



STAFF REPORT

DATE: December 10, 2023

TO: Mayor and City Council
FROM: Karissa Goers, Administrative Services Director
AGENDA ITEM: Adoption of New Policies and Approve Amendments to City of Lake Elmo Personnel Policies

BACKGROUND: The last update to the City of Lake Elmo Personnel Policies was completed in 2018.

ISSUE BEFORE COUNCIL:

The ESST law that went into effect in 2024, had amendments made to it in May which affects our PTO policy. Staff would like to discuss changes and options for the City's ESST and annual leave policies as well as adding a leave donation policy.

DISCUSSION: Staff has assigned numbers to the policies and updated the layout of the book, so that it is easier to reference and replace updated policies as changes are made. Consistent with best practices in human resources, recommendations from the League of MN Cities, and maintaining compliance with Federal and State employment laws, the Administration department is recommending the following changes to the City of Lake Elmo Personnel Policies:

The following policies were amended to comply with recent changes in employment laws, recommendations from the League of MN Cities, and updated language for clarification:

- #230 ESST and #235 annual leave –major updates to separate out PTO into two policies: sick and vacation added a year end cash out option for vacation leave.
- Purpose – updated
- Harassment Prevention & Respectful Workplace—merged into one more succinct policy and updated contact person from city administrator to administrative services director
- Employee Type & Conditions – updated language regarding seasonal employees
- Employee Recruitment & selection – minor updates
- Hours of Work—minor clarification updates
- Attendance & Absence—minor updates
- Discipline—updated contact person from city administrator to administrative services director
- Separation from Service – minor updates

The following policies are NEW policies recommended to enhance employee engagement or to comply with MN statute requirements and best practices in human resources:

- #236 Leave donation policy – NEW
- Wage Nondisclosure – Added New due to MN statute requirement
- Mandatory meetings – Added New due to MN statute requirement
- Personnel Files– Added New due to MN statute requirement
- FMLA– Added - had a policy but it wasn't kept in personnel policies handbook
- EE Recognition—Added - had a policy but it wasn't kept in personnel policies handbook

Staff believe that these overall policy recommendations will enhance the effective provision of human resource management functions at the City of Lake Elmo.

RECOMMENDATION:

Discuss policy updates and provide recommendations for how staff should proceed with changes.

ATTACHMENTS:

- Redlined version of the City of Lake Elmo Personnel Policies

This handbook provides ~~information~~ the general administrative policies of the City of Lake Elmo. These policies apply to all employees of the city, ~~unless covered in a collective bargaining agreement.~~ Except where specifically noted, these policies do not apply to:

1. Elected officials
2. City Attorney
3. Members of city boards, commissions, and committees
4. Consultants and contractors
5. Volunteers, except as specifically noted for paid-per-call firefighters.

~~to you, as an employee of the City of Lake Elmo, about certain terms and conditions of your employment.~~

If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

~~The handbook summarizes major policies and programs related to your employment. The policies~~ They are not intended to be all-inclusive or to cover every situation that may arise. These policies may be amended at any time at the sole discretion of the city, and they will supersede all previous personnel policies. Except where noted otherwise, the city administrator or their designee is charged with ensuring compliance with these personnel policies. Revisions and amendments shall become effective upon approval by the City Council. When there is a change in policy, we will update this handbook as soon as we can and inform all staff of the change.

~~It is not, and should not be considered, an employment contract. Your continued employment, and the conditions of employment, is solely within the discretion of the City of Lake Elmo. No provision in this handbook is intended to create a contract between the City of Lake Elmo and any employee.~~ Except as otherwise prohibited by law, the City of Lake Elmo has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

~~Additional information about many of these policies and programs is available from the city's Administration office. Please take advantage of those resources to assure you are fully aware of your rights and responsibilities as an employee of the City of Lake Elmo.~~

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. The City of Lake Elmo employees have the right to engage in or refrain from such activities.

These policies serve as an information guide to help employees become better informed and to make their experience with the city more rewarding. Departments and other classes of employees may have special work rules deemed necessary by the department head supervisor and approved by the city administrator for the achievement of objectives of that department.

Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained, and enforcement discussed with the employee by the immediate supervisor.

The City of Lake Elmo is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Lake Elmo will not discriminate against any employee or job applicant on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists), color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status (including pregnancy, childbirth, and pregnancy-related conditions), or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry, or any other characteristic protected by applicable federal, state, or local laws and ordinances.

The intent of this policy is to provide general guidelines about conduct that is, and is not, appropriate in the workplace and other city-sponsored events. The city acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

The City of Lake Elmo is committed to creating and maintaining a workplace free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws.

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

Discriminatory behavior includes inappropriate remarks about, or conduct related to a person's legally protected characteristics such as race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.

This policy is intended to make all employees, volunteers, members of boards and commissions, applicants, contractors/vendors, and elected officials and members of the public aware of the matter of harassment, but specifically sexual harassment to express the city's strong disapproval of unlawful harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

Maintaining a work environment free from harassment is a shared responsibility.

This policy applies to all city employees, paid-on-call firefighters, City Council members, members of boards and commissions, volunteers, contractors/vendors, election judges, applicants, and members of the public, both in the workplace and other city-sponsored social events.

DEFINITIONS

Unlawful Harassment – "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Sexual Harassment – "Sexual harassment" is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

Violent Behavior – includes the use of physical force, harassment, bullying or intimidation.

Offensive Behavior - may include such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name-calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisors what is regarded as offensive, considering the sensibilities of employees and the possibility of public reaction.

ABUSIVE CUSTOMER BEHAVIOR

While the city has a strong commitment to customer service, the city does not expect employees to accept verbal and other abuse from any customer or resident. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including professionally ending the contact.

If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

NAMES AND PRONOUNS

Every employee will be addressed by a name and by pronouns that correspond to the employee's gender identity. A court-ordered name or gender change is not required.

PROHIBITED BEHAVIOR

The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves because they are a disruption in the workplace and are, in many instances, unlawful,

Examples of inappropriate conduct that this policy prohibits may include but are not limited to: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior. In summary, sexual harassment is the unwanted, unwelcome, and repeated action of an individual against another individual, using sexual overtones as a means of creating stress.

While it's not possible to list all the additional circumstances that may constitute prohibited conduct under this policy, the following are some examples of conduct that, if unwelcome, may result in discipline up to and including unpaid suspension and/or immediate termination depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome or unwanted sexual advances, whether they involve physical touching or not. This can include leering, whistling, making sexual gestures, stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical

contact considered unacceptable by another individual.

- Verbal or written abuse, making jokes, or comments that are sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.
- Displaying sexually suggestive objects, pictures, or cartoons.
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

EXPECTATIONS

The City of Lake Elmo recognizes the need to educate its employees, volunteers, members of boards and commissions, contractors/ vendors, applicants, elected officials and members of the public on the subject of sexual harassment and stands committed to providing information and training. All employees are expected to treat each other and the general public with respect and to assist in fostering an environment that is free from unwanted harassment.

Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

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

1. Immediate supervisor
2. Administrative Services Director
3. City administrator
4. Mayor or city councilmember

In addition to notifying one of the above people and stating the nature of the harassment, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and/or take other reasonable action, and as soon as feasible, a supervisor.

1. Make it clear to the harasser that the conduct is unwelcome and document that conversation.
2. Document the occurrences of harassment.
3. Submit the documented complaints to your supervisor, administrative services director, city administrator, mayor, or any member of the City Council. Employees are strongly encouraged to put the complaint in writing.
4. Document any further harassment or reprisals that occur after the initial complaint is made.

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

Management takes these complaints seriously and has the obligation to provide an environment free of harassment. The city is obligated to prevent and correct unlawful harassment in a manner ~~which~~that does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, a supervisor must report the allegations promptly to the ~~city administrator~~administrative services director. If the ~~city administrator~~administrative services director is the subject of the complaint, then the supervisor is to report the complaint to the City Administrator Attorney. A supervisor must act upon such a report even if requested otherwise by the victim. The city will take action to correct ~~any and all~~ reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Formal investigations will be prompt, impartial, and thorough. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible. Any investigation process will be handled as confidentially as practical and related information will only be shared on a need-to-know basis and ~~in accordance with~~following the Minnesota Government Data Practices Act and/or any other applicable laws.

To facilitate fostering a respectful work environment, all employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment. Any employee who makes a false complaint or provides false information during an investigation may be subject to disciplinary action, up to and including termination.

The city is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, subd. 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.

SPECIAL REPORTING REQUIREMENTS

When the supervisor is the alleged harasser, a report will be made to the ~~city administrator~~administrative services director who will assume the responsibility for investigation and discipline. For more information about what to do when allegations involve the city administrator, the mayor, or a council member, see below.

If the ~~city administrator~~administrative services director is the alleged harasser, a report will be made to the city ~~administrator~~attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a ~~council member~~council member is the alleged harasser, the report will be made to the ~~city administrator~~administrative services director and referred to the city attorney who will undertake the necessary investigation. The city attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the city administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens. The city will take reasonable and timely action, depending on the circumstances of the situation.

If an elected or appointed city official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the city attorney will be consulted as to the appropriate course of action. In cases such as these, it is common for the city council to authorize an investigation by an independent investigator (consultant). The city will take reasonable and timely action, depending on the circumstances of the situation.

RETALIATION

The City of Lake Elmo will not tolerate retaliation or intimidation directed towards anyone who makes a complaint of employment discrimination, who serves as a witness or participates in an investigation, and/or takes any other actions protected under federal or state discrimination laws, including when requesting religious or disability accommodation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. While each situation is very ~~fact-dependent~~ fact-dependent, generally speaking retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations, or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media, and making false reports to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If you feel retaliation is occurring within the workplace, barring any extenuating circumstances, please report your concern immediately to any of the following:

1. Immediate supervisor
2. Administrative Services Director
3. City Administrator
4. Mayor or City Councilmember
5. In the event an employee feels retaliation has occurred by the City Administrator or the City Council, then reporting may be made to the City Attorney.

Supervisors who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the administrative services director ~~city administrator~~, or if the complaint is against the administrative services director ~~city administrator~~ to the city administrator attorney, who will decide how to proceed in addressing the complaint.

Consistent with the terms of applicable statutes and city personnel policies, the city may discipline any individual who retaliates against any person who reports alleged violations of this policy. The city may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations.

The city of Lake Elmo is committed to fostering, cultivating, and preserving a culture of diversity, equity and inclusion. Our policy is to be welcoming, safe, and equitable to all employees and members of the community. By embracing the diversity of our workforce and community, the city seeks to not only meet, but also exceed, our obligations under federal and state law. The goal of our policy is for the work environment to be free of harassment, discrimination, and retaliation.

Furthermore, it is our belief that:

- We are more efficient when all are valued and included.
- We are more effective when we leverage our different ideas, backgrounds and identities.
- We are more responsive when we acknowledge and reflect the identity and experience of our residents and colleagues.

DEFINITIONS

Cultural Competence – the ability to interact effectively across differences. We acknowledge that a ‘one size fits all’ approach is not effective and actively seek ways to make our services accessible and culturally relevant.

Discrimination – unfair treatment because of a protected class status.

Diversity – recognizes the unique differences of all individuals. This includes the many apparent and non-apparent ways which people differ in their identity such as: age, gender and gender identity, race, ethnicity, national origin, language, religious beliefs, sexual orientation, veteran status, gender identity, mental or physical ability, marital status, family status, or educational background.

Equity – the principle of fairness by seeking to remove barriers and increase access to services. This includes understanding and acknowledging historical and ongoing inequities between groups of people and a commitment to actions that challenge those inequities.

Harassment – unwelcome conduct that is based on a protected class status that is intimidating, hostile or abusive. This includes sexual harassment.

Inclusion – an environment that is built on respect and which creates a sense of belonging for all who live and work here. By being inclusive we acknowledge and value individual contribution as well as the background and identity of those with whom we work, partner, or serve.

It is the city’s policy to respect culture and reduce bias in our workplace and service delivery.

The commitment to inclusion, diversity, and equity influences the work that is performed by the city, the workplace environment, relationships between employees, and relationships between the city and community. While individual employees have their own beliefs and values, performing work on behalf of the city requires upholding cultural competence and respect to ensure work occurs that not only meets, but also exceeds, our obligations under federal and state law.

The city of Lake Elmo values all diversity and recognizes individual protected-class status as defined under state and federal law and seeks to ensure equal opportunities in all phases of employment. The

city expects each employee to cooperate to achieve this goal and personally stand behind the principles as defined within this policy.

All employees of the city are expected to act and perform in the work professionally, including respecting cultural differences. Under the **city's Respectful Workplace policy**, discrimination, including harassment, will not be tolerated. Any employee found to have exhibited any inappropriate conduct or behavior may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with this policy should follow the reporting procedures within the city's **Respectful Workplace policy**.

In accepting city employment, employees become representatives of the city and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Lake Elmo. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a city employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

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

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations as set forth in these personnel policies as well as those of their departments.
- Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.
- Maintain good attendance while meeting the goals set by your supervisor.
- Approach our organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication, and compassion.

FALSIFICATION OF RECORDS

Any employee who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

CONFLICT OF INTEREST

City employees are to remove themselves from situations in which they would have to act or make a decision where that action or decision could be a perceived or actual conflict of interest or could result in a personal benefit for themselves or a family member. If an employee has any question about whether such a conflict exists, they should consult with the city administrator.

POLITICAL ACTIVITY

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

ACCESS TO AND USE OF CITY PROPERTY

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other city-owned equipment must register their name and the serial number (if applicable) or identifying information about the equipment with their supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the city to resign in good standing. Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the city is prohibited unless authorized by the city administrator. Any employee found to have an unauthorized duplicate key will be subject to disciplinary action.

APPEARANCE

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contact with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their supervisor. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the city. City staff shall not enforce the city's dress code more strictly against transgender and gender-diverse employees than other employees.

PERSONAL TELEPHONE CALLS

Personal telephone calls are not to interfere with city work and are to be completed as quickly as possible. Any personal long-distance call costs will be paid for by the employee. Please refer to the cell phone policy for information on the use of cellular phones.

SMOKING

The City of Lake Elmo observes and supports the Minnesota Clean Indoor Air Act. All city buildings and vehicles, in their entirety, shall be designated as tobacco-free, meaning that smoking in any form (through the use of tobacco products such as pipes, cigars, and cigarettes) or "vaping" with e-cigarettes is prohibited while in a city facility or vehicle. Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees 18 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

Employee records are maintained in a location designated by the city administrator. Personnel data is retained in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

The city complies with the Minnesota law that prohibits restricting any employee's ability to disclose their wages, retaliating against any employee for disclosing their wages, or discussing another employee's wages that were disclosed voluntarily.

