

CITY OF FALCON HEIGHTS
City Council Workshop
City Hall
2077 West Larpenteur Avenue

AGENDA
November 1, 2023
6:30 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: GUSTAFSON___ LEEHY___
 MEYER ___ WASSENBERG ___ WEHYEE___
- STAFF PRESENT: LINEHAN___ VAN DER WERFF___
- C. POLICY ITEMS:
1. 2024 Budget Workshop #4 – 10-Year Capital Plan Update
 2. Employee Personnel Policy Update
 3. Pathway Sidewalk Maintenance Map and Plowing Update
 4. Law Enforcement Services Update
- D. ADJOURNMENT:

DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to mail@falconheights.org prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.

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Meeting Date	November 1, 2023
Agenda Item	Policy C1
Attachment	Handed out at workshop
Submitted By	Jack Linehan, City Administrator

Item	Budget Workshop #4: 2024 Capital Plan and 10-Year Capital Plan
Description	<p>Staff will present the proposed capital plan and the updated 10-year capital plan.</p> <p>1. <u>2024 Capital Plan</u> The following are the highlights of the 2023 Capital Plan:</p> <ul style="list-style-type: none"> • Roselawn Avenue Mill and Overlay <ul style="list-style-type: none"> ○ Mill and Overlay Street Costs - \$427,000 ○ Garden Avenue Street Costs - \$680,000 ○ Garden Avenue Sidewalk - \$299,000 ○ Storm Sewer Improvement Costs - \$242,000 ○ Sanitary Sewer Improvements - \$40,000 • Community Park / Park Improvements - \$2,750,000 <ul style="list-style-type: none"> ○ Funds included in the budget for the property acquisition, design and construction management services, and demolition of the current park building for 2023. • Machinery & Equipment - \$146,100 <ul style="list-style-type: none"> ○ 1-Ton Truck with Dump Box - \$87,495 <ul style="list-style-type: none"> ▪ Scheduled replacement of the 2012 Ford F-350 1-ton truck (45,284 miles). Was scheduled for 2022 on our equipment replacement schedule, but moved to 2023 due to vehicle inventory shortages. In 2023, it was agreed that we would upgrade to an F-450 for additional towing and hauling capacity. ▪ Trade-in valued at \$20,000. ○ John Deere 1585 TerrainCut Front Mowers - \$48,174 <ul style="list-style-type: none"> ▪ Scheduled replacement of the JD 1585 TerrainCut Mowers (used for mowing and snow blowing sidewalks). ▪ Trade-in valued at \$20,000. • Larpenteur Avenue Streetlights - \$300,000 <ul style="list-style-type: none"> ○ The Larpenteur Avenue streetlights includes 34 city-owned decorative lights that were installed in the 1990s between Arona and Fry Street. Due to underground wire faults, many of the streetlights no longer function and are in need of full replacement. This includes the conduit underground, involving sidewalk removal and replacement. Other streetlights have been destroyed by vehicular accidents over the years. The proposal is to replace all of the lights along Larpenteur, and utilizing

	<p>TIF funds in the Falcon Town Square to replace some of the lights in the district. This project was included in the 2023 budget, but following the 2023 PMP and the time required of our engineers, there was not enough time to complete the project by end-of-year.</p> <ul style="list-style-type: none"> • City Hall Camera Upgrades - \$15,000 <ul style="list-style-type: none"> ○ Capital investment to upgrade the cameras at City Hall. <p>2. <u>10-Year Capital Plan</u> The City updates a 10-year capital plan as part of our fixed asset financial policy. This allows for us to plan long-term for the replacement of equipment, future street projects and other strategic capital needs. This plan is updated annually and currently projects through 2033. Staff will highlight some of the changes to the plan and the projected fund balances of the capital accounts during the workshop.</p>
Budget Impact	N/A
Attachment(s)	To be handed out at workshop
Action(s) Requested	No action required at this time.

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Meeting Date	November 1, 2023
Agenda Item	Policy C2
Attachment(s)	Personnel Policy
Submitted By	Jack Linehan, City Administrator

Item	Personnel Policy Changes
Description	<p>The Minnesota State Legislature introduced a number of employment law changes that were signed by the Governor. A few of the recent law changes, such as the CROWN Act and the Juneteenth holiday, have already been added to the city's personnel policy. The rest of the changes will take place on January 1, 2024 and need to be incorporated in to our policy.</p> <p>Attached are the recommended changes, as advised by our City Attorney and the League of Minnesota's Model Personnel Policy.</p> <p>The City Council will discuss the changes and advise on other areas for future changes.</p>
Budget Impact	N/A
Attachment(s)	Personnel Policy
Action(s) Requested	Staff recommends City Council discuss the proposed changes to the Personnel Policy.

CITY OF FALCON HEIGHTS



PERSONNEL POLICY

Adopted , 20 [CB1] **May**
~~27, 2015~~

INTRODUCTION

This handbook contains personnel policies and procedures approved by the Falcon Heights City Council regarding Falcon Heights employee relations. These policies and procedures are guidelines only and are not to be construed as contractual terms of employment. Any aspect of these policies and procedures may be changed at any time at the sole discretion of the City Council without prior notice.

Employees covered by an employment contract for any of the provisions in the handbook will be governed by the employment contract with regard to those provisions.

It is the responsibility of each employee to know all of the policies, procedures, and regulations contained in this manual. Violation of the personnel policies may be grounds for disciplinary action up to and including discharge.

Each employee, upon being issued a copy of the personnel policies, will sign a dated form indicating the policy has been received. The employee is required to read the personnel policies within 30 days.

Besides these personnel policies, employees are expected to read and be familiar with the special orders and other publications specific to the employee's job performance or job safety. Employees are expected to develop the same familiarity with these publications as with the personnel policies.

Except as otherwise prohibited by law, the city of Falcon Heights 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.

DEFINITIONS

The following words used in this handbook are defined to mean:

Full-Time Employee: an employee who works at least forty hours per week throughout the year.

Part-Time Employee: an employee who works under forty hours per week throughout the year.

Temporary, Seasonal or As-Needed Employee: an employee retained to fill a position, full or part-time, which is of a temporary or seasonal or as-needed nature.

Independent Contractors/Consultants: persons or firms contracted by the City who determine their own hours of operation and/or use of their own resources in the performance of their duties and are not employed by the City.

Overtime: time worked by non-exempt employees in excess of forty hours per week.

Good Standing: not under suspension or given notice of discharge by the City Council.

Termination: a complete separation of an employee from employment as a result of discharge, resignation, retirement or death.

Exempt Employee: employees not covered under the overtime and minimum wage provisions of the Fair Labor Standards Act.

Work Week: for purposes of calculating overtime compensation, the work week shall begin at 12:00 a.m. on Monday and conclude at 11:59 p.m. on Sunday.

TABLE OF CONTENTS [CB2]

	<u>Page</u>
I. EMPLOYEE RELATIONS	
- Employer Authority	1
- Non-Discrimination	1
- Discrimination Recourse	1
- Respectful Workplace Policy	2
- Safety Program	7
- Employee Assistance Program	8
- Appointments and Veterans' Preference	8
- Probationary Period	9
- Drug and Alcohol Testing	10
- Service Time	14
- Temporary, Casual and Part-Time Employment	14
- Employment of Spouses and Relatives	15
- Outside Employment	16
- Promotions/Transfers/Demotions	16
- Resignation	17
- Layoffs	17
- Disciplinary Action	17
- Performance Appraisals	19
II. GENERAL POLICIES	
- Political Activity	19
- Travel	20
- Use of Vehicles	21
- Use of Telephone	21
- Email	22
- Internet	23
- News Release	25
- Personal Records of Employees	26
- Prohibition Against Requesting or Accepting Gifts	26
III. WORK SCHEDULING/TIME RECORDS	
- Hours of Work	27
- Work Time Requirement and Reporting	27
- Pay Period	28
- Overtime Payment	28
- Compensatory Time	29

IV. EMPLOYMENT BENEFITS

- Employment Benefits	29
- Tuition Reimbursement Program	30
- Employee Insurance	31
- Changes in Coverage	32
- Worker's Compensation	32
- Request for Leave	33
- Bereavement Leave	34
- General Leave	34
- Holidays	35
- Injury on Duty Leave	36
- Court Duty	37
- Military Leave	38
- Sick Leave With Pay	39
- Donated Medical Leave	40
- Family and Medical Leave	41
- Organ Donation Leave	44
- School Conference and Activities Leave	44
- Vacation Leave	45
- Voting Leave	46
-Continuation of Group Hospital, Medical, and Dental Insurance	46
-Parental Leave	47

APPENDIX

- Personnel Policy Acknowledgement Form	A-1
- Request for Leave	A-2
- Donation of Medical Leave Authorization	A-3
- Request for Family Medical Leave	A-4
- Certification of Receipt of Drug and Alcohol Testing Policy	A-5

EMPLOYER AUTHORITY

POLICY

The City Council retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the use of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; to perform any inherent managerial function and to amend this handbook at any time.

NON-DISCRIMINATION

POLICY

1. It is the policy and intent of the City of Falcon Heights (herein after “the City”) to provide equality of opportunity in employment to all persons.
2. This policy prohibits discrimination because 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, place of residence, political affiliation, sexual orientation, disability, marital status, status with regard to public assistance, membership or activity in a local commission, sex or age in all aspects of its personnel policies, programs, practices and operations.
3. This policy applies to all phases of employment including, but not limited to, recruitment, hiring, placement, promotion, demotion, or transfer; layoff, recall, or termination; rates of pay, or other forms of compensation and selection for training. This policy also applies to the use of all facilities and participation in all City-sponsored employment activities.
4. It is the responsibility of the City Administrator and every supervisor to cooperate in the implementation of this policy.
5. Failure of any employee to perform in a manner consistent with this policy will constitute grounds for reprimand, suspension, demotion, or dismissal from the City's employ.

DISCRIMINATION RECOURSE

POLICY

1. Equal employment opportunity is the right of a person to work and to advance on the basis of merit, ability, and individual potential.
2. Any employee who feels that he or she is a victim of discrimination or who believes he or she has witnessed discrimination should immediately report such actions in accordance with the following procedure:
 - a. Any employee who has witnessed or believes that he or she is a victim of discrimination should report the act immediately to the City Administrator or any member of the City Council.
 - b. The City will investigate every reported incident immediately. Any employee or supervisor who has been found to have discriminated against another employee may be subject to appropriate disciplinary action, up to and including immediate discharge.
 - c. The City will conduct all investigations in a discreet manner. The City recognizes that every investigation requires a determination based on all the facts in the matter.
 - d. The City will not tolerate retaliation against an employee who files a complaint alleging discrimination. The City will discipline any employee who retaliates against another employee who files a complaint alleging discrimination or who testifies, assists or participates in any manner in any investigation into a complaint alleging discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.
3. A charge of discrimination may be filed with the Minnesota Department of Human Rights and the United States Equal Employment Opportunity Commission by a person or group of persons who believe they are victims of unlawful employment discrimination. Charges may also be filed on behalf of a person or group of persons by their representative. Charges may also be filed by the Commissioner of Human Rights or by the EEOC when there is reason to believe that a person is engaging in an unfair discriminatory practice. A charge must be filed with the EEOC within 180 days of the alleged unlawful employment practice and with the Minnesota Department of Human Rights within one year after the occurrence of the practice.

RESPECTFUL WORKPLACE POLICY

(including sexual harassment prevention)

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. 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.

Applicability

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, firefighters, and City Council members.

Abusive Customer Behavior

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

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

Violent behavior includes the use of physical force, harassment, or intimidation.

Discriminatory behavior includes inappropriate remarks about or conduct related to a person's 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, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.

Offensive behavior may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person. 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 supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout the City, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the City Administrator.

Sexual harassment can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, the following:

- Unwelcome or unwanted sexual advances. This means 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, kidding, 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.
- 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.

Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon (see attached definitions) 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.

Employee Response to Disrespectful Workplace Behavior

Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a

violation of this policy, they are encouraged to follow the steps below.

Step 1(a). If comfortable (but not required) politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

Step 1(b). If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or City Administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

Step 1(c). In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, City Administrator or Police Department. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to a supervisor or the City Administrator.

Step 2. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Administrator or the Mayor.

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

Employees who have a complaint of disrespectful workplace behavior will be taken seriously.

In the case of illegal harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the City Administrator, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

Step 1. If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 2. If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. The investigator will obtain the following description of the

incident, including date, time and place.

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

Step 3. The supervisor must notify the City Administrator about the allegations.

