

City of Vergas

Personnel Policy

Introduction

1. It is the purpose of this policy to establish a uniform and equitable system of personnel administration for employees of the City of Vergas. The policy provides information about certain terms and conditions of employment and should not be construed as contract terms for any city employee. No supervisor or City representative has the authority to enter into any agreement for employment or make an agreement contrary to this policy.
2. Nothing in this policy, or in other City policies which may be communicated, constitutes a contract of employment. Policies serve as an informational guide to help employees become better informed and make their experience with the city more rewarding. Departments may have special work rules deemed necessary by the supervisor and as approved by the City Council for the achievement of objectives of that department. Employees will be given a copy of such work rules by the department upon hiring and such rules will be further explained, and enforcement discussed by the assigned supervisor.
3. Policies are not intended to cover every situation that might arise and can be amended at any time at the discretion of the City Council. As an employee, you are responsible for complying with current city policy at all times.

Policy

1. **Scope of Policy**

This policy applies to all employees of the City. Except where specifically noted, these policies do not apply to:

- 1) Elected officials.
- 2) City Attorney
- 3) Members of city boards, commissions, and committees
- 4) Consultants and contractors
- 5) Volunteers

2. **Definitions**

- 1) **Employee**: A person employed by the City of Vergas, whether on a full (33 hours or more a week) or part-time (32 or less hours per week) basis.
- 2) **Seasonal Employee**: A person who works only part of the year, 100 days or less, to conduct seasonal work. Seasonal employees do not earn benefits or credit for seniority.
- 3) **Temporary Employee**: Person who works a temporary job with a defined start and end date or for the duration of a project. This may be on a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.
- 4) **Employer**: The City of Vergas.

3. **Equal Employment Opportunity (EEO)**

The City of Vergas is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, transfer, selection, lay-off, disciplinary action, termination, compensation, and selection for training. The City of Vergas will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

4. **Discrimination**

No person shall be employed, promoted, demoted, or discharged by the City or in any way favored or discriminated against because of political opinions or affiliations, race, color, national origin, religion, sex, marital status, status with regard to public assistance or disability, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minnesota Statutes, Sections 179.61 to 179.76. No person who is between 18 and 70 years of age shall be discriminated against with reference to City employment in any way forbidden by federal law.

5. **Data Practices Advisory**

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

6. **Drug Free Workplace**

In accordance with Federal Law, the City has adopted the following on drugs/alcohol in the workplace.

- 1). Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the City intent and obligation to provide a drug-free, safe, and secure work environment.
- 2). The unlawful manufacture, distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited. The use of alcohol while on duty is prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences.
- 3). Drug and Alcohol Testing will be conducted as outlined in City policy, Drug and Alcohol Testing for Employees and Applicants.
- 4). The City recognizes alcohol/drug abuse as a health, safety, and security problem. Employees needing help are encouraged to use the health insurance plan and assistance programs, as appropriate.
- 5). Employees, as a condition of employment, must abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off the work premises. A report of a conviction must be made within five (5) days after conviction as required by the Drug-Free Workplace Act of 1988.

| |
|---|
| City of Work Rules and Code of Conduct |
|---|

In accepting city employment, employees become representatives of the city and are responsible for assisting and serving the citizens for whom they work. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a city employee. To achieve this goal, employees must adhere to established policies and procedures.

1. **Falsification of Records.** No person shall knowingly make any false statement, certificate, mark, rating or report regarding any test, certificate, work hours, or appointment held or made under the City personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this policy. Immediate disciplinary action will be taken up to and including termination or potential criminal prosecution dependent on the nature of the fraud.
2. **Rendering of Consideration.** No person seeking employment to or promotion in the municipal service shall either directly or indirectly give, render, or pay any money, service or other valuable consideration to any person or on account of or in connection with his test, appointment or promotion, or proposed appointment or promotion.
3. **Conflict of Interest.** City employees are to remove themselves from situations in which they

would take action or make a decision where that action or decision could be perceived or actual conflict of interest or could result in a personal benefit from themselves or a family member. If an employee has any questions about whether such a conflict exists, he/she should consult their supervisor.