However, we will discipline, up to and including termination, any employee who gains unauthorized access to another employee's private financial data.

Management encourages you to discuss your compensation with the administrative services director and/or your direct supervisor. It is our policy to pay wages and salaries that are competitive with those paid for similar jobs in our surrounding area. We maintain the accuracy of our wage and salary structure by periodically checking what the competition pays. We also comply with the business and general economic conditions of the industry.

The city may require employees to attend mandatory meetings based on business needs and in the interest of productivity and collaboration. However, we will not take adverse action against any employee for refusing to attend mandatory meetings or participate in city-sponsored communications that have the purpose of communicating religious or political views.

All city employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the appropriate department or to the data practices authority.

Any employee who identifies a mistake in reporting should bring the error to the city administrator or other appropriate staff. Regardless of whether the communication is in the employee's official city role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

Except for routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the city administrator. No city employee is authorized to speak on behalf of the city without prior authorization from the city administrator or his/her designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. When responding to media requests, employees should follow these steps:

- If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the city administrator of the request.
- If the request is regarding information about city personnel, potential litigation, controversial issues, an opinion on a city matter, or if an employee is unsure if the request is a "routine" question, forward the request to the city administrator. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person, who will get back to you as soon as he/she can." Then ask the media representative's name, questions, deadline, and contact information.

All news releases concerning city personnel will be the responsibility of the city administrator or his/her designee.

When/if the city administrator authorizes a staff person to communicate on behalf of the city in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the city. Account names on social media sites must be clearly connected to the city and approved by the city administrator.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: "The city finished street cleaning on 16 streets in the northwest corner of the city this past week" instead of "The city is doing a great job with street cleaning this year!" Corrections must be issued when needed.
- Generally, do not include personal opinions in official city statements. One exception is communications related to promoting a city service. For example, an employee could post the following on the city's Facebook page: "My family visited Hill Park this weekend and really enjoyed the new band shelter." Employees who have been approved to use social media sites on behalf of the city should seek assistance from the city administrator on this topic.
- Notify the city administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for city business. Employees should be aware that the data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

The purpose of this policy is to protect the quality and integrity of, while minimizing the risks to, the City's information system. This system is vital to performing City functions. The City's Administrative Services Director is responsible for developing and maintaining procedures that best serve these purposes. In addition to this policy, City staff are required to follow the *Metro-INET Acceptable Use Policy* which is attached to this personnel policy handbook.

DEFINITIONS

Internet: A global computer network which joins government, educational institutions and private computers together over high-performance communication lines. The Internet is a rich source of information, electronic commerce, and personal electronic communications.

Downloading: The transfer of computer files from one computer storage device to a different computer's storage device.

Browser: A computer program used to access the Internet with the ability to search the Internet for information. This program resides on the individual's workstation.

DATA MANAGEMENT AND PROTECTION

Data Storage:

1. **Back-Up:** All data shall be stored on the network server. This ensures that all data is backed up daily.
2. **Agency Access:** All network users will have rights to the "Shared" directory. This directory should be used for sharing files with other departments.
3. **Department Access:** Each department may have additional access to directories of the file server and each user within the department will have a sub-directory under the department directory. The department directory will be accessible to all users within that department.

Management of Files

The storage capacity of the network server is limited. Therefore, all users are responsible for deleting their own outdated files.

Portable Files

Only appropriate files may be copied to City computers. Under no circumstances may a user copy to or from an agency computer, any program files or any executable files (e.g., games, screensavers, etc.). Users bringing files home and back are responsible for following this policy and should pay special attention to the virus protection guidelines herein.

Work Product Ownership

All information developed on the City computer system or introduced to the City computer system becomes the property of the City, regardless of where it was created. All information developed by city employees on computers outside the city, if in conjunction with their employment at the city, is the property of the City. Copies of all such files must be provided to the city, which has exclusive rights to retain, maintain and modify these files.

USE OF EQUIPMENT**General Use**

The primary purpose for the use of the City's computer equipment is agency business.

Only City employees may use the City's computer equipment. Use by any other party requires prior approval of the City Administrator. City employees must use their assigned login identification (ID) when connecting to the network. Users should never login under another employee's ID.

Portable Equipment

Only portable equipment (e.g., laptop computers, tablets, phones, computer accessories) may be removed from City buildings. This equipment must be checked out through the Administrative Services Director and may only be used for City business. Employees are expected to provide appropriate protection against theft, accidental breakage, environmental damage and other risks, for any equipment in their possession.

Desktop computers and attached devices shall not be removed from City buildings.

INSTALLATION OF HARDWARE AND SOFTWARE**Installation**

All hardware and software shall be installed or downloaded by Metro-INET. Users who wish to run product demonstrations or download information from bulletin boards or the Internet should contact the Administrative Services Director/City Clerk prior to doing so.

Configuration

Individual workstations are configured to operate in a complex network environment. Users shall not change their system's set-up files. Users who have a concern about the configuration of their set-up files should contact the Administrative Services Director.

Licensed Software

The City complies with all software copyrights and terms of software licenses. City employees shall not duplicate licensed software or related documentation. Any such duplication may subject employees and/or the City to both civil and criminal penalties under the United States Copyright Act. Only software obtained through the City's acquisition process will be used on City computers. City owned software shall not be loaded on external systems.

SYSTEM SECURITY**Overview**

Electronic information is a significant asset of the City. The goal of system security is to protect from unauthorized or inappropriate access or modification.

Control of Security

Users shall not add additional security to their workstations or files. Users who believe they have security needs beyond current settings should contact the Administrative Services Director.

User Access Controls

All users shall identify themselves with the system by signing on with their assigned login ID. Employees must use a password when logging in to the system. Passwords shall not be shared, apart from the user's department head and/or the Administrative Services Director. Users must notify their department head of any new passwords or revisions of passwords of any type. Users who will be away from their computer for a long period of time should log out of the system.

Access to Data

The user's ability to view, add or modify information in network files is based on access rights configured by Metro-INET. Employees must contact the Administrative Services Director to request changes to user access rights.

Virus Protection

Users are responsible for having ALL disks, jump/flash drives or other media storage devices scanned for viruses prior to their use. This includes but is not limited to; disks brought from home, downloaded files, disks or files received from outside agencies or people, and diagnostic disks brought in by technicians. Users needing to scan a disk should contact Metro-INET.

Users of portable equipment need to virus scan the hard drive of such equipment prior to connecting it to the City's local area network.

Users are responsible for any e-mail received. As some e-mail messages may contain viruses, users are not to open an e-mail message or click on any links and/or attachments if the origin of the message is unknown.

INTERNET POLICY

The City's Internet access has been installed to facilitate communications and information gathering for City business. Internet access is the property of the City and is intended to assist City employees in the performance of their jobs. The following policy describes the proper use of the Internet and the rights of City management to access information obtained through this system.

GENERAL INFORMATION

1. All information taken off the Internet should be considered suspect until confirmed by another source. There is not a quality control process of the Internet. Information obtained has the potential to be inaccurate or outdated.
2. The Internet will not provide private or confidential electronic communications. Users should understand that ALL communications created, received or backed up on City systems may be construed to be public documents and thus may be subject to legal requests for public disclosure.
3. Management reserves the right to examine e-mails, files & directories, internet usage, and any hardware containing City property. This examination ensures compliance with all legal requirements and internal policies and assists with the management of the City's information system.
4. Users should consider their internet activities as being periodically monitored and should act accordingly.

1. PERMITTED USES

- a. The primary purpose of City Internet access is City business.
- b. Limited, occasional use of the Internet for personal purposes will be permitted only under the following conditions:
 1. Personal use is only allowed during non-work hours.
 2. Personal use does not interfere with another employee's business use of the Internet. (e.g., Too many employees are browsing during their lunch break that the response time slows down and employees working on City business are adversely affected.);
 3. Employee is currently performing at a ranking of satisfactory or higher; and
 4. Use complies with all parts of this policy and the Metro-INET Acceptable Use policy.
- c. Only City employees, council members, contractors, and verified visitors are allowed to use the City's Internet access. Any exceptions to this rule must have the prior approval of the City Administrator.
- d. Employees with a browser are responsible for compliance with this policy. It is required that employees with browsers have access to their workstation protected by password. Users should be aware that as the number of browsers and amount of time spent on the Internet by users increases, the response time of Internet functions will decrease.
- e. Users are required to respect the legal protection provided to programs and data by copyright, license and privacy laws.
- f. Users must conduct themselves in a manner that is consistent with City goals and policies.

2. PROHIBITED USE OF COMPUTER EQUIPMENT AND INTERNET ACCESS

The following is a list of those activities which, if conducted, may result in disciplinary action, up to and including termination of City employment and potential civil and/or criminal charges. City computer equipment and/or Internet access shall not under any circumstances be used for:

- a. political purposes, religious reasons, harassment activities, obscene activities, racial or ethnic discrimination or any illegal activity;
- b. gambling, fundraising, operating/conducting a private business, or for private gain or advantage;
- c. presenting personal opinions or misinformation about the City, its programs, policies or personnel; and
- d. activities that interfere with or disrupt network users, services or equipment.
- e. Users shall not seek to breach system security, nor assist others in doing so.

3. INTERNET MONITORING AND BLOCKING

- a. The City does monitor its internet access.
- b. The City does block inappropriate websites. If users find a site blocked while performing your job duties inform your Department Director.

VIOLATIONS OF POLICY

Violation of these policies may result in the cancellation of the violator's access to City computer equipment and/or Internet browsing and Internet e-mail accounts and may be grounds for disciplinary action up to and including termination of employment with the City.



Metro-INET Acceptable Use Policy

VERSION 3.0

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Audience

This policy applies to any person using Metro-INET information systems and Metro-INET affiliate (hereon referred to as “agency”) equipment. Including, and not limited to, all employees, appointed and elected officials, contractors, and volunteers.

Overview

This policy serves to protect the security and integrity of Metro-INET’s electronic information systems by educating employees about appropriate and safe use of available technology resources. This policy is meant to provide a minimum-security baseline and supersedes any less restrictive policy.

Metro-INET reserves the right to inspect, without notice, all data, emails, files, settings, or any other aspect of an agency computer or related system, including personal information created or maintained by an employee as determined by the Metro-INET Information Security Manager or agency designated representative.

Beyond this policy, Metro-INET may distribute information regarding precautions and actions needed to protect Metro-INET systems; all employees are responsible for reading and following the guidance and directives in these communications.

Requests for exceptions to this policy can be submitted to Metro-INET and by completing the Metro-INET Risk and Treatment Acceptance form.

Identities

Account owners are responsible for the accounts assigned to them and for the actions taken with those accounts.

Accounts must not be shared without prior authorization from Metro-INET, except for calendars and related calendaring functions.

Accounts require a Metro-INET Acceptable Use Policy review and acknowledgement and must meet the Metro-INET Access and Identity standard. Accounts may automatically expire after specific timeframes at the discretion of the Metro-INET Information Security Manager.

Passwords

Passwords shall never be shared. If it is necessary to access an employee’s computer or files, contact your supervisor to review or request assistance from Metro-INET.

Metro-INET will not provide access to accounts without the approval of the Metro-INET Information Security Manager.

Passwords shall not be stored in any location on or near the computer or stored electronically such as in a cell phone or other mobile device other than an encrypted password manager solution. (Example: Microsoft Authenticator App)

Employees are responsible for maintaining computer/network passwords and must adhere to the Metro-INET Identity and Access Standards. Metro-INET Identity and Access Standards may be updated at the discretion of the Metro-INET Information Security Manager.

Advanced Authentication (example: Multi-Factor Authentication) is required when available for access to Metro-INET network resources.

Network access

Equipment not owned by a Metro-INET agency used in an agency building should only use the guest connection to the Internet unless approved by Metro-INET.

Metro-INET will review the Metro-INET network and connected devices for vulnerabilities and implement appropriate mitigation or remediation measures.

Metro-INET will not remotely access an active session without the logged-in account owner's permission to ensure integrity of access logs.

Reasonable availability is expected of both Metro-INET and those requesting support.

Remote Access

Examples of remote access include and are not limited to: Microsoft 365 / cloud services, virtual private network (VPN), Windows Remote Desktop, and Windows Terminal Server connections.

All aspects of the Metro-INET Acceptable Use Policy apply while connected to Metro-INET resources remotely.

Remote access to the Metro-INET network requires a request from a supervisor and approval from the Metro-INET agency designee.

All remote access connections to Metro-INET networks shall be made through approved remote access methods employing encryption and advanced authentication.

Remote access from a device not supported by a Metro-INET requires current Operating System, applications, and anti-virus software. It is the owner's responsibility to ensure all critical and security updates are installed prior to connecting. For additional information review the Metro-INET Computer Security Checklist.

Remote access privileges may be revoked at any time by an employee's supervisor or Metro-INET Information Security Manager.

Recreational use of remote connections to the Metro-INET network is strictly forbidden.

Private or confidential data should not be transmitted over an unsecured (public) wireless connection.

Clear Screen

Applications or network services shall be logged out or disconnected when they are no longer needed.

Workstations and laptops shall be logged out or locked when unattended.

Metro-INET may configure Metro-INET supported devices to automatically lock after a set duration of inactivity.

Data

Metro-INET cannot guarantee the privacy of any data stored on, transmitted, or accessed from an agency computer, device, or network. Employees should not assume any expectation of privacy.

Use of approved encrypted solutions is required when sending sensitive information outside of Metro-INET networks.

Information must be appropriately shared, handled, transferred, saved, and destroyed, based on the information sensitivity and the individual agency data practices policies and record retention schedule if applicable.

Disclosure of Public Information must not violate any pre-existing, signed non-disclosure agreements.

At the discretion of Metro-INET Information Security Manager, data may be reviewed by authorized staff without notice to the employee.

Management must be notified in a timely manner if sensitive information has been or is suspected of being lost or disclosed to unauthorized parties.

Communications

Metro-INET provides access to email and instant messaging services for work-related use. Incidental personal use of the communication systems by employees is allowed, provided it does not interfere with an employee's work and is consistent with all applicable policies.

All communications may be considered public data for both e-discovery and information requests and may not be protected by privacy laws.

Automatic forwarding of electronic messages outside the Metro-INET network is prohibited, except for members of governing bodies who have auto-forward enabled as of the effective date of this policy.

Communications, attachments, and links from an unknown sender should be reviewed with caution. Report suspected malicious communications to Metro-INET. Do not respond to suspicious senders.

Electronic communications shall not misrepresent the originator, agency, or Metro-INET.