Step 4. As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

Step 5. After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

Step 6. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable.

Special Reporting Requirements

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Administrator who will assume the responsibility for investigation and discipline.

If the City Administrator is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a Council Member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator 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.

Confidentiality

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

Retaliation

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. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Any employee found to have made a knowingly false allegation under this policy or found to have given knowingly false information during an investigation of such a complaint will also be subject to disciplinary action.

SAFETY PROGRAM

POLICY

1. The City will endeavor through its safety program to maintain a safe and healthy work place. The City will provide safe working equipment. The City will inform employees of proper work habits and procedures which will maximize the potential of an accident-free work environment, and will monitor the existence of proper first aid and emergency equipment and procedures as well as employee knowledge and training in the use of such equipment and procedures. The City will insure the availability and speedy access of City employees to emergency medical services in the event of an accident or medical emergency.
2. The City safety program provides:
 - a. Safety inspections of the work place environment, machines and equipment, procedures and work habits, as well as access to first aid and emergency medical support.
 - b. Incident or complaint review of specific work locations, accidents or injuries, machines, or equipment, recommended work habits or procedures to be carried out in the event of a lost-time accident, a reported or suspected health hazard, an employee complaint, or a supervisor's request.
 - c. Safety and protection procedures that make known to employees the existence of potential health hazards, proper protective procedures, and safety and health rules and requirements, as well as emergency procedures.
 - d. Safety education programs which provide safety information and training to employees through demonstrations, training sessions, and verbal and written communications.

- e. Program enforcement through managers and supervisors who are knowledgeable in safety procedures, who promulgate safe safety attitudes, and who publish and enforce compliance with employee safety and health rules and regulations within the sphere of their work authority.
3. The responsibilities for safety must be shared.
 - a. City Administrator. The City Administrator is provided with the authority to establish, promulgate and enforce City safety and health procedures, rules and regulations.
 - b. Employees. Each employee is expected to place safe work practices and identification of unsafe conditions as the highest priority while performing their work duties. Each employee's safety and health commitment includes, but is not limited to, the following:
 - Using appropriate safety equipment.
 - Wearing required dress/uniform and footwear.
 - Warning co-workers of unsafe conditions or practices that could lead to or cause an accident.
 - Operate equipment only after receiving proper training.
 - Reporting defective or damaged equipment.
 - Reporting dangerous, unsafe or unhealthy conditions that exist in the City work place.
 - Reporting of all injuries and accidents.
 - Taking proper protective measures to minimize unsafe conditions that could present a hazard to the public resulting from City work.
 - Maintaining tools and equipment in a proper manner, to ensure that they are in the best possible condition during usage.

EMPLOYEE ASSISTANCE PROGRAM

POLICY

The City has a contract with Ramsey County, whereby the employee can receive diagnostic referral assistance in such areas as parent/child relationships, marital problems, behavior problems, drugs, cannabis, and alcohol, emotional and mental disorders and personal adjustment difficulties. The service is provided at no cost to the employee through his/her benefits package. All contact between the employee and the private provider is confidential. The employer does not receive information concerning employees as a result of the service. For more information, contact the Ramsey County Human Resources Department. [JL3]

APPOINTMENTS AND VETERANS' PREFERENCE

POLICY

1. All appointments to positions of City employment will be based on merit and qualifications of the applicants for the position to be filled. To evaluate the merit and qualifications of the applicants, a criteria will be established for each such position. The criteria established must be capable of being reduced to a 100-point rating system. A 100-point system must be applied to all positions of City employment except for those positions specifically exempted from the Veterans' Preference Act, Minn. Stat. § 43A.11, by Minn. Stat. § 197.46.
2. In accordance with Minn. Stat. § 43A.11 and Minn. Stat. § 197.455, a credit of five points will be added to a veteran's rating at the election of the veteran so long as the City position being sought is not exempted from veterans' preference by Minn. Stat. § 197.46. The receipt of the credit is conditional on the veteran obtaining a passing rating under the criteria and 100-point system established for the position without the addition of the credit points.
3. In accordance with Minn. Stat. § 43A.11 and Minn. Stat. § 197.55, a credit of ten points will be added to a disabled veteran's rating at the election of the disabled veteran so long as the City position being sought is exempted from veterans' preference by Minn. Stat. § 197.46. The receipt of the credit is conditional on the veteran obtaining a passing rating under the criteria and 100-point system established for the position without the addition of the credit points.

PROBATIONARY PERIOD

POLICY

1. Purpose: The probationary period will be regarded as an integral part of the examination process and will be used for closely observing the employee's work, for securing the most effective adjustment of the employee to this position and for rejecting any employee whose performance does not meet the required standards. Employment remains "AT WILL" both during and following the probationary period.
2. Duration: All appointments will be probationary and subject to a probationary period of up to six (6) months service after appointment. The City can extend the probationary period beyond six (6) months for such period of time as the City at its discretion deems fit and necessary. At any time during the probationary period, any employee may be transferred or dismissed at the City's discretion.
3. Applies to Promotions: All promotions will be subject to a probationary period of up to six (6) months. If the employee who has been promoted is found unsuited for the work of the position to which promoted, at the City's discretion the

employee may be reinstated to the position and rate of pay of the position from which the employee was promoted.

4. Affects Leave Benefits: During the initial probationary period, but not during a promotional period, an employee will not be entitled to vacation leave during the first six months of employment. Vacation leave accrues from the start of employment.

DRUG^[LK4], ~~AND ALCOHOL, AND CANNABIS TESTING AND DRUG-FREE WORKPLACE ACT POLICY FOR NON-COMMERCIAL DRIVERS (Non-DOT)~~

POLICY Purpose, ~~DRUG FREE WORKPLACE~~

1.—The city of Falcon Heights has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The city of Falcon Heights does not intend to intrude into the private lives of its employees, but strongly believes that a drug, alcohol and cannabis-free workplace is in the best interest of employees and the public alike. Alcohol, drug, and cannabis abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The city of Falcon Heights's Drug, Alcohol and Cannabis Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver's license by the United States Department of Transportation ("DOT") for their job will be tested under the city's Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the "DOT Policy"). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the "policy acknowledgement." A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job. ~~The City recognizes drug and alcohol abuse by employees or potential employees as threatening the welfare of the public and the wellbeing of the other employees. Therefore, the City has established drug and alcohol testing for positions covered by this policy as a means of protecting the public's welfare and employees' wellbeing.~~

Persons Subject to Testing and Circumstances Under Which Testing May Be Required

~~2. Under this policy, the city may test any applicant to whom an offer of employment has been made and may test employees for alcohol and/or drugs, including cannabis, under the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1. The intent of this policy is to prevent drug and alcohol abuse by employees and to offer the opportunity for rehabilitation of employees who have tested positively for drug and alcohol use while on duty.~~

a. Pre-Employment Testing:

~~Every job applicant offered employment with the city receives the offer conditioned upon successful completion of drug test, and/or an alcohol or cannabis test, if applicable, among other conditions. The city will not request or require a job applicant to undergo cannabis testing related to “lawful consumable products” pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except with respect to the categories of positions listed below in the definition of “Drug” or if otherwise required by state or federal law. If the job offer is withdrawn based on drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the drug or other applicable test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant’s provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant. Temporary and seasonal employees are not subject to this policy except for those designated by the hiring department as safety-sensitive positions.~~

b. Reasonable Suspicion Testing:

~~Consistent with Minn. Stat. § 181.951, subd. 5, employees will be subject to alcohol and/or drug testing, including cannabis testing, when reasonable suspicion exists to believe that the employee:~~

- ~~• Is under the influence of alcohol, drugs or cannabis; or~~
- ~~• Has violated written work rules prohibiting the use, possession, sale or transfer of drugs, alcohol, or cannabis, while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or~~
- ~~• Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;~~
- ~~• Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.~~

~~Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, drugs or cannabis or containers or paraphernalia, poor safety record,~~

excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol, drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all city employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify the City Administrator of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

3.—Right of Refusal: Employees and job applicants have the right to refuse to submit to an alcohol, drug, or cannabis test under this policy. However, such a refusal will subject an employee to immediate termination. If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn. Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug alcohol or cannabis test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, or drug paraphernalia while on duty; is on city premises; while operating any city vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over the counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

An employee or job applicant who, on religious grounds, refuses to undergo drug and/or alcohol testing, including cannabis testing, of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug, alcohol, or cannabis testing of a urine sample.

Prohibition Against Drugs and Alcohol

4.—Prohibition. Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia, while on duty; while on city premises; while operating any city vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

~~Employees are prohibited from being under the influence of alcohol or drugs or having a detectable amount of a drug in the blood or urine when reporting for work; while on duty; is on the city's premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over the counter drug used as intended by the manufacturer.~~

5.—Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis marijuana or medical marijuana products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the city or while “on call” and subject to return to work. Having a medical marijuana card, patient registry number, and/or marijuana prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug, alcohol and cannabis testing policy. ~~cannabinoid products may be lawfully purchased and consumed in some circumstances does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies marijuana as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use in certain circumstances. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug and alcohol testing policy. And~~ Employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical ~~cannabis~~marijuana, while on the premises of the place of employment or during the hours of employment.

~~6.—Employees are prohibited from being under the influence of alcohol or drugs, including cannabis, or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty; while should be while on the city’s premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter drug used as intended by the manufacturer. Employees taking a lawful drug, including prescription and over-the-counter drugs, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee’s responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.~~

Driving While Impaired: A conviction of driving while impaired in a city-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Drug Convictions: Any employee convicted of any criminal drug statute must notify his or her supervisor and the City Administrator in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a drug-related conviction, the city will take appropriate personnel action against the employee up to and including discharge or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the city is receiving federal grants or contracts of over \$25,000, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Drugs: Employees taking a lawful drug, including prescription and over-the-counter drugs or cannabis, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee’s responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

Review and Notification of Test Results

Notification of Negative Test Results: In the case of job applicants and in accordance with Minn. Stat. § 181.953, the City Administrator or designee will notify a job applicant of a negative drug result within three days of receipt of result by the city, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result. A “Negative Test Results Notification” form will be sent to the job applicant, and the job applicant may request a copy of the test result report from the City Administrator or designee. In the case of current employees and in accordance with Minn. Stat. § 181.953, the City Administrator or designee will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the city. A “Negative Test Results Notification” form will be sent to the employee, and he or she may request a copy of the test result report from the City Administrator or designee.

Notification of Positive Test Results: In the event of a confirmed positive blood or urine alcohol drug, or cannabis test result, the city will notify the employee of a positive result within three days of receipt of the result. The City Administrator or designee will send to the employee or job applicant a “Positive Test Results Notification” letter containing further instructions. The employee or job applicant may contact the City Administrator or designee to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result.

Right to Provide Information after Receiving Test Results: Within three working days after notice of a positive drug, alcohol, or cannabis test result on a confirmatory test, the employee or job applicant may submit information to the city to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, (such as medications the employee is taking), the city will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.

Right to Confirmatory Retest: A job applicant or employee may request a confirmatory retest of the original sample at the job applicant’s or employee’s own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the city in writing of the job applicant’s or employee’s intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the city will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory retest will use the same drug and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the city's job offer will be reinstated, and the city will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the city will reimburse the employee for the actual cost of the confirmatory retest.

Access to Reports: In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens: A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

Consequences for Employees Engaging in Prohibited Conduct

Job Applicants:

The city's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees:

- No Adverse Action without Confirmatory Test. The city will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result. The city may temporarily suspend a tested employee with or without pay or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the city believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public.
The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

Discipline and Discharge

Confirmatory Positive Test Result: The city will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The city has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the city after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and
- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

Other Misconduct:

Nothing in this policy limits the right of the city to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other city personnel policies.

Emergency Call Back to Work Provisions:

If an employee is called out for a city emergency and he or she reports to work and is suspected of being under the influence of drugs, alcohol, or cannabis he or she will not be subject to the testing procedures of this policy but will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol, drugs or cannabis and who is called out for a city emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

Non-Discrimination

The city of Falcon Heights' policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., ch. 363, disability does not include conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of individuals.

Furthermore, the city will not retaliate against any employee for asserting his or her rights under this policy.