4. **Access and Use of City Property.** Any employee who has authorized possession of keys or other city owned equipment must register his/her name and serial number or identifying information about the equipment with the City Office. City property must be turned in and accounted for by any employee leaving employment with the city to resign in good standing. Employees are responsible for the safekeeping and care of such city keys. The duplication of keys is prohibited unless authorized by the City. Unauthorized duplication of keys will be subject to disciplinary action. Employees will be responsible for the cost to replace lost keys and required lock rekeying. Personal access and use of city buildings after hours is prohibited unless prior approval by the City Council.
5. **Cellular Phone Use.** All employees are expected to follow applicable local, state, federal laws, and regulations regarding cellphones at all times. Use should in no way limit the conduct and completion of work. Regardless of who pays the bill; cellphone records about city business are subject to the Minnesota Government Data Practices Act. Refer to City policy "Use and Maintenance of City Vehicles" regarding cellular phone policy for those employees driving a city vehicle.
6. **Social Media.** What employees write or post is public and reflects on the city. Personal social media account names or email names are not to be tied to the city. Refer to City policy entitled "Social Media".
7. **Smoking.** The City of Vergas observes and supports the Minnesota Clear Indoor Air Act. All city buildings and vehicles, in their entirety, are designated as tobacco free. This means that smoking in any form through the use of tobacco products such as pipes, cigars, cigarettes or vaping with e-cigarettes is prohibited. Employees are allowed to smoke only during breaks and lunch and cannot smoke on city property or in city vehicles.
8. **Weapons.** Possession or use of a dangerous weapon is prohibited on city property, in city vehicles, or in personal vehicles being used for city business. This includes employees with valid permits to carry firearms. Exceptions to the dangerous weapon prohibition include 1) employees legally in possession of a firearm, for which the employee holds a valid permit as required, and the said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while working on city property and 2) Rodent control by City Utilities Supervisor or Maintenance Operator at the City lagoon.

New Hire Probationary Period

The City of Vergas is committed to hiring the most qualified applicant into new and vacant positions and adhering to the guidelines established by the US Equal Employment Opportunity Commission on selection and employment. Hiring is conducted as outlined in City of Vergas Policy for Hiring Employees.

1. **The probationary period** is an integral part of the selection process and is utilized for training and to evaluate the employee's work performance and work results, ensure an effective adjustment by the employee to the position, and for purposes of determining need for termination when the employee's performance does not meet required work standards.

2. **Duration.** Every original appointment and every promotional appointment are subject to a probationary period of up to a year. At three months a progress review is held to determine to evaluate performance or whether a performance improvement plan or additional training may be needed.
3. **Termination.** The City Council may terminate a probationary employee at any time during the probationary period if in the Council's opinion, based upon work observation & review, indicates the employee is unable or unwilling to perform the duties of the position satisfactorily or that work habits and dependability do not merit continuance in the position.

Performance Review

1. An objective performance review will be conducted within 30 days before or after the employee anniversary dated, based on the assigned performance evaluation standards. Performance reviews are discussed with the employee and the employee is given an opportunity to provide a self-assessment utilizing the provided self-assessment form.
2. The quality of an employee's performance will be considered in personnel actions and salary adjustments.
3. Certain components of a performance evaluation, such as disputed facts replied to be incomplete or inaccurate, are challenging using the city's grievance process. Subjective assessments are not challenging. For those parts an employee may submit a written response that will be attached to the performance review.
4. Signing of the performance review acknowledges the review has been discussed with the assigned supervisor and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

Compensation

1. **Monetary:**
 - 1) An employee of the City shall be paid according to the employee's designated position and assigned step on a ten step pay scale. Each step shall provide a specific hourly rate to be paid to the employee assigned to that step.
 - 2) An annual pay table adjustment will be conducted according to annual League of Minnesota Cities annual pay data. Pay table adjustments are reviewed and recommended by the Personnel Committee and approved by the City Council.
 - 3) A step increase is provided every 3 years of service if the employee has a satisfactory or higher rating. A step increase can be recommended prior to the 3-year period based on high satisfactory or exceptional performance as recommended by Personnel Committee and approved by the City Council.
 - 4) Unless approved by the City Council, no employee shall receive pay from the City in addition to the salary authorized for the position to which he/she has been appointed.
 - 5) Pay tables will be established annually, for new positions at time of a position vacancy, when experiencing significant turnover or when critical positions are not getting filled or are delayed in getting filled. Pay tables are reviewed and approved by the City Council.
 - 6) Compensation for seasonal and temporary employees is set by the City Council at time of hire.
 - 7) Work hours between 12 am to 6 am are paid a 15% higher differential pay rate above the employees' base regular pay. Nighttime hours are as approved by a council member serving on the Personnel Committee.

