



CITY OF WINDOM

PERSONNEL POLICIES

October 2006, As Amended

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Amended August 12, 2020

The Personnel Policies identified herein are not intended to create any contractual rights in favor of employees or the City of Windom. The City reserves the right to change the Personnel Policies at any time.

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SECTION 1 INTRODUCTION

The purpose of this document is to set forth the policies by which personnel-related decisions made by either supervisor or employee, are to be guided; and to express mutual expectations for conduct in the workplace. The City's ability to manage and provide public services with efficiency and effectiveness is dependent upon the capability and performance of its employees. The City strives to provide a good working environment, emphasizing individual achievement, open communication, and sensitivity to employee needs.

This Personnel Policy is not intended to create a contract of employment.

This Personnel Policy, as adopted by the City Council, supersedes any and all prior versions of City of Windom Personnel Policies and that all employees are subject to the new policy's terms. Any revised versions of this Personnel Policy that are adopted by the City Council supersede language herein and all employees are subject to the new policy's terms.

SECTION 2 ADMINISTRATION

These policies generally cover all City employees; however, temporary or seasonal employees may not be covered by all provisions.

These policies work to ensure decisions will be made consistently and in line with overall City goals regarding employee relations. Questions of interpretation should be addressed to the City Administrator's office. The City Administrator or his/her designee shall be responsible for final interpretation and application of these policies. The principles expressed herein will be used as a guide regarding issues not specifically addressed in these policies.

This document should be read in conjunction with negotiated labor contracts, and operating procedures published by the City Administrator's Office and other City departments.

Upon appointment to a budgeted position, all employees of the City shall be furnished a copy of these policies. Any substantive changes or amendments shall be distributed to all employees.

Minnesota Public Employers Labor Relations Act (MPELRA) states that the definition of 'public employee' (Minnesota Statutes 179A.03) includes most individuals appointed or employed by a public employer. The definition of a 'public employee' under the MPELRA does not include part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit; and employees whose positions are basically temporary or seasonal.

a. Labor Agreements

With respect to employees whose positions are included in a collective bargaining unit (a.k.a. labor agreement(s)), provisions of the applicable labor agreements negotiated pursuant to the Minnesota Statutes Chapter 179A.01 to 179A.25, the Public Employment Labor Relations Act of the State of Minnesota, supersede these rules and regulations on any subject area covered by both the collective bargaining agreement and these rules and regulations. Pursuant to State Statute, the Mayor and City Administrator/Clerk are signatory to any collective bargaining agreement(s) applicable to employees covered.

b. Management Rights

The City 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 utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work

schedules, and to perform any inherent managerial function not specifically limited by current bargaining agreements, State regulations or and City Council direction.

SECTION 3 EQUAL EMPLOYMENT OPPORTUNITY

a. General Policy

The City of Windom is an equal opportunity/affirmative action employer who prohibits any form of discrimination or harassment because of race, creed, color, religion, ancestry, sex, national origin, age, disability, marital status, status with regard to public assistance, affectional or sexual preference, handicap, Vietnam era veteran, or disabled veteran status in compliance with Title VII of the Civil Rights Act of 1964, as amended, Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Title I and Title V of the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, 42 U.S.C. S2000e, et seq., and the Minnesota Human Rights Act, M.S. SS363.01-14.

b. Benefit Continuation Laws

The City of Windom, as required by law, provides continuation of benefits under COBRA and Minnesota Continuation law.

Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their dependents that lose their health benefits the right to choose to continue group health benefits provided by their group plan for limited periods of time.

Retiree coverage is required by federal and Minnesota law which allows former employees and their dependents to continue to participate, at their expense, indefinitely in the employer sponsored hospital, medical and dental insurance group that they participated in immediately prior to retiring.

c. Sexual or Racial Harassment

It is the policy of the City of Windom to maintain a working environment that is free from sexual or racial harassment. All employees are expected to exhibit behavior that is free of:

Acts of sexual or racial discrimination
Racist and sexist language
Sexist and racial harassment

The City prohibits sexual harassment or abuse of its employees in any form. Complaints, either formal or informal of sexual harassment and conduct found to constitute sexual harassment or abuse will result in disciplinary action up to and including dismissal.

The City is not voluntarily engaging in a dispute resolution process within the meaning of Minnesota Statutes § 363A.28, subdivision 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights. (updated May 23, 2017)

d. Harassment Defined

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated conduct or other verbal or physical conduct or communication of a sexual nature when:

- (1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining an education;
- (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment;

That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education creating an intimidating, hostile, or offensive employment or education environment.

e. Sexual Harassment Includes (but is not limited to):

1. Verbal harassment or abuse;
2. Subtle pressure for sexual activity;
3. Inappropriate patting or pinching;
4. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or education status;
5. Demanding sexual favors accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or educational status;
6. Any sexually motivated unwelcome touching.

f. Racial Harassment

Any racially harassing conduct in any form by supervisory or non-supervisory personnel in the work environment controlled by the City is prohibited. Supervisors and Department Heads have the responsibility of maintaining a working environment free from racial harassment, intimidation and insult. It is the responsibility of all employees to avoid using racist language, including derogatory jokes, remarks and publications, in all forms of communications. Any employee who engages in racial harassment of any nature of another employee may be subject to disciplinary action up to and including dismissal.

Supervisors and Department Heads have the responsibility of maintaining a working environment free from sexual and racial harassment, intimidation, and abuse.

g. Reporting Procedures

If you are being harassed by your supervisor, another employee, or a non-employee, it is important to understand that the first step to take to correct the situation is to tell the person that his or her behavior is offensive and should stop. Because behavior that may offend you is often not intended as harassment, telling the individual that the behavior is offensive and to stop the behavior will often resolve the problem.

- Any person who believes she or he has been the victim of sexual or racial harassment by an employee of the City, or any third person with knowledge of any sexual or racial harassment should report it promptly to an Immediate Supervisor or Department Head. In the event that the Immediate Supervisor or Department Head is the person responsible for the sexual or racial harassment,

the report should be made directly to the City Administrator/Clerk. In the event that the City Administrator/Clerk is the person responsible for the sexual or racial harassment, the report should be made to the City Attorney.

- The report of sexual or racial harassment may be made either verbally or in written form to the appropriate person as described above. If the report is made verbally, the person receiving the report shall reduce it to writing immediately and forward the written report to the City Administrator/Clerk. If the report is initially made in written form; the person receiving the report shall forward that report to the City Administrator/Clerk.
- The City Administrator/Clerk shall take the appropriate steps to ensure that the allegation of sexual or racial harassment is thoroughly investigated. The City Administrator/Clerk will respect the confidentiality of the complaint and individuals against whom the complaint is filed as much as possible, consistent with the City's legal obligations and the necessity to investigate allegations of sexual and racial harassment and take disciplinary action once the conduct has occurred.
- The allegations of sexual behavior and racial harassment shall be investigated and the results of the investigation shall be summarized into a written report within ten working days, or as soon as possible thereafter from the date of the filing of the allegation. The results of the investigation will be provided to the complainant.
- Upon receipt of a written report confirming that the complaint is valid, the City Administrator/Clerk shall take such action as is appropriate based upon all of the facts and circumstances contained in the report. The City will discipline any individual who retaliates against any person who reports alleged sexual or racial harassment, or who retaliates against any person who testifies, assists, or participates in an investigation, proceedings or hearing relating to a sexual or racial harassment complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal, or harassment.
- Any City action taken pursuant to this policy will be consistent with requirements of any applicable Minnesota Statutes, and City Policies. The City will take such disciplinary action it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual or racial harassment and prevent its reoccurrence.

SECTION 4 LABOR RELATIONS

The City recognizes its duty to bargain collectively with certified employee organizations, as provided by State law. Pursuant to this requirement, the duties, obligations, and rights of the City and each certified employee organization are set forth in the collective bargaining agreements mutually entered into by the City and the employee organization. Please refer to the appropriate collective bargaining agreement for specific details regarding sick leave, vacation and scheduling.

- a. Holidays (Amended by City Council on May 18, 2010)

The following days are hereby declared holidays for all City employees:

New Years Day**

Martin Luther King Day

January 1

3rd Monday in January

President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day**	July 4
Labor Day	1 st Monday in September
Veteran's Day**	November 11
Thanksgiving Day	4 th Thursday in November
Christmas Eve**	December 24
Christmas Day**	December 25
Free Day	

(Chosen by employee subject to Approval by Dept. Head)

** If this holiday falls on a Saturday, the City will be closed the proceeding Friday; if the holiday falls on a Sunday, the City will be closed the following Monday.

b. Sick Leave (Amended to include new State laws effective July 1, 2014)

General policies for sick leave are defined herein and applicable to all City employees. Please refer to the appropriate collective bargaining agreement for specific details. Probationary employees will begin accruing sick leave upon employment and may use accrued sick leave upon notification of the Department Head.