Any use of Metro-INET communication methods should not:

- Involve solicitation
- Be associated with any political or religious entity
- Have the potential to harm the reputation of Metro-INET or agency
- Propagate chain emails
- Contain or promote anti-social or unethical behavior

- Violate local, state, federal, or international laws or regulations
- Result in unauthorized disclosure of Metro-INET or agency confidential information
- Or otherwise violate any other policies that have been approved and adopted

Internet

Information found on the Internet and used for agency work must be verified to be accurate and factually correct.

Reasonable personal use of the Internet is permitted. Employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races, or religions.

Internet use found to compromise the integrity of the Metro-INET network will result in restricted access. Metro-INET will notify the account owner's manager and/or agency Human Resources to rectify the situation.

Metro-INET may monitor or restrict any use of the Internet without prior notice, as deemed appropriate by the agency Human Resources or Metro-INET Information Security Manager.

File Storage and Transfer

Metro-INET does not backup data stored locally on computers and holds no responsibility for data recovery on local computers. All agency-related electronic files should be stored in identified network locations.

Electronic files, including emails and business-related materials created on an employee's personal computer for agency business, must be stored in designated locations. Agency-related files should not be stored on an employee's personal computer, unless otherwise defined in policy.

Electronic sensitive information shall be stored in a location on the Metro-INET network that is properly secured.

Electronic sensitive information shall be encrypted if transferred outside of the Metro-INET network.

Removable Media

The use of removable media for storage of agency information must be supported by a reasonable business case.

All removable storage media (e.g., CD-ROM, flash or USB drive, or other storage media) must be verified to be virus-free prior to being connected to Metro-INET supported equipment.

Only agency owned removable media is permitted for storage of agency information.

All removable media must be stored in a safe and secure environment.

The loss or theft of a removable media device that may have contained agency information must be reported to your supervisor immediately.

Metro-INET can assist in the encryption of media.

Hardware

In general, Metro-INET or the agency will provide the hardware required for an employee to perform their job duties. Requests for new or different hardware should be made to your supervisor, who will forward the request to Metro-INET for review to ensure appropriate standards are satisfied.

Only agency staff may use agency computer equipment. Use of agency equipment by family members, friends, or others is strictly prohibited.

Employees are responsible for the proper use and care of agency computer equipment. Computer equipment must be secured while off premises. Computer equipment should not be exposed to extreme temperature or humidity.

Metro-INET may encrypt the storage of Metro-INET supported hardware to prevent data loss due to misplaced agency equipment.

Software

In general, Metro-INET or the agency will provide the software required for an employee to perform their job duties. Requests for new or different software should be made to your supervisor, who will forward the request to Metro-INET for review to ensure appropriate standards are satisfied.

Only agency staff may use agency software. Use of agency software by family members, friends, or others is strictly prohibited.

Software shall not be downloaded or installed on Metro-INET supported computers without the prior approval of Metro-INET. Exceptions to this include updates to software approved by Metro-INET such as Microsoft updates, or other productivity software updates.

Metro-INET may, without notice, remove any unauthorized programs or software, equipment, downloads, or other resources.

Software is to be in a current and supported state and have security related and critical updates applied within the timeframe set by the Metro-INET Information Security Manager.

Incidental Use

Incidental personal use of agency owned resources and related equipment is accepted.

Reasonable, incidental personal use of agency computers and software should never preempt or interfere with work. Employees are responsible for exercising good judgment regarding the reasonableness of personal use.

Personal files are not to be stored on Metro-INET supported computer equipment.

Metro-INET may delete personal files if found on the network, computers, or other Metro-INET supported equipment.

Metro-INET supported equipment or technology shall not be used for personal business interests, for-profit ventures, political or religious activities, or other uses deemed to be inconsistent with agency activities. Questions about whether a use is appropriate should be sent to your supervisor for determination.

Personal Devices

Employees may choose to use their own equipment to read or compose email or other agency data as governed in this policy. Employees understand that by connecting their personal equipment to the Metro-INET resources, their personal devices could be searched during an e-discovery or other court-ordered scenarios and agree to grant access to their personal devices should such a situation arise.

Mobile devices that have been configured to bypass manufacturer configurations (jailbroken / rooted) are not to be used to access Metro-INET resources.

Metro-INET may require Mobile Device Management or Mobile Application Management solution(s) to protect agency data.

Security Training and Awareness

All employees shall complete assigned security awareness training within 30 days of being granted access to any Metro-INET resources.

All account holders must be provided with and acknowledge they have received and agree to adhere to the Metro-INET Information Security Policies before they are granted access to Metro-INET Information Resources.

Enforcement

Employees found to have violated this policy may be subject to disciplinary action, up to and including revocation of system privileges, termination of employment, and related civil or criminal penalties.

Any vendor, consultant, or contractor found to have violated this policy may be subject to sanctions up to and including removal of access rights, termination of contract(s), and related civil or criminal penalties.

Policy Acknowledgement

I have received and read the above policy and have had an opportunity to ask questions. I understand that my failure to follow this policy may result in disciplinary action, including revocation of system privileges or termination of employment, and related civil or criminal penalties.

_____ (Print Account Owner Name)

_____ (Signature of Account Owner)

_____ (Print Agency Name)

_____ (Date)

With the increasing popularity of generative AI chatbots such as OpenAI's ChatGPT, Google's Bard, and Microsoft 365's Copilot, it has become necessary to outline the proper use of such tools while working at the City of Lake Elmo. While we remain committed to adopting new technologies to aid our mission, when possible, we also understand the risks and limitations of generative AI chatbots and want to ensure responsible use. Our goal is to protect employees, clients, suppliers, constituents, and the city from harm.

OVERVIEW

While AI chatbots can be used to perform a variety of functions, this policy addresses only the use of a web-based interface to ask or "prompt" the chatbot in a conversational manner to find answers to questions or to create or edit written content. There are, however, risks in using this technology, including uncertainty about who owns the AI-created content and security/privacy concerns with inputting proprietary city information or sensitive information about an employee, client, customer, etc., when interacting with the chatbot. Additionally, the accuracy of the content created by these technologies cannot be relied upon, as the information may be outdated, misleading or—in some cases—fabricated. When you submit data to an AI-enhanced service, it leaves a copy of the submitted data with the service. This may pose security and privacy risks. These risks are magnified if the AI-enhanced service automatically incorporates submitted data into responses shared with other users as part of the data they are trained to use.

ELIGIBILITY

This policy applies to all employees of the City and to all work associated with the City that those employees perform, whether on or off company premises.

POLICY

Limited use of generative AI chatbots will be allowed while performing work for the City with the approval of your supervisor. City email addresses, credentials or phone numbers cannot be used to create an account with these technologies. No city data of any kind may be submitted (copied, typed, etc.) into these platforms. All AI-generated content must be reviewed for accuracy before relying on it for work purposes. If a reliable source cannot be found to verify factual information generated by the chatbot, that information cannot be used for work purposes. Please refer to the AI flowchart to help determine whether it's appropriate for you to use AI on your work project.

Acceptable uses include:

- For general-knowledge questions meant to enhance your understanding on a work-related topic.
- Summarizing long documents that only contain information as defined by Minnesota Statutes Chapter 13 as "public" and is intended to be available to the public.
- To brainstorm ideas related to projects you are working on.
- Researching public topics where the resulting content can be verified by a subject matter expert (SME).
- To create formulas for Excel spreadsheets or similar programs.

Unacceptable uses include:

- Using any text created by an AI chatbot in final work products of any kind.
- Copying and pasting, typing, or in any way submitting city content or data of any kind into the AI chatbot.
- Failing to properly cite an AI chatbot when used as a resource.

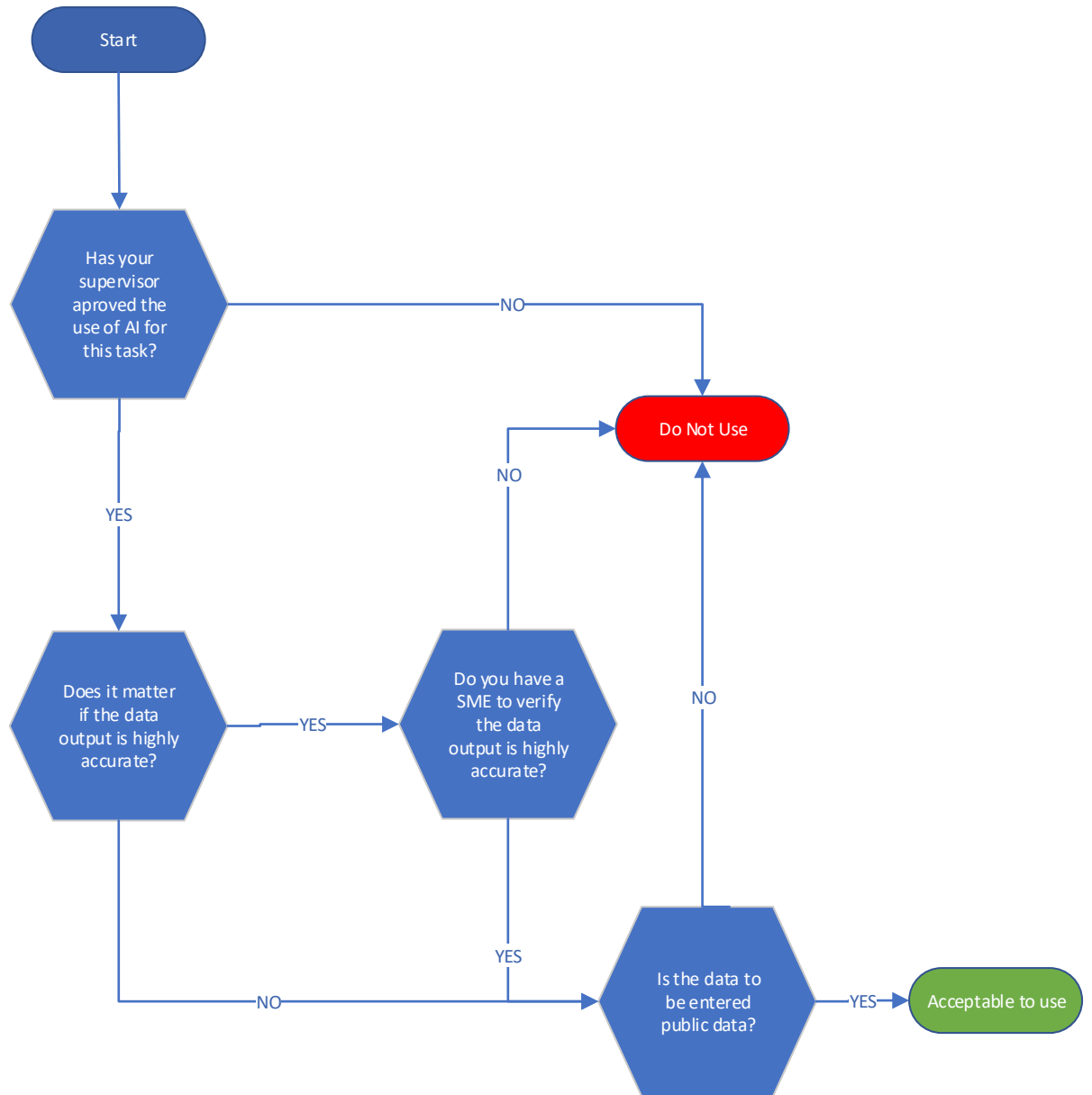
Any violation of this policy will result in disciplinary action, up to and including termination.

ETHICAL USE

Employees must use generative AI chatbots in accordance with the City's respectful workplace policies. These technologies must not be used to create content that is inappropriate, discriminatory or otherwise harmful to others or the company. Such use will result in disciplinary action, up to and including termination.

MONITORING

The City's Computer and Internet Use Policy and relevant monitoring policies still apply when using generative AI chatbots with company equipment.



It is important for city employees to remember that the personal communications of employees may reflect on the city, especially if employees are commenting on city business or commenting on issues that implicate their city employment. As city representatives, employees share the responsibility of earning and preserving the public's trust in the city. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all city staff will carry out city functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times.

The following guidelines apply to personal communications, including various forms such as any social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- Do not share any private or confidential information you have access to as a result of your city position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the city's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any city department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The city can act on personal communication that violates this policy without waiting for the actual disruption.
- Remember that what you write, or post is public, and will be so for a long time. It may also be spread to a larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home computers.
- The City of Lake Elmo expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city. Avoid using statements, photographs, video or audio that can be reasonably viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race (including traits associated with race, including, but not limited to, hair texture and hairstyles such as braids, locs and twists), national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local commission.
- If you publish something related to city business, identify yourself and use a disclaimer such as, "I am an employee of the City of Lake Elmo. However, these are my own opinions and do not represent those of the City of Lake Elmo."
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.

- Personal social media account names or email names should not be tied to the city (e.g., Lake Elmo Cop).

The City of Lake Elmo maintains an employee categorization system for the purposes of establishing employee tenure, setting qualifications for employee benefits, determining hiring policies, and complying with the Federal Fair Labor Standards Act (FLSA) and city Personnel Policies.

EXEMPT/NON-EXEMPT

All City positions are categorized as either exempt or non-exempt from the provisions of the FLSA.

Exempt Employee – Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act. Exempt employees are salaried employees who do work that has been defined as exempt under the Act.

Non-exempt Employee – Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are considered hourly employees and are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

EMPLOYEE CONDITION

Full-Time – Employees who work forty (40) or more hours per week year-round in an ongoing position.

Part-Time – Employees who work less than forty (40) hours per week year-round in an ongoing position.

EMPLOYEE TYPE

Probationary – A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The probationary period is an integral extension of the city's selection process and is used by supervisors for closely observing an employee's work. An employee serving their initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Nothing in this policy handbook shall be construed to imply that completion of this probationary period guarantees continued employment with the city or changes the at-will status of your employment.

Time served in temporary, seasonal, volunteer, or interim positions is not considered part of the probationary period. If an emergency arises during an employee's probationary period which requires a leave of absence, such time off if granted, will not be considered as time worked, and the probationary period will be extended by the length of time taken.

Temporary – Employees who work in positions that have a defined start and end date or are for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.

Seasonal - Employees who work only part of the calendar year (67 days or less or 100 days or less for employees under the age of 22) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority. Seasonal employees must have at least a thirty (30) day break in between employment periods.

Career Firefighter – A benefit-eligible, non-exempt, full-time firefighter for the City who works up to 159

hours in a twenty-one (21) day rotation.