2. **Holidays:**

The City observes the following official holidays for full-time and part-time employees.

| | |
|-----------------------------|--|
| New Years Day | Labor Day |
| Martine Luther King Jr. Day | Indigenous People's Day (Columbus Day) |
| Washington's Birthday | Veterans Day |
| Memorial Day | Thanksgiving Day |
| Juneteenth | Christmas Day |
| Independence Day | |

- 1) When a holiday falls on a Sunday, the following Monday will be the "observed holiday" and when Holiday falls on Saturday, the preceding Friday will be the "observed holiday" for city operations, which will be closed on holidays.
- 2) Regular, full-time employees will receive regular hourly rate of pay observed holiday days which they are not required to work:
- 3) Employees required to work on the "actual" holiday, the pay will be 1.5 times the hourly wage.

3. **Overtime:**

- 1) Employees shall be compensated for overtime rates at one and one-half (1.5) the regular rate of pay. Overtime will be calculated to the nearest 15 minutes. The established work week is Monday morning from 12:00 a.m. to Sunday evening at 11:59 p.m., or such other seven-day period as may be designated from time to time by the City.
- 2) A Council member on the Personnel Committee must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action and may be denied pay for the overtime worked.

4. **Compensatory Time**

- 1) Overtime hours shall be compensated for in the form of compensatory time off at the discretion of the employer. Compensatory time for overtime worked will be time and a half. The method of compensation will be determined from time to time by the City Council.
- 2) No employee shall accumulate more than 48 hours of unused compensatory time in a work week. Compensatory time accrued above 48 hours will entail the employee choosing compensatory time or overtime by marking their time sheet. **There is a compensatory time accrual limit of 160 hours.**
- 3) In December of each year all employees carrying a compensatory time balance shall be paid in full for said balance at the employee's hourly pay rate at the time payment is made. The payment shall accompany or be added to the payroll check for the second to last pay period of the calendar year, less normal payroll deductions. All efforts are made to support the use of compensatory time prior to the end of the year.
- 4) 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 Clerk/Treasurer will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves city employment at the hourly pay rate the employee is earning at that time.
 - a) **Payday:** Employees are paid bi-weekly on alternate Wednesdays. Bi-weekly pay periods are designated by the City and begin on a Monday and end on the second Sunday after such Monday. Work shifts that begin on a Sunday are treated as entirely worked on that Sunday, even though a portion of that shift may actually be worked on Monday. When a pay day falls on a holiday, employees shall receive their pay the preceding Tuesday. An employee

shall turn in his or her time sheet for a bi-weekly pay period on or before the Monday upon which the bi- weekly pay period ends.

- b) **Work Hours:** Work schedules are established for each pay period and posted in the City Office. Work schedules are devised to communicate work hours and availability of city personnel to ensure good customer service and effective work coverage to minimize the use of overtime and compensatory time.
- c) **Time Clock and Time Sheets:** All employees are required to utilize the city time clocks to document time worked. The breakdown of time into the established cost categories is manually recorded. Half hour lunch is not paid work time and requires checking out on the time clock and checking back in at completion of lunch. To work through lunch requires approval by Personnel Committee. Falsifying of time sheets by an employee shall be cause for the immediate dismissal of that employee from City employment. Final time sheets are signed by the employee confirming correct with verification and attestation by their next level supervisor, human resources (City Clerk-Treasurer) or Personnel Committee.
- d) **Compensatory Time of Officers and Employees (MN Stat. 30.09):** Members of the Vergas-CDH Fire and Rescue Department who are employees of the city may respond to calls or when paged during their regular work schedule. When an employee (who is also a Vergas-CDH Firefighter or First Responder) responds to a call or page when they are engaged in city compensated employment, will be paid for that time period, based upon their hourly rate or a pro-rated portion of their non-hourly flat rate compensation. They must note on their bi-weekly time sheet the time they were away from the worksite or provide other acceptable written evidence of the time spent away from city employment.

Attendance and Leave

The operations and standards of services in the City of Vergas require that employees be at work unless valid reasons warrant absence, or an employee has a position approved to work remotely. Employees who are going to be absent from work are required to notify their supervisor or the City Office as soon as possible in advance of the absence.