1. Sick leave will accrue at the rate of 8 hours per month up to a maximum of 1,000 hours. Hours in excess of 1,000 are surrendered at the end of each calendar year.
2. In the event an employee needs to exceed 125 working days of paid sick leave, each case will be brought to the Personnel Committee and City Council for consideration and approval.
3. Employees covered under Workers Compensation who are injured in a job-related activity will be entitled to all compensation as awarded by the company administering and underwriting the Workers Comp coverage for the City.
4. Written documentation from a physician may be requested by the Department Head if an employee remains on sick leave for two (2) or more days. If the Department Head suspects employee abuse of the sick leave policy he/she will inform the employee in writing and Department Head may take the necessary actions to obtain third party verification.
5. Earned sick leave will be based on continuous employment, unless broken service with the City, not exceeding sixty (60) days, is caused by lay-off for lack of work.
6. Days of sick leave taken for verified job-related injuries shall not be counted against earned sick leave; however, if the worker is covered by Workers Compensation the sick leave will not be paid.
7. A regular, full-time employee who is separated from employment due to retirement or death shall receive severance in an amount to be calculated at the employee's base pay rate upon retirement or death for fifty percent (50%) of the employee's accrued, unused sick leave to a maximum of five hundred (500) hours.

All employees who qualify for a Severance Benefit shall have the full amount of said accumulated sick leave as defined herein, remitted by the employer to the Minnesota State Retirement System to be deposited to the Post-Retirement Health Care Savings Plan for the employee as authorized and governed by Minnesota Status Section 352.98. The employee will not have the option of

receiving these funds in cash or having them applied for any purpose other than as stated above.

No Employer contribution shall be made to the said plan, and the Employer shall have no responsibility or liability for management or disbursement of any funds remitted to the Plan. (#7 amended April 2020 to comply with State Deferred Comp rules)

8. For all employees terminating employment by reason of retirement a sum equal to 50% of accumulated sick leave (up to 500 hours) shall be paid into the employee's Health Benefits Trust Account.
9. For all employees terminating employment by reason of death a sum equal to 50% of accumulated sick leave (up to 500 hours) shall be paid to the employee's estate.
10. Employees may use personal sick leave benefits provided by the City for absences due to an illness or injury to the employee's child (including adult children) on the same terms as the employee is eligible to use sick leave benefits for their own illness or injury. (Minnesota Statutes 181.9413). State law pertaining the use of sick leave also allows for use as a care-giver for spouses, siblings, parents, grandparents, stepparents, mother-in-law, father-in-law and grandchildren.

c. Vacation (Amended by City Council February 4, 2014)

General policies for vacation are defined herein and applicable to all City employees. Please refer to the appropriate collective bargaining agreement for specific details regarding vacation. Probationary employees will begin accruing vacation leave upon employment, but are prohibited from using accrued vacation until the completion of one year of employment; thereafter, employees may use vacation leave as permitted and approved by the City.

1. Vacation time for union employees is defined in the applicable labor agreements. Other full-time, non-union employees will accrue as follows unless a different schedule is approved on a case-by-case basis by the City Council:

1 Year	3.33	hours per month (40 hours per year)
2-4 Years	6.67	hours per month (80 hours per year)
5 Years	10.00	hours per month (120 hours per year)
8 Years	10.67	hours per month (128 hours per year)
9 Years	11.33	hours per month (136 hours per year)
10 Years	12.00	hours per month (144 hours per year)
11 Years	12.67	hours per month (152 hours per year)
12 Years	13.33	hours per month (160 hours per year)
13 Years	14.00	hours per month (168 hours per year)
14 Years	14.67	hours per month (176 hours per year)
15 Years	15.33	hours per month (184 hours per year)
16 Years	16.00	hours per month (192 hours per year)
17 Years	16.67	hours per month (200 hours per year)

Part-time, non-union employees who are regularly scheduled to work forty (40) hours or more in a typical two-week payroll period will accrue vacation on a pro-rata basis in accordance with the schedule shown above.

2. If not governed by an applicable labor agreement, all employees must notify the applicable Department Head at least ten (10) working days in advance to schedule vacation.

3. Use of vacation time must be approved by the applicable Department Head(s).
4. If not governed by an applicable labor agreement, the determination of vacation scheduling, approval or denial by the Department Head shall be based on the following: a) if the vacation request allows for adequate coverage of service; b) the requested days by the employee. Notwithstanding this section, final determination of approving a vacation is solely at the discretion of the Department Head and City Administrator.
5. In the event of conflicting requests for vacation, any applicable labor agreement language shall apply. If no labor agreement language exists the Department Head shall decide which employee will be given the vacation based on the following where the interest of the Department is not affected: a) seniority; b) number of days since the last approved vacation; c) specific needs of the Department (e.g. seasonal tasks – snow removal, maintenance, events, etc.); d) situation of the employee regarding vacation accruals and if vacation time may be “lost” if the vacation request is not granted.
6. Starting January 1, 2018, the maximum vacation that may be carried over and/or accrued at any time is limited to 230 hours. Upon separation by resignation, death, serious illness or retirement the maximum pay out of vacation time shall be 80 hours. (Amended by City Council December 19, 2017).

NOTE: Employees reaching the maximum accrual level of 230 hours at any time shall not accrue or have credited to their account any additional vacation time until their vacation balance is under the maximum allowed herein. Any exception to the maximum accrual shall be only by approval prior to the employee reaching the maximum 230-hour threshold. Vacation may be used as it is accrued, but not in anticipation of accruals. No vacation may be used before completion of the probationary period.

7. When a regular City holiday, as defined in this section, occurs during the period of an employee’s vacation, said holiday will not count toward the use of vacation accruals.
8. Subject to City Council approval, cash payment may be made in lieu of vacation time earned for the following reasons: a) earned vacation time not taken by reason of death; b) earned vacation time not taken by reason of termination of employment due to illness and c) as compensation paid directly into a bona fide retirement account on behalf of an employee.
9. When an employee terminates service with the City for any reason, except for those defined in #8 above, unused vacation that has accrued up to the date of final employment will be given on a pro-rata basis to be determined by the City Council as long as the employee provided to the City, in writing, notice of their termination including the date of final employment.
10. Earned vacation will be based on continuous employment, unless broken service with the City, not exceeding sixty (60) days, is caused by lay-off for lack of work.
11. Any employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive compensation for the legal holiday.
12. Vacations scheduled to be in excess of 80 hours in any 160-hour period must be

- requested at least a month in advance and approved by the Department Head.
- d. Vacation and Sick Leave Loan Policy (adopted by City Council September 18, 2012)

Under the following conditions, an employee may borrow against future accruals of sick and vacation leave:

1. The employee must be in his or her first year of employment with the City at the time that the request is made. This includes the first year of re-employment for employees who have been rehired.
2. The City Administrator must approve all such requests in writing. He or she will do so only when, in his or her judgment, the employee has suffered one or more unusual and unexpected circumstances which has resulted or will result in the use of sick leave or vacation in amounts of more than one or two days at a time.
3. The request to borrow must be made and approved before the time is actually used by the employee.
4. The employee can borrow a minimum of 16 hours and up to a maximum of 40 hours of sick leave or vacation (total maximum possible of 80 hours).
5. Once an amount has been borrowed, the employee cannot borrow again until he or she has repaid the first amount. Any subsequent sick leave or vacation will be leave without pay until the account is repaid.
6. The employee must sign the "Sick Leave/Vacation Loan Agreement" form (see Appendix A), stating that the City has the right to deduct the amount of the loan from the employee's final paycheck if the employee terminates before repaying the loan. If there is insufficient balance to cover the loaned hours, the employee may be billed for the difference, at the discretion of the City Administrator.

- e. Military Leave

Employees who are members of any reserve component of the military forces of the United States or National Guard will be granted leave of absence without loss of status or pay not to exceed fifteen (15) working days per year when ordered to training or active service in accordance with Minnesota Statutes 192.26-192.261 as from time to time amended. The City must receive a copy of the orders from the proper authority directing the employee to report to duty. Military leaves of absence without pay shall be granted as provided in Minnesota Statutes for state duty and the Uniformed Services Employment and Reemployment Rights Act (38 USC Sections 4301 4333).

- f. Jury Duty/Witness Called by Court

Any regular or probationary full-time employee who is required to serve as a juror or who is under subpoena as a witness in court on City matters, will be granted leave with pay while serving in such capacity. The employee must provide the appropriate paperwork to the City prior to the leave being granted. The employee must give any fees received for such service with the exception of mileage to the City. Temporary employees will be given leave without pay and employee may retain all fees received. (Minnesota Statutes 593.50)

- g. Victim or Witness Leave

Employees who are a victim or witness as subpoenaed or requested by the prosecutor to attend court for the purpose of providing testimony will be given reasonable time off

without pay from work to attend criminal proceedings related to the victim's case (Minnesota Statute 611A.036) unless the victim or witness leave is due to the employee's job with the City of Windom.

h. Bone Marrow Donations

Employee shall be granted a paid leave of absence the length of the leave is to be determined by the employee, but may not exceed forty (40) work hours, unless a longer time is agreed to by the City. The City may require documentation from the physician to verify the purpose and length of the leave of absence. Minnesota Statute 181.945 states that cities must grant a paid leave of absence to an employee who seeks to undergo a medical procedure for the purpose of donating bone marrow.

i. Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) provides employees with up to twelve (12) weeks of unpaid, job protected leave annually as long as the employee meets all of the eligibility requirements of the FMLA.

j. Parenting Leave

Employees who are natural or adoptive parents in conjunction with the birth or adoption of a child may take a leave of absence up to six (6) weeks, unless a longer time is agreed to by the City. Employees utilizing this leave will be eligible to use vacation and/or sick leave to cover the time away from work. (Minnesota Statutes 181.941)

k. Voting Leave

Employees who are eligible to vote in an election has the right to be absent from work to vote during the morning of the day of the election. (Minnesota Statutes 204C.04)

l. School Conference and Activities Leave

In compliance with Minnesota Statutes 181.9412; regular employees may leave up to a total of sixteen (16) hours during any twelve (12) month period to attend school conferences or school-related activities related to the employee's child, provided the activities cannot be scheduled during non-working hours. Parental leave must be requested in writing in advance and processed through the Department Head or Supervisor. An employee may request use of vacation or leave without pay to a maximum total of sixteen (16) hours during any twelve (12) month period.

m. Safety Leave (July 2014 State Law)

Employees are authorized to use sick leave for reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any 12-month period (*City defines the 12-month period- for ease in administration, as the same 12-month period used for FMLA*).

n. Pregnancy and Parenting Leave (July 2014 State Law)

Employees who work twenty (20) hours or more per week and have been employed more than one year 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 (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice, which is at least 10 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

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. 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.

o. Unpaid Work Time for Nursing Mothers (July 2014 State Law)

Nursing mothers will be provided reasonable unpaid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The city will provide a 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.

p. Accommodations to an Employee for Health Considerations Relating to Pregnancy (July 2014 State Law)

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.