NON-DOT POLICY

~~31. City employees and applicants required to hold a commercial driver's license by the United States Department of Transportation ("DOT") for their job will be~~

~~tested under the city's Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the "DOT Policy"). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.~~

~~2. The City shall inform a job applicant or employee of the following prior to testing: Information shall include the City's right to request a test, the processing of a test, the consequences of testing positively, and the rights of the employee applicant.~~

~~43. Before requesting an employee or a job applicant to undergo drug or alcohol testing, the City shall provide the employee or job applicant with a form developed by the City on which to acknowledge the employee or job applicant has reviewed the policy. On an additional form, the employee or job applicant may indicate any over-the-counter or prescription medications that they are currently taking or have recently taken and any other information relative to the liability of or explanation for a positive test result. This form will be completed at the collection site and will not be reviewed by the employer.~~

~~45. Random testing is prohibited [LKS].~~

~~56. The City shall not require an employee or job applicant to undergo drug or alcohol testing except as authorized below:~~

~~a. Job Applicants. The City may require a job applicant to undergo drug or alcohol testing provided a job offer has been made to the applicant and the same test is required of all job applicants conditionally offered employment for that position. If the job offer is withdrawn the City shall inform the applicant of the reasons for its actions.~~

~~b. Employees. The supervisor in charge may require an employee to undergo drug or alcohol testing provided a reasonable attempt has been made to receive approval from the City Administrator, that said requirement is stated in writing, and there is reasonable suspicion that the employee:~~

~~i) is under the influence of drugs or alcohol;~~

~~ii) is found to personally use, possess, sell, or transfer illicit drugs or alcohol while on duty, while on city property, or while operating city vehicles, machinery, or any other type of city equipment;~~

~~iii) sustained a personal injury or caused another employee to sustain a personal injury and the supervisor in charge has reasonable suspicion that drugs or alcohol were involved;~~

iv) ~~has caused a work related accident or was helping to operate machinery, equipment, or vehicles involved in a work related accident, and the supervisor in charge has reasonable suspicion that drugs or alcohol were involved.~~

~~c. The City may require an employee to undergo drug or alcohol testing if the employee has been referred for chemical dependency treatment or evaluation which results in a determination that the employee is chemically dependent, in which case the employee may be required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.~~

~~d. Reasonable suspicion Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol or drugs or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol or drugs may have occurred. shall be defined as that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs while on or off duty.~~

~~67. Test sample collection shall be conducted in a manner which provides a high degree of security for the sample and freedom from adulteration. Employees may not be witnessed while submitting a urine sample. Administrative procedures and biologic testing of the samples shall be conducted to prevent the submission of fraudulent tests. All screening tests shall make use of a split sample which shall be used for confirmatory retests. Upon request, an employee shall be entitled to the presence of a representative before testing is administered. The testing may not be delayed for an unreasonable amount of time to allow the employee this opportunity.~~

~~78. All samples shall be tested for CHEMICAL ADULTERATION, OPIATES, CANNABIS, PCP, COCAINE, AMPHETAMINES, BARBITURATES, BENZODIAZEPINES, AND ALCOHOL. The testing shall be done at a laboratory to be determined by the City and the following standards shall be used:~~

DRUG	SCREENING TEST	CONFIRMATION
Amphetamines	ng/ml Amphetamine	ng/mg GC-MS

Barbiturates	ng/ml Barbiturate	ng/ml GC-MS
Benzodiazepine	ng/ml Oxazepam	ng/ml GC-MS
Cannabis	ng/ml Delta-THC	ng/ml GC-MS
Cocaine	ng/ml Metabolite	ng/ml GC-MS
Opiates	ng/ml Morphine, Codeine	ng/ml GC-MS
PCP	ng/ml PCP	ng/ml GC-MS
Alcohol	gm/dl Alcohol	gm/dl GC-MS

Definitions

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

Alcohol use or usage: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant: Means a person applying for a job with the city.

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

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

City: Means the city of Falcon Heights.

City premises: Means, but is not limited to, all city job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the city.

City vehicle: Means any vehicle which employees are authorized to use solely for city business when used at any time; or any vehicle owned or leased by the city when used for city business.

Collection site: Means a place designated by the city where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of drugs and alcohol.

Confirmatory test: Means a drug, alcohol or cannabis test on a sample to substantiate the results of a prior drug, alcohol test or cannabis on the same sample, and that uses a

method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Drug: Includes any “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4. Cannabis and its metabolites are considered a “drug” for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving treatment, examination or emergency care for a medical, psychiatric or mental condition; positions requiring a commercial driver's license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

Drug and/or alcohol testing, and drug and/or alcohol test: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

Drug paraphernalia: Has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

Employee: Means a person who performs services for compensation for the city and includes independent contractors except where specifically noted in this policy.

Initial screening test: Means a drug, alcohol, or cannabis test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Job applicant: Means a person who applies to become an employee of the city and includes a person who has received a job offer made contingent on the person passing drug testing.

Positive test result: Means a finding of the presence of alcohol, drugs, cannabis or their metabolites that exceeds the cutoff levels established by the city. Minimum threshold detection levels are subject to change as determined in the city's sole discretion.

Random selection basis: Means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

Reasonable suspicion: Means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-sensitive position: Means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, and/or cannabis usage would threaten the health or safety of any person.

Under the influence: Means (1) the employee tests positive for alcohol drugs, or cannabis or (2) the employee's actions, appearance, speech, and/or bodily odors reasonably cause the city to conclude that the employee is impaired because of illegal drug use or alcohol use.

~~98. Any sample which has been altered or is shown to be a substance other than urine or blood shall be reported as such. All samples which test positive on a screening test shall be confirmed by gas chromatography-mass spectrophotometry, and no records of unconfirmed positive tests shall be released by the laboratory. [LX6]~~

~~109. Initial screening tests and confirmatory tests shall be at the sole cost of The City.~~

~~101. Testing and evaluation procedures shall be conducted in a manner to ensure that an employee's legal drug use does not affect the test results.~~

~~12. All results shall be evaluated by a suitably trained occupational physician or occupational nurse prior to being reported.~~

~~11. Test Results and Notification.~~

~~a. Notification of Negative Test Results: In the case of job applicants and in accordance with Minn. Stat. § 181.953, Human Resources will notify a job applicant of a negative drug result within three days of receipt of result by the city, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result. A "Negative Test Results Notification" form will be sent to the job applicant, and the job applicant may request a copy of the test result report from Human Resources.~~

~~b. Notification of Positive Test Results: In the event of a confirmed positive blood or urine alcohol and/or drug test result, the city will notify the employee of a positive drug and/or alcohol result within three days of receipt of the result. Human Resources will send to the employee or job applicant a "Positive Test Results Notification" letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result.~~

~~i) The city's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.~~

~~ii) If the job offer is withdrawn based on alcohol and/or drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the alcohol and/or drug test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant's provisional employment has begun.~~

~~c. Right to Provide Information after Receiving Test Results. Within three working days after notice of a positive drug or alcohol test result on a confirmatory test, the employee or job applicant may submit information to the city to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, (such as medications the employee is taking), the city will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.~~

~~d. Right to Confirmatory Retest. A job applicant or employee may request a confirmatory retest of the original sample at the job applicant's or employee's own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the city in writing of the job applicant's or employee's intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the city will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory retest will use the same drug and/or alcohol threshold detection levels as used in the original confirmatory test.~~

~~i) In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the city's job offer will be reinstated, and the city will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the city will reimburse the employee for the actual cost of the confirmatory retest.~~

~~e. Dilute Specimen. A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.~~

- ~~123. Test results shall be treated with the same confidentiality as other employee medical records. The test results shall not be reported outside The City. In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.~~
- ~~134. Each employee whose confirmatory tests indicate positive for drug or alcohol use shall be given the opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency medically evaluated by a substance abuse professional. If required by the substance abuse professional, the employee will then be counseled and treated for rehabilitation. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. At any time an employee may voluntarily enter the chemical dependency program. This program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning treatment any employee receives at this program shall remain confidential between The City and the employee and shall not be released to the public^[11K7]. The City shall not be responsible for the cost of the treatment. The employees' health care provider shall may provide a portion of the cost of the treatment.~~
- ~~145. No employee shall be relieved of his or her position based on one positive confirmatory test result although the employee may be re-evaluated for his or her assignment. The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test. When undergoing treatment and evaluation, employees shall receive the usual compensation and fringe benefits provided at their assigned position provided the employee is using available accumulated leave.^[11K8]~~
- ~~16. Each employee has the right to challenge the results of drug testing in the same manner that he or she may grieve any managerial action.~~
- ~~157. Upon successful completion of rehabilitation, the employee shall be returned to his or her regular duty assignment. Employee reassignment during treatment shall be based on each individual's circumstances. If follow-up care is prescribed after treatment, this may be a condition of employment. Once treatment and any follow-up is completed and provided no further incidents of positive confirmatory tests occur, at the end of two (2) years the records of treatment and positive drug test results shall be retired to a closed medical record, given to the employee. References of the incident shall be removed from the employee's personnel file.~~

~~168. Employees shall be subject to the disciplinary actions prescribed in the handbook if the employee:~~

- ~~a. Refuses to undergo drug or alcohol testing;
 - ~~i) employee may refuse to undergo drug or alcohol testing of a blood sample upon religious grounds if they consent to testing of a urine sample.~~
 - ~~ii) Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.~~
 - ~~iii) An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug and/or alcohol test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.~~~~
- ~~b. Fails to successfully complete a required rehabilitation program as prescribed by a substance abuse professional.~~
- ~~c. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program. Tests positively after completing the initial rehabilitation program. The employee will be given the opportunity to complete a second rehabilitation program. If the employee refuses to complete a second rehabilitation program or if he or she tests positively after the completion of a second rehabilitation program, disciplinary action as prescribed in the Employee Handbook may be applied.~~
- ~~d. Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.~~
- ~~e. The city may temporarily suspend a tested employee with or without pay or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the city believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.~~

~~19. An employee may request a confirmatory retest of the original sample at the employee's own expense within five (5) days of receiving notice of a positive confirmatory test result. It shall be the responsibility of the employee to contact the City who will work with the employee to contact the laboratory which~~

~~performed the original test and also make arrangements with the second federally certified laboratory to perform the confirmatory retest. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original result may be taken against the employee and the City will reimburse the employee for the actual cost of the confirmatory retest.~~

~~1720. The employee, upon request and subject to approval of the testing laboratory will have the right to inspect and observe any aspect of the drug testing program.~~

~~21. This drug testing program is solely initiated at the behest of the City for the safety and well-being of the public and employees. The City shall be solely liable for any legal obligations for its actions of requiring testing or for actions taken as a result of testing.~~

~~1822. This Policy is in no way intended to supersede or waive an employee's federal or state constitutional rights, or contractual rights.~~

~~1923. This Policy is subject to the interpretation of the state law pertaining to drug and alcohol testing.~~

~~20. Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all city employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.~~

DOT POLICY [LINK]

SERVICE TIME

POLICY

1. Service time is the employee's length of continuous service with the City commencing with the first day of hire. Employees will be on a probationary basis for at least six (6) months from the date of hire. Upon a successful completion of

the probationary period, service time will be accumulated from the first day of hire.

2. From time to time, personal circumstances, illness or civic duty may require an employee's absence from work for periods of varying duration. Authorized leaves of absence for vacation, sick leave, funeral leave, medical leave, maternity absence, leave under the Family and Medical Leave Act, parenting leave, school conference and activities leave, sick child care leave, military leave, injury leave, and jury duty will not interrupt the accumulation of continuous service, provided the employee meets the conditions required by the City of such leaves.
3. Service time will not accumulate during a general leave of longer duration than one week.

TEMPORARY, CASUAL, AND PART-TIME EMPLOYMENT

POLICY

1. Persons whose employment is temporary will not be entitled to ~~sick leave~~, vacation leave, holiday pay or insurance benefits, except for workers compensation insurance.
2. Temporary and part-time employees do not accumulate service time.
3. Employee positions must be established by the budget.
4. Employees who are hired for positions requiring less than full time may be granted certain employee benefits based on actual hours worked, as determined by the City and as may be required by law.
5. An employee on a temporary, casual, or part-time status will be entitled to such public employee benefits as may be provided under the Public Employment Labor Relations Act, Minnesota Statutes Chapter 179A.

EMPLOYMENT OF SPOUSES AND RELATIVES

POLICY

1. An applicant related to any elected or appointed official or employee will not be considered for employment in a work situation where the relative would also be employed if it would result in a conflict of interest. The words "related" or "relative" for the purpose of this policy will mean: mother, father, spouse, domestic partner, son, daughter, brother or sister.