Paid on Call (POC) Firefighter – A firefighter for the city who will serve on an occasional basis to complement and/or augment the fire department shift schedule, response callbacks, and department training and events. POC firefighters are not eligible for benefits or seniority. POC firefighters shall work the required minimum of hours per quarter but shall not exceed the maximum of 120 work hours per month.

The ~~city administrator~~ administrative services director or a designee will manage the hiring process for positions within the city. ~~While the hiring process may be coordinated by staff, the~~ city administrator ~~City Council~~ is responsible for the final hiring decision and must approve all hires for city employment, contingent upon approval by the City Council. All hires will be made according to merit and experience related to the position being filled.

Features of the Recruitment System

The administrative services director ~~city administrator or designee~~ will determine if a vacancy will be filled through open recruitment, ~~or~~ by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. ~~The majority of~~ Most position vacancies will be filled through an open recruitment process.

All applications for employment will ~~generally~~ be made through the administration department by use of approved ~~by~~ application forms (paper or online) provided by the city. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the city administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, to be considered for the position.

The deadline for application may be extended by the city administrator. Unsolicited applications will not be kept on file.

Position vacancies may be filled on an “acting” basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

TESTING AND EXAMINATIONS

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test; or another appropriate job-related exam. For example:

- Keyboarding exercises for data entry positions.
- Writing exercises for positions requiring writing as part of the job duties.
- “In-basket” exercise for an administrative support position (sets up real-life scenarios and items that would likely be given to the position for action and asks the candidate to list and prioritize the steps they would take to complete the tasks).
- Mock presentation to the City Council for a planning director position, for example.

Internal recruitments will be open to any city employee who: (1) has completed the initial probationary period; (2) meets the minimum qualifications for the vacant position; and (3) is currently in good standing with the city.

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

PRE-EMPLOYMENT MEDICAL EXAMS

The city administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential

functions of any city position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the city with the cost of the exam paid by the city. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist). The physician will notify the administrative services director ~~city administrator~~ or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the administrative services director ~~city administrator~~ or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, they will be notified of this determination.

SELECTION PROCESS

The selection process will be a cooperative effort between the ~~city administrator~~ administrative services director or designee and the hiring supervisor, subject to final hiring approval by the city administrator and of the City Council. Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the supervisor at any time, subject to City Council approval.

The city has the right to make the final hiring decision based on qualifications, abilities, experience and City of Lake Elmo's needs.

BACKGROUND CHECKS

All finalists for employment with the city will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the city administrator will determine the level of background check to be conducted based on the position being filled.

Probationary Period

The probationary period is an integral part of the selection process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations. Training periods apply to new hires, transfers, promotions, and rehires. Probationary periods are six months in duration, but may be extended by, for example, an unpaid leave of absence.

Prior to completion of this probationary orientation period, employees may be dismissed with or without cause by written notice.

All promotions, transfers, and reappointments will be subject to a six (6) month probationary period. During this probationary period employees will continue to be considered regular full-time employees,

will accrue seniority and will be protected in the discharge procedure as other regular full-time employees.

Successful completion of this probationary period does not guarantee continued employment with the city or change the at-will status of your employment.

JOB DESCRIPTIONS

The city will maintain job descriptions for each regular position. New positions will be developed as needed but must be approved by the City Council prior to the position being filled.

A job description is prepared for each position within the city. Each job description will include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. In addition, job descriptions may also describe the benefits offered and potential career path opportunities as a means to entice a qualified pool of applicants. Good attendance and compliance with work rules and policies are essential functions of all city positions.

Prior to posting a vacant position the existing job description is reviewed by the city administrator or designee and the hiring supervisor to ensure the job description is an accurate reflection of the position and that the stated job qualifications do not present artificial barriers to employment. All postings are approved by the City Council.

A current job description is provided to each new employee. Supervisors are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the city administrator.

ASSIGNING AND SCHEDULING WORK

Assignment of work duties and scheduling work is the responsibility of the supervisor subject to the approval of the city administrator.

CLASSIFICATIONS

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the city administrator.

LAYOFF

In the event it becomes necessary to reduce personnel, temporary employees and those serving a probationary period in affected job classes will be terminated from employment with the city before other employees in those job classes. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the city administrator, subject to approval of the City Council. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

The City requires flexibility to schedule people when needed. We accommodate individual needs as possible, while still meeting the needs of the organization. However, it may be necessary to ask staff to work at times other than their regular scheduled shifts.

DEFINITIONS

Hours of Operation – The city's regular hours of operation are Monday through Friday, from 8 a.m. to 4:30 p.m.

Authorized Hours – The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's supervisor.

Workweek – A workweek is seven consecutive 24-hour periods. For most employees, the workweek will run from Saturday through the following Friday. With the approval of the city administrator, departments may establish a different workweek based on coverage and service delivery needs (e.g., fire departments, ~~park and recreation~~ public works departments).

WORK HOURS

Employee work schedules and opportunities to work remotely will be established by supervisors with the approval of the city administrator. The regular workweek for most employees is five eight-hour days in addition to a lunch period, Monday through Friday, except as otherwise approved by the city administrator in accordance with the customs and needs of the individual departments.

Part-time, seasonal, and temporary positions: ~~In order to~~ To comply with the law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended. Employees in part-time and temporary positions will not be permitted to work more than 28 hours ~~per~~ week, including hours worked and paid leave (such as vacation or sick annual leave). All shifts, including ~~schedule-scheduled~~ trades or picked-up shifts, must be pre-approved by the supervisor. Unpaid furloughs may be imposed on employees who exceed 28 hours/week. Working a shift without prior approval may result in discipline, up to and including termination of employment. In some rare instances, a seasonal or temporary employee may be offered health insurance ~~in order to~~ to comply with federal health care reform laws and regulations.

CORE HOURS

To ensure employee availability and accountability to the public the city serves, all full-time employees (exempt and non-exempt) are to be at work or available to the public and co-workers during the city's business hours, Monday through Friday, unless away from the work site for a work-related activity or on approved leave.

MEAL AND REST BREAKS

A paid fifteen (15) minute break is allowed for every four (4) consecutive hours of work. An unpaid thirty (30) minute lunch break is provided when an employee works eight (8) or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunchtime by skipping these breaks. An employee may combine their morning and afternoon break with their lunch break for a sixty (60) minute lunch break.

Employees whose duties involve traveling throughout the city may stop along the assigned route at a restaurant or other public accommodation for their fifteen-minute breaks and thirty-minute lunch break.

Exceptions must be approved by the supervisor or city administrator.

Departments with unique job or coverage requirements may have additional rules, issued by the ~~supervisor~~ department head and subject to approval of the city administrator, on the use of meal breaks and rest periods.

ADVERSE WEATHER CONDITIONS

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee needs to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees not reporting to work for reasons of personal weather safety ~~will not normally have their pay reduced as a result of this absence.~~

~~Employees~~ will be allowed to use accrued paid time off or compensatory time, or with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments.

Firefighters and public works maintenance employees will generally be required to report to work regardless of conditions.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective department head ~~supervisor~~ or the city administrator.

The operations and standards of service in the City of Lake Elmo require that employees be at work unless valid reasons warrant absence, or an employee has a position that has been approved to work remotely. In order for a team to function efficiently and effectively, employees must fully understand the goals that have been set for them and the time that is required to be on the job. Understanding attendance requirements is an essential function of every city position.

All employees are expected to maintain satisfactory attendance and report to work on time every day. Absence, late arrivals, and early departures must be kept to a minimum. Absences and tardiness create an unfair burden to coworkers and should be avoided.

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In case of an unexpected absence, employees should call their supervisor before the scheduled starting time and keep in mind the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the supervisor.
- Failure to use the established reporting process will be grounds for disciplinary action.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor.
- Employees who are absent for three (3) days or more and who do not report their absence in accordance with this policy will be considered to have voluntarily resigned not in good standing.
- The city may waive this rule if extenuating circumstances ~~warranted~~warrant such behavior.

This policy does not preclude the city from administering discipline for unexcused absences of less than three (3) days. Individual departments may establish more specific reporting procedures.

For budgetary and confidentiality reasons, non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their supervisor.

Supervisors are responsible for maintaining compliance with city standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Lake Elmo. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that the discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the city's personnel policies.

If co-workers raise allegations regarding an employee's actions or behaviors the supervisor and/or the administrative services director ~~city administrator~~ will investigate the allegation before any disciplinary action is taken.

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

PROCESS

The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any city employee has a contractual right or guarantee (also known as a property right) to the job they perform.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

The following are descriptions of the types of disciplinary actions:

ORAL REPRIMAND

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

WRITTEN REPRIMAND

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor and the administrative services director with prior approval from the city administrator.

A written reprimand will: (1) state what happened; (2) state what should have happened. (3) identify the policy, directive or performance expectation that was not followed; (4) provide history,

if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file.

SUSPENSION WITH OR WITHOUT PAY

The city administrator may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans who have completed the initial probationary period will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on several factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

DEMOTION OR TRANSFER

An employee may be demoted or transferred if attempts at resolving an issue have failed and the city administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

SALARY

An employee's salary increase may be withheld, or the salary may be decreased due to performance deficiencies.

DISMISSAL

The city administrator, with the approval of the City Council, may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with city standards.

If the disciplinary action involves the removal of a qualified veteran who has completed the initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran under Minnesota law.

DEFINITIONS

Promotion – Movement of an employee from one job class to another within the city, where the maximum salary for the new position is higher than that of the employee's former position.

Demotion – Movement of an employee from one job class to another within the city, where the maximum salary for the new position is lower than that of the employee's former position.

Reclassify - Movement of a job from one classification to another classification because of a significant change in the position's duties and responsibilities.

Tenure: The total length of continuous employment with the city, including approved leaves of absence.

Service Credit - Time worked for the city. An employee begins earning service credit on the first day worked for the city. Some forms of leave will create a break in service.

Transfer – movement of an employee from one city position to another of equivalent pay.

An objective performance review system will be established by the city administrator or designee for the purpose of periodically evaluating the performance of city employees. The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

Performance reviews will be discussed with the employee. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not. For those parts of the performance evaluation system deemed not challengeable, an employee may submit a written response, which will be attached to the performance review. Performance reviews are to be scheduled on a regular basis, at least annually. The form, with all required signatures, will be retained as part of the employee's personnel file.

During the probationary period, informal performance meetings should occur between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee with the opportunity to discuss what is expected, what is going well and not so well.

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

Failure to sign the document by the employee will not delay processing.

You have a right to review your personnel file once every six (6) months while you are employed with the City of Lake Elmo. If you choose to exercise this right, you must submit a written request to the Administrative Services Director. Within seven (7) working days of receiving your request, the city will make available for your review either your original file or an accurate copy of your file. You will have access to your file during normal operating hours at the city location where personnel records are maintained. When the original file is reviewed, the city may require that this review take place in the presence of a manager.

After you have had an opportunity to review your file, you may make a written request for a copy of the record. If you make such a request, the city will provide you with one copy of your file at no charge. After your separation from employment, you may review your file once annually for as long as the city maintains the record. If you make a good faith, written request to review your file after your employment has ended, the city will provide one copy of your file at no cost.

If, after reviewing your file, you dispute specific information, the city may agree to remove or revise the disputed information. If no such agreement is reached, you are entitled to submit a written statement of no more than five (5) pages explaining your position. This position statement will be included in your file, along with the disputed information, for as long as the city maintains the record.

The rights of Minnesota employees are protected by the Minnesota Personnel Records Review and Access Minnesota Statutes 181.960 to 181.965. Upon request, the city will make the full text of this statute available for review.

TELEWORK

It is the policy of the City of Lake Elmo to permit employees, under certain circumstances, to conduct work remotely. Telework is intended to provide a flexible work location for eligible employees and business-related benefits to the City, including attracting and retaining a skilled workforce, supporting continuity of operations, and maximizing efficiency and cost savings. Telework arrangements are a business and workplace strategy, not an employee benefit or employee right, and approval or denial is at the sole discretion of the City. Telework may not be an option for all employees depending on factors that may include but not be limited to, employee job performance and current job duties, the business needs of the department and its customers. This policy guides the practice of working from locations other than City office buildings or properties and provides standards and expectations for all City telework arrangements. Teleworkers will always be cognizant of the public's expectation of efficient, effective, and responsive service from all City employees. Both actual and apparent conflicts with this expectation must be avoided and the existence of any such conflicts will result in termination of the telework arrangement and/or disciplinary action.

City work conducted by employees at a non-City work site as required by their functional job responsibilities is not considered telework (e.g., building inspectors at a building site, firefighters on a call). Exempt staff performing incidental tasks (e.g., checking email, responding to voicemails, etc.) while on unpaid time (e.g., Paid time off, or after work hours) is not considered telework.

DEFINITIONS

Telework: A work arrangement approved by the department director and city administrator that permits employees to work offsite in their homes or other approved location other than City buildings or properties.

Teleworker: An employee who is authorized to work remotely. No employee may telework exclusively.

Onsite worker: An employee whose job cannot be performed from a telework location and/or who is not authorized to telework or chooses not to telework.

Telework location: An approved location other than City buildings, typically an employee's home, at which the employee is authorized to telework.

Primary work location: The City building which is the employee's assigned work location when working onsite. All employees will have a primary work location and must be prepared to work at that location when required.

Telework Schedule: Work arrangement, including hours and days of work, agreed to by the teleworker and the department director, reflected in the *Telework Agreement*, during which the employee will be working remotely. Telework schedules may vary by job or employee but will generally be consistent with those of their department and colleagues.

TELEWORK OPTIONS

Routine/Long-Term – a telework arrangement that lasts for more than four (4) weeks where employees may work remotely up to two (2) days per week. Telework days are regular, scheduled agreed upon days that do not vary from week to week (e.g. every Tuesday).

Emergency/Short-Term – an unexpected telework arrangement where employees may temporarily work remotely due to varied circumstances. The arrangement must be beneficial to the City and will be approved on a case by case basis. This work agreement must meet all requirements of the Fair Labor Standards Act (FLSA), Family Medical Leave Act (FMLA), and disability insurance claims, if applicable.

Situational/Intermittent – May be planned or unplanned. Telework days are approved by the supervisor on an as-needed basis. Employees wishing to have this telework arrangement must complete the telework agreement prior to requesting any intermittent telework days. For example, an employee may work from home when there is inclement weather, they have a repair service coming to the home, or they want

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uninterrupted work time for a special project.

Generally, an employee will choose between a routine or situational telework option. All telework options require approval by the supervisor, department head, Administrative Services Director, and City Administrator and must meet all requirements as defined in this policy.