- more frequent restroom, food, and water breaks;
- seating;
- limits on lifting over 20 pounds and/or temporary transfer to a less strenuous or hazardous position, should one be available.

Unless such accommodations impose an undue hardship on the city. The city will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

q. Wellness Committee (City Council approved August 21, 2018)

Purpose: The City of Windom values healthy, productive employees and is committed to providing a workplace that promotes overall well-being for all employees. Creating a work environment that is supportive of positive health behaviors can reduce risk of chronic illness as well as help employees increase their energy and reduce stress.

The City of Windom is committed to creating a culture of health in the workplace. To support workplace wellness, employees are encouraged to form and maintain an active

Wellness Committee. The Wellness Committee is a team of employees, representing employees from all organizational levels, which formally meet and plan activities to promote good health for themselves and for their fellow workers.

Establishing, supporting and maintaining, a worksite wellness committee provides opportunities for all employees (both management and staff) to create a healthy worksite, foster collaboration and partnerships, and establish healthy lines of communication between staff and management.

The purpose of this policy is to establish the structure of the City of Windom Employee Wellness Committee, define the objectives of the committee, as well as the roles and responsibilities of Committee members.

This policy will go into effect October 1, 2018 and will be adjusted as needed. It will be included within the City of Windom Personnel Policy available on the City of Windom website and distributed to new employees.

Structure: The Wellness Committee should have at a minimum of four employees but no more than seven. The employee that administers the health insurance plan should serve as a member of the Committee. The Committee should include, at a minimum, a representative of each employee union group and one representative from the supervisor group.

Participation in the Wellness Committee is strictly voluntarily, but employee participation is encouraged by City of Windom to promote employee health and wellness. Participating employees shall have the permission of their Supervisor to attend wellness meetings if during scheduled work hours. Employees are welcomed to join the Wellness Committee at any time and continued involvement in the Wellness Committee is entirely voluntary. Once an employee has joined the Committee, a minimum term of two years is encouraged. At the completion of two years, the employee may elect to continue participation in the Committee or not. Annually the Committee may elect a Wellness Coordinator. If there are no volunteers for the Wellness Coordinator, the employee that administers the health insurance plan shall also serve as the Wellness Coordinator.

The Wellness Committee will meet as needed to coordinate and plan activities. Wellness Committee meetings will be limited to one hour. Wellness Committee communication is allowed via City email but will be kept to a minimum. Wellness Committee planning meetings are allowed during work time and using work facilities. Supervisors should allow Wellness Committee members time for meetings during normal work hours. Wellness sponsored activities should be conducted outside of work time, unless prior approval for using workhours is obtained by management. Time for meetings or attending Wellness activities outside of normal work schedules will not count as overtime hours as participation is voluntary.

The guiding objectives of the Wellness Committee include:

- Promote healthy behaviors and organize wellbeing activities.
- Provide ongoing health education.
- Create schedule of annual employee wellness activities.
- Create supportive social and physical environments in the workplace.
- Integration of worksite wellness into organizational structure
- Coordinate activities/information with related programs (EAP, Health Insurance and Safety).
- Raise awareness through consistent biometric screenings.

- Recognize and reward individual wellbeing participation.

Additional duties of the Wellness Committee include:

- Complete requirements to obtain Wellness funding available through the City's health insurance plan or other non-City grants.
- Complete annual CDC Health Scorecard update through Community Wellness Partners.
- Identify and pursue workplace initiatives to continue development of the workplace wellness culture.
- Monitor & evaluate the wellness activities/programs offered to employees.

The roles and responsibilities of committee members include:

Wellness Coordinator:

- Schedule and facilitate Wellness Committee meetings.
- Coordinate completion of requirements for participation in health insurance wellness program.
- Coordinate annual update of CDC Health Scorecard through Community Wellness Partners.

Committee Members:

- Regularly attend and participate as an active representative at Wellness Committee meetings.
- Represent your peer group by sharing ideas, needs, concerns and feedback from work colleagues about proposed strategies, policies and programs.
- Take an active role in fulfilling tasks to plan and communicate workplace wellness activities.
- Promote participation in both individual and group activities.
- Advocate for worksite policies and environments that support improved employee well-being.

r. **Section 8.025 Improper Deduction and Overpayment Policy**

If an employee believes that an improper deduction or overpayment, or another type of error, has been made, he/she should immediately contact his/her supervisor. If the City determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.

In cases of improper overpayments, employees are required to promptly repay the City in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the repayment. The city will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork

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

SECTION 5 EMPLOYEE RELATIONS AND CONDUCT

The work of every employee is important. On-the-job performance has an effect on the employee's success with the City, as well as having an effect on the quality of service to the citizens of Windom. Employees have a right to expect fair treatment and fair compensation from the City. In return, employees are expected to work diligently toward providing high levels of public service.

a. Public Relations

It is the responsibility of each employee when dealing with members of the public and/or other employees, to act in a courteous, responsive, and prompt manner.

b. Workplace Violence Prevention

Providing a safe work environment is essential to the City. Acts or threats of violence against any City employee will not be tolerated whether among employees or between one or more employees and the public. Any City employee initiating a violent act against another City employee or a member of the public will be subject to disciplinary action. Workplace violence includes any act of physical, verbal, written, or electronic aggression and/or intimidation within the work setting, as well as destruction or abuse of property.

All reports of violence will be reviewed in a timely manner. Generally, such reports should be made to the employee's supervisor; however, the employee may make the report to Department Director/ Superintendent or Assistant City Administrator.

c. Licenses and Certifications/Notice Requirements/Insurability

No City employee may operate a city vehicle without proper licensing. Any individual who operates a city vehicle on the public right-of-way without a valid license appropriate to the vehicle being driven will be subject to disciplinary action up to and including discharge.

Certain positions within the City require the possession and maintenance of a specific license or certification. If a position has such a requirement, it will be listed in the job announcement when the job is posted. If the requirements change while an employee is in a position, the employee will receive notice of such change and will be given a reasonable amount of time to comply with the requirement. If an employee loses a license required for the position he/she holds and is unable to perform their work duties, the employee may be subject to discharge for failure to meet minimum job requirements.

The Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol

testing of employees who drive motor vehicles in safety sensitive functions. Cities must test any employees whose jobs require them to have a Commercial Driver's License.

(1) Commercial Driver's License (CDL)

Employees required to possess and maintain a valid Commercial Driver's License must meet the notification requirements established by the Federal Commercial Motor Vehicle Safety Act of 1986.

Under this act an individual with a CDL must:

- a) Notify the City Administrator's Office within 30 days of a conviction for any traffic violation, except parking (this includes pleading guilty and paying a fine). This is true no matter what type of vehicle the individual was driving at the time of the infraction or if the infraction occurred off duty. Such notice may be provided by (1) telling the Department Head who will notify the City Administrator's Office or (2) notifying the City Administrator's Office directly.
- b) Notify his/her supervisor if his/her license is suspended, revoked, or cancelled, or if the employee is disqualified from driving. Such notice must be made at the beginning of the first work day following knowledge of the suspension, revocation, or cancellation. Employees must provide such notice to their immediate supervisor (or in his/her absence to the individual acting in that capacity).

(2) Maintaining a Valid License (Amended by City Council on May 18, 2010)

Employees required to possess and maintain a valid Minnesota driver's license, chauffeur's license, or CDL are responsible for checking the expiration date and renewing their license prior to the expiration date. If an employee's license is suspended, revoked, or cancelled, it is the employee's responsibility to notify his/her supervisor at the beginning of the first work day after receiving notice of the action. Supervisors\Department Heads that have been notified about a cancelled, revoked or suspended license are required to notify the City Administrator or Assistant City Administrator within the same work day. Employees are prohibited from driving any City vehicle without the appropriate valid license.

The City may routinely run driver's license checks on employees who must have a license as a job requirement, as well as employees who drive City vehicles in the course of their employment. An employee who has a license that is current at the time of the license check, but whose record shows it was suspended, revoked, or cancelled in the period of time since the last check, is subject to disciplinary action if he/she drove a City vehicle during that time and/or failed to notify their supervisor of the suspension, revocation, or cancellation. Employees who are required to have a valid license will be subject to disciplinary action if they allow their license to expire and are unable to perform their work duties.

(3) Insurability

Employees required to possess and maintain a valid driver's license must also remain insurable under the City's liability insurance. Failure to remain insurable due to excessive or serious violations will subject an employee to disciplinary action up to and including discharge.