2. Conflict of interest means:
 - a. Where one employee would supervise or have the authority to appoint, remove or discipline a relative.
 - b. Where one relative would be responsible for auditing the work of another relative.
 - c. Where circumstances exist which would place a relative in a situation of actual or foreseeable conflict between the City's interests and the relative's interest.
 - d. Where the employment of a relative of a policy level employee of an organization with whom the City deals would give the appearance of improper influence or favor.
 - e. Where confidentiality of the City would be jeopardized.
3. Promotions or transfers of a relative which would result in a conflict of interest will not be acted upon until the conflict is satisfactorily resolved.

OUTSIDE EMPLOYMENT

POLICY

1. Full-time employees may not engage in outside employment which might in any way hinder the objectives and performance of their duties or impair their efficiency on the job.
2. Outside employment must be requested in writing and approved in advance by the City Administrator.

PROMOTIONS/TRANSFERS/DEMOTIONS

POLICY

1. It is the City's policy to fill employment vacancies by promotion or transfer insofar as practical, and in case of equal qualifications to give consideration to length of service.
2. All promotions will be subject to a probationary period of six (6) months. If the employee who has been promoted is found unsuited for the work of the position

to which promoted, at the City's discretion the employee may be reinstated to the position and rate of pay of the position from which the employee was promoted.

3. Employees will be entitled to vacation leave during a probationary promotion period if they have fulfilled the requirements for vacation time in their prior position.
4. If an employee is transferred, promoted or demoted, the rate of pay will be determined as follows:
 - a. In the case of a transfer or promotion, if the rate of pay for the former position is less than the minimum rate established for the new position, the rate will be advanced to the minimum of the position to which transferred or promoted.
 - b. In the case of a transfer or demotion, if the rate of pay in the former position is more than the maximum rate established for the new position, the rate of pay may be reduced to the maximum rate or to an intermediate rate of the position to which transferred or demoted. Such determination will be made by the City Administrator.
 - c. In case of a transfer for the good of the City and/or the employee and not in the nature of a promotion or demotion, the rate of pay will remain the same.
5. An applicant for City employment or a City employee seeking promotion must not directly or indirectly render any service or pay any money or other valuable consideration to any person for or in connection with the applicant's or employee's employment test or proposed appointment or promotion.

RESIGNATION

POLICY

1. Any employee wishing to leave City employment in good standing must file with the employee's supervisor, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Failure to comply with this particular procedure may be cause for denying such employee future employment by the City and denying termination leave benefits.
2. Unauthorized absence from work for a period of three (3) working days may be considered by the City as a resignation, without benefits.

3. An employee who has resigned from a position may be considered for re-employment but will have no inherent right to any position.

LAYOFFS

POLICY

The City may layoff any employee whenever such action is necessary due to shortage of work or funds or when a position has been abolished.

DISCIPLINARY ACTION

POLICY

1. City employees are subject to disciplinary actions for failing to fulfill their duties and responsibilities, including failure to observe policies and work rules. It is the policy of the City to administer disciplinary penalties without discrimination. A supervisor will investigate any allegation for which disciplinary action might be based before any disciplinary action is taken. Employees serve at the will of the City and notwithstanding anything in this policy, may be dismissed with or without cause.
2. Possible disciplinary actions include the following:
 - a. An employee may be given an oral reprimand by the employee's immediate supervisor. Documentation of the oral reprimand will be placed in the employee's personnel file.
 - b. An employee may be given a written reprimand by the employee's immediate supervisor. A written reprimand will state that the employee is being warned for misconduct. The written reprimand will contain a description of the misconduct, past action taken by the supervisor to correct the problem, a statement urging prompt correction or improvement by the employee, time tables and goals for improvement when appropriate, and an outline of future penalties that may be imposed should the misconduct continue. The employee will be given a copy of the reprimand after the employee signs the original acknowledging its receipt. The signature of the employee on the reprimand will not mean that the employee agrees with the reprimand. The reprimand will be placed in the employee's personnel file.
 - c. An employee may be suspended up to ten (10) days with pay by the employee's immediate supervisor. The immediate supervisor will notify the City Administrator of the suspension with pay. The suspension with pay will continue only upon the approval of the City Council. Upon the

City Council's approval of the suspension, the employee will be notified in writing of the reason for the suspension and its length. Upon the employee's return to work, the employee will be provided a written statement outlining further disciplinary actions that may be taken should the misconduct continue. Suspension with pay will include suspending an employee pending investigation of allegations of misconduct against the employee. All suspensions with pay will be reduced to writing and placed in the employee's personnel file. If the suspension with pay is for investigation of allegations of misconduct and the allegations prove to be false, at the discretion of the City Council the written suspension with pay will be removed from the employee's personnel file and back pay may be issued.

- d. An immediate supervisor may suspend an employee with pay pending a decision by the City Administrator to suspend the employee without pay. Prior to the suspension without pay or as soon thereafter as possible, the employee will be notified in writing of the reason for the suspension without pay and its length. Upon the employee's return to work, the employee will be provided a written statement outlining further disciplinary actions that may be taken against the employee should the misconduct continue.
- e. An employee may also be suspended without pay by the City Council. The suspension without pay will be reduced to writing and placed in the employee's personnel file. If the suspension without pay is for investigation of allegations of misconduct and the allegations prove to be false, the written suspension without pay will be removed from the employee's personnel file and the employee will be entitled to any compensation to which the employee is entitled had the suspension not taken place.
- f. An employee may be involuntarily demoted, required to transfer to a comparable employment position, or have the employee's salary decreased or the employee's salary increase withheld by the City Council. In no event will an employee's salary be decreased below the salary schedule approved for the employee's position by the City. Prior to such action or as soon thereafter as possible, the employee will be notified of the reason for the action. The action taken will be reduced to writing and placed in the employee's personnel file.
- g. Any employee may be dismissed by the City Council.
- h. Veterans' Preference Act Exception: Notwithstanding the possible disciplinary actions listed in this handbook, no City employee who is a veteran as defined by Minn. Stat. § 197.447 may be removed from City

employment, except in accordance with and as provided by Minn. Stat. § 197.46.

3. In the case of suspension, or demotion, an employee will be granted a review by the City Council if the employee submits a written request for a review to the City Administrator within five (5) working days of notification of the action taken.

PERFORMANCE APPRAISALS

POLICY

Employees will receive formal performance appraisals generally annually from their designated supervisor. A copy of the performance appraisal will be placed in the employee's personnel file and provided to the employee. Supervisors and employees are encouraged to discuss job performance and goals on an informal, day-to-day basis.

POLITICAL ACTIVITY

POLICY

1. ~~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. During working hours, no employee will engage in any form of political activity, nor can any political activity impair an employee's usefulness at work.~~
2. ~~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. An employee may belong to a political party, be a member of an established political organization or club, and may attend political meetings and exercise the right to vote free from interference, and may seek election or appointment to public office.~~
3. If any employee is elected or appointed to the City Council, the employee must resign or obtain a leave of absence.

TRAVEL

POLICY

APPROVAL AND ADVANCES

1. All travel and seminar attendance by City employees require prior approval by the City Administrator or the City Administrator's designee. All travel and seminar attendance by the City Administrator must be in accordance with the City's adopted budget.
2. Approval for travel must be obtained prior to seminar registration or other final travel arrangements. Approval must be requested at least 72 hours prior to departure.

ALLOWABLE EXPENSES

4. Accommodations must be selected at reasonable cost, consistent with the facility available and convenient to location of the conference or business meeting attended. An employee may claim only the actual and necessary cost of single occupancy where a double or multiple-occupancy has occurred.
5. Allowable transportation costs will include reimbursement for: mileage accumulated on personal vehicle at prevailing mileage rate; actual round trip coach rate airfare; or actual receipted expenses for City-owned vehicles, as required and as approved.
6. Reimbursement for meals will be made at reasonable cost, as required and as approved. A per diem amount of up to \$40 per day will be reimbursed to employees for actual costs of meals. There is no reimbursement for alcoholic beverages. An explanation must be included for cost of meals exceeding per diem guideline. Other miscellaneous expenses may be authorized, as required and as approved.
7. Reimbursement for long distance telephone calls will be allowed as follows:
 - City business
 - One call to a family member per day of 10 minutes or less

EMPLOYEE EXPENSE REPORTS

8. Within five (5) working days upon return to work, an employee must submit an Employee Expense Report for approval by the employee's supervisor and the City Administrator or the City Administrator's designee. Receipts for expense items must accompany each expense report.

USE OF VEHICLES

POLICY

1. An employee using a City vehicle must have a valid driver's license in the appropriate class. Any violation of this provision shall subject the employee to disciplinary action up to and including termination.
2. Employees using City vehicles must be particularly mindful of all traffic regulations and courtesies of the road. Abuses and violations may subject the employee to disciplinary action, up to and including termination.
3. Unless approved by the City Administrator, the use of City vehicles for personal reasons is prohibited. Violation of this provision may subject the employee to disciplinary action.
4. The mileage rate for reimbursement shall be the rate approved by the City Council and the IRS. Claims shall be submitted on an Employee Expense Report provided by the Finance Director, and shall be itemized, showing the date, destination, purpose of the trip, and mileage, and be signed by the person making the claim. Mileage reimbursement shall be made upon the City Administrator's or immediate supervisor's approval of the claim. Employees using their personal vehicle and claiming mileage reimbursement on City business shall assume liability through the employee's own vehicle insurance carrier for personal injury, property damage, and comprehensive/collision damage to their vehicle. Any traffic violations incurred while on City business are the responsibility of the employee to satisfy. Use of the employee's private vehicle for City business must also meet requirements of the U.S. Internal Revenue Service as to the reporting of claims for mileage paid by the City.
6. An accident while on City business with either a City vehicle or a private vehicle shall be immediately reported verbally to the supervisor and to the City Administrator. This initial report shall be followed up with completion of the required insurance carrier form and pertinent incident reports as soon as possible.

USE OF TELEPHONE

POLICY

1. The telephone is recognized as a most important means of communication with citizens, the general public, and fellow workers, often the first impression a person has of City government. Employees will answer promptly and identify themselves. They will be courteous, tactful and use good judgment at all times.
2. Adequate coverage of telephones will be a main consideration in scheduling lunch periods, breaks, and time off.

3. The receiving and making of local telephone calls for personal reasons must be kept to a minimum. Abuse of this privilege may subject the employee to disciplinary action.
4. Employees must reimburse the City for long distance charges on personal calls.

EMAIL

POLICY

1. The City maintains an email system. This system is provided by Metro-Inet to assist in conducting City business.
2. All messages composed, sent, or received on the email system are and remain the property of the City. They are not the private property of any employee.
3. The use of the email system is reserved for conducting City business.
4. The email system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.
5. The email system is not to be used to create, send, print or disseminate any offensive or disruptive messages. Among those which are considered offensive, are any messages which are pornographic or which contain sexual implications, racial slurs, gender-specific comments, discriminatory comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. Additionally, offensive or sexually oriented emails are in violation of the City's Offensive Behavior policy.
6. The email system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary information or similar materials without prior authorization.
7. The email system shall not be used for engaging in any activity in violation of local, state, or federal law.
8. The City has and will exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the email system for any purpose. The contents of the email properly obtained for legitimate business purposes, may be disclosed within the City without the permission of the employee. An employee should have no expectation of privacy in messages or files they create, send, read or listen to on City computers.

9. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. E-mail messages should be drafted in the same manner and with the same care as any communication in printed form on the City letterhead.
10. Notwithstanding the City's right to retrieve and read any email messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the Network Administrator.
11. Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission.
12. [Employees must also abide by Metro-INET's Acceptable Use Policy \(see appendix\).](#)

INTERNET

POLICY

As an employee of the City of Falcon Heights you are provided with access to the vast information resources of the Internet. The facilities to provide that access represent a considerable commitment of the City resources for telecommunications, networking, software, storage, etc. This Internet usage policy is designed to help you understand our expectations for the use of those resources in the particular conditions of the Internet, and to help you use those resources wisely.

Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies and ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the City and expose the City to significant legal liabilities.

This policy applies to all users of City-owned-and-operated computer systems and networks. Any exceptions to this policy require the expressed written consent of the City.

Any employee who discovers a violation of this policy shall immediately notify the City Administrator.

Any employee who violates this policy or uses the Internet system for improper purposes shall be subject to discipline, up to and including discharge.