ELIGIBILITY

To be eligible to telework, the employee's job must be suitable to telework, and the employee must meet the following criteria:

- Must have and maintain a satisfactory performance.
- Have been employed with the City for three (3) or more months.
- Maintain a reliable high-speed, broadband internet connection. The internet connection speeds must be verified, and the employee shall provide a screenshot of the speed test results with the *Telework Agreement* form, showing both the download and upload speeds.

Department Directors are responsible for determining if a job is suitable for telework and if an employee is capable of teleworking. Each telework agreement will be determined on a case-by-case basis using the following criteria:

- The business needs of the department.
- Ensuring business coverage is maintained - a minimum of one employee from each department will be available on site at the primary work location during business hours.
- The employee's duties and responsibilities.
- The employee's ability to perform job duties from a remote location, e.g., customer facing, providing office coverage, etc.
- Ability to perform job duties during approved work schedule and be available during normal work hours.
- Employee's current and past job performance.
- Expectations for future performance by the employee and how performance will be measured.
- Positive or negative effects on quality customer service.
- Positive or negative effects on the department, division, and City of Lake Elmo as a whole.
- Availability of high-speed internet at the remote work site.
- Whether the employee has demonstrated essential work skills, such as time management, organization skills, self-motivation, and the ability to work independently.
- Other potential distractions to the teleworker should be considered and conflicting demands resolved in advance of commencing a teleworking agreement.

APPROVAL PPROCESS AND TELEWORK AGREEMENT

1. Employees shall complete and submit to their supervisor the *Telework Agreement* form along with a picture of their home work space and a screenshot of their internet download and upload speeds.
2. The supervisor and the employee will schedule a meeting to discuss the telework arrangement. This meeting is an opportunity to ask clarifying questions and ensure that both the supervisor and the employee have a mutual understanding about the expectations for the arrangement.
3. If the supervisor approves the request, they are responsible for consulting with the Administrative Services Director to ensure all technology requirements are met before signing the agreement and obtaining Department Head and City Administrator approval.
4. Completed forms will be placed in the employees' personnel file in the administration department.

TELEWORK

Modifications to the telework agreement or a change in the employee's position require a newly completed *Telework Agreement* form. Telework agreements shall be reviewed by the supervisor and renewed (at a minimum) annually.

CONDITIONS OF EMPLOYMENT AND WORK ENVIRONMENT

An employee has no automatic right to telework, and the City has the right to refuse or deny any teleworking request from an employee. The City and/or the employee may terminate a telework agreement at any time for any reason.

Teleworking does not change the terms and conditions of employment such as salary, benefits, or job responsibilities and work tasks. When working from a telework location, that location will be considered the temporary place of reporting. Teleworkers work at an approved location during work hours as agreed upon by the teleworker and supervisor and will not do work at any other time or anywhere else unless approved by their supervisor.

Teleworkers do not receive a special commuting allowance when working at the telework location. Overtime, compensatory time, or leave provisions contained in City policies are not altered to accommodate a telework arrangement.

Teleworkers are responsible for having a designated workspace suitable for completing the work assigned. The area should be free of health and safety hazards and/or obstructions.

Teleworkers are responsible for all expenses necessary to set up their telework location, including expenses associated with establishing, maintaining, and modifying workspaces and internet connectivity. Additionally, teleworkers will not receive any mileage reimbursement for commuting between their telework location and primary work location.

A remote worker's existing insurance policy may not include coverage for liability arising out of the use of a residence for a business purpose. Remote workers are solely responsible for determining an appropriate level of coverage based on their own circumstances.

Federal and State tax implications of remote work and the potential use of a home office are the responsibility of the employee.

If an employee has a designated home workspace, that space is considered an extension of the City's workspace during scheduled remote work hours for purposes of worker's compensation.

PERFORMANCE STANDARDS AND EXPECTATIONS OF TELEWORKERS

Performance standards for teleworkers are no less than those of employees working in City offices or buildings doing the same work. If modifications to the standards are necessary, they must be discussed with and approved by the supervisor.

Employees entering a telework agreement will generally have a telework schedule consistent with their work schedule and provisions of the telework arrangement. Work schedules for onsite and offsite work hours are pre-approved by the employee's supervisor if different from the arrangement specifications.

Teleworkers will be as accessible and available as their onsite counterparts during their agreed upon telework schedule, regardless of work location. Teleworkers are expected to be available and working

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during all hours of their telework schedule. They must be available by telephone, email, Microsoft Teams, and video conferencing at a minimum. This includes, without limitation, attending scheduled meetings using applicable technology or onsite and being available to customers, clients, coworkers, supervisors, and others. Business meetings and vendor/client visits in the employee's home are prohibited.

There will be times when teleworkers will be expected to be at the primary work location on days when they have scheduled telework hours, such as for mandatory meetings and training, and when the need to conduct city business in person is necessary. Supervisors may recall teleworkers back to the primary work location during emergency situations to assist in mitigating the situation. In these circumstances, the employee can resume normal teleworking once the meeting, training, or emergency is over.

Non-exempt (hourly) employees must report actual hours worked and may not work overtime or additional hours, without advance approval by their supervisor.

Teleworkers must comply with all applicable City rules and regulations as well as any applicable departmental rules, policies and procedures. All Teleworkers must comply with time reporting and overtime procedures as outlined in the personnel policies manual.

The employee shall inform their supervisor of any absences from the teleworking location during scheduled work hours. Paid time off should be utilized as usual for illnesses, appointments, etc. as noted in Annual Leave policy. If a teleworker is found to be unavailable during their telework hours, it may be grounds for disciplinary action including termination of the telework agreement.

In Accordance with Worker's Compensation Insurance, in the event of work-related injury while teleworking, the employee is required to notify their supervisor and the Administrative Services Director and complete all necessary reports for reporting an accident/incident.

Telework is not:

- A viable work arrangement for all positions or well suited to all employees.
- An accommodation to complete personal or other non-City endeavors during work hours.
- Telework is not for the purpose of allowing an employee to provide dependent care. Teleworkers who work at home will manage dependent care and personal responsibilities in the same way they meet these responsibilities while working at their primary work location and in a way that allows them to successfully meet job responsibilities.
- Telework is not a substitute for using paid time off (PTO).
- Considered a contract or guarantee of continued employment.

DATA MANAGEMENT AND SECURITY

City owned equipment shall be treated the same as if it was in the primary work location. Internet usage on City owned equipment may still be tracked. No rogue or outside software shall be installed, and the devices shall be encrypted. Software installations may only be completed by Metro-INET. Telework computers will receive standard Windows and antivirus updates over the approved network connection.

Teleworkers must take all necessary precautions to keep City data and information secure and to prevent unauthorized access to any City system or information from the telework location. The City's normal data privacy and security policies and procedures apply equally to telework. Teleworkers are also responsible for complying with all federal and state laws and regulations that apply to their work.

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Each employee shall complete cyber security training twice annually.

TELEWORK SCHEDULE AND LOCATION

Telework schedules must be consistent with the Hours of Work policy. Department Directors are responsible for developing telework schedules for each teleworker on their team by balancing their department's business needs and the teleworker's desire for flexibility. Telework schedules should generally occur during normal work hours as defined in the Hours of Work Policy. Teleworkers are responsible for complying with all City policies, including specifically the provisions of the Payroll and Compensation Policy regarding time tracking.

Travel to and from the primary work location for purposes of meetings or other work requirements shall not be considered compensable hours and mileage will not be reimbursed.

All telework locations must have an identified workspace, free from distractions, be approved in advance by the teleworker's supervisor, and be maintained by the employee. Prior to approval of telework, the telework location may be assessed for compliance with applicable requirements. This includes home and other telework locations.

The City has the right to make a site visit to the telework location to ensure proper procedures are being followed including, but not limited to, employee and work site suitability, protection of data, the assurance that safe working conditions exist, and to maintain, repair, inspect, or retrieve City owned equipment as necessary. Teleworkers must allow access to their remote workspace for the purpose of performing work site inspections as requested.

For regulatory reasons, staff are not generally allowed to telework from any location outside of Minnesota or Wisconsin unless specifically traveling for a work purpose (e.g., work conference) and approved to do so by their department head. The City Administrator, at their discretion, may approve short-term or intermittent telework outside of Minnesota or Wisconsin to meet City business needs.

EQUIPMENT

The City will provide equipment and related supplies for use by the teleworker. Any equipment supplied by the City for use at a telework location may not be used for personal purposes by the employee or non-city employees as outlined in the Computer and Internet Use policy.

Teleworkers shall promptly notify their supervisor of equipment malfunction, failure, theft, or damage of City owned equipment. In the event of delay in repair or replacement of equipment or any other circumstance under which it would be impossible for the employee to telework, the employee will return to the primary work location to work.

Equipment, hardware, software, supplies, documents and other information or property remain the property of the City no matter where it is located and shall be returned prior to termination of employment or at the request of the City.

DISCLAIMER

Telework agreements can be modified or terminated by the City at any time. Failure of the teleworker to comply with all relevant laws, policies, provisions, requirement or expectations, or the terms of the telework arrangement may result in the loss of telework privileges and/or disciplinary action as necessary or appropriate.

DEFINITIONS

Direct Deposit – As permitted by state law, all city employees are required to participate in direct deposit.

FICA (Federal Insurance Contributions Act) – FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., firefighters).

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

Holiday Pay – Compensation (8 hours) received when City offices are closed for an observed holiday.

Firefighter Holiday Leave Bank – In lieu of holiday pay, career firefighters will accrue leave (8 hours) when City offices are closed for an observed holiday. The eight (8) hours of leave will be earned in the pay period in which the observed holiday falls and can be used at a time mutually agreed upon by the employee and the employee's supervisor. Accrued hours do not carry over from year to year and are not paid out upon separation of employment.

Full-time employees of the city will be compensated as determined by the City Council. Unless approved by the Council, employees will not receive any amount from the city in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay. Expense reimbursement checks will be paid through direct deposit.

Compensation for seasonal and temporary employees will be set by the City Council at the time of hire, or on an annual basis.

Under the Minnesota Wage Disclosure Protection Law, employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his or her wages as a condition of employment.
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. §181.172, subd. 3.

The city cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the city and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or (800) 342-5354.

DIRECT DEPOSIT

As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the administrative services director of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc. When paydays fall on a holiday, deposits will be made the day before the holiday. Expense reimbursement checks will be paid through direct deposit.

IMPROPER DEDUCTION AND OVERPAYMENT

If an employee believes that an improper deduction or overpayment, or another type of error, has been made, they should immediately contact their supervisor. If the city determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future. In cases of improper overpayments, employees are required to promptly repay the city in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the repayment. The city will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required. Any overpayments not repaid in full within the calendar year of the overpayment are considered "prior year overpayments" and the employee must repay not only for the net amount of the overpayment, but also the federal and state taxes the city has paid on their behalf. The city is able to recover the overpaid Social Security and Medicare taxes. Accordingly, the city will not require the employee to repay those taxes provided the employee provides a written statement that he/she will not request a refund of the taxes. The overpayment amount will remain taxable in the year of the overpayment since the employee had access to the funds. The employee is not entitled to file an amended tax return for the year but may be entitled to a deduction or credit with respect to the repayment in the year of repayment. Employees should contact their tax advisors for additional information.

TIME REPORTING

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. They will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Act, hours worked, and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. This is done electronically through the City's payroll software. Time sheets should be entered and approved by the employee and approved by the employee's immediate supervisor. Approving and submitting electronic time sheets acts as a signature. Reporting false information on a time sheet may be cause for immediate termination.

OVERTIME / COMPENSATORY TIME

The City of Lake Elmo has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The city administrator (with input from the administrative services director) will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime. In general, employees in executive and professional job classes are exempt; all others are non-exempt.

NON-EXEMPT (Overtime-Eligible) EMPLOYEES

For most employees the workweek begins at 12:00 a.m. on Saturday and runs until the following Friday night at 11:59 pm. Supervisors may establish a different workweek based on the needs of the department, subject to the approval of the city administrator.

The employee's supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

Overtime-eligible employees will be compensated at the rate of one-and-one-half (1.5) times their hourly pay rate for all hours worked over 40 in one workweek. Paid holidays do count toward "hours worked."

Career firefighters will be compensated at the rate of one-and-one-half (1.5) times their hourly pay rate for all hours worked over 159 in the designated 21-day cycle. Firefighter Holiday Leave hours do not count towards "hours worked." For any overtime hours worked on a City holiday Career Firefighters shall be paid two (2) times their hourly pay rate.

Employees may earn compensatory time at the rate of one- and one-half (1.5) times in lieu of overtime pay, upon mutual agreement between the employee and the employer.

Overtime earned will be paid at the rate of time-and-one-half on the next regularly scheduled payroll date, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment, upon supervisor approval.

Compensatory time balances should not exceed fifty (50) hours with a maximum carryover of forty (40) hours per year. Once an employee has accrued a balance of fifty (50) hours of compensatory time no further compensatory time may accrue. All further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests.

All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used. The Finance Department will maintain compensatory time records. As of the last pay period in November of each year, all accumulated compensatory time above the maximum carryover amount of forty (40) hours shall be paid to the employee at the hourly pay rate the employee is earning at that time.

All compensatory time accrued will be paid when the employee leaves city employment at the hourly pay rate the employee is earning at that time.

EXEMPT (Non-Overtime-Eligible) EMPLOYEES

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

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, and they receive their full weekly salary for any week in which any work is performed.

The City of Lake Elmo will only make deductions from the weekly salary of an exempt employee in the following situations:

- The employee is in a position that does not earn vacation or personal leave and is absent for a day or more for personal reasons other than sickness or accident.
- To offset compensation received for military pay. If an employee works part of the week in military service, the city must pay the entire week's salary to the employee, but the city shall offset the amount of the military pay for the week against the employee's salary.

- The employee is in a position that earns sick leave, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to sickness or disability, but he/she is either not yet qualified to use the paid leave or he/she has exhausted all of his/her paid leave.
- The employee is absent for a full workweek, and for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of his/her paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the city in which the employee does not work a full week. In this case, the city will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness, or injury, but:
 - Paid leave has not been requested or has been denied.
 - Paid leave is exhausted.
 - The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.
- The City of Lake Elmo may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

The City of Lake Elmo will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness. Employees must provide copies of any compensation received for jury or witness duty, which will be deducted from the employee's paycheck. Pay for expenses may be kept by the employee.

If the city inadvertently makes an improper deduction to the salary of an exempt employee, the city will reimburse the employee and make appropriate changes to comply in the future. If an employee thinks that a wage deduction was made in error, please contact the administrative services director promptly.