A work permit does not meet the City's requirement for a valid license. In no event will the City install an ignition interlock device on any City vehicle to meet the requirements of a work permit.

Any accidents or damage involving a City vehicle or drivable equipment (e.g. lawn mower, sprayer rig, etc.) occurring on the roadway, City or private property must be reported to the immediate supervisor as soon as possible and documented.

d. Weapons

No employee of the City of Windom shall carry a weapon while on duty. Weapons are not allowed in City buildings, City vehicles or work sites. Sworn officers of the Windom Police Department are exempt from these restrictions.

e. City Owned Computers and Phones

City computers and phones are provided for use by the employee and are the property of the City. Such property is subject to recall by the City at any time. Employees have no right to privacy in information maintained on a City owned computer, the City computer system, or the City phone system, whether or not the employee considers such information personal.

f. Appearance-Grooming

Employees are expected to maintain a level of personal appearance and grooming that is considerate of other employees, and projects an image that inspires the confidence of citizens and others with whom the employee must associate in the course of work.

For employees in the field during summer weather, shorts and a T-shirt are acceptable attire, unless safety concerns require long pants for protection. For employees working in air-conditioned buildings, shorts are generally not allowed unless approved by the Department Head when employees may be engaging in building maintenance or other occasional manual labor duties. All employees are expected to wear clothing appropriate for a business office and public contact.

Employees provided uniforms are required to wear the uniform provided.

Casual day is an opportunity for employees to dress down from business attire. Employees must dress appropriately for an office environment, even when casually dressed.

Employees are required to adhere to health, safety, and sanitation standards at work.

g. Personal Activities

Conducting personal or non-duty related activities are discouraged during work hours, except in emergencies and with the approval of the supervisor. If it is necessary to make a personal phone call, the call should be kept short. It is preferable that personal calls be made at designated break times or during lunch time. When possible, personal phone calls should be made from a phone away from areas used by the public to conduct business.

h. Supplemental Employment

Supplemental employment outside the employee's assigned City working hours must in no way interfere or conflict with the satisfactory performance of City duties. Supplemental employment that either creates or gives the appearance of a conflict of interest is prohibited.

No employee is to conduct any supplemental employment during scheduled working hours unless they are using pre-approved leave. Supplemental employment is not encouraged.

If an employee is unable to perform his/her job for the City due to injury or illness, work for another employer is expressly prohibited.

i. Religious Holidays

Every reasonable effort will be made to accommodate employee requests for release from work to participate in bona fide religious holidays or services. Once approved, personal leave days, accrued vacation time, compensatory time, or in the absence of any of these, unpaid leave may be used to cover such absences.

j. Education

Advance approval from the City Administrator is necessary for an employee to engage in any educational effort during normal working hours, other than trainings, work shops, conferences or seminars which may be provided by the City. Consideration of such requests will be based upon the direct benefit to the City, and a demonstrated ability of employees to effectively carry out the responsibilities of their positions. Employees are encouraged to schedule educational programs outside of regular hours, whenever possible.

The expense of educational seminars and training sessions required by the City will be paid by the City and are allowable as time away from work, in accordance with the respective Department guidelines.

k. Volunteer Emergency Services - Participation (Adopted by City Council on December 12, 2006)

The City of Windom encourages its employees to participate in emergency volunteer services, such as the Fire Department and Ambulance Service. When a City employee answers an emergency volunteer call or participates in a non-emergency function, they must make up the time taken off the same work week or use accruals such as vacation or compensatory time for the time taken off during work hours.

Employees making up time are encouraged to do so within their job and department. However, an employee may request to make up time within their job classification in another Department if pre-approved by both Department Heads.

l. Response Times for Certain On-Call Employees (Adopted by City Council on May 21, 2013)

The following are the response times for on-call employees and paid-on call volunteers within these departments. Response means the time allowed from a call-out, automated alarm or other valid notification for employee or paid-on call volunteer to be on-site at the Department's facility under normal weather conditions, unless otherwise noted below:

Electric	15 Minutes
Streets & Parks	30 Minutes
Water & Wastewater	30 Minutes
Police, Fire & Ambulance	5-10 Minutes
Telecom	5 Minute electronic response and 30 Minutes for on-site

m. Social Media Policy (Adopted by City Council May 15, 2018)

The City of Windom respects employee's rights to post and maintain personal websites, blogs and social media pages and to use and enjoy social media on their own personal devices during non-work hours. The City requires employees to act in a prudent manner

with regard to website and internet postings that reference the City of Windom, its personnel, its operation or its property. Employees and others affiliated with the City may not use a city brand, logo or other city identifiers on their personal sites, nor post information that purports to be the position of the City without prior authorization.

City employees are discouraged from identifying themselves as city employees when responding to or commenting on blogs with personal opinions or views. If an employee chooses to identify him or herself as a City of Windom employee, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used:

“These are my own opinions and do not represent those of the City.”

Occasional access to personal social media websites during work hours is permitted, but employees must adhere to the guidelines outlined in the City’s Computer Use policy and the City’s Respectful Workplace policy. Employees should also review the data ownership language in the Windom Personnel Policy.

There may be times when personal use of social media (even if it is off-duty or using the employee’s own equipment) may spill over into the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include:

- Friendships, dating or romance between co-workers
- Cyber-bullying, stalking or harassment
- Release of confidential or private data; if there are questions about what constitute confidential or private data, contact the City Administrator’s Office.
- Unlawful activities
- Misuse of city-owned social media
- Inappropriate use of the city’s name, logo or the employee’s position or title
- Using city-owned equipment or city-time for extensive personal social media use

Each situation will be evaluated on a case-by-case basis because the laws in this area are complex. If you have any questions about what types of activities might result in discipline, please discuss the type of usage with your Supervisor and City Administrator.

SECTION 6 EMPLOYEE ASSISTANCE PROGRAM

The City recognizes that a wide range of personal problems can affect employees' job performance. Examples of problems include marital, family or financial difficulties, physical, mental or personal problems, substance abuse, or alcoholism. It is also recognized that while these problems are serious, they can be successfully resolved if identified and treated.

Through the City’s health insurance plan employees have access to services such as behavioral health care (e.g. mental health, chemical dependency and eating disorders). The program is in no way meant to interfere with the private life of the employee. Employees are encouraged to seek professional assistance to discuss a personal problem before it affects their work performance. Any involvement will be strictly confidential. The City is not provided a diagnosis and any discussion between the employee and counselor remains confidential.

Substance Abuse

All City employees are eligible for and encouraged to seek treatment and rehabilitation for alcoholism, problem drinking, or substance abuse through the City's insurance program, or other available community resources. Alcoholism or drug addictions are not causes for discipline. However, if they impact job performance including attendance, work performance, inter-personal or public relations, etc., disciplinary action may be taken. Nothing in this section relieves employees of responsibility for their own conduct on the job.

SECTION 7 DISCIPLINE, INCLUDING DISMISSAL OR SUSPENSION

Minnesota is an employment-at-will state, which means that either the employee or the City can end the employment relationship in accordance with applicable state laws and/or collective bargaining agreements. All employment is 'at-will' unless covered by a collective bargaining agreement and may be terminated by the City at any time with, or with out cause.

a. Disciplinary Measures

The responsibility of the City to maintain efficient operations may occasionally require taking disciplinary action against employees. As such, the City retains the right to determine disciplinary measures and implement them at its discretion. The objective of disciplinary action is to correct inappropriate behavior and produce efficient City operations. However, failure of the employee, after notice, to modify behavior may result in further disciplinary action up to and including termination of employment.

Employees in bargaining units should refer to the appropriate collective bargaining agreement for further clarification.

b. Causes for Discipline

The following list is illustrative of, but does not include all, types of behavior for which disciplinary action up to and including termination may be taken. The City of Windom expressly reserves the right to terminate employment at any time for any reason. Discipline may be made for other reasons or causes as reasonably determined by the City and/or defined within applicable labor agreements.

- (1) Insubordination or if the employee failed to obey any proper direction made and given by a supervisor.
- (2) Theft of city property or money or acting in a careless or negligent manner with City money, property, or vehicles.
- (3) Abusive or improper treatment during the performance of duty to any member of the public, fellow employee or city official, including harassment on the basis of race, creed, color, sex, national origin, religion, age, sexual orientation, gender identity, marital status, mental or physical handicap or disability; or any behavior which has the effect of producing a hostile work environment, including offensive conduct of language toward the public and/or other city employees, either on or off duty.
- (4) Tardiness, failure to report to work, or failure to maintain satisfactory attendance.
- (5) Failure to satisfactorily and consistently perform the duties of the position; incompetence, inefficiency, or negligence in the performance of assigned duties; unauthorized dissemination of non-public information acquired during the performance of duties for the City.
- (6) Violation of departmental rules, City Personnel Policies, the City CDL Policy if applicable, or any other rules or regulations promulgated by the City.
- (7) Lying or providing false, inaccurate, or incomplete information either verbally or in writing; falsification, alteration, deletion of required information, or failure to include material information on any application or City record including timesheets.
- (8) Inappropriate, personal or unauthorized (unwritten) use or access to municipal utility

services, FAX/photocopy services, computer, cell phones, or other City-owned property and/or equipment.