1. **Paid Time Off (PTO)** After six (6) months of service (part time or full time), PTO leave may be used as it is earned, subject to approval by assigned supervisor. Temporary, seasonal, and part-time employees are not entitled to get holidays with pay. It is the policy of the City of Vergas to grant PTO to regular employees in accordance with the guidelines established below:
 - 1) An employee's anniversary date and years of service will be used to determine an employee's eligibility for vacation/paid time off. Regular full-time employees will accrue as follows:

| | |
|--|-------------------------------|
| Accrued PTO will be added to the employee's leave balance each pay period. 1-5 years | 2 hours/week (104 hours/year) |
| 6-14 years *employees prior to Oct 2019 will maintain 3.08 annual leave accrual. | 3 hours/week (156 hours/year) |
| 15 years and over | 4 hours/week (208hrs/year) |

- 2) PTO hours are not accrued during unpaid leaves.
- 3) Should an employee reach the accrued maximum of 200 hours, a plan for leave usage is to be devised and approved by the City Council.
- 4) The City of Vergas will pay employees for all accrued PTO upon resignation or retirement for those leaving in good standing.
- 5) PTO requests where there are no PTO hours accrued will be at the discretion and approval of supervisor. Should time and attendance become an issue, the employee may be subject to disciplinary actions.

- 6) Accrued PTO may be as Earned Sick and Safe Time (ESST).

2. Earned Sick and Safe Time (ESST) (MN Statute 181.9445, 181.9447, 181.9448)

- 1) ESST is paid time off and applies to all employees (including full-time, part-time, temporary and seasonal) if performing work for at least 80 hours per year. ESST leave accrues at a rate of one hour for every 30 hours worked, including overtime hours, and can earn a maximum of 48 hours each calendar year.
- 2) Employees holding positions performing work for less than 80 hours per calendar year do not qualify for ESST.
- 3) Refer to APPENDIX regarding use of ESST

3. Non-Accrued Paid Time Off

Eligibility: An employee may elect to receive up to 64 hours of non-accrued paid time off if the employee cannot work due to a health-related disability and when the employee does not have sufficient accrued paid time off to provide benefits during the term of the employee's health related absence from work. An employee may elect to receive by submitting a written request to their supervisor on the application form provided for such purpose. A treating provider's written confirmation of employee's health related restriction from work must accompany this application.

Reimbursement.

- 1) All Non-Accrued paid time off wages and benefits must be reimbursed to the City within twelve (12) months of the date of the last pay period in which the Employee receives non-Accrued paid time off wages and benefits. The method of reimbursement shall be agreed upon between the City and the employee. The City retains the sole authority to determine what hours, if any, may be accrued as compensatory time.
- 2) At the employee's election, reimbursement may be from employee's subsequently accrued paid time off.
- 3) at a rate not less than 50% of the employee's accrued paid time off wages and benefits per pay period or from accrued compensatory time or by direct payment of the value of all wages and benefits provided.

4. Light Duty/Modified Work Assignment

- 1) Light duty is evaluated by the City Council on a case-by-case basis. Temporary assignment of work will be evaluated for temporarily disabled employees who are medically unable to perform their regular work duties. Such assignments are for short-term, temporary disability-type purposes. The City Council will determine when and if light duty work will be assigned. This policy does not guarantee assignment of light duty. When an employee is unable to perform the essential requirements of his/her job due to temporary disability, he/she must notify their supervisor in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the assigned job description, along with a written request for light duty.

- 2) Upon receipt of the written request, the supervisor will forward a copy of the report to the City Council.
- 3) The City may require additional medical information or exam.
- 4) The circumstances of each disabled employee performing light duty work will be reviewed at regular intervals. Any light duty/modified work assignment may be discontinued at any time.
- 5) If a light duty assignment is offered to an employee who is out on workers' compensation leave, the employee may be subject to penalties if he/she refuses such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act (FMLA) to accept a light duty assignment.

5. Employee Health Conditions Relating to Pregnancy

- 1) The city will attempt to provide a female employee who requests reasonable accommodation with the following health conditions related to 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.
- 2) 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 reasonable accommodation.