All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

HOLIDAY COMPENSATION

All benefit eligible employees who are on active status (not a leave of absence) the day preceding and the day following an observed City holiday are eligible to receive holiday compensation. Any employee on a leave of absence without pay from the city is not eligible for holiday pay. Full-time employees will receive eight (8) hours of Holiday Pay on the observed holiday. Part-time employees will be paid on a prorated basis determined by the number of hours they work per week. Career and POC firefighters, seasonal, and temporary employees will not receive Holiday Pay on observed City holidays.

Career firefighters will not receive Holiday Pay on observed City holidays. Career firefighters will receive eight (8) hours of accrued time deposited to their Firefighter Holiday Leave (FFHL) Bank on the paycheck for the pay period in which the observed holiday falls. Firefighter Holiday Leave must be preapproved by

a supervisor and be used in eight (8) hour increments. Firefighter Holiday Leave time does not count towards hours worked when determining overtime. Up to thirty-two (32) hours of firefighter holiday leave hours may be carried over into the following year. Firefighter Holiday Leave bank hours will not be paid out upon separation.

PAY FOR TIME WORKED ON A HOLIDAY

Non-exempt employees assigned to work on any observed City holiday are paid one-and-one-half times the employee's regular hourly pay rate for all such hours worked.

Career Firefighters required to work on a City holiday shall be paid one and one-half (1.5) times their hourly pay rate for hours worked during the 24-hour period starting at 12:00 a.m. and ending at 11:59 p.m. on the actual City holiday, not the day City offices are closed to observe the holiday. For any overtime hours worked on a City holiday Career Firefighters shall be paid two (2) times their hourly pay rate.

LEAVE POLICY FOR EXEMPT EMPLOYEES

Exempt employees are required to work the number of hours necessary to fulfill their responsibilities, including evening meetings and/or on-call hours. The normal hours of business for exempt staff are Monday through Friday, 8 a.m. to 4:30 p.m., plus evening meetings as necessary.

Exempt employees are required to use paid leave when on personal business or away from the office for more than fifty (50) percent of their scheduled shift. For example, if they work eight (8) hour days and work 4.25 hours they do not need to take paid leave for the remaining 3.75 hours. If they work four (4) hours, then paid leave should be used for four (4) hours.

Absences of less than fifty (50%) percent of a regular shift do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal 8 a.m. to 4:30 p.m. Monday through Friday requirement. Exempt employees must communicate their absence to the city administrator or his/her designee.

If an exempt employee is regularly absent from work under this policy and it is found that there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the city. Additional notification and approval requirements may be adopted by the city administrator for specific situations as determined necessary.

Benefits are privileges granted to qualified employees in the form of paid leave and/or insurance benefits.

Health, Dental, Life and Disability Insurance

The city will contribute a monthly amount toward group health, dental, life and disability insurance benefits for each eligible employee and their dependents. An employee working 30 hours or more per week (or the equivalent of 130 hours or more per month) is eligible to receive benefits. Employees working 30-39 hours per week will receive pro-rated benefits. Waiting periods will apply as determined by the plan.

The city makes a competitive monthly contribution toward group health, dental, and life insurance benefits. Cost sharing is determined by Resolution of the City Council. Employees are encouraged to look closely at this contribution as part of their overall compensation package with the city.

The amount to be contributed and the type of coverage will be determined annually by the City Council. For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact the administrative services director.

Retirement/PERA

PERA (Public Employees Retirement Association) – Statewide pension program in which all city employees meeting program requirements must participate in accordance with Minnesota law. The city and the employee each contribute to the employee's retirement account.

The city participates in the PERA to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the city matches the employee's Social Security and Medicare withholding). For information about PERA eligibility and contribution requirements, contact the administrative services director.

The city observes the following official holidays for all regular full-time and part-time employees:

<u>Holiday Celebrated</u>	<u>Date Observed</u>
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Indigenous Peoples' Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas	December 25

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

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

When Christmas Eve falls on a Friday, it will be observed the preceding Thursday. When Christmas Eve falls on a Sunday, Christmas will be observed the following Tuesday.

Compensation for required work time on a holiday is paid pursuant to the Payroll and Compensation Policy.

Employees wanting to observe holidays other than those officially observed by the city may request either vacation leave or unpaid leave for such time off.

DEFINITIONS

Immediate Family – The employee's spouse, the children, grandchildren, parents, grandparents, brothers and sisters, of the employee and the employee's spouse, including all step, adoptee, and foster relations.

Depending upon an employee's situation, more than one form of leave may apply during the same period (e.g., the Family and Medical Leave Act is likely to apply during a workers' compensation absence). An employee needs to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

Except as otherwise stated, all paid leave, taken under any of the city's leave programs, must be taken consecutively, with no intervening unpaid leave. The city will provide employees with time away from work as required by state or federal statutes if there are requirements for such time off that are not described in the personnel policies.

BEREAVEMENT LEAVE

Employees will be permitted to use up to three (3) consecutive working days, with pay, as bereavement leave upon the death of an immediate family member and one (1) day for other family. This paid leave will not be deducted from the employee's paid time off balance.

The actual amount of time off, and leave approved, will be determined by the supervisor or city administrator depending on individual circumstances (such as the closeness of the relative, arrangements to be made, distance to the funeral, etc.).

MEDICAL CERTIFICATION

Good attendance is an essential job function for all city employees. If unplanned absences are excessive, a doctor's certification may be required. The physician's certification is to state the nature and duration of the illness or injury and verify that the employee is unable to perform the duties and responsibilities of his/her position.

A statement attesting to the employee's ability to return to work and perform the essential functions of the job and a description of any work restrictions may also be required before the employee returns to work.

RETURNING TO WORK AFTER A MEDICAL ABSENCE

After a medical absence, a physician's statement may be required on the employee's first day back to work, indicating the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision.

The city has the right to obtain a second medical opinion to determine the validity of an employee's workers' compensation or sick leave claim, or to obtain information related to restrictions or an employee's ability to work. The city will arrange and pay for an appropriate medical evaluation when it has been required by the city.

UNPAID LEAVE

Unpaid leaves may be approved in accordance with the city personnel policies. Employees must normally use all accrued leaves before taking unpaid leave. If the leave qualifies under Parenting Leave or Family and Medical Leave, the employee may retain a balance of forty (40) hours when going on an unpaid leave. Any exceptions to this policy must be approved by the city administrator.

MILITARY LEAVE

State and federal laws provide protections and benefits to city employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar year. Refer to current state and federal laws for details.

The leave of absence is only in the event the employee returns to employment with the city as required upon being relieved from service; or is prevented from returning by physical or mental disability or other cause not the fault of the employee; or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years.

Where possible, notice is to be provided to the city at least ten (10) working days in advance of the requested leave. A training notice, signed orders, or battle assembly schedule are examples of typical written notification to share with the city. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active-duty time, prior to the unpaid leave of absence.

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

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

MILITARY LEAVE FOR FAMILY MEMBERS

The city will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States or Minnesota.

Nor will the city discharge from employment or take adverse employment action against an employee because they attend departure or homecoming ceremonies for deploying or returning personnel, family training or readiness events or events held as part of official military reintegration programs. Employees may substitute paid leave if they choose to do so.

Employees will be granted up to ten (10) working days of unpaid leave whose immediate family member (defined as a person's parent, child, grandparents, siblings, or spouse) is a member of the United States armed forces who has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

Unless the leave would unduly disrupt the operations of the city, employees whose immediate family member, as a member of the United States armed forces has been ordered into active service in support of a war or other national emergency, will be granted an unpaid leave of absence, not to exceed one day's duration in any calendar year, to attend a send-off or homecoming ceremony for the mobilized service

member.

CIVIL AIR PATROL

The city will grant employees an unpaid leave of absence for time spent serving as a member of the Civil Air Patrol upon request and authority of the State or any of its political subdivisions, unless the absence would unduly disrupt the operations of the city. Employees may choose to use PTO leave while on Civil Air Patrol Leave but are not required to do so.

JURY DUTY

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

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

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the clerk of court so the city will be able to determine the amount of compensation due for the period involved.

Temporary and seasonal employees are generally not eligible for compensation for absences due to jury duty but can take leave without pay subject to department head approval. However, if a temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

ELECTIONS/VOTING

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the city at least twenty (20) days written notice,

The city reserves the right to restrict the number of employees absent from work for the purpose of serving as an election judge to no more than 20 percent of the total workforce at any single worksite.

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

City employees who are eligible to vote and who are scheduled to work at least 8 hours during poll hours on a federal or state Election Day will be allowed to take sufficient time off from work to vote. Employees who plan to take time off to vote should request the time off at least 2 days in advance, so that staffing and work plans can be arranged to accommodate the lost hours. The City requests that employees who take voting leave either report to work one (1) hour late or leave work one (1) hour early. Effective July 1, 2023, employees may be absent from work for the time necessary to vote to include voting during the period allowed for voting in person before election day.

COURT APPEARANCES

Employees will be paid their regular wage to testify in court for city-related business. Any compensation received for court appearances (e.g., subpoena fees) arising out of or in connection with city employment,

minus mileage reimbursement, must be turned over to the city.

VICTIM OR WITNESS LEAVE

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, to attend criminal proceedings related to the victim's case. Additionally, a victim of a violent crime, as well as the victim's spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) may have reasonable time off from work to attend criminal proceedings related to the victim's case.

An employee must give at least 48 hours advance notice to the city of their need to be absent unless it is impracticable, or an emergency prevents them from doing so. The city may request verification that supports the employee's reason for being absent from the workplace.

ADMINISTRATIVE LEAVE

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

SCHOOL CONFERENCE & ACTIVITIES LEAVE

Any employee may take unpaid leave for up to a total of sixteen (16) hours during any 12- month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use vacation leave hours for this absence but are not required to do so.

Family and Medical Leave

See the City of Lake Elmo Family Medical Leave Policy

PREGNANCY AND PARENTING LEAVE

All employees are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child is eligible for up to 12 weeks of unpaid leave and must begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

Employees should provide reasonable notice, which is at least 3 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable. In the case of both spouses working for the same employer, each eligible employee is entitled to 12 weeks of parental leave per 12-month period.

Employees are required to use accrued sick leave and may use vacation leave during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless

otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

Adoptive parents will be given the same opportunities for leave as biological parents. The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin shortly before or at the time of the child's placement in the adoptive home.

Effective July 1, 2023, the city will inform employees of their parental leave rights at the time of hire and when an employee makes an inquiry about or requests parental leave.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting parental leave rights or remedies.

BONE MARROW/ORGAN DONATION LEAVE

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours, unless agreed to by the city, to undergo medical procedures to donate bone marrow or an organ. The 40 hours is over and above the amount of accrued time the employee has earned.

The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting bone marrow or organ donation leave rights or remedies.

Reasonable Accommodations for Health Conditions Relating to Pregnancy

The city will attempt to provide a pregnant employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth without notice of a licensed health care provider or certified doula:

- More frequent or longer restroom, food, and water breaks
- Seating
- Limits on lifting over 20 pounds

Additionally, the city will provide reasonable accommodations, including, but not limited to, temporary leaves of absence, modification in work schedule or job assignments, and limits to lifting to an employee for health conditions related to pregnancy or childbirth upon request, with the notice of a licensed health care provider or certified doula, unless such accommodations impose an undue hardship on the city. The city will engage in an interactive process concerning an employee's request for a reasonable accommodation.

Following state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

The city shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting reasonable accommodations pregnancy rights, or remedies.

LACTATION BREAKS

Lactating employees will be provided reasonable paid break times (which may run concurrently with already provided break times) to express milk. The city will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private. The city shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

Light Duty/Modified Duty Assignment

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the city administrator on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the city administrator. The city administrator reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the administrative services director in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the city's job description along with a written request for light duty. Upon receipt of the written request, the administrative services director is to forward a copy of the report to the city administrator.

The city may require a medical exam conducted by a physician selected by the city to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the city administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six months.

If the city offers a light duty assignment to an employee who is out on workers' compensation leave, the employee may be subject to penalties if he/she refuses such work. The city will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

WORK COMP INJURY OR ILLNESS

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called.

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

Workers' compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

To qualify to take FMLA leave under this policy, an employee must meet all the following conditions:

- Have worked for the City for 12 months (or 52 weeks) before the date the leave is to commence unless the break was due to National Guard or Reserve military service obligation. The 12 months or 52 weeks need not have been consecutive; however, the City will not consider any service 7 years prior to the employee's most recent hire date.
- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee.

TYPES OF LEAVE COVERED BY FMLA

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition;
- Due to a serious health condition that makes the employee unable to perform the essential functions of the position;
- A covered military member's active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave) (described below).

DEFINITIONS

- **"Spouse"** does not include domestic partners or common-law spouses.
- **"Caring for"** a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties. An eligible **"child,"** with some exceptions, is under 18 years of age.
- An eligible **"parent"** includes a biological parent or a person who was charged with parental rights, duties, and responsibilities over the employee when the employee was under the age of 18.
- **"Serious Health Condition"** means an illness, injury, impairment, or physical or mental condition that involves one of the following:
 - **Hospital Care:** Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - **Pregnancy:** Any period of incapacity due to pregnancy, prenatal medical care or child birth;
 - **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
 - **Chronic Conditions Requiring Treatments:** An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
 - **Permanent/Long-Term Conditions Requiring Supervision**

- **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

LENGTH AND AMOUNT OF LEAVE

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on a fixed or calendar date basis.

The entitlement to FMLA leave for the birth or placement of a child for adoption expires twelve (12) months after the birth or placement of that child.

HOW LEAVE MAY BE TAKEN

FMLA leave may be taken for 12 (or less) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks.

Intermittent leave may be taken when medically necessary for the employee's serious health condition or to care for a seriously ill family member. Intermittent leave must be documented in the medical certification form as medically necessary.

If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City's business.

In instances when intermittent or reduced schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Intermittent/reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child only with the City's approval.

PROCEDURE FOR REQUESTING LEAVE AND NOTICE

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to ~~Assistant City Administrator~~ administrative services director.

When the need for the leave is foreseeable, the employee must give verbal or written notice to their supervisor at least thirty (30) days before the date on which leave is to begin. If an employee fails to give thirty (30) days' notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice.

If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures.

The City requires an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

CERTIFICATION AND DOCUMENTATION REQUIREMENTS

For leave due to an employee's serious health condition or that of an employee's family member, the City will require the completion of a Medical Certification form by the attending physician or practitioner. The form must be submitted by the employee to the City Administrator within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the leave.