- (9) The employee has violated any lawful regulation or law while on-duty.
- (10) Violations of the Federal Drug Free Workplace Act, if the employee is in possession of, or under the influence of, intoxicants, illegal drugs or a controlled substance while on duty.
- (11) Operating City equipment or vehicles without proper license or permit, failure to maintain any required license or permit, or failure to notify the City of loss of any such license or permit. Failure to report an accident or damage to City property.
- (12) Failure to make payment in a timely manner for any employment related charges including costs for return-to-duty or follow-up drug tests.
- (13) Illegal activities and/or conviction of a crime closely or directly related to the ability of employees to perform their job effectively.
- (14) Disregard for safety policies and procedures, including improper use of safety gear, clothing, or equipment.
- (15) Citation for a DWI while operating a personal or city vehicle while employee is on City business (including training and education).
- (16) An employee taking files (hard copy or electronic) away from the work place without approval from a Department Head, Assistant City Administrator or City Administrator.
- (17) Activity which involves conflict of interest.
- (18) Failure of employee to take or satisfactorily complete drug and/or alcohol testing.

c. Progressive Discipline

The City of Windom is establishing progressive discipline as a means to handle personnel matters in a method that is formalized and allows employees a written process. Other disciplinary measures such as demotion, transfer or salary freeze/reduction may be considered by the City in addition to the progressive disciplinary actions described in this paragraph.

The City retains the exclusive rights to take any, some or all of the actions, individually or in the sequence outlined below, depending upon the action or behavior causing the disciplinary action(s).

- *Oral Reprimand*
Oral reprimand is the first step which may be undertaken by a supervisor or Department Head. The supervisor or Department Head shall meet with the employee. Documentation of the meeting; including date, time, those present and a brief description of the issue(s) should be included in the employee's Personnel file.
- *Written Reprimand (Warning)*
This is an official document or memorandum placed in an employee's personnel file which describes the issue/problem, an explanation of why the behavior is a problem,

document what happened, clarify what the city expects of the employee and describe the consequences of failure to comply or if the employee repeats the behavior. In this step the supervisor or Department Head should meet with the employee and have him\her sign the reprimand document as acknowledgement of receipt, the signature by the employee does not constitute an agreement with the document or its contents.

- *Administrative Leave(suspension with or without pay)*

Administrative leave is the removal from job duties for a serious infraction of city policies, creating a risk to the health or safety of the employee or others, uncorrected or repetitive behaviors which have previously been documented through oral and\or written reprimand. Supervisors or Department Heads have the authority to recommend administrative leave with or without pay to the City Administrator. Said recommendation must include a detailed description of the reason(s) for the administrative leave, a history of previous disciplinary action(s), if any, and the type and length of the administrative leave being requested by the supervisor or Department Head. The City Administrator must approve, in writing, any suspension and specify the length of the suspension and whether it is 'paid' or 'unpaid'. Unpaid administrative leave is reserved for the most serious rule infractions or repeat offences.

- *Discharge*

The City of Windom expressly reserves the right to terminate employment at any time for any reason. Discharge or termination is an action of last resort following one or more of the progressive disciplinary steps outlined above with the exception of illegal activities, which is a legitimate reason for discharge without previous disciplinary measures. Discharge could be due to substandard work performance, serious misconduct or behavior, illegal activities or other activities deemed inappropriate or dangerous to the employee\other employees\the public. In the case of discharge the Assistant City Administrator or City Administrator, with the approval of the City Council, the Mayor has the authority to discharge an employee.

d. Grievances

Grievance procedures are established through the collective bargaining unit and\or labor agreements covering City of Windom employees. Employees not covered by any collective bargaining labor agreements shall sequentially follow the grievance procedures outlined in this paragraph.

Step 1: An employee will present their supervisor and the applicable Department Head with the grievance within five (5) working days after such alleged violation. The supervisor and\or Department Head will provide an oral response to the matter to the employee.

Step 2: In the event the grievance is not resolved in Step 1 the employee may present a written grievance and discuss the issue with the applicable Department Head. Said written grievance shall include the date the written grievance is presented to the Department Head, a description of the grievance, the date(s) of the occurrence(s), a brief history of the actions or non-actions from Step 1. The Department Head shall provide the employee a written response within 10 working days of his\her receipt of the written grievance.

Step 3: Should a grievance not be resolved in Step 2 the employee may present an unresolved grievance to the City Administrator, or his\her designee. The information to be provided to the City Administrator or his\her designee shall include the information from

Step 2. The City Administrator, or his\her designee, shall conduct a hearing with the employee and the Department Head within 10 working days of his\her receipt of a written request for a grievance hearing, along with the related information defined herein. Within 15 days of said grievance hearing, the City Administrator, or his\her designee, shall provide the employee and Department Head with a written decision.

e. Peace Officer Discipline Procedures Act

The Peace Officer Discipline Procedures Act requires cities to follow specific steps and procedures when, during the course of investigating allegations against a licensed peace officer, it is necessary to take a formal statement from that officer. The Act does not apply to investigations of criminal charges against an officer.

SECTION 8 PERSONNEL TRANSACTIONS

a. Personnel Files

The City considers personnel files to be City property generated for purposes of conducting business operations. It is the policy of the City to permit access by all City employees to their personnel file maintained in the City Administrator's Office. Access to these files and the information contained in them is generally limited to the employee, appropriate supervisory personnel, appropriate administrative personnel and third parties authorized in writing by the employee (i.e., union stewards, attorneys, etc.). The file information may also be accessed and utilized in situations involving business operations. Information related to education, employment and job performance will be maintained in these files. As needed, confidential medical records and benefits information will be maintained separately from an employee's personnel file.

City employees are permitted access to their personnel files during regular office hours. Employees are permitted to examine, take notes, and make copies of any materials in their file. Employees wishing to examine their files during work hours must have the permission of their supervisor to leave their work site. A staff member must be present during any examination. An employee may request correction of any alleged misinformation contained in the file. If the request is denied the employee will receive an explanation of the reason, and will be permitted to place a concise statement of disagreement in the file.

Employees are encouraged to keep their personnel files up-to-date with all job-related information such as degrees obtained, seminars attended, and certificates of completion. In addition, employees are required to update their personnel files when they experience a change of name, address, phone, or emergency contact.

b. Medical Files

Employee medical records are personal and confidential and will be maintained in a separate medical file. Medical files are subject to the privacy restrictions imposed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

An employee's health information is personal and confidential, and the City will not release such information without written consent of the employee, except as required by law.

c. Public Information

The following employee information is classified as "Public Information" and will, upon request, be provided to any individual or institution by the City Administrator's Office:

Employee name
Employee hire date

Employee salary
Employee job title

Information such as address, telephone number, birth date, social security number, etc. is not public information and will not be released by the City unless requested in writing by the employee.

It is the sole responsibility of the employee to notify the City in any change of status including address, phone numbers, names of beneficiaries, marital status, family status, etc.

d. Job Description

Copies of job descriptions are maintained in the City Administrator's Office, and are available for employee review. As needed or negotiated, job descriptions are periodically reviewed and updated as job duties change.

e. Position Classification

All positions are classified according to job duties, responsibilities, entry requirements, and departmental needs. A major change in these factors may necessitate a review of job classification. Requests for review of a job classification may be addressed to the City Administrator's Office by any employee, by a supervisor, or may be initiated by the City Administrator's Office. All position classification review requests will be reviewed in accordance with applicable labor contract provisions.

f. Fair Labor Standards Act (FLSA) Classification

All City positions have been classified as non-exempt or exempt under the Fair Labor Standards Act. Non-exempt positions are eligible for overtime at a rate of one-and-one-half times their regular hourly rate for work in excess of 40 hours in a week. Exempt positions are not eligible for FLSA overtime. To be eligible for FLSA overtime a non-exempt employee must perform 40 hours of work in a week; paid time off such as sick leave and vacation does not count toward the 40 hours. A "week" is defined herein as seven (7) consecutive, 24-hour periods.

Police Officers and Firefighters are subject to the FLSA 207(k) exemption.

To maintain exempt status, FLSA requires that exempt employees be subject to disciplinary suspensions of one day or more in duration.

To report a FLSA complaint or violation employees may contact the City Administrator, Assistant City Administrator or City Attorney's office.

g. Overtime (amended by City Council on September 4, 2012)

The City of Windom has established this overtime policy to comply with the applicable state and federal laws governing accrual and use of overtime. The City Council herein determines whether each employee is designated as "exempt" or "non-exempt" from earning overtime. In general, employees in executive, administrative and professional classes (as defined by the U.S. Department of Labor, Wage and Hour Division shown in Fact Sheets 17A-17D) are exempt; all others are non-exempt. For the City of Windom exempt positions include the following:

City Administrator	Streets & Parks Superintendent
Electric Utility Manager	Finance Director\Controllor
EDA Executive Director	Water\Wastewater Superintendent
Police Chief	Building & Zoning Official
Telecommunications Manager	Library Director
Recreation Director	Community Center Director
Liquor Store Manager	Assistant City Administrator
Electric Superintendent	Assistant Police Chief (added 8-5-2014)

Non-Exempt (Overtime-eligible) Employees

All overtime-eligible employees will be compensated at the rate of time and one-half for all hours worked over 40 in one work week. Vacation, sick leave and paid holidays do not count toward “hours worked” (unless otherwise specified in applicable labor agreements). Compensation will take the form of either time and one-half pay or compensatory time. Compensatory time is paid time off at the rate of one and one-half hours off for each hour of overtime worked.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. Supervisors may establish a different workweek based on their needs, and according to the terms of the labor agreements, to meet the needs of the Department.

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

Overtime earned will be paid at the rate of time and one-half on the next regularly scheduled payroll date, unless the employee indicates on his\her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment. Once this indication is made by the employee there will not be any obligation of the City to make a change to switch compensatory time to the payment of overtime.

