administrator, City Employees having accrued sick leave will be allowed to donate a portion of such accrued sick leave to a sick leave donation "pool" to be used by employees experiencing a medical emergency. A medical emergency is a medical condition of the employee or a child, spouse or parent of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee. ~~major life-threatening disease or condition suffered by the employee, their spouse, or minor children. A major life-threatening disease or condition shall include, but not necessarily limited to heart attack, stroke, organ transplant, or life-threatening illness or condition as defined by a physician's diagnosis.~~

Conditions:

Receiving Donated Sick Leave.

- a. An employee is only eligible to receive donated sick leave for time lost from work due to absences directly related to a ~~major life-threatening disease or condition~~medical emergency as described above, equal to the number of hours of time which the employee would lose from his/her job due to the ~~major life-threatening disease or condition~~medical emergency.
- b. An employee will be eligible to receive donated ~~medical-sick~~ leave only after the employee's accrued sick leave, compensatory time, floating holidays, and vacation time balances have been exhausted by the employee.
- c. An employee will be allowed to receive up to and no more than one hundred and sixty (160) hours of donated sick leave for any single ~~major life-threatening disease or condition~~medical emergency ~~without the prior written approval of the City Administrator~~. The hours the recipient may obtain will only be provided if there are sufficient hours in the sick leave bank. In addition, the recipient will be notified prior to every eligible pay period as to how many hours they will be receiving for the pay period.
- d. Employees will not accrue ~~time-vacation or sick leave~~ while using donated sick leave.
- e. The City Administrator ~~shall may have the right to~~ deny use of donated sick leave or limit its use, as ~~shall be~~ determined necessary and in the best interest of the City of Hastings.
- f. An employee is not eligible for the sick leave donation program if also eligible for Workers' Compensation, receiving Long-Term Disability

payments through the City's program, or judged to be disabled to the extent that the employee will not be returning to work.

Donating Sick Leave

- a. An employee may donate no more than thirty-two (32) hours per calendar year to the donated leave pool. Donations are to the pool, not a specific employee.
- b. An employee must have a minimum sick leave balance of 40 hours ~~to donate~~after donating sick leave to the pool.
- c. A prospective donor will indicate the ~~amount~~number of hours he/she wishes to donate on the forms designated by the City for that purpose and submit the form to the ~~Administrative Assistant/City Clerk or designee~~HR Director.
- d. Hours, which have been donated to the sick leave pool are non-refundable and become the sole property of the City's sick leave pool.

Voluntary Participation

- a. Participation in the donation of sick leave donation program will be completely voluntary and confidential. No City employee shall pressure or otherwise attempt to influence another City employee to surrender sick leave.
- b. The City will not inform the recipient of the names of those surrendering hours or the number of hours surrendered.

Other Provisions

Donations ~~must be~~shall be on an hour-for-hour basis. For every one (1) hour of sick leave donated by the donor, the recipient will be credited with one (1) hour of sick leave. The pay levels of the two employees shall not affect the transaction.

The donated hours are taxable income to the recipient.

Departing employees may not donate to the sick leave pool.

If the recipient separates from City employment before using all of the donated leave time, the remaining donated time may not be converted to severance pay. Any remaining donated time shall be returned back to the donated sick pool.

Employee Handbook, policy edits (March 6, 2023)

Sick Leave Donation

Sick Leave Donation

Employees ~~with at least 40 hours of accrued sick leave~~ may donate up to 32 hours annually to be used by employees experiencing a ~~major, life-threatening disease or~~ medical emergency. A medical emergency is a medical condition by the employee, the employee's spouse, or minor child or a child, spouse or parent of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee. ~~Regular full and part-time employees may receive donated sick leave once their leave balance has been exhausted, up to a maximum of 160 hours. This maximum may be waived by the City Administrator on a case-by-case basis.~~ Participation in the sick leave donation program will be voluntary and confidential. There is no cash value payout of donated sick leave. Any unused donated sick leave will be returned to the donated sick leave pool. See full Sick Leave Donation policy in Appendix A.

Safety Boots

Safety Boots

For those positions determined to need safety boots for safe performance of their job, the City will pay the cost of OSHA-approved footwear, up to ~~an annual cost of \$200~~ \$250 annually for full and part-time regular employees, as well as paid on-call firefighters. For seasonal employees ~~or paid on-call~~

~~firefighters~~, the annual reimbursement will be for up to 50% of the actual cost of the boots, not to exceed ~~\$100-125~~ annually. Boots will be replaced no more often than once per year. If safety boots are determined necessary for the position, the employee is required to wear them.

Compensatory Time

B. Exempt Employees

For all employees specifically exempted from the overtime provisions of the FLSA, all hours worked in excess of 80 hours in two-week period shall be eligible for earning compensatory time at straight time. Compensatory time may be accrued up to 120 hours. Compensatory time is to be requested off in the same manner as other leave requests.

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors, and therefore generally need to work 40 or more hours per work. Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed.

On December 1 each year, the City will initiate payout of all compensatory time accrued over 80 hours, with a maximum payout of 40 hours.

Vacation Accrual

Years of Service	Current		Proposed	
	Hours	Days	Hours	Days
0-1	80	10	88	11
2	96	12	96	12
3	96	12	104	13
4	96	12	112	14
5	96	12	120	15
6	104	13	128	16
7	112	14	128	16
8	120	15	136	17
9	128	16	136	17
10	136	17	144	18
11	144	18	144	18
12	152	19	152	19
13	160	20	160	20
14	168	21	168	21
15	176	22	176	22
20	200	25	200	25

Longevity

Longevity

Full-time employees and Paid-on-call Firefighter/EMTs earn longevity based upon continuous employment as a regular status full-or part-time employee as follows:

- 5 years of employment: 1% of salary
- 10 years of employment: 2% of salary
- 15 years of employment: 3% of salary
- 20 years of employment: 4% of salary

Longevity credit will accrue as long as there is no break in regular employment status.

Paid Family/Parental Leave

Paid Leave and Use of Accrued Leave

The City will provide 20 days of paid leave at 50% and ~~E~~employees will be required to use ~~all~~ accrued leave to supplement. Employees will be required to use all accrued leave available prior to taking an unpaid leave. Eligibility for City-paid leave follows FMLA guidelines. The use of paid leave occurs simultaneously with FMLA and does not extend the length of FMLA leave.