Leave Without Pay

1. Pregnancy and Parental Leave (MN Stat. 181.940 -181.944)

- 1) Eligible employees who are biological or adoptive parent will be provided an unpaid leave of absence of up to twelve (12) weeks for the birth or adoption of a child, (as defined in MN Stat. 181.940 Subd. 4), or for the placement of a child in foster care. Leave may begin at the time designated by the employee but must start within twelve (12) months of the date of the birth, adoption, or placement of the child and be completed within that year. However, if the child remains in the hospital longer than the mother, leave commences at the time the child leaves the hospital.
- 2) An employee shall provide at least 30 days' notice of the date leave is to commence and its expected duration. If leave is longer than 1 month the employee shall provide at least 2 weeks' notice of the employee's expected return date.
- 3) An eligible employee is one who has completed twelve (12) months of fulltime employment immediately preceding the requested leave date and who has worked an average number of hours each week that is at least equal to one-half the fulltime equivalent position in the employee's job classification.
- 4) An employee may choose to use paid time off (PTO) during the parental leave of absence. This leave will not extend beyond the 12-week leave period. All other time will be unpaid. However, the employee's benefits will continue as if the employee were still at work. No PTO benefits shall accrue during a leave of absence without pay.
- 5) An employee failing to return to work as scheduled after completion of an approved leave will be considered to have voluntarily terminated employment with the City of Vergas.
 - a. If an employee needs to request a longer leave of absence the employee may do so under the city's General Leave without Pay Policy.

2. General Leave without Pay

The City Council may grant any permanent employee a leave of absence without pay for a period not to exceed 90 days except that it may extend such leaves to a maximum of one year in case the employee is disabled or where extraordinary circumstances, in its judgment, warrant such extension. No PTO benefits shall accrue during a leave of absence without pay.

3. Leave for School Conferences and Activities (Mn Stat. 181.9412)

Employees with children receiving childcare services or attending a prekindergarten, regular or special education program or attending elementary through high school may take up to 16 hours of leave each 12-month period for school conferences and activities each year provided the conferences or activities cannot be scheduled during nonwork hours. The employee must request leave at least 1 week in advance of the scheduled leave date. All school conference and activity leave covered by this section is unpaid. However, employees may use accrued PTO in place of unpaid leave.

4. Military Leave

- 1) State and Federal laws provide protection and benefits to city employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar years.
- 2) The leave of absence is only in the event the employee returns to employment with the city as required upon being relieved from service or is prevented from returning by physical or mental disability or other cause not the fault of the employee or is required by the proper authority to continue in military or service beyond the 15-day paid leave of absence.
- 3) Employees on extended unpaid military leave will receive 15 days paid leave of absence in each calendar year, not to exceed 5 years.

5. Family Medical Leave

- 1) Basic Leave Entitlement FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
- 2) Incapacity due to pregnancy, prenatal medical care or childbirth; • to care for the employee's child after birth, or placement for adoption or foster care; •
 - a. to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or •
 - b. for a serious health condition that makes the employee unable to perform the employee's job.
 - c. Military Family Leave Entitlements Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active-duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- 3) A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.
 - a. Employees are eligible if they have worked for the City of Vergas for at least 12 months and have 1,250 hours of service in the previous 12 months.

- b. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When a 30-day notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.
- c. The City of Vergas will inform employees requesting leave whether eligible under FMLA. If eligible, the notice must specify any additional information required as well as the employees' rights and responsibilities. If not eligible, the employee will be provided with a reason for the ineligibility.

Jury or Witness Duty

When an employee performs jury duty or is subpoenaed as a witness in court or voluntarily serves as a witness in a case in which the City is a party, the employee is entitled to compensation from the City equal to the difference between his regular pay and the amount received as a juror or witness.

Meal Breaks and Rest Periods

A paid fifteen (15) minute break is allowed for each four (4) consecutive hours of work. An unpaid thirty (30) minute lunch is provided when an employee works eight (8) or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time end time by saving the breaks and applying to scheduled work shift.

Resignation

Any employee wishing to leave municipal service in good standing shall file with the City Council at least 14 days before leaving, provide a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City. Unauthorized absence from work for a period of three working days may be considered by the City Council as a resignation without such benefits.

Lay-off

After at least two weeks' notice to the employee, the City Council may lay off any employee whenever such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. No permanent or probationary employee shall be laid off while there is a temporary employee serving in the same class of position for which the permanent or probationary employee is qualified, eligible and available.

Grievance

It is the policy of the City to prevent the occurrence of grievances and to deal promptly to resolve disputes at the time of occurrence. If the employee deems the dispute issue unresolved, it will be settled in the following manner.

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, date occurred, facts on which it is based, and the provision(s) of personnel policy allegedly violated, and remedy requested. The grievance is to be filed to the supervisor within twenty-one (21) days after the alleged violation or dispute. The supervisor will respond to the employee in writing within seven (7) calendar days.