The maximum compensatory time accumulation for any employee is 40 hours. Once an employee has earned 40 hours of compensatory time, no further compensatory time may accrue and all further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests.

All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used. The City Hall office will maintain compensatory time records. Compensatory time accrued will be paid when an employee leaves city employment at the hourly pay rate the employee is earning at that time.

Exempt (non-overtime eligible) Employees

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

Exempt employees are paid on a salary basis. This means that they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quantity (hours) of work performed, and they receive their full weekly salary for any week in which any work is performed.

The City of Windom retains the right to make deductions from the weekly salary of an exempt employee in the following situations:

- The employee is in a position that does not earn vacation or personal leave and is absent for a day or more for personal reasons other than sickness or accident;
- The employee is in a position that earns sick leave, receives short-term disability benefit or workers' compensation wage loss benefits and is absent for a full day due to sickness or disability, but he\she is either not yet qualified to use the paid leave or he\she has exhausted all of his\her paid leave.
- The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (e.g. a situation where the employee has exhausted all his\her paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the City in which the employee does not work a full week. In this case, the City will prorate the employee's salary based on the time actually worked.
- If a non-supervisory, exempt employee has not gotten Supervisory approval for an absence **OR** the employee is in a position that earns paid leave and is absent for a more than 10 hours in a workweek due to personal reasons, illness or injury, but:
 - Paid leave has not been requested or has been denied;
 - Paid leave is exhausted;
 - The employee has specifically requested unpaid leave;
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.
- The City of Windom may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

The City of Windom will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness but will require the employee to pay back to the City any amounts received by the employee as jury fees or witness fees.

If the City inadvertently makes an improper deduction to the weekly salary of an exempt employee, the City will reimburse the employee and make appropriate changes to comply in the future.

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

Leave Policy for Exempt Employees

Management employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings, weekends and/or on-call hours. The

normal hours of business for management staff are Monday through Friday, 8 am to 5 pm, plus evening meetings as necessary.

All exempt positions, whether or not management, may require work beyond 40 hours per week. In recognition for working extra hours, these employees may take some time off during their normal working hours as a flexible schedule, preferably in the same pay period if feasible. Time off for extra hours worked should not be expected as being on a one for one basis, nor will any extra hours worked be paid at the time of termination to exempt employees. Management employees are required to use paid leave when on personal business, or otherwise away from the office on non-city business, for 8 hours on a given work day.

Timesheets submitted by exempt employees shall be completed to show the actual number of hours worked for all workweeks and submitted to the applicable supervisor for approval (Dept Head timesheets go to the City Administrator and the City Administrator's timesheets go to the Mayor).

If an exempt employee regularly absents himself or herself from work under this policy and it is found that there is excessive time away from work which is not justified, the situation will be handled as a performance issue. If it appears that less than 40 hours a week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the City's needs. Additional notification and approval requirements may be adopted for specific situations as determined necessary.

h. Probationary Period

All new or promoted employees in a budgeted position will serve a probationary period to be specified upon appointment or defined in the applicable labor agreement. Said probationary period shall be a minimum of 1040 hours or six months of continuous employment. The probationary period shall be used to closely monitor employees' work, for securing the most effective adjustment of a new or promoted employee to the position, and for rejecting any employee whose performance does not meet the required standards. Employee performance will be formally evaluated at the completion of the probationary period. Probationary periods may be extended at the discretion of the supervisor if performance does not meet required standards and the supervisor is willing to provide additional time for improvement.

i. Evaluations

Department Heads or other Supervisors will complete evaluations of employees on an annual basis and at the end of a Probationary Period (as defined above).

j. Budgeted Positions

Generally, part-time employees are limited to holding one budgeted part-time position. However, under certain circumstances an employee may hold a part-time position and work temporary hours. This will only be done if the employee is willing and it is to the benefit of City operations to allow such an arrangement; all supervisors involved must approve the arrangement. Generally, these arrangements should not result in the employee working more than 8 hours per day or 40 hours per week unless both supervisors have approved such hours.

k. Employment of Relatives

Generally, no person shall be hired, promoted or transferred to a department of the City when, as a result, the employee would routinely be directly or indirectly supervising or receiving direct or indirect supervision from a member of the employee's immediate family. Emergency or Temporary, part-time employment (not to exceed \$1,000 annually -- defined as a period of January 1 to December 31) is exempt from this section.

For the purpose of this section members of the immediate family are defined as: employee's spouse, domestic partner or partner by cohabitation, children, mother, father, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandparents and grandchildren, step-children and step-parents.

When any of the above relationships are created by marriage, domestic partnership or cohabitation following employment, reasonable efforts will be made to find an acceptable alternative or to eliminate the situation by transfer or reassignment of one of the employees. Affected employees will first be given the option of deciding which employee will transfer or be reassigned. If no indication is given, seniority will be the governing factor and the least senior employee will be subject to transfer, reassignment, or termination.

l. Termination of Employment

(1) Resignation

Every employee is expected to give at least ten (10) working days notice prior to the effective date of resignation. The notice must be in writing and directed to the immediate supervisor. Generally, the termination date shall be the employee's last day in attendance at work, except in cases of medical disability. Resignations must be accepted by the City to be effective for benefit payment purposes. Generally, employees will be required to be at work on their last day. Extended vacation time will not be approved in the 10-day period prior to termination. Any employee absent from duty for a single day or part of a day that is not authorized by the by specific grant of leave will be deemed to be absent without leave. Any employee who is absent for three (3) consecutive days without prior notice and/or required approval by the Department Head shall be deemed to have resigned effective immediately. Employees who have resigned due to absence without notice as provided herein shall forfeit any accumulated leave time they may have credited and shall be entitled to no other compensation, other than regular salary due on the date last worked.

(2) Retirement

Employees are eligible to retire in accordance with applicable pension or retirement programs. Sworn employees in the Police and Fire Departments will retire under the Police & Fire (P & F) Public Employee Retirement Association of Minnesota; other City employees will retire under the Public Employee Retirement Association of Minnesota (PERA).

Because the pension systems will provide information only to the employee, employees must contact the retirement system directly. Staff from the City Administrator's Office will assist if requested.

(3) Benefits Termination

Upon notice of resignation or retirement being received by the Department

Head/Superintendent or Assistant City Administrator, applicable information regarding continuation of insurance coverage, benefits payout, PERA benefit or refund, final check, and other information will be forwarded to the employee.

The City Administrator's Office will provide information to terminating employees, answer questions, and assist employees, however, it is the employee's responsibility to complete and mail all forms to the applicable agency.

(4) Exit Interviews

Exit interviews will be conducted by City Administrator's Office upon request of the Department Head or the employee.

SECTION 9 SAFETY

a. Safety Rules

All City employees are responsible for completion of job assignments in the safest manner possible. Prime consideration will be given to the safety of the employee and the public. Employees will not be required to work in areas or to operate equipment which is a safety hazard to himself or herself or the public. Employees must wear appropriate safety equipment/clothing, as required. Employees will receive appropriate training and are expected to follow appropriate safety standards.

Employees must wear seatbelts in all vehicles equipped with seatbelts, as provided by law.

Smoking is prohibited in all City vehicles, equipment, and buildings.

The Federal and State government agencies of Occupational Health and Safety Administration establish industrial standards for many City work functions. The City is committed to compliance with these and other applicable standards.

City employees shall not wear or use radio headphones, earphones, or other similar devices at any time while at work, unless such devices are authorized by the Department/Division Head as necessary for safety reasons. Telephone headphones are permitted for business phones with the supervisor's approval.

Employees will handle property and equipment of the City with due care appropriate to the nature of the work and equipment employed. Employees who act in a manner which endangers the safety of themselves or others are subject to disciplinary action.

The City of Windom participates in a managed care system with the League of Minnesota Cities Insurance Trust. As such employees who sustain work-related injuries must use the City's approved treatment facility for work-related injuries. Treatment for work related injuries by another facility or physician will be allowed only upon referral from Health Partners. Failure to use Health Partners for a work-related injury will result in denial of payment of claims by Worker's Compensation. Worker's Compensation questions should be directed to the City Administrator's Office.

b. Ride Along Policy (Added by City Council on May 18, 2010)

Ride-alongs in Fire Department or Ambulance Service vehicles is permitted as follows.

1. Ride-alongs by members of the general public in Fire Department or Ambulance Service vehicles only on off-duty hours (non-emergency call outs).

2. Ride-alongs by eligible and qualified applicants for the Fire Department or Ambulance Service may be permitted while “on call/duty” on a case-by-case basis subject to written approval by the Mayor or City Administrator.

All ride-alongs must have written approval and comply with policy provisions, waivers and acknowledgements as established by the League of Minnesota Cities and be on-file with City Hall **prior** to riding along.

c. Drug and Alcohol Testing

The purpose of this policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota Statutes Chapter 181.950 to 181.957. The City maintains the right to perform testing and such testing will be conducted in accordance with federal or state laws and regulations.

d. Early Return to Work/Modified Duty

Employees who are absent from work due to an injury or illness may be able to return to work early with a modification of duty. Determination of a modification of duty will be approved by the City Administrator upon an employee request, recommendation from the Department Head and written documentation from the supervising physician that outlines the duties that are appropriate for said employee. The City reserves the exclusive right to evaluate each request on a case by case basis, request additional supporting documentation as needed, require an independent medical exam or evaluation, re-evaluate the arrangement at any time and to discontinue the arrangement at any time for any reason.

e. Drug and Alcohol-Free Workplace Policy (Adopted by City Council June 12, 2012)

The City of Windom is committed to providing a safe and healthy work environment that is free of alcohol and drug abuse. This policy attempts to balance respect for employee’s personal (non-work) time with the need to maintain a safe and productive workplace.