1. The use of the City's Internet is intended for City business, including research, communication and professional purposes within the business objectives of the City.
2. The City reserves the right to monitor and review all employee Internet usage. No employee should have any expectation of privacy as to his or her Internet usage.
3. The confidentiality of any electronic message using the City's Internet system should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
4. Personal use of Internet service cannot interfere with business operations and should be limited to non-working hours. 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. Avoid using statements, photographs, video or audio that reasonably may be 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 human rights commission
5. Internet services, or any other network or computer resources, shall not be used for viewing, archiving, storage, distribution, editing or recording of threatening, obscene, harassing or derogatory material or transmittal of material that is confidential to the City.
6. Internet services, or any other network or computer resources, shall not be used for the viewing, archiving, storage, distribution, editing or recording of any kind of sexually explicit image, material or document.
7. Use of the Internet system to receive (download) software programs, utilities or software extensions is prohibited without prior authorization from the Network Administrator. This includes, but is not limited to, screen savers, games and utility programs. It does not include files such as Word documents, Excel documents, Adobe Portable Document Format (pdf) files and the like.
8. Any software or files downloaded via the Internet into the network become the property of the City. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

9. No employee may use City facilities knowingly to download or distribute pirated software or data. The use of file swapping software on City computers and City networks is prohibited.
10. No employee may use the City's Internet facilities to deliberately propagate any virus, worm or other illegal program code.
11. No employee may use the City's Internet facilities knowingly to disable or overload any computer system or network or to circumvent any system intended to protect the privacy or security of another user.
12. The City's Internet facilities and computer resources shall not be knowingly used to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any City resources for illegal activity is grounds for immediate dismissal, and the City will cooperate with any legitimate law enforcement activity.
13. Users of the City's information systems are prohibited from using password protection to restrict access to files on the City's systems without authorization from the Network Administrator.
14. Each employee using the Internet facilities of the City shall identify himself or herself honestly, accurately and completely (including one's company affiliation and function where requested) when participating in chats or newsgroups or when setting up accounts on outside computer systems.
15. Anything an employee writes in email or on the Internet in the course of working for the City can be taken as representing the City's posture. For this reason, users of the City's Internet system are prohibited from using their City email address or otherwise identifying themselves as employees of the City when participating in non-work related online discussion forums, bulletin board, web sites or chat sessions.
16. Employees are reminded that chats and newsgroups are public forums where it is inappropriate to reveal private or confidential data. Employees releasing protected information via a newsgroup or chat, whether or not the release is inadvertent, will be subject to discipline.
17. Use of the City's Internet facilities to commit infractions such as misuse of City assets or resources, offensive behavior, illegal activity, unauthorized public speaking and misappropriation or theft of intellectual property are prohibited.
18. [Employees must also abide by Metro-INET's Acceptable Use Policy \(see appendix\).](#)

NEWS RELEASE

POLICY

1. To the extent possible, any employee who is requested by the news media to provide information regarding City business will refer the request to the City Administrator or the City Administrator's designee.
2. Employees will not issue City news releases without prior approval of the City Administrator or the City Administrator's designee.
3. Except during regular working hours, any individual employee has the right to comment on any public matter in the employee's individual capacity as a private citizen.

PERSONNEL RECORDS OF EMPLOYEES

POLICY

Personal records are the official personnel records of the City and are, therefore, important to all employees. It is the responsibility of each employee to check annually to ensure that the data listed below is correct and reflects current information about the employee. It is the employee's responsibility to see that the following items are kept current at all times:

- a. Correct home address and telephone number;
- b. Changes in dependents (for withholding tax purposes);
- c. Person to contact in case of emergency;
- d. Beneficiary changes (group life insurance and pension); and
- e. Legal change in name.

PROHIBITION AGAINST REQUESTING OR ACCEPTING GIFTS

POLICY

1. City employees may not solicit or accept gifts from any person or company that has a direct financial interest in a decision that the City Council is authorized to make. Gifts may not be accepted from consultants, vendors, job applicants, local

businesses, or others that have a financial interest in the decision the City Council may make.

2. The only exceptions to the ban on gifts are:
 - services of insignificant monetary value;
 - a plaque or similar memento recognizing individual services in a field of specialty or a charitable cause;
 - a trinket or memento with a value of \$5 or less;
 - informational material of unexceptional value;
 - food or beverage given at a reception, meal, or meeting away from the employee's place of work by an organization before whom the employee appears to make a speech or answer questions as part of a program;
 - gifts given because of the employee's membership in a group, a majority of whose members are not local officials, and an equivalent gift is given to the other members of the group; or
 - gifts given by a person who is a member of the employee's family unless the gift is given on behalf of the City to someone who is not a member of the family.
3. All employees who are "appointed officials" must also comply with Minn. Stat. § 471.895.

HOURS OF WORK

In order to adequately provide City services and to provide the basis for employee compensation, the City must assure the availability of personnel and specify the number of hours and days the City Council expects employees to be at their jobs.

POLICY

1. Forty (40) hours of actual attendance on duty will constitute the regular work week.
2. Except as otherwise provided, the regular work day will begin at 8:00 a.m. and end at 4:30 p.m., with one-half (1/2) hour unpaid period therein constituting a lunch period. Two 15-minute breaks are also awarded per full workday. The regular work week will consist of five (5) consecutive eight (8) hour work days, Monday through Friday, or an equivalent number of hours pursuant to a work schedule arranged with the supervisor and approved by the City Administrator.
3. The City Administrator may establish the scheduled hours of work for employees. Such hours cannot be less than the minimum hours described in this policy, but

may vary for shift requirements and other times deemed necessary to properly provide City services beyond regular business hours.

4. Flex-time schedules may be established only with the approval of the City Administrator. Each employee must adhere to a schedule which has been established by taking into consideration the work load and necessary services provided by the City.
5. All overtime must be approved by the appropriate supervisor.

WORK TIME REQUIREMENT AND REPORTING

POLICY

1. Employees are required to fill out weekly time reports.
2. If an employee is late for work, the employee will report to their supervisor the reason for the late arrival. If possible, the employee will contact the supervisor ahead of time and inform the supervisor that the employee will be late and the time the employee expects to arrive. The supervisor may deduct the lost time from the time report when there is insufficient reason for the late arrival or there is repeated lateness. Repeated late arrivals will result in written reprimand, suspension or termination.
3. Employees are expected to be at their work areas at the start of their work day, and promptly return to their work areas at the conclusion of their lunch break and coffee breaks.

PAY PERIOD

POLICY

1. Payday for all employees will be semi-monthly. Employees will receive pay on the 15th and on the last day of each month. In the event that either day falls on a weekend or holiday, paychecks will be distributed or deposited on the day preceding the weekend or holiday.
2. Time cards for the prior week must be completed and submitted to the Administrator or designee by noon on Monday for the preceding workweek.
3. All employees are encouraged to have their paycheck automatically deposited in their checking or savings account on payday. You don't have to change your present banking relationship to take advantage of this service.

OVERTIME PAYMENT

POLICY

1. Authorized overtime work performed by non-exempt employees will be compensated at one and one-half (1-1/2) times the regular rate of pay.
2. Supervisors are responsible to schedule work so as to minimize overtime payment. When authorized by the appropriate supervisor or designee, overtime payment will be made.
3. Full-time and part-time non-exempt employees will receive one and one-half (1-1/2) times their normal hourly rate for all overtime in excess of 40 hours in any regular work week.
4. Temporary full-time and part-time non-exempt employees will receive one and one-half (1-1/2) times their regular hourly rate for all approved overtime in excess of 40 hours in any regular work week.
5. Full-time non-exempt employees called out for special duty on a regularly scheduled holiday will be compensated at one and one-half (1-1/2) times their regular hourly rate of pay in addition to their holiday pay.
6. Incidental time will be excluded from overtime consideration. Incidental overtime will mean overtime worked at the beginning or end of any non-exempt employee's shift in an amount not to exceed 15 minutes at either end of the work day.
7. For payroll purposes, overtime will be rounded off to the nearest one-quarter (1/4) of an hour.
8. At the discretion of the supervisor, a non-exempt employee may receive compensatory time off in lieu of overtime at a rate not less than one and one-half (1-1/2) hour for each hour of employment for which overtime compensation is required.

COMPENSATORY TIME

POLICY

1. Exempt employees, as designated by the City under the Fair Labor Standards Act, are not eligible for overtime compensation.
2. Employees holding positions not designated by the City as exempt will be considered non-exempt employees who are subject to the provisions of the Fair

Labor Standards Act. Such non-exempt employees will be eligible for overtime compensation in accordance with the Act, subject to the following conditions:

- a. Overtime to be accumulated as compensatory time must be approved in advance by the supervisor.
- b. Compensatory time off must be claimed on a form provided by the City, and the request must be made to the employee's supervisor.

EMPLOYMENT BENEFITS

POLICY

Employee benefits mentioned in this section apply only to those employees hired for full-time positions and specifically exclude, contract, casual, part-time, temporary, or volunteer employees, except when such groups are expressly included by the provisions of this policy. Employees who are hired for positions requiring less than full time may be granted certain employee benefits enumerated in this policy as determined by the City Council and as may be required by law, ~~provided that the granting of such benefits will be based on a ratio of the employee's actual working hours as compared to full-time position of 2080 hours per year unless otherwise required by law.~~

TUITION REIMBURSEMENT PROGRAM

POLICY

1. Eligibility:
 - a) Upon successful completion of the probationary period, a full-time or permanent part-time employee will be eligible to apply for reimbursement for job-related educational course work.
 - b) Participation in this program is voluntary. All course work will be completed outside normal working hours.
2. In order to be eligible for tuition reimbursement, all requests for course work or a degree program must receive approval from the City Administrator or designee prior to taking the course and are subject to budget appropriations.
3. Reimbursement:
 - a) All full-time employees shall be eligible for reimbursement for tuition, required books as listed on the course syllabus and institutional fees associated with post-high school level courses or programs which are work-related or part of a formal degree or certification program at institutions which are certified by the State Education Association.
 - b) The City will reimburse 100% of the expenses associated with course work

- which is work related and 75% of the expenses associated with the course work which is not work related but is required for the completion of a degree.
- c) The maximum reimbursement is \$2000 per calendar year for full-time employees, with that amount pro-rated for part-time employees based upon the number of hours designated for the position compared to full-time hours.
 - d) The course must be successfully completed to be reimbursed, and the employee must re-pay this benefit if they leave the City's employ within one year of course completion.
 - a. One of the following constitutes successful completion of the course:
 - i. Letter grade of "B" or better.
 - ii. Pass in a pass/no pass system
 - iii. Certificate from the instructor indicating satisfactory completion of the course if grades are not issued.

EMPLOYEE INSURANCE

POLICY

Insurance benefits will be available to full-time employees and their immediate families. The City will contribute toward these health premiums in an amount determined by the City Council. Basic long-term disability and life insurance in an amount determined by the City Council will be at no cost to the full-time employee.

1. COBRA. The Minnesota Continuation Law and the Federal Consolidated Omnibus Budget Reconciliation Act ("COBRA") permit an employee to continue, at the employee's expense, coverage under the City's insurance plan(s) at the time of an unpaid leave, resignation, termination, or retirement if the employee does not have the same type of coverage under another employer group plan and is not entitled to Medicare.
2. Continuation Period. The length of continuation depends on the Qualifying Event that applies to the employee's loss of coverage:
 - a. 18 months, if the employee is presently a City employee and the employee's coverage would stop because the employee's employment is terminated or the employee's work hours are reduced below the qualifying level for coverage (this period may be extended to 36 months if another qualifying event, listed below, occurs during the original 18-month period--an employee must notify the City Administrator or designee within 60 days of a second qualifying event); or
 - b. 36 months, if an individual is not an employee but is:
 - i. A separated or divorced spouse or child of a City employee;

- ii. A surviving spouse or child of a deceased City employee;
 - iii. A child of a City employee, and is no longer an eligible dependent as defined in City insurance plan; or
 - iv. A dependent that loses dependent coverage when the City employee becomes enrolled in Medicare benefits.
3. Termination of Continuation Coverage.
- a. An employee's right to continuation coverage will cease immediately if the employee fails to pay the required premium due.
 - b. Plan eligibility ceases if:
 - i. An employee becomes covered under another group plan as a result of employment, re-employment, marriage, or remarriage; or
 - ii. An employee, an employee's spouse, or an employee's dependent children become enrolled in Medicare, in which case coverage ceases for each individual so covered; or
 - iii. All City insurance plans under this policy are terminated.

CHANGES IN COVERAGE

POLICY

1. The employee is responsible for notifying the City of any changes that the employee wishes to make in the employee's insurance coverage or retirement plan, such as:
 - a. Change of address or phone;
 - b. Change of name;
 - c. Change of beneficiary; and
 - d. Change in type of coverage.
2. It is very important that the City be notified immediately as these changes occur. Contact the Finance Director for the necessary forms to make these changes.