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform his or her duties, a FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

Recertification of leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

SECOND AND THIRD MEDICAL OPINIONS

The City may require an employee obtain a second opinion from a provider which the City selects. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. This third opinion will be considered final. An employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

ANNUAL MEDICAL CERTIFICATION AND RECERTIFICATION

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification and second and third opinions.

REINSTATEMENT

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment.

GROUP HEALTH INSURANCE AND OTHER BENEFITS

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.

If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

Rights to additional continued benefits will depend on whether leave is paid or unpaid.

Any paid disability leave benefits (Short Term Disability or Long Term Disability), sick leave, or compensatory time off available to employees for a covered reason (an employee's serious health condition or a covered family member's serious health condition, including worker's compensation leave and Minnesota State Parenting Leave) will run concurrently with FMLA.

FAILURE TO RETURN TO WORK AFTER FMLA

Under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee's behalf to maintain benefits other than group health plan benefits.

If the employee fails to pay the City a portion of the premiums for which they are responsible during the FMLA leave and the employee fails to return to work, coverage may end. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA.

ACTIVITIES PROHIBITED DURING FMLA

While on leave, an employee may not engage in activities (including employment) that have the same or similar requirements and essential functions of an employee's current position.

UNPAID MEDICAL LEAVE OF ABSENCE

If an employee is ineligible for FMLA leave or has exhausted available FMLA leave benefits, it is the policy of the City to consider an employee's request for a medical or personal leave of absence. The amount of medical leave available to each employee will be determined on a case-by-case basis depending on the position held, staffing requirements, the reasons for the leave, and the anticipated return-to-work date. Employees who take unpaid medical leave are not guaranteed to return to the same position held prior to taking leave.

Employees seeking a medical leave of absence will be required to present medical documentation to support the need for the leave, on-going documentation to support the need for continued leave, and documentation to support a return to work.

During Unpaid Medical Leave, employees will be expected to keep in regular contact with human resources. When you anticipate your return to work, please notify human resources of your expected return date at least one week before the end of your leave.

Employees on an Unpaid Medical Leave of Absence may be subject to COBRA notice and continuation benefits and will be solely responsible for payment of the entire COBRA.

Failure to keep in touch with management during your leave, failure to advise management of your availability to return to work, or failure to return to work following leave will be considered a voluntary resignation of your employment.

FMLA – QUALIFIED EXIGENCY AND MILITARY CAREGIVER LEAVE**Qualified Exigency**

Eligible employees (described above) whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: (1) short-notice deployment; (2) military events and activities; (3) childcare and school activities; (3) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Military Caregiver Leave

An employee eligible for FMLA leave (described above) who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or otherwise is on outpatient status or on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, or members on the permanent disability retired list.

DEFINITIONS

- A **“son or daughter of a covered servicemember”** means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A **“parent of a covered servicemember”** means a covered servicemember's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- The **“next of kin of a covered servicemember”** is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- **“Covered active duty”** means:
 - “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

- “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.
- **“Covered servicemember”** means:
 - An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
 - A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **“Serious injury or illness”** means:
 - In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
 - In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

AMOUNT OF LEAVE – QUALIFIED EXIGENCY

An eligible employee can take up to 12 weeks of leave for a qualified exigency.

AMOUNT OF LEAVE – MILITARY CAREGIVER

An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

Leave taken for any FMLA reason counts towards the 26-week entitlement. If an employee does not take all 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127(e)(1) (2017).

CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

CERTIFICATION FOR COVERED SERVICEMEMBER FOR MILITARY FAMILY LEAVE

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.

Effective January 1, 2024, Earned Sick and Safe Time (ESST) is paid time off earned at one (1) hour of Earned Sick and Safe Time for every thirty (30) hours worked by an employee, up to a maximum of forty-eight (48) hours of sick and safe time per year. ~~The hourly rate of Earned Sick and Safe Time is the same hourly rate an employee earns from employment with the city.~~ This specific leave applies to all employees (including part-time, paid-on-call firefighters, seasonal, interns, and temporary employees) performing work for at least 80 hours ~~in~~ a year. This policy does not apply to council members, commissioners, contractors, or volunteers. For purposes of this policy, a year is a calendar year – January 1 to December 31. ESST may only be used for days when the employee would otherwise have been at work.

Accrual of Earned Sick and Safe Time

~~Full-time regular employees will not accrue additional ESST hours in excess of current PTO accrual as the Annual Leave Policy exceeds the requirements of the ESST law.~~

Full-time benefit eligible employees will accrue Earned Sick and Safe Leave at one hour for every 30 hours worked, up to a maximum of 48 hours of sick and safe leave per year. The hourly rate of Earned Sick and Safe Leave is the same hourly rate an employee earns from employment with the city.

Part-time non-benefited employees, seasonal and temporary employees, interns, and paid-on-call firefighters, who work for the city at least eighty (80) hours in a year, will accrue ESST at a rate of one (1) hour per thirty (30) hours worked, up to a maximum of 48 hours of ESST per year.

Earned Sick and Safe Time Use

The leave may be used as it is accrued in the smallest increment of time tracked by the city's payroll system which is fifteen (15) minute increments, for the following circumstances:

- An employee's own:
 - Mental or physical illness, injury, or other health condition
 - Need for medical diagnosis, care or treatment, of a mental or physical illness
 - Injury or health condition
 - Need for preventative care
 - Closure of the employee's place of business due to weather or other public emergency
 - The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.
 - Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- Care of a family member:

- With mental or physical illness, injury or other health condition
- Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition
- Who needs preventative medical or health care
- Whose school or place of care has been closed due to weather or other public emergency
- When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
- Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

For Earned Sick and Safe Time purposes, family member includes an employee's:

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

Weather Event Exception

Consistent with Minnesota Statute § 181.9447, Subd. 12, an employee may not use sick and safe time for the "closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency." if:

- (1) the employee's preassigned or foreseeable work duties during a public emergency or weather event would require the employee to respond to the public emergency or weather event;

(2) the employee is a firefighter;

Advance Notice for use of Earned Sick and Safe Time

If the need for sick and safe leave is foreseeable, the city requires seven (7) ~~days'~~ days advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Earned Sick and Safe time as soon as practicable. When an employee uses Earned Sick and Safe time for more than three (3) consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Leave for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. ~~In accordance with~~ Per state law, the city will not require an employee using Earned Sick and Safe leave to find a replacement worker to cover the hours the employee will be absent.

Carry Over of Earned Sick and Safe Time

Employees are eligible to carry over accrued but unused Earned Sick and Safe time into the following year, but the total balance of Earned Sick and Safe Leave hours shall not exceed 80 hours.

Full-time benefit-eligible employees are eligible to carry over accrued but unused Earned Sick and Safe time into the following year, but the total balance of Earned Sick and Safe Leave hours shall not exceed 80 hours. If the ESST balance is at 80 hours, ESST hours will not be accrued until the balance falls below 80 hours.

Part-time non-benefited employees, seasonal, temporary employees, interns, and paid-on-call firefighters are eligible to carry over accrued but unused Earned Sick and Safe time into the following year, but the total balance of Earned Sick and Safe Leave hours shall not exceed 80 hours. If the ESST balance is at 80 hours, ESST hours will not be accrued until the balance falls below 80 hours.

Retaliation prohibited

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

Benefits and return to work protections

During an employee's use of Earned Sick and Safe Leave, an employee will continue to receive the city's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

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

Separation from Employment

Upon separation from employment, Earned Sick and Safe Leave previously accrued but not used will not be paid out.

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

The city believes that time away from work is important to the health and well-being of our employees and as such, provides vacation leave paid time off (PTO) for eligible employees. Vacation leave is not intended to be used for absences related to personal illness or injury or any of the eligible uses outlined in the Earned Sick and Safe Time policy. Vacation leave provides time away from the job for rest and recharging.

Annual leave can be used for any reason, subject to existing request and approval procedures. As with all paid time off programs, the city needs to ensure that service to the public and work requirements are not adversely impacted. Vacation leave Paid time off (PTO) should be taken in fifteen (15) minute increments. Career firefighters should take paid time off vacation leave in twenty-four (24) hour increments.

REQUESTS

Employees will submit vacation requests through the city's payroll system based on the following:

- Vacation requests of less than three (3) days must be requested as soon as reasonably practicable, but at least three (3) calendar days in advance.
- Vacation requests of more than three (3) days should be requested at least fourteen (14) calendar days in advance.

APPROVAL OR DENIAL

Vacation leave must be approved by the employee's supervisor and may be denied due to inadequate notice, the current business needs of the city, or interference with the city's ability to perform public service.

PTO-Vacation hours are calculated and updated each biweekly pay period. An employee may not borrow against future vacation PTO accruals or carry a negative vacation PTO balance. Employees may use PTO in the same pay period in which it is earned.

AnnualVacation leave will not accrue during an unpaid leaves of absences. If a regularly scheduled holiday falls during an employee's vacation, it will not be considered vacation leave but holiday leave.

To determine an employee's PTO-vacation accrual rate, years of service will include all continuous time that the employee has worked at the city (including authorized leave, but excluding time worked in a temporary, seasonal position or internship).

Accrual Rates for AnnualVacation Leave

Years of Service	<u>AnnualVacation / Per Pay Period</u> Accrual Rates
0-2 Years	<u>76 123.50 hours/4.75 hours</u>
3-5 years	<u>108 156 hours /6.0 hours</u>
6-10 Years	<u>148 195 hours /7.50 hours</u>
11-15 Years	<u>174 221 hours/8.50 hours</u>
16-24 Years	<u>200 247 hours/9.5 hours</u>
25 Years or More	<u>212 260 hours/10 hours</u>

Full-time employees will earn paid time off vacation leave in accordance with following the above schedule. Full-time employees may carry forward a balance of unused vacation leave from one

year to the next; the maximum vacation leave carry-over from one plan year to the next is 240 hours.

Part-time employees who work at least 18 hours per week ~~on a regular basis~~ regularly will accrue vacation time ~~paid time off~~ on a prorated basis of the full-time employee schedule.

Part-time employees who work less than 18 hours per week ~~on a regular basis~~ regularly, temporary, seasonal employees, and interns will not earn or accrue ~~paid time off~~ vacation time.

Career firefighters (who work 24-hour shifts and must take 24 hours of leave to take a shift off) will earn ~~paid time off~~ vacation leave in accordance with the schedule below:

Accrual Rates for Career Firefighter Annual Vacation Leave

Years of Service	<u>Annual Vacation</u> / <u>Per Pay Period</u> Accrual Rates
0-2 Years	108 <u>156</u> hours/ 6 hours <u>bi-weekly</u>
3-5 years	160 <u>208</u> hours/ 8 hours <u>bi-weekly</u>
6-10 Years	212 <u>260</u> hours/ 10 hours <u>bi-weekly</u>
11-15 Years	238 <u>286</u> hours/ 11 hours <u>bi-weekly</u>
16-24 Years	264 <u>312</u> hours/ 12 hours <u>bi-weekly</u>
25 Years or More	298 <u>338</u> hours/ 13 hours <u>bi-weekly</u>

Career Firefighters will earn vacation leave following the above schedule. Career Firefighters may carry forward a balance of unused vacation leave from one year to the next; the maximum vacation leave carry-over from one plan year to the next is 300 hours.

~~No more than 240 hours of annual leave may be carried over into the following year. Any amount above the maximum 240 hours shall be converted to a contribution to the MSRS Health Care Savings Plan. Such conversion shall be capped at 40 hours per year. The conversion shall take place in conjunction with issuing the calendar year's final paychecks.~~

VACATION CONVERSION OPTION

Employees may reduce their vacation Leave balance before year-end, by exercising the conversion options available during Open Enrollment; if they have met the conversion criteria described below. To be eligible to participate in the conversion of vacation Leave employees must meet the following criteria:

- Employees must have used 40 hours of vacation leave by the end of the third payroll quarter
- Employees must have a minimum balance of 60 hours of vacation leave after the conversion.

Employees who meet the above criteria may:

- 1) Convert up to 40 hours of vacation leave (subject to vacation IRS deferral limits), to the MSRS deferred compensation plan, and/or
- 2) Convert up to 40 hours of vacation leave to wages to offset the cost of benefits enrollments,
- 3) Convert up to 40 hours of vacation leave (subject to the IRS contribution limits) to a health savings account

Applicable taxes will be withheld and ~~the conversion shall take place in conjunction with issuing the calendar year's final paychecks.~~

TERMINATION

Employees leaving the city in good standing will receive 100 percent of their ~~annual~~vacation leave balance as compensation (applicable taxes will be withheld) with their final pay. Employees have the option of directing part or all those dollars into 1. The MSRS-a 457 deferred compensation plan (subject to IRS maximum deferral regulations and Minnesota law) or 2. a health savings account (subject to IRS maximum contribution regulations);

The purpose of the vacation leave donation program is to allow employees to transfer vacation leave hours to another employee's sick leave bank who has exhausted all their accrued sick leave and compensation time to use for medical leave or an unforeseen circumstance. This policy is not intended as a substitute for short-term or long-term disability coverage. This transfer occurs only upon the approval of the administrative services director.

The Vacation Leave Donation Program serves as a short-term solution allowing employees to receive paid leave in the circumstances noted below:

- Employee is unable to work because of a serious illness or injury.
- Employee is required to provide care for a seriously ill or injured spouse, dependent child, or household member.

Recipient Eligibility:

An employee may apply for the Program if they meet an established set of criteria.

The employee must:

1. Be on non-probationary status.
2. Be a full-time benefits eligible employee.
3. Have exhausted all paid leave or be reasonably close to exhausting such paid leave. Donations may not be used retroactively (i.e. for pay periods prior to receiving the donation.)
4. For an employee requesting sick leave donation due to their own medical condition, they must be approved for a leave of absence under the city's Family Medical Leave (FMLA) policy. For an employee requesting sick leave donation to care for a seriously ill or injured spouse, dependent child, or household member, they must obtain and submit medical documentation that verifies that a serious illness or injury necessitates absence from work for a minimum of five days. This qualifying period does not have to be consecutive.
5. Expect to return to employment with the city upon the conclusion of leave.
6. An employee receiving or expecting to receive worker's compensation, or short-term or long-term disability benefits is not eligible to receive donated time.
7. An employee may only receive leave donations once per calendar year and may not receive more than a total of 30 workdays (240 hours) of donated leave for any single event.

Procedures for Requesting Sick leave Donation:

1. Employees, or a supervisor on behalf of the employee, may request sick leave donation through the Administrative Services Director.
2. Completed FMLA paperwork must be submitted to the administrative services director before the sick leave donation request will be approved. The forms must include the nature of the illness or injury and the expected date the employee will return to work.
3. The administrative services director will evaluate the sick leave donation request to determine eligibility. When such a request is received, the administrative services director may, if they approve the request, give notice to city employees of the donation request.
4. The recipient must sign a form agreeing to accept the donated hours. The recipient will be responsible for all applicable taxes on the dollar value paid for the donated hours.