This policy covers alcoholic beverages, prescription drugs and all controlled substances; including, but not limited to amphetamines, marijuana, cocaine, and other opiates.

The City establishes the following policy to ensure a drug-free workplace for its employees:

- The illegal use, possession, manufacture, sale, attempted sale or transfer to others of a controlled substance by City employees is prohibited while working at any time on behalf of the City.
- Illegal use of prescription drugs by any employee is prohibited; however nothing in this policy precludes the appropriate use of legally prescribed medications. However, employees are required to seek the advice of their doctor if there is any reason to believe that a prescription medication will result in safety concerns at work. The City reserves the right to require proof that it is safe for the employee to perform his or her duties while taking prescribed medications.
- Reporting for work under the influence (at any level) of alcohol or illegal drugs is prohibited. This includes travel by City or personal vehicle if on City-business.
- Consumption of alcohol by City employees is prohibited during scheduled working hours, such as of 8:00 am to 5:00 pm. Additionally, if an employee is scheduled for a meeting or event outside of the typical, scheduled work hours to conduct City business (e.g. on-call time, Council meetings, board or commission meetings or other

public meetings) reporting for work under the influence (at any level) of alcohol or illegal drugs is prohibited.

- In the event of a call-out or call-back any employee that considers himself/herself as being under the influence of alcohol or drugs must not report to work, but must inform his/her supervisor immediately so they can determine workforce needs.
- Social events (e.g. banquets, receptions, hospitality gatherings and other such events) do not constitute “working hours”; however, employees are to use good judgment in their use of alcohol and uphold a positive public image of the City.
- Violations of this policy are subject to disciplinary action up to and including termination.

Implementation

Further, it is the responsibility of the City’s supervisors to enforce this policy and counsel employees whenever they see changes in performance or behavior that suggests an employee has a drug or alcohol problem. Although it is not the supervisor’s job to diagnose personal problems, the supervisor should encourage such employees to seek help and may advise them of available resources for getting help, including the City’s EAP and/or their personal health insurance benefits, as appropriate. If there is reason to believe a violation of this policy has occurred, the City may require an employee to contact the EAP or another bona fide service provider and participate in a substance abuse counseling or treatment program.

All employees must abide by the terms of this policy and must notify the City in writing of any conviction of a violation of criminal drug statute occurring in the workplace no later than five calendar days after such conviction. If the City receives such notification from an employee engaged in the performance of a federal grant, the City will notify the agency in writing within ten calendar days of receipt of the notice from an employee or otherwise within ten calendar days of receiving actual notice of such conviction. Within thirty calendar days of receiving notice of a conviction, the City will take appropriate personnel action against such employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

SECTION 10 CONFLICT OF INTEREST

City employees are prohibited from engaging in any conduct which represents, or could be reasonably interpreted to represent, a conflict of interest. Employees must avoid any action which might result in, or create the appearance of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting City business.

If an employee determines that he or she has an outside interest that may be affected by City plans or activities, or result in a conflict of interest or the appearance of such conflict, the employee must immediately report the situation to his or her Supervisor.

Violation of any provisions of this section may be cause for discipline or discharge of the employee.

a. Employment

City employees may not work for an outside employer whose interests might conflict with those of the City. City employees may not use their jobs with the City to further their interest on any supplemental job. City employees may not work for, or directly invest in, businesses with whom they must deal in the course of their employment with the City.

b. Gifts

An employee may not solicit any gift or gratuity from any other employee or member of the public. In no instance may a gift or gratuity be solicited or even hinted. In no instance should a gift or gratuity be accepted by a City employee, even if the gift or gratuity was unsolicited. Minnesota Statute 471.895 governs 'gifts.

There are very limited exceptions to what is considered a gift or gratuity. The exceptions include:

- A plaque or similar memento recognizing an individual's services in a field of specialty or to a charitable cause.
- A trinket or memento of insignificant value (under \$5.00).
- Informational materials of unexceptional value.
- Food or beverage given at a reception, meal, or meeting away from your normal place of work by an organization before whom you are appearing to make a speech or answer questions as part of a program. All other gifts of food or beverage are prohibited. Lunches or other meals are not acceptable as gifts from persons with whom the City does business, unless it is a community or public affair to which other community representatives are invited for a purpose other than to conduct business.
- Vendor contributions to a meeting of local officials for breakfasts, hospitality rooms, snacks, or refreshments are prohibited.
- Usual or customary gift giving among employees during holiday seasons, birthdays, retirements, weddings, baby showers, rolls, cookies, flowers, etc. provided by co-workers.
- Gifts from a family member.

Good judgment is advised. If an employee has a question regarding a gift or gratuity consult the Department Head, if not resolved contact the City Administrator. It is important that each employee maintain high standards of public service and remain within the letter and spirit of ethical behavior.

City employees shall not accept any gratuity or payment, other than that which is provided by the City, for work performed on behalf of the City. If a City employee is a speaker at a community event he/she may participate in a meal that is served at the event.

c. Impartiality

No City employee may grant or make available to any person, any consideration, treatment, advantage, or favor beyond that granted or made available to all citizens.

City employees must not secure special privileges or exemption for themselves or their relatives and friends beyond that available to all citizens.

d. Use of Information

Employees must not use privileged information for their own financial advantage or disclose information that would provide others with financial advantages. Each employee

is charged with the responsibility of ensuring that he or she releases only information that is available to the general public.

- e. Use of Public Property (Amended by City Council on May 18, 2010 & March 19, 2013)
Except as allowed herein, no City employee shall request, use, or permit the use of any publicly-owned property, vehicle, equipment, labor, service or supplies (new, surplus, scrap or obsolete) for the personal convenience or advantage of the employee or any other person, except for that use which is generally available to the public. No City-owned property, including files (hard copy and/or electronic) may be removed from the worksite(s) except for the purpose of conducting City business. If files are to be removed from the worksite employee shall need approval from the Department Head.

Reasonable use of emergency vehicles (police, fire or ambulance) in local funeral processions is permitted, without cost, to recognize the contribution to the public by any individual (active or retired) and/or their immediate family member, which has served the Windom area as a law enforcement officer, firefighter, EMT or first-responder.

For non-local funerals requests relating to law enforcement, fire and ambulance it will be within the discretion of the Police Chief, Fire Chief or Ambulance Director to determine the reasonableness of the request, approve volunteer staff interested in participation, and evaluate the impact to the public safety related to providing staffing and equipment for non-local funerals.

Ride-along opportunities for the general public and applicants for Fire and Ambulance Department are permitted in accordance with the policy provisions identified herein (please see Section 9 – Safety).

SECTION 11 POLITICAL ACTIVITY

City employees are free to exercise all rights of citizenship. However, in order to obey federal and state laws and to ensure that the City will operate effectively and fairly, some guidelines are necessary:

a. Acceptable Activities

- (1) An employee is free to express opinions and convictions or make statements and comments concerning wages or other conditions of employment.
- (2) An employee is free to participate politically in both partisan and non-partisan activities on off-duty time so long as the restrictions listed below are followed.
- (3) An employee whose position is not federally funded is permitted to be a candidate for a partisan or non-partisan office, while a federally funded employee may be a candidate for a non-partisan position only.
- (4) An employee has the right to vote as he/she chooses and to express his/her opinions on political subjects and candidates.

b. Restrictions

- (1) An employee shall not, while performing official duties or while using City equipment at the employee's disposal by reason of his/her position, solicit contributions for any political party or candidate, or engage in any political activity.

- (2) An employee shall not attempt to influence the vote or political action of another by seeking an appointment, increase in pay, or other business or employment advantage for that person with the City.
- (3) An employee who supervises employees shall not directly or indirectly solicit the persons supervised to contribute money, anything of value, or service to a candidate, a political party, or a political committee.
- (4) An employee who becomes a candidate for public office shall, upon request be given a leave of absence without pay. Such leave shall commence any time within 30 days prior to a primary, special, or general election. An employee who is a candidate for any elective office shall not campaign while on duty as an employee.

SECTION 12 INTERNET POLICY

a. Purpose

Electronic mail, Internet and telecommunication access are resources made available to city employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the city.

b. Policy

The City of Windom's Internet System is designed to facilitate city business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the Internet system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

The Internet system is city property and intended for city business. The system is not to be used for employee personal gain or to support or advocate for non city-related business or purposes. All data and other electronic messages within this system are the property of the City of Windom's. E-mail messages have been found to be public records and may be subject to the right-to-know laws, depending on their content.

In addition, the city, through its managers and supervisors, reserves the right to review the contents of employee's e-mail communications when necessary for city business purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages, without proper authorization.

The City of Windom purchases, owns and administers the necessary software and licenses to provide access to e-mail and Internet services. Employees may not rent, copy or loan the software, or its documentation. The city has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the city system. Department heads are responsible for the implementation and adherence of this policy within their departments.

c. Procedures

(1) General Information on Passwords

While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does, it suggest that e-mail is the property right of the employee. The use of the Internet system is for city business. Passwords should be periodically changed to ensure security of the Internet system. Users should not share their passwords with anyone else, other than as his or her managers may require.