WORKERS' COMPENSATION

POLICY

1. In accordance with the laws of the State of Minnesota, the City provides coverage for medical expenses in the event of work related injury or disease, plus partial salary continuation in the event of disability, and additional benefits if the injury or disease causes partial or regular disability or death.
2. Employees are automatically covered under the workers' compensation plan as soon as employment begins. To be eligible for workers' compensation, the injury or disease must arise out of, and occur during, the course of employment.
3. The City pays the entire cost of this protection. Benefits paid depend entirely on the benefit schedule set up by the State of Minnesota and applicable at the time the work related injury or disease is incurred.
4. It is the injured employee's responsibility to immediately report any work related injury or disease to the employee's supervisor as soon as possible after the injury occurs or the disease is diagnosed.
5. The immediate supervisor is responsible to see that the First Report of Injury is filed with the City within 48 hours following the injury. This report is prepared by the supervisor during an interview (if possible) with the injured employee.
6. If an employee has a work-related injury or disease and is under a doctor's care, that employee cannot change doctors for treatment of this work-related injury or disease without first contacting the City's workers' compensation company and obtaining approval to make this change.

REQUEST FOR LEAVE

POLICY

1. An employee is required to fill out a Request for Leave form for any time absent from regularly scheduled work time. Request for Leave forms are required for:
 - a. Bereavement Leave
 - b. General Leave
 - c. Injury on Duty Leave
 - d. Jury Duty
 - e. Medical Leave

- f. Military Leave
 - g. Earned Sick and Safe Leave ~~with Pay~~
 - h. Vacation Leave
 - i. Comp. Time
 - j. Parenting Leave
 - k. School Conference and Activities Leave
 - l. Family and Medical Leave Act Leave
2. The employee must also complete the weekly time sheets in a manner that will reflect any time off, using the categories as indicated above.

BEREAVEMENT LEAVE

POLICY

1. Employees shall be allowed up to three (3) working days, with pay, as bereavement leave upon the death of an immediate family member. This paid leave will not be deducted from the employee's vacation or sick leave balance. Immediate family is defined as the employee's parents, spouse, domestic partner, children, siblings, grandchild or grandparents, the spouse's parents, or a ward of the employee's household.
2. Employees shall be allowed up to one (1) working day, with pay, for the death of the spouse's grandparent or sibling, or the employee's son-in-law or daughter-in-law.
3. This leave will not be deducted from accrued sick or vacation leave.
4. Deviations from this policy may be approved by the City Administrator.

GENERAL LEAVE

POLICY

1. Employees may apply for an unpaid leave of absence for personal or emergency reasons. The granting of such leave will be at the sole discretion of the City Administrator and will not be granted for a period exceeding one hundred eighty (180) days in duration.
2. For efficiency in the conduct of City business, it is essential that the granting of such requests for leave be kept to a minimum. The City Administrator will consider:

- a. Work load, taking into consideration the good of the services provided by the City;
 - b. Reason for leave; and
 - c. Length of service with the City.
3. Such leave may be granted by the employer for extended illness of the employee's family, civic activities or other reasons deemed appropriate by the employer.
 4. Request for leave must be made in writing on a Request for Leave form with full explanation and, if possible, submitted to the appropriate supervisor fourteen (14) days in advance of the leave date.
 5. An employee on unpaid leave under this policy will be entitled to retain the employee's accrued leave and other benefits. The accrued leave and other benefits will be determined by the City as of the date the leave commences and may be used upon the employee's return. The employee will accrue no leave or other benefits for the period of time the employee is on leave.
 6. An employee on an unpaid leave of absence may continue to participate in City insurance programs if such participation is permitted under the City's insurance policies. Such participation would be conditioned on the employee paying the entire premium for any insurance coverage the employee wishes to retain. Payment of the premium will be required effective as of the date the leave commences.
 7. Service time will not accumulate during a general leave of absence of longer duration than one week.
 8. Unauthorized absence from work by an employee for a period of three (3) working days will be considered by the City as a resignation without benefits.

HOLIDAYS

POLICY

1. The following days are observed as paid holidays:
New Year's Day, January 1
Martin Luther King Jr. Day, the third Monday in January
President's Day, the third Monday in February
Memorial Day, the last Monday in May
Juneteenth, June 19

Independence Day, July 4
Labor Day, first Monday in September
Veteran's Day, November 11
Thanksgiving Day, the fourth Thursday in November
The day following Thanksgiving Day
Christmas Eve, December 24
Christmas Day, December 25
Floating Holiday, to be used at employee's discretion (must be used before the end of each year).

Whenever one of the above holidays falls on a Saturday, the preceding Friday will be observed as a holiday. Whenever one of the above holidays falls on a Sunday, the following Monday will be observed as a holiday.

If December 25 falls on a Saturday, the December 24 and 25 holidays will be observed on Thursday, December 23 and Friday, December 24. If the December 24 holiday falls on a Sunday, the December 24 and 25 holidays will be observed on Monday, December 25 and Tuesday, December 26.

2. Non-exempt employees who are required to be on duty on any holiday, or who agree to be on duty on any holiday, will be compensated at one and one-half (1-1/2) times their regular rate of pay. This pay shall be in addition to their holiday pay. For hours worked in excess of their work schedule day they shall be paid at double their hourly rate of pay.

INJURY ON DUTY LEAVE

POLICY

1. When any employee of the City suffers an injury on the job, a report of such accident must be made immediately by the employee's supervisor. This report must be made on the standard form supplied by the City's worker's compensation carrier, plus the supplementary form supplied by the Employee Safety and Health Committee. These forms must be completed and returned to Administration within 48 hours following the injury.
2. Injury leave will be granted to all employees who are injured or contract an occupational disease while in the actual performance of their assigned job, and are eligible because of the injury or illness for worker's compensation insurance coverage.
3. Injury on duty leave will be earned at the rate of one eight (8) hour day per month of full-time employment up to a maximum of 180 eight (8) hour days.
4. During such injury leave the City will pay such employee either as direct payment from injury on duty leave accrued, worker's compensation insurance benefits, or both. The total amount paid will not exceed the full pay which the employee

would have received for such period. Employees receiving workers' compensation payments may be granted injury on duty leave pay for the amount of the difference between the employee's workers' compensation payment and the employee's salary, to the extent that injury on duty leave is accrued. To clarify the record keeping of injury on duty leave used during the injury on duty leave, the injured employee will immediately contact Administration upon receipt of a workers' compensation check.

5. A day is defined as the combination of workers' compensation insurance and injury on duty pay sufficient to pay the employee gross pay equal to the pay the employee would receive for a scheduled work day.
6. For each day of injury time used one work day will be deducted from the employee's accumulated injury on duty leave.
7. An employee on injury time leave must keep the employee's supervisor informed of the employee's status on an established regular basis.
8. If injury leave extends beyond the employee's accrued injury time leave, the employee may use sick leave and vacation leave after the injury or duty leave is exhausted.
9. Employees using earned injury on duty leave will be considered to be working for the purpose of accumulating vacation or sick leave.
10. A full-time employee on injury leave will retain and continue to earn length of service time for the duration of the leave.
11. The City may request periodically a certificate from the employee's physician indicating sufficient disability to preclude the employee from performance of the employee's duties.
12. Before returning to work from injury leave, an employee must submit a letter from the employee's physician certifying the employee is fit and capable of performing the job the employee held before injury occurred.

COURT DUTY

POLICY

1. Regular employees subpoenaed as witnesses or called for jury duty shall be granted leave of absence for the time necessary to complete those duties.
2. All fees received as a juror, except mileage fees for the use of the employee's private vehicle, food or lodging, shall be paid to the City.

3. The employee will receive all pay and other benefits that would have accrued had the employee been performing services for the employer during the period of absence for jury duty, less all per diem allowances and any other compensation received for such duty.
4. Employees excused or released from jury duty during their regular working hours must report to their supervisor immediately thereafter.

MILITARY LEAVE

POLICY

1. Active Duty Leave

- a. 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.
- b. 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 15 day paid leave of absence. Employees on extended unpaid military leave will receive 15 days paid leave of absence in each calendar year, not to exceed five (5) years.
- c. Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her 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.
- d. 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 vacation leave and sick leave accruals.

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

2. Military Ceremonies

- a. Unless the leave would unduly disrupt the operation of the City, the City shall grant a leave of absence without pay to an employee 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. The leave time shall be limited to the actual time necessary for the employee to attend a send-off or homecoming ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.
- b. For purposes of this section, an "immediate family member" means the employee's grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiancé, or fiancée.
- c. To request leave for a military ceremony, an employee must submit a Request for Leave form and the actual time required for attendance at the ceremony. Whenever possible, an employee is required to give as much notice as possible of the pending need for a leave of absence.

3. Death or Injury of Family Member in Military

- a. The City shall grant up to ten (10) working days of leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service.
- b. For purposes of this section, as "immediate family member" means the employee's parent, child, grandparents, siblings, or spouse.
- c. An employee must give as much notice to the City as practicable of the employee's intent to exercise leave under this section.

EARNED SICK AND SAFE LEAVE WITH PAY

POLICY

- 1. "Earned Sick and Safe Leave" is paid time off earned at one hour of Earned Sick and Safe for every 30 hours worked by an employee, 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. This specific leave applies to all employees (including temporary and part-time

~~employees) performing work for at least 80 hours in a calendar year for the city. Full-time employees shall earn eight (8) hours of sick leave for each month of employment. Part-time employees shall earn a proportion of that sick leave calculated as a proportion of the full-time sick leave based on the relationship between the number of hours designated for the part-time position and a full-time position's hours. Part-time firefighters do not accrue sick leave.~~

2. ~~The leave may be used as it is accrued in the smallest increment of time tracked by the city's payroll system (*fifteen minutes*) for the following circumstances: Sick leave may only be used for sickness, disability, and for dental or medical appointments.~~

a. An employee's own:

- o Mental or physical illness, injury or other health condition
- o Need for medical diagnosis, care or treatment, of a mental or physical illness
- o injury or health condition
- o Need for preventative care
- o Closure of the employee's place of business due to weather or other public emergency
- o 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.
- o 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

b. Care of a family member with mental or physical illness, injury or other health condition:

- o Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition
- o 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

c. 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

3. For Earned Sick and Safe Leave purposes, family member includes an employee's:~~In order to be eligible for sick leave with pay an employee must:~~

- 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

~~_____ a. _____ Keep the supervisor informed of the condition if the absence is of more than three (3) days duration.~~

~~b. Submit a medical certificate for any absence of any duration if required by the supervisor and/or the City Administrator.~~

~~The employee must complete a Request for Leave form before the employee will be granted sick leave pay.~~

4. Advance Notice for use of Earned Sick and Safe Leave. If the need for sick and safe leave is foreseeable, the city requires seven 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 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 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.

~~Employees who meet the other requirements of this section who are receiving worker's compensation payments may be granted sick leave pay for the amount of the difference between employee's worker's compensation payment and employee's salary to the extent that employee's sick leave is accrued, after the employee has used all of employee's accrued injury on duty leave.~~

5. Carry Over of Earned Sick and Safe Leave. Employees are eligible for carry over accrued but unused Earned Sick and Safe time into the following year, but the total of Earned Sick and Safe Leave carry over hours shall not exceed 80 hours. Employees using earned sick leave shall be considered to be working for the purpose of accumulating vacation and sick leave.
6. 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, use of Earned Sick and Safe Leave will not be factored into any attendance point system the city may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Leave. An employee who has been unable to work for a period of time because of illness or

~~accident may be required before being permitted to return to work to provide medical evidence that employee is again able to perform all essential functions of the position in a competent manner without hazard to employee or others.~~

7. 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.~~

~~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. Claiming sick leave when physically fit may be cause for disciplinary action, including transfer, suspension, demotion, or dismissal.~~

~~8. An employee whose illness extends beyond the sick leave credit available may apply for a medical leave of absence.~~

~~9. An employee may use sick leave for absences due to illness of the employee's immediate family for such reasonable periods as the employee's attendance with the immediate family member may be necessary, on the same terms the employee is able to use City sick leave benefits for the employee's own illness.~~

~~For the purpose of such sick child care leave, a "child" means an individual under 18 years of age or an individual under age 20 who is still attending secondary school.~~

840. Upon separation from the City or retirement of an employee who is in good standing, a cash payment of 50% of the employee's total accrued sick leave up to a maximum of 960 total accrued sick leave hours at the employee's hourly compensation rate will be made. Employees with 10 years or more of service, the total accrued sick leave would be capped at 1,260 hours.