Data Practices Notice to Employees:

Any employee who seeks sick leave donation has the responsibility to provide reasonable medical documentation to show the need for sick leave donation. Compliance is voluntary; however, failure to provide the required information will result in a denial of the request. All information relating to the sick leave donation, including medical documentation, shall be maintained in a separate file and shall be treated as confidential medical records with access limited to those who need to be informed including, but not limited to, Directors/Supervisors, City Administrator, and City legal counsel. If the sick leave donation is approved, the all-staff request for donated sick leave hours will state the employee's name and department. If the employee chooses, they may authorize the administrative services director to state the nature of the illness or injury in the request. Employees may also request that the sick leave donation request is sent only to that employee's department. The employee acknowledges and agrees that the city is unable to control any discussion by the employee with their co-workers about the medical or personal information that caused the employee to request a leave donation.

Procedures for Donating Vacation Leave Hours:

Employees may transfer their Vacation leave hours to another employee under the following conditions:

1. Employees requesting to donate vacation leave hours to a fellow employee shall fill out a leave donation form and return it to the administrative services director. The form will be kept in the employee's personnel file. All donations are strictly voluntary and confidential.
2. Only previously accrued vacation leave hours may be donated. Employees may not donate if the donation will cause the balance of their vacation leave bank to be less than 40 hours.
3. Before such transfer will be approved the proposed recipient of the transfer must have used all their accrued or usable sick leave and all their compensatory time.
4. Such transfer shall be on an hour-for-hour basis with no relation to the actual earnings of either the donor or the recipient. The donated hours used by an employee shall be paid at the regular rate of pay of the employee in need.
5. The minimum donation from a donor is (1) hour of vacation leave and the maximum donation is (40) hours of vacation leave.
6. When a transfer has been finalized following these rules and approved by the administrative services director, the Finance Department will be notified and the necessary accounting action shall be taken to reflect such transfer.
7. Donations will not be reversed. By signing and submitting a donation form the employee is approving the finance department to remove the time from their vacation leave bank.

Note: Leave eligibility will follow Minnesota State Law when applicable. No provisions of this policy, its administration, or any decision on eligibility and distribution of donated leave shall be subject to any problem resolution, grievance, arbitration or appeal procedure of any collective bargaining agreement or otherwise.

PURPOSE AND INTENT

Beginning August 1, 2007, Minnesota Cities have authority under state law to conduct employee recognition programs under Minn. Stat. Sec. 15.46, 43A.17, 412.111. This policy is intended to set forth the objectives of the City of Lake Elmo's employee recognition program and to provide for the expenditure of public funds as necessary to achieve these objectives in a manner consistent with the law. The objectives of the program are:

1. to increase morale and employee motivation;
2. to encourage loyalty and long-term retention of employees; and
3. to celebrate the accomplishments and service of retiring employees, to demonstrate the appreciation of the City Council, employees, and citizens of the City of Lake Elmo for the public service provided by all Lake Elmo employees.

Employees eligible for recognition under this policy are regular full and part-time city employees, including all members of the Lake Elmo Fire Department. Seasonal employees are not eligible.

SERVICE ANNIVERSARY AWARDS

1. Employees shall be presented with a certificate recognizing their years of service at the completion of five (5) years of service and upon every five years of additional service thereafter. The certificate shall be signed by the Mayor and the City Administrator and/or department head and any other supervisors designated by the department.
2. The City Administrator is directed to purchase suitable gift cards for this purpose for approximately \$50.00.
3. The award shall be presented by the Mayor at a City Council meeting on a date as close as practical to the service anniversary date.

RETIREMENT RECOGNITION

1. Employees who are retiring from service shall receive a gift commemorating their retirement. A suitable item with a value of \$200 or less will be selected by the City Administrator.
2. The City will hold a retirement reception honoring the retiree. The City will contribute not more than \$200.00 to the costs of refreshments for the reception, which will be held either in conjunction with the presentation of the award at a City Council meeting, or at another date and time to be determined upon consultation with the employee. The reception will be held at the city hall.
3. Should an employee choose not to participate in a retirement reception, no compensation shall be paid to the employee in lieu of the city contribution to the reception.
4. Retirement, for the purpose of this policy, shall be defined as meeting the qualifications for retirement under the rules of the Minnesota Public Employee Retirement Association (PERA) or of the Lake Elmo Firefighter Relief Association.

OTHER RECOGNITION PROGRAMS

1. The City of Lake Elmo recognizes that the Lake Elmo Firefighter Relief Association may provide other awards and recognition to firefighters for their years of service or upon their retirement. The recognition program may include awards or events that do not meet the criteria for proper expenditure for public funds. No public funds shall be used for such programs, but the City supports their establishment and funding by the Relief Association to the extent consistent with the bylaws of the association and laws governing the use of such funds.
2. The City may provide memorials, flowers, or other hospitalization gifts in an amount not to exceed \$100.00 upon the hospitalization (of at least three (3) nights) or death of any City employee, council member or member of a City committee, commission or board.

3. The City of Lake Elmo, with coordination of the Environmental Committee, will recognize residents, community groups and/or businesses with Environmental Stewardship Awards. Recognition will include a certificate presented at a City Council meeting.
4. An annual event may be held to recognize the public service of City staff, Council members, and members of City committees, commissions and boards. The event must be preapproved by the City Council. An amount not to exceed \$1000.00 will be provided for the annual event and must be expended as necessary to achieve the objectives of the City's Employee Recognition Policies. Immediate family or significant others of City staff, Council members, or members of City committees, commissions or boards may attend the annual recognition event at their own cost. Expenditure of public funds to purchase alcohol for the annual recognition event shall not be permitted.

The city promotes staff development as an essential, ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for staff development are to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance and to provide employees with an opportunity for job enrichment and mobility.

The city will pay for the costs of an employee's participation in training and attendance at professional conferences, provided that attendance is approved in advance under the following criteria and procedures:

JOB RELATED TRAINING & CONFERENCES

The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related.

CLE or similar courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee's duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the city.

The supervisor and the city administrator are responsible for determining job-relatedness and approving or disapproving training and conference attendance.

REQUESTS FOR TRAINING & CONFERENCES

The request for participation in a training session or conference must be submitted in writing to the employee's supervisor on the appropriate form. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the city.

Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to accounting for prompt payment.

OUT OF STATE TRAVEL

Attendance at training or conferences out of state is approved only if the training or conference is not available locally. All requests for out of state travel are reviewed for approval/disapproval by the city administrator.

COMPENSATION FOR TRAVEL & TRAINING TIME

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

Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

MEMBERSHIPS AND DUES

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the city. Normally, one city membership per agency, as determined by the city administrator is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the city and are transferred to another employee by the supervisor when possible.

TRAVEL AND MEAL ALLOWANCE

If employees are required to travel outside of the area in performance of their duties as a city employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. In no case will city funds be used to pay for, or reimburse, for events sponsored by or affiliated with political parties. The city will not reimburse employees for meals connected with training or meetings within city limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting. The city will also not reimburse employees for the costs for travel of family members.

Employees who find it necessary to use their private automobiles for city travel and who do not receive a car allowance will be reimbursed at the allowable IRS rate.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Meal expenses will be reimbursed at the GSA rate. Employees must present itemized documentation with reimbursement requests.

A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending banquets, training sessions, or meetings of professional organizations.

The potential for conflicts of interest is lessened when individuals employed by the City of Lake Elmo regard the city as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the city administrator. Any city employee accepting employment in an outside position that is determined by the city administrator to be in conflict with the employee's city job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-city employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with city employment. The following is to be considered when determining if outside employment is acceptable:

- Outside employment must not interfere with a full-time employee's availability during the city's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use city equipment, resources or staff in the course of outside employment.
- The employee must not violate any city personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the city. Work performed for others while on approved paid time off or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.

Departments may establish more specific policies as appropriate, subject to the approval of the city administrator.

City employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspect of the city.

This policy applies to all employees who drive a vehicle on city business at least once per month, whether driving a city-owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. The city expects all employees who are required to drive as part of their job to drive safely and legally while on city business and to maintain a good driving record.

The city will examine driving records once per year for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first workday after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter.

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

This policy is intended to define acceptable and unacceptable uses of city-issued cellular telephones. Its application is to ensure cellular phone usage is consistent with the best interests of the city without unnecessary restrictions of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cellular phones and to ensure that city employees exercise the highest standards of propriety in their use.

Cellular telephones are intended for the use of city employees in the conduct of their work for the city.

Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor discretion to allow reasonable and prudent personal use of such telephones or equipment provided:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained, or outside employment is served.
- All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call.
- Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided with city-issued phones to facilitate the provisions of this policy.
- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
- In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a state law exception for authorized emergency vehicles while in the performance of official duties.
- Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See above "City Driving Policy" for more information on reporting driver's license restrictions".

Regardless of who pays the bill, cell phone records about city business are subject to the Minnesota Government Data Practices Act. What this means is that if a request were received, the city would be under the obligation to determine what information is public data and what information is private data and would need access to the employee's phone records and possibly the phone itself in order to provide the data that is being requested. Therefore, the best practice is to limit usage of personal cell phones for city business to that which is truly necessary or be prepared to produce your cell phone and the associated records if needed.

An employee will not be reimbursed for business-related calls without prior authorization from his/her supervisor. Supervisors may also prohibit employees from carrying their own personal cell phones during

working hours if it interferes with the performance of their job duties.

Use of public resources by city employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the supervisor.

Personal calls will be made or received only when absolutely necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible. In cases where the city does not regard accounting for personal calls to be unreasonable or administratively impractical due to the minimal cost involved, personal calls made by employees on a city-provided cellular phone must be paid for by the employee through reimbursement to the city based on actual cost listed on the city's phone bill.

PROCEDURES

It is the objective of the City of Lake Elmo to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action.

RESPONSIBILITY

The city administrator, or designee, will have primary responsibility for implementation and coordination of this policy. All supervisors will be responsible for enforcement within their departments.

The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the city. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor.

SAFETY EQUIPMENT & GEAR

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

UNSAFE BEHAVIOR

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the city's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

REPORTING ACCIDENTS AND ILLNESSES

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

ACCESS TO GENDER SEGREGATED AREAS

With respect to all restrooms, locker rooms or changing facilities, employees will have access to facilities that correspond to their affirmed gender identity, regardless of their sex at birth. In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the city will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity.

It is the policy of the City of Lake Elmo to maintain a drug and alcohol-free work environment that is safe and productive for employees, its citizens, and others doing business with the City.

The unlawful use, possession, purchase, sale, or distribution of, or being under the influence of any illegal drug or controlled substance while on City premises or while performing services for the City is strictly prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences. The City of Lake Elmo also prohibits reporting to work or performing work duties under the influence of alcohol and cannabis or consuming alcohol and cannabis while on duty or during work hours. In addition, the City prohibits off-premises abuse of alcohol, cannabis, and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the City's reputation in the community.

Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the city's intent and obligation to provide a drug- free, alcohol- free, safe, and secure work environment.

The city recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans as appropriate and may contact the administrative services director for other resources.

The City of Lake Elmo prohibits the following:

- A. No employee shall report to work under the influence of alcohol, cannabis, controlled Substances, or other drugs which affect their alertness, coordination, reaction, response, judgment, decision-making, or safety.
- B. No employee shall operate, use, or drive any equipment, machinery, or vehicle of the City while under the influence of alcohol, cannabis, controlled substances or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify their supervisor that they are not in an appropriate mental or physical condition to operate, use, or drive the City's equipment or vehicles.
- C. No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance in the workplace or wherever the City's work is being performed.
- D. Engaging in off-duty sale, purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform their work for the City. In such circumstances, the employee is subject to discipline.
- E. When an employee is taking medically authorized drugs or other substances which may alter job performance, the employee is under an affirmative duty to notify the appropriate supervisor of their temporary inability to perform the job duties of their position.

To ensure compliance with this policy, please refer to the *City of Lake Elmo's Drug, Alcohol, and Cannabis Testing Policy* for more information.

Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law. Any employee violating this policy is subject to discipline, up to and including termination.

Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting city business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

Weapons are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

Possession or use of a dangerous weapon is prohibited on city property, in city vehicles, or in any personal vehicle which is being used for city business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on city property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

VOLUNTARY RESIGNATIONS

Employees wishing to leave the city service in good standing must provide a written resignation notice to their supervisor, at least ten (10) working days before leaving. The City requests, but does not require Exempt employees ~~to must~~ give thirty (30) calendar days' notice. The written resignation must state the effective date of the employee's resignation.

No more than two (2) ~~leave~~PTO days may be used during the employee's notice period and cannot be used as the last two days of employment. The employee's last day of performing work (except when on an approved leave of absence) will be considered the employee's termination date.

The City reserves the right to accept some, all, or none of the employee's notice and release an employee before completing their notice period.

Unauthorized absences from work for a period of three consecutive workdays may be considered as resignation without proper notice.

Failure to comply with this procedure may be cause for denying payout of the employee's PTO and any future employment with the city.

~~Employees who leave the employment of the city in good standing by retirement or resignation will receive pay for 100 percent of unused accrued (PTO).~~

INVOLUNTARY TERMINATION

In accordance with the "at-will" status of all City Employees, the City retains the right to discharge an employee with or without notice.

DEATH

Upon the death of an employee, separation pay (described below) is paid via direct deposit as required in the Payroll and Compensation policy of this manual.

SEPARATION PAY

Upon separation of employment with the City, employees will be paid for all hours worked through the last day of employment as well the dollar value of remaining earned and unused compensation, and vacation leave on their final paycheck, paid by direct deposit. The amount is determined by multiplying the employee's current hourly rate by the number of accrued but unused paid time off hours.

Any dispute between an employee and the city relative to the application, meaning, or interpretation of these personnel policies will be settled in the following manner:

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the proper supervisor within twenty (20) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within ten (10) days.

Step 2: If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the city administrator within five (5) days after the supervisor's response is due. The city administrator or their designee will respond to the employee in writing within ten (10) calendar days. The decision of the city administrator is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

WAIVER

If a grievance is not presented within the time limits set forth above, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled based on the city's last answer. If the city does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the city and the employee without prejudice to either party.

The following actions are not grievable:

- While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
- Pay increases or lack thereof; and
- Merit pay awards.

The above list is not meant to be all-inclusive or exhaustive.