(2) Internet

The Internet provides the city with significant access and dissemination of information to individuals outside of the city. The use of the Internet system for access and dissemination is intended to serve city business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. E-mail messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the city, and must comply with all state and federal laws.

(3) Prohibited Uses

When sending e-mail messages, appropriateness and good judgment should be used. The following are examples of e-mail uses that are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening;
- Communications of sexually explicit images or messages;
- Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs;
- Solicitation for commercial ventures, religious or political causes, outside organizations, or other job-related solicitations;
- Any other use that may compromise the integrity of the city and its business in any way.

(4) Retention of E-mail

Generally, e-mail messages are intended to be temporary communications that are non-vital and maybe discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedules. As such, these e-mail messages are similar to printed communication and should be written with the same care. Each department head is responsible for establishing and maintaining department retention schedules for the information communicated through the e-mail system.

However, employees should be aware that when they have deleted a message from their workstation mailbox it might not have been deleted from the central e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period. Note that e-mail has been classified as "public" documents, i.e. available to the media, in at least one state. Keep that in mind when you create or store e-mail.

Employees should delete e-mail messages as soon as possible after reading. An accumulation of files will degrade system performance and response times.

(5) Applicability to Employees, part-time Employees, Contractors, and Other Users

This Internet policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the City's Internet system. Third parties should only be provided access to the Internet system as necessary for their business purpose with the city and only if they abide by all applicable rules.

(6) Employee Termination, Leave of Absence, Vacation, and other

Employees who leave employment with the city have no right to the contents of their e-mail messages and are not allowed access to the Internet system. Supervisors or management may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the city's business purposes.

(7) Penalties

The misuse of the Internet or e-mail privileges may be considered sufficient cause for discipline, including termination, in accordance with the Personnel Policy, and/or other applicable rules or laws. In addition, violations of this policy or misuse of the e-mail system may be referred for criminal prosecution.

d. Acceptance

The city will require employees to read and signify acceptance of the terms of this policy by signing the following agreement before making electronic systems available.

e. Agreement to Internet Policy

I have read and agree to the specifics as stated in the attached Internet Policy, which includes the following specifics.

1. That my use of the Internet system is for the furthering of the business of this municipality;
2. That I may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization;
3. That I may not use the e-mail system for solicitation of funds, political messages, or harassing messages;
4. That my e-mail messages and data are the property the City of Windom and may be accessed for review by supervisors;
5. That my e-mail will be retained according to the attached Retention of E-mail policy.

Name: _____

Date: _____

SECTION 13 TRAINING AND EDUCATION POLICY

Employee Training and Education Policy

Reimbursements of training and education expenses are intended to refund actual costs incurred by City employees and officials while traveling as authorized representatives of the City of Windom. To qualify for reimbursement, trips must have a completed training and education authorization form approved by the Department Head and/or City Administrator.

Original detailed receipts are required for all related travel costs including shuttle service or taxi fare, parking ramp fees, lodging and program material. Exceptions to this requirement include metered parking, bus fares, telephone calls, gratuities 15% for meal service and generally accepted amounts for baggage handling or maid service and similar expenses.

Training & Education Expense Form

A properly completed Expense Form, listing itemized expenses, shall be submitted to the Department Head/City Administrator for review and approval within ten business days following the date of return from an authorized trip. The expense form shall be accompanied by receipts for:

- a. Transportation costs to and from the destination via coach, tourist, or economy class transportation or via city vehicle, private vehicle or car rental.
- b. Lodging costs not to exceed a reasonable single-occupancy rate as determined herein.
- c. Conference or meeting registration fees.
- d. Meal costs.
- e. Any unusual items for which advance approval has been obtained from the City Administrator.

TRANSPORTATION

Employees are encouraged to travel by the most economical means available. The most economical means depends upon cost of mileage and the length of time the employee will be required to travel. If a City vehicle is available, it is expected that the City vehicle will be used for travel. Employees will be reimbursed for fuel expenses and must provide receipts with their reimbursement request. If a City credit card is available, an employee may check out the card for travel expenses. Receipts must be retained, recorded and attached to the Training and Education Expense Form.

If a city vehicle is unavailable, or an employee receives approval to use a personal vehicle, employees will be reimbursed only for mileage at the approved IRS mileage reimbursement rate. If driving their personal vehicle, the employee will be responsible for all traffic fines, damages and liability due to an accident. If an employee receives a citation for a DWI while operating a City vehicle or personal vehicle while on a business trip applicable disciplinary measures will be taken.

If it is most economical to travel by air, the employee shall be required to travel by air. If the employee chooses to drive their personal vehicle, the employee will be reimbursed the lowest cost of the airfare (lowest cost airfare available for one person traveling from boarding port to the port of destination and return).

If a reduced airfare requires an employee to spend an additional non-work day (e.g. a Saturday overnight stay) in the destination city, and if the reduced airfare totals more than the lodging and meals expense for the additional day, then the employee will be reimbursed for the extra day's expenses for lodging and meals. For employees traveling by air, expense guidelines for taxi or automobile rental are:

Taxi

Taxi fare will be reimbursed for transportation from the destination airport to the place of lodging and to the meeting site (or vice versa). The public purpose for any other taxi fares must be explained. Receipts are required for all fares.

Automobile Rental

Prior approval, by the Department Head/City Administrator, is needed when automobile rental expense is anticipated. Automobile rental should be considered when taxi usage costs would be greater than automobile rental cost. The employee will be responsible for all fines, damages and liability due to an accident.

Mileage

Personal vehicle use for authorized trips, meetings, work, etc., will be reimbursed at the rate consistent with IRS regulations. Mileage reimbursement requests must be submitted using the Training and Education Expense Form if an overnight stay is required. All other "day trips" maybe reimbursed by submitting a pay request to the City approved by the Department Head. Use of personal vehicle for training/education purposes must be pre-approved by the City Administrator or his/her designee.

HOTEL/LODGING

A hotel/motel for overnight lodging will be permitted only with department head approval under the following circumstances:

1. When the conference lasts longer than one day.
2. If the conference/training session is more than 125 miles traveling distance from Windom and the first training session begins prior to 9:00 a.m., or
3. The cost of the lodging would be less than the overtime pay required if the employee traveled to the site the morning of the conference.

Lodging expense incurred en route to a final destination will not be reimbursed. Any exceptions must be approved by the City Administrator.

Actual costs for lodging for the employee will be reimbursed, but charges shall be reasonable and consistent with the facilities available. To keep costs to a minimum, employees shall stay at the conference's host hotel or motel, or one at lesser cost at the discretion of the employee's Department Head up to \$150/night (excluding taxes).

If an employee is attending a conference, reimbursement will be made for the single (one person) room rate at the conference facility. A conference facility either is directly at the site of the conference or listed in the conference brochure as a conference hotel. A two-person room rate will be reduced to a single person room rate if one of the persons staying in the room is a non-city employee.

The City will not reimburse for personal expenses such as in-room movies, water park passes or other hotel amenities or expenses, with the exception of parking and access to the hotel's "Business Center".

Long distance phone call charges will be reimbursed if they are incurred regarding a City business matter. One "safe arrival" call and/or "change of plans" call will also be reimbursed. Internet access and service charges related to City business will also be reimbursed.

BUSINESS MEALS (updated May 23, 2017)

Reimbursement for meals while on authorized travel will be for actual expenditures. Reimbursement for actual meal costs will be made only when documented by detailed receipts. If a City credit card is

available, an employee may check out the card for travel expenses. All original receipts must be retained, recorded and attached to the Training and Education Expense Form.

Meals will be reimbursed under the following conditions:

- Breakfast – When required to leave home before 6:00 a.m. or away overnight.
- Lunch – When out of the city on business or involved in a work-related lunch meeting.
- Supper – when unable to return home from out of the city until 6:00 p.m. or later, or away on business overnight.
- Reimbursements will be allowed for actual costs up to a maximum of:

\$10.00 for breakfast

\$20.00 for lunch

\$20.00 for supper

Or when away on business overnight a daily maximum of \$50.00.

- Reimbursement is not allowed for alcoholic beverages.
- If meals are included in tuition or registration fees, the daily maximum reimbursement allowance will be reduced per the allowance for the meal that is included in tuition or registration.

MISCELLANEOUS EXPENSES

Tolls

Reimbursement for toll fees will be made when traveling with your personal vehicle or city-owned vehicle.

Parking

Parking expense incurred at the final destination place of lodging is reimbursable when traveling by personal or city-owned vehicle. Airport parking expense is reimbursable. Other parking fees associated with a city travel purpose, such as parking at a training site, will also be reimbursed. Receipts are required for all parking fee reimbursements.

APPENDIX A

**City of Windom
Sick Leave/Vacation Loan Agreement**

I acknowledge that the advance on my sick leave/vacation accrual that I received on _____, 20____ in the amount of _____ hours is a loan, and I agree to pay it back in one of the following ways:

- Through future accruals of sick leave/vacation until my leave balance is positive again, or
- In accordance with the provisions of Minn. Stat. Sec. 181.79, at the time of my termination from the City of Windom's employment -- through a deduction from my last paycheck in the amount of the hours still owed multiplied by the hourly rate of pay in effect at the time that the leave was borrowed.

If I do not accrue sufficient sick leave/vacation accrued or wages owing to pay back the loan, then I understand that I am personally liable to repay it from my own resources. I also understand that any additional sick leave/vacation will be taken as leave without pay until I have repaid this loan.

Employee's Name (printed)

Employee's Signature

Date