PREGNANCY AND PARENTING

1. 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 as eligible for up to 12 weeks of unpaid leave and must begin within twelve 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. Employee should provide reasonable notice, which is at least 30 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.
2. Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) 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.
3. 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.
4. 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.
5. An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting parental leave rights or remedies.

DONATED MEDICAL LEAVE POLICY

With the expressed written approval of the City Administrator, City employees having accrued sick or vacation leave will be allowed to donate a portion of such accrued sick or vacation leave to fellow employees experiencing a major life-threatening disease or condition suffered by the employee, their spouse, or minor children. A major life-threatening disease or condition shall include, but not necessarily be limited to heart attack, stroke, organ transplant, or life threatening illness or condition as defined by a physician's diagnosis. The City Administrator has final discretion over all decisions regarding donated medical leave.

A donation of sick or vacation leave from one employee to another shall be subject to the following terms and conditions:

- a. An employee is only eligible to receive donated medical leave for time loss from work due to a major life threatening disease or condition as described above, equal to the number of hours of time, compensated by sick leave, vacation leave, or compensatory time, which the employee would lose from his or her job due to the major life threatening disease or condition.
- b. An employee will be eligible to receive donated medical leave only after the employee's accrued sick leave, compensatory time, and vacation have been used by the employee.
- c. No employee will be allowed to receive more than 20 days of donated medical leave for any single major life threatening disease or condition without the additional express approval of the City Administrator.
- d. An employee may donate no more than 40 hours per calendar year to a single fellow employee. This shall not be construed to prohibit donating 40 hours each per year to additional fellow employees.
- e. A written request to donate medical leave must be made to the City Administrator.
- f. The City Administrator shall have the right to deny use of donated medical leave or limit its use as shall be determined necessary and in the best interest of the City.

FAMILY AND MEDICAL LEAVE

POLICY

1. Family and Medical leave ("FMLA leave") provides up to 12 weeks of unpaid leave to eligible employees for certain family and medical reasons. Employees are eligible if they have been employed for a minimum of 12 months, and have worked at least 1,040 hours over those 12 months.
2. An employee may take a maximum of 12 work weeks of FMLA leave in a rolling 12 month period.
3. FMLA leave may be granted for any of the following reasons:

- a. To care for the employee's child after birth, or placement for adoption or foster care;
 - b. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
 - c. For a serious health condition that makes the employee unable to perform the employee's job.
4. The employee must give the City at least 30 days advance notice. In unexpected or unforeseeable situations, the employee should give as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" written notice.

For leaves taken because of the employee's or a covered family member's serious health condition, the City may require that a "Physician or Practitioner Certification" form be completed. In addition, the City may require periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work.

Where employee leave qualifies for FMLA leave, the City may designate the leave as FMLA leave by providing notice to the employee of the designation within two business days of the time the employee gives notice of the need for the leave or as soon as the City has sufficient information to determine that the leave qualifies for FMLA leave.

5. A serious health condition is an illness or injury that involves:
- a. An overnight stay in a hospital, hospice, or residential medical care facility;
 - b. Any period of incapacity that involves continuing treatment or supervision by a health care provider and that requires absence from work, school, or other regular daily activities for more than three (3) days;
 - c. Continuing treatment or supervision by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) days;
 - d. Any period of incapacity due to pregnancy, or for prenatal care, or prior to an adoption to help complete the adoption process;
 - e. Any period of absence to receive multiple treatments by a health care provider; or

- f. Substance abuse may qualify as a serious health condition if one of the above clauses is satisfied. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. Absence caused by substance use is not covered by this policy.
- 6. Accrued vacation, compensatory time, or sick leave may be used while on FMLA leave as long as the provisions within those written policies apply.
- 7. Employees are required to use employee's FMLA leave when employee must miss work due to an injury obtained while on duty unless employee is using sick leave or vacation leave. The FMLA leave and the injury on duty leave shall run concurrently.

The employee shall report the injury as provided in the Injury on Duty Leave and provide adequate information to establish the basis for the leave. The City shall provide employee written notification within five (5) working days specifying that any absence will be counted against the employee's remaining FMLA time and that the FMLA leave shall run concurrently with the injury on duty leave.

- 8. The employee will not accrue benefits such as sick leave or vacation while on unpaid FMLA leave.
- 9. Leave may be taken intermittently or on a reduced schedule when it is medically necessary. If an employee requests intermittent leave or leave on a reduced schedule that is foreseeable due to medical treatment, the employee may be temporarily transferred to another position if the position has equivalent pay and benefits and better accommodates the recurring periods of leave. Any such transfer is subject to a collective bargaining agreement.
- 10. Eligibility for leave after birth, placement for adoption or foster care, expires 12 months after the birth, placement or adoption. If the child must remain in the hospital longer than the mother, the leave may in the alternative begin at any time up to six (6) weeks after the child leaves the hospital.
- 11. The employee may choose to continue existing health care benefits and life insurance while on FMLA leave. The City will continue to pay the same portion of the cost of the coverage as it did prior to the leave.

Employee contributions will be required either through payroll deduction or by direct payment to the City. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.

12. Upon return from FMLA leave, employees will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms. If, during FMLA leave, the City experiences a layoff and an employee would have lost a position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system, including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the FMLA leave.

REASONABLE WORK TIME FOR NURSING MOTHERS

POLICY

1. Nursing mothers and 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.
2. An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies

ORGAN DONATION LEAVE

POLICY

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 will grant to employees paid leave in order to donate an organ or partial organ. For purposes of this section, an employee is defined as working an average of twenty hours per week. The leave may not exceed 40 hours for each donation, unless the City agrees to it. The City requires verification by a physician of the purpose and length of the requested leave.

To request organ donation leave, an employee must submit a Request for Leave form. Whenever possible, an employee is required to give as much notice as possible of the pending need for a leave of absence.

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 employee should inform his/her supervisor as soon as possible of the date the employee anticipates to begin leave. Upon return from leave, the employee is entitled to employment in his/her former position, or a position with comparable duties, number of hours and pay. Employees who fail to return to work upon completion of the leave period granted by the City will be considered terminated from employment.~~

~~Effective July 1, 2023, 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.~~

SCHOOL CONFERENCE AND ACTIVITIES LEAVE

POLICY

1. ~~Any employee will be granted up to a total of 16 hours during any 12-month period/school year 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. ~~school-related activities related to the employee's child, subject to the following requirements:~~
 - ~~a. The employee must work an average of 20 or more hours per week.~~
 - ~~b. The conference or school-related activities cannot be scheduled during non-work hours.~~~~
2. ~~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. For the purpose of such leave, a "child" means an individual under 18 years of age or an individual under age 20 who is still attending secondary school. When such leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of such leave to the City and make a reasonable effort to schedule the leave so as to not disrupt unduly the operations of the City. Such leave may be either unpaid or an employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of such leave.~~

VACATION LEAVE

POLICY

1. The vacation schedule for full-time employees is as follows:

From the beginning of employment through the fourth year of continuous employment	12 days of vacation per year
After the employee's fifth anniversary through the ninth year of continuous employment	15 days of vacation per year
After the employee's tenth anniversary of continuous employment	16 days of vacation per year
After the employee's eleventh anniversary of continuous employment	17 days of vacation per year
After the employee's twelfth anniversary of continuous employment	18 days of vacation per year
After the employee's thirteenth anniversary of continuous employment	19 days of vacation per year
After the employee's fourteenth anniversary of continuous employment	20 days of vacation per year

2. Vacation accrues by pay period and may be used only when accrued.
3. Request for vacation leave must be initiated on Request for Leave submitted to the supervisor and/or the City Administrator, as appropriate. Exceptions to this policy are granted on a very limited basis, taking into consideration the good of the service provided by the City.
4. If the nature of the work makes it necessary to limit the number of employees on vacation at the same time, the employee with the greater seniority will be given the choice of vacation period if the employee's request is made 30 days prior to the vacation time desired. When requests are made less than 30 days prior to the vacation time desired, vacation will be granted on a first-come, first-served basis.
5. Employees may accumulate up to a maximum of twice their annual vacation leave.
6. Employees must use at least one week of vacation leave per calendar year unless another vacation plan is approved by the City Administrator before the end of the calendar year.
7. Employees using earned vacation leave will be considered to be working for the purpose of accumulating vacation or sick leave.

8. Employees leaving the City employment in good standing, after giving proper notice of such termination of employment, will be compensated for vacation leave accrued up to the maximum amount permitted and unused to the date of separation. An employee who leaves employment will be given prorated vacation pay for that part of the year worked. If the employee desires, he/she may designate any/all of accrued vacation and sick leave to a qualified deferred compensation plan.

VOTING LEAVE

POLICY

1. ~~An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off with pay for purposes of serving as an election judge, provided the employee gives the city at least twenty days written notice, including a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve. The city may reduce the wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment. Thus, employees will be paid the difference between their pay as an election judge and their regular rate of pay for their normal workday. Every employee who is entitled to vote at any statewide election or any election to fill a vacancy in the office of Representative in Congress is entitled to be absent from work for the purpose of voting during Election Day without penalty or deduction from the employee's salary or wage on account of such absence. Time off equivalent to two (2) hours will be given all employees during such elections for the purpose of voting.~~
2. ~~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 work force at any single worksite. Arrangements must be made with the employee's supervisor at least 24 hours prior to this requested leave. Completion of a Request for Leave form in this instance is not necessary. The City Administrator has final discretion over all decisions regarding voting leave.~~
3. ~~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. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues. 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.~~

2.4. An employee may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a member of the committee. The employee may attend any convention of a major political party delegate, including meetings of official convention committees if the employee is a delegate or an alternate delegate to that convention. Per the statutory requirement, the employee must give at least ten days written notice of their planned absence to attend committee meetings or conventions. Time away from work for this purpose will be considered unpaid unless the employee chooses to use vacation leave during their absence.

CONTINUATION OF GROUP HOSPITAL, MEDICAL, AND DENTAL INSURANCE

POLICY

1. This policy applies to all City employees who retire on or after January 1, 1993, who participated in the City's group hospital, medical, and dental insurance program and who met the requirements necessary to receive a disability benefit or an annuity from a Minnesota public pension plan other than a volunteer fire fighter plan.
2. Minnesota law, Minn. Stat. Chapter 43A, provides that upon retirement, an eligible City employee and his or her covered dependents can participate in the group health/dental insurance program at the same premium rate as active employees until age 65.
3. Retirees who have continuously participated in the group insurance program since leaving employment and retirees who are currently continuing coverage through COBRA can participate at the same premium rate as active employees until age 65.
4. Coverages and levels of benefits provided to retirees under age 65 and their dependents must be identical to that provided for active employees and their dependents.
5. Retirees age 65 and over may stay in the group *indefinitely*, but premium rates do not have to be pooled with the active employee rates and retiree coverage does not have to be identical to active coverage.
6. The retiree must pay the entire premium.
7. Dependent coverage can only be continued after retirement if the employee carried dependent coverage prior to retirement. Employees are not required to continue dependent coverage after retirement.

PARENTAL LEAVE

POLICY

The City provides its employees with two (2) weeks (maximum of eighty (80) hours) of paid parental leave concurrent with FMLA leave under the following conditions:

If the employee becomes a biological or adoptive parent after working for the City for the preceding six (6) consecutive months for twenty (20) hours per week or more, the City will provide:

1. **Week One:** Five (5) consecutive business days of paid parental leave. A maximum of forty (40) hours will be paid to a regular full-time employee; for a regular part-time employee, hours paid will be determined by the employee's regular weekly work schedule, provided that the leave shall be taken within twelve (12) calendar weeks of the birth or placement of the child.
2. **Week Two:** After the employee has used **Week One** of the City's paid parental leave for the birth or placement of a child, the employee may utilize five (5) consecutive business days of paid parental leave. A maximum of forty (40) hours will be paid to a regular full-time employee; for a regular part-time employee, hours paid will be determined by the employee's regular weekly work schedule.

LIGHT DUTY/MODIFIED DUTY ASSIGNMENT

POLICY

2.—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 their job due to a temporary disability, they will notify the supervisor in writing as to the nature and extent of the disability and the reason why they are 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 supervisor 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.

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.

(Adopted by City Council 5-27-15)

REASONABLE ACCOMMODATIONS TO AN EMPLOYEE FOR HEALTH CONDITIONS RELATING TO PREGNANCY

POLICY

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

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

Additionally, an employer must provide reasonable accommodations, including, but not limited to, temporary leaves of absence, modification in work schedule or job assignments, seating, more frequent or longer break periods and limits to heavy lifting to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed health care provider or certified doula, unless the employer demonstrates the accommodation would impose an undue hardship on the operation of the employer's business. In accordance with state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

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

ACKNOWLEDGMENT OF AMENDMENTS TO PERSONNEL POLICIES

I acknowledge that I have received and reviewed the personnel policy entitled "Falcon Heights Personnel Policy" dated _____ , 20 ~~May 27,~~ 2015. [CB10] I acknowledge that is my responsibility to read and understand this policy, and I agree to comply with it.

Date: _____

Employee signature: _____

APPENDIX
CITY OF FALCON HEIGHTS
Leave Action Form

Name:

Date Submitted:

Action:

- Vacation
- Sick Leave
- Compensatory Time
- Leave w/o pay
- Other (note reason)

Date(s) of leave:

Total hours on leave:

Reason for leave:

Employee signature: _____ Date

Supervisor's signature: _____ Date

City Administrator's approval: _____ Date

Accountant recorded: (initials) _____ Date

Final copy to: Employee (original)
Accountant (copy)

DONATION OF MEDICAL LEAVE AUTHORIZATION

I, _____ hereby request and authorize the City of
Falcon Heights to transfer _____ hours of my accumulated sick leave to
_____.

Signature _____ Date _____

APPROVAL:

Signature _____ Date _____

REQUEST FOR FAMILY/MEDICAL LEAVE

Employee Name _____ Date of Request _____

Department _____ Position Title _____

Hire Date _____

I request a Family/Medical Leave for the following reason (check one):

- _____ A. The birth of a child in order to care for such child or the placement of a child for adoption or foster care.
- _____ B. In order to care for an immediate family member if such family member has a serious health condition. Circle one: CHILD - SPOUSE - PARENT. (Must submit "Physician or Practitioner Certification" within 15 days).
- _____ C. Employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

METHOD OF LEAVE REQUESTED

- _____ A. Consecutive Leave
- _____ B. Intermittent or Reduced Leave Schedule (specify schedule below):

Date Leave is to Begin _____ Expected Duration of Leave _____

If the duration of my family/medical leave (total of paid and unpaid time) does not exceed 12 weeks, I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed 12 weeks I will be returned to my same or similar position, only if available, in accordance with applicable laws. If my same or similar position is not available, I understand that I may be terminated.

Employee Signature

Date

Supervisor Signature of Approval/Date

CERTIFICATION OF RECEIPT

OF

FALCON HEIGHTS POLICY ON DRUG, ~~AND~~ ALCOHOL, AND CANNABIS TESTING

I hereby acknowledge receipt of the City of Falcon Heights' Personnel Policy concerning Drug, ~~and~~ Alcohol, and Cannabis Testing. I have read the Policy and have been able to ask my supervisor questions about any part of the Policy I do not understand.

EMPLOYEE:

DATED: _____

Signature

Print
Name: _____

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Meeting Date	November 1, 2023
Agenda Item	Policy C3
Attachment	Amended Policy; Sidewalk Map
Submitted By	Jack Linehan, City Administrator

Item	Amendment to Administrative Manual Regarding Guidelines for Snow and Ice Control and Pathway / Sidewalk Maintenance Map
Description	<p>The Administrative Manual Regarding Guidelines for Snow and Ice Control was last updated in September 2022 to include Lauderdale as part of the plowing responsibilities of the City. At that time, additional sidewalks and pathways were referenced on the map but no determinations were made for areas within the 2023 Pavement Management Project until construction was completed and for commercial properties along Snelling/Larpenteur.</p> <p>The City Council must now make determinations for snow removal guidelines for the Garden Avenue sidewalk, Ruggles Pathway and commercial properties so updates can then be made to our Snow and Ice Control policy of the Administrative Manual and Pathway / Sidewalk Maintenance Map to include these areas.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Amended policy • Pathway / Sidewalk Maintenance Map
Action(s) Requested	Staff recommend determining maintenance of pathways / sidewalks post 2023 PMP Management Project and approving the amended policy and proposed map.

Administrative Manual Section VII

D. GUIDELINES FOR SNOW AND ICE CONTROL

1. Introduction

The City of Falcon Heights believes that it is in the best interest of the public for the city to assume basic responsibility for control of snow and ice on city streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The city will provide this in a safe and cost effective manner, keeping in mind safety, budget, personnel and environmental concerns. City crews remove snow on local streets, streets designated by contract within the City of Lauderdale, some public pathways, designated city parking lots at City Hall, Community Park and Curtiss Field, and ice rinks.

2. Commencement of Operations

The city's Public Works Director will decide when to begin snow or ice control operations on city streets. The criteria for that decision are:

- a. Accumulation of 2 inches or more, with continual snowfall, warrants commencement of plowing operations;
- b. Drifting of snow may warrant partial or full operations depending on conditions;
- c. Icing of pavements may warrant partial or full sanding operation depending on conditions;
- d. Time of snowfall in relationship to anticipated level of use of streets.

Snow and ice control operations are expensive due to personnel and equipment costs. Consequently, street snowplowing operations will not generally be conducted for snowfalls of less than 2 inches.

3. Procedures

Snow will be plowed in a manner so as to minimize any traffic obstructions. The snow shall be pushed from left to right. The discharge shall go onto the boulevard area of the right-of-way without regard for driveways or sidewalks.

It is the city's goal to have the entire street system cleared after a "typical" snowfall in approximately 5 hours. Depending on snowfall conditions, duration of the storm, equipment and personnel, cleanup operations can fluctuate.

One of the most frequent and most irritable problems in removal of snow from the public streets is the snow deposited in driveways during plowing operations. Snow being accumulated on the plow blade has no place to go but in the driveway. It is not possible to comply with special requests or conduct special maneuvers in attempt to minimize snow in driveways.

4. Priorities and Schedules

a. Street snowplowing

The city has designated Prior Ave. (off of Larpenteur Ave.) and Garden Ave. (Hamline to Snelling Aves.) as top priorities. This classification is based on need to provide access for emergency vehicle fire and medical services and for access to the elementary school. Clearing of these streets is followed by the following neighborhoods subject to weather conditions, weather forecasts, equipment, and availability of crews.

Typical routes if equipment and crews are available:

East Plow

1. Northome
2. Northeast
3. Snelling West
4. Hollywood Court

West Plow

1. University Grove
2. Falcon Woods
3. Lindig/Tatum
4. Lauderdale

b. City Hall parking lot

Clearing of snow from the city hall parking lot will be the first priority of the work week day for the Parks/Public Works staff. Evening and weekend snow removal will be done at the discretion of the Public Works Director based on scheduled meetings and facility rentals.

c. Public pathways

There are approximately 6 miles of paved public pathways for commuter and recreational pedestrian use. The city will plow all trails and sidewalks that abut city property and parks as conditions permit, as well as the areas indicated on the map in Appendix A. Conditions that challenge the crews ability to clear snow include: 1) recurring snowfalls resulting in snow accumulation; 2) drifting; 3) limited space for snow storage and 4) availability and condition of the equipment. Pathway clearing is conducted by the Parks/Public Works staff between 8:00 am and 4:00 pm. A map of sidewalks and trails in included as Appendix A to these guidelines.

d. Ice Skating Rinks

Ice rinks are maintained for the recreational pleasure of the community. Given the high level of community use of the rinks outside of the traditional workday and workweek, rinks are kept free of snow and open for use during these times. Removal of snow from the ice rinks will be done at the discretion of the Public Works Director. Generally, if a “weekend” snowfall should occur and cease prior to noon Sunday, an attempt will be made to clear the rinks and make them available for the weekend. Generally, if a “weekday” snowfall ceases prior to 4:00 p.m., an attempt will be made to make the rinks available for the evening. Consideration of the following factors will be given in the scheduling of ice rink snow removal: condition of pathways (passable), current weather conditions and forces (favorable for skating).

5. Use of Sand and Salt

The city limits the use of sand and salt because it can have adverse effect on the environment. Application is limited to steep grades, curves and intersections and is not intended to provide for widespread bare pavement during winter conditions. The city is not responsible for damage to grass caused by the sand/salt mixture and therefore will not make repairs or compensate residents for salt damage to turf areas in the right-of-way.

6. Property Damage

Snowplowing and ice control operations can cause property damage even under the best of circumstances and care on the part of the operators. The most common types of damage are to improvements in the right-of-way which extends about 10 to 15 feet beyond the curb. The intent of the right-of-way is to provide room for snow storage, utilities, sidewalks and other city uses. The city will assume no liability for personal property that is stored in the right-of-way. Damage to fences, trees or other structures will be repaired or replaced by the city if they are on private property and if the damage could have been avoided. Turf that is scraped or gouged by plow equipment will be repaired by top dressing and seeding the following spring if the damage could be avoided. Residents are requested to assist by watering the areas that are repaired. The city will assume liability for mailboxes damaged during plowing, if it is determined that the plow made direct contact with a mailbox. If a mailbox is damaged due to indirect contact, including the force of snow, the city assumes no responsibility. Final cleaning adjacent to mailboxes is the responsibility of each property owner.

7. Fire Hydrants

Each of the 150 or so fire hydrants scattered throughout the city are equipped with a marker for the purpose of providing increased visibility during the winter season. In addition, the city will encourage residents to keep hydrants clear of snow. Hydrants at

major intersections and covered by heavy snow from plows will be kept accessible as needed and as feasible with city crews and equipment.

8. Parking Restrictions

Providing quality snow removal on city streets requires the street to be free of vehicles or other obstacles. Vehicles left parked on the street for extended periods of time created significant operational problems for snowplow operators as well as safety problems due to packed snow and ice remaining on the roadway around the vehicle.

Parking on city streets is not allowed after a 2 inch accumulation of snow. Vehicles must remain off the streets for up to 48 hours or until a street have been plowed full-width, whichever comes first. In the instance that streets have been plowed but an additional 2 inches or more of snowfall occurs, vehicles must remain off the street (see City Code Section 46-28). Any vehicle parked in violation of the City Code is subject to a parking citation and is also declared to be a public nuisance. This nuisance may be abated by removing and towing away vehicles under the direction of the [City's contracted policy agency. Ramsey County Sheriff's Department.](#)

From November 15 to April 1, residents may park one passenger vehicle on the unsurfaced portion of their front yard. This provision only applies to properties with a single-width driveway. The vehicle must be parked parallel to the driveway (see City Code Section 113-310).

9. Responsibility of Property Owners

Residents and/or their contracted snow removal company must keep all snow on the private property. It is a public nuisance to shovel or plow snow into or across the streets or alleys.

Clearing of alleyways is the responsibility of property owners adjacent to the alley. The alley must be cleared within 24 hours after snowfall has ended. Residents are encouraged to manage the alley with one contractor so as to have a uniform plowing.

Some sidewalks in the city must be cleared by the adjacent property owners (see Appendix A). Public sidewalks must be cleared of snow and ice within 24 hours after a storm has ended. Failure to do so is a public nuisance. City staff will monitor the sidewalks and will leave door hangers to remind residents of the sidewalk snow removal regulations. Sidewalks that are not cleared in the appropriate timeframe may be cleared by city staff or a contracted party. The cost of abatement will be billed to the property owner (see City Code Section 22-48). In only the most extreme instances will City staff provide a courtesy plow of sidewalks that are not usually maintained by the City.

If snow removal occurs during a day of trash collection, receptacles awaiting pickup should be set back at least two feet behind the curb line, not in the street.

10. Information and Comments

Comments and complaints will be taken during normal working hours at city hall. Complaints that warrant a short term response will typically be responded to within 24 hours of receiving the complaint, whenever feasible to do so.

| *Policy amended by City Council on ~~September 14, 2022~~November 2023*



- UofM Maintained
- City Maintained
- Not Maintained by City

Pathway / Sidewalk Maintenance Map

Updated October 2023



Data Sources and Contacts:
 * Ramsey County GIS Base Map (4/03/23)
 * City of Roseville Engineering Department
 For further information regarding the contents of this map contact:
 City of Roseville, Engineering Department,
 2660 Civic Center Drive, Roseville MN

DISCLAIMER:
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the areas shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7075. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access to or use of data provided.

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Meeting Date	November 1, 2023
Agenda Item	Policy C4
Attachment	N/A
Submitted By	Jack Linehan, City Administrator

Item	Law Enforcement Contract Discussion
Description	A discussion of the latest updates on the proposed police services options with the City of St. Paul.
Budget Impact	N/A
Attachment(s)	N/A
Action(s) Requested	Staff recommends the City Council discuss the contract options with the City of St. Paul for policing services.