Step 2: If the grievance has not been resolved in accordance with Step 1, it must be presented in writing, stating the nature of grievance, date at which the incident allegedly occurred, the facts on which is based, provision(s) of the Personnel Policy allegedly violated, and the remedy requested by the employee to the next level supervisor. If there is no next level supervisor, the grievance is to be submitted to the Personnel Committee. The next level supervisor or Personnel Committee will respond to the employee within seven (7) calendar days. The decision at this level is final,

except for those specific components is performance evaluation subject to challenge through the Minnesota Department of Administration.

Discipline

Employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including compliance of work rules, city policies and standards of conduct. Discipline will be administered in a non-discriminatory manner. There will be an investigation into any allegation of which disciplinary action might be based before any disciplinary action is taken. If an employee believes the discipline applied is either unjust or disproportionate to the offense, may pursue a remedy through city grievance procedures.

1. **Forms of Discipline.** Discipline will be in one or more of the following forms.
 - 1) oral reprimand.
 - 2) written reprimand.
 - 3) suspension with or without pay.
 - 4) termination
2. **Notices.** Notices of suspension, demotions and termination will be in written form and will state the reasons for the action taken. The employee shall be provided with a copy of such notice.
3. **Written Records** Written reprimands, notices of suspension, and notices of termination which are to become part of an employee's personnel file and shall be read and acknowledged by signature of the employee. The employee will receive a copy of such reprimands and/or notices.
4. **Examination.** Employees may examine their own individual personnel files at reasonable times under the direct supervision of the City Clerk/Treasurer.
5. **Other Disciplinary Action** The following other disciplinary actions may be taken after the foregoing steps have been followed:
 - 1) Involuntary demotion. This step shall be taken only if the employee does not have the ability to function at a higher level.
 - 2) Withholding a salary increase or decreasing the employee's salary. The employee shall be notified in writing of the action and the reasons. A copy of the notice shall be placed in the employee's file.
 - 3) Required completion of specific disciplinary or corrective action by the employee.
6. **Hearing.** In any case of disciplinary action, the employee shall be granted a hearing before the City Council if the employee submits a written request for such a hearing to the Council within five working days of notification of the action taken. The hearing shall be held within ten working days from the date the request is filed unless the City and the employee agree on an earlier or later date. If the disciplinary action involves the removal of a veteran, the hearing shall be held in accordance with Minnesota Statutes, Section 197.46.

Insurance

1. **Employer Contribution.** The City will pay 100 percent of employee coverage and employees will pay for dependents coverage. In addition, the City will pay 100 percent of life and disability insurance premiums at current benefit levels. The contribution terms and conditions set forth in this subdivision regarding insurance benefits may be changed by resolution of the City Council.
2. **Part-Time Employees.** The City does not provide a city contribution for health/hospital insurance for any part-time city employees. However, part-time employees who work over 30

hours a week may purchase at their own expense such insurance coverage as may be available from time to time for part-time employees through the City's group insurance carriers. This right to purchase such insurance is subject to any availability restrictions or other limitations imposed by said group insurance carriers.

3. **Single Coverage.** Employees not choosing dependent coverage cannot be covered at City expense for any additional insurance, nor will they receive a cash payment for the difference between the cost of single coverage and the maximum monthly dollar cost paid by the City.
4. **Additional Coverage.** Under the group insurance program, an employee may purchase additional health, disability and life insurance for the employee and the employee's dependents provided that the employee pays the full cost of such additional coverage.

Retirement

The city participates in the Public Employees Retirement Association (PERA) to provide pension benefits for eligible employees, per Minnesota statute based on pay or hours worked, to help plan for a successful and secure retirement. Participation is mandatory for most employees, and contributions into PERA begins immediately on employment. The city and employees contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare. The city matches the employee's Social Security and Medicare withholding.

Safety

The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the City of Vergas. To the greatest extent possible, an environment free from unnecessary hazards and established policies and procedures will be in place.

1. **Exposure to Hazardous Substances.** Any employee routinely exposed to hazardous substances or harmful physical agents as defined in the Minnesota Employee Right to Know Act of 1983 shall be trained before being assigned or reassigned work exposing him or her to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where information about hazards is stored in the workplace, how the hazards are labeled, and where to obtain specific information. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes presents imminent danger or serious physical harm to the employee.
2. **Safety Equipment/Gear.** Where safety equipment is required by federal, state or local rules and regulations, it is a condition of employment that such equipment be used or worn by the employee.
3. **Reporting of Accidents and Illness.** Minnesota workers' compensation laws and state and federal Occupational Safety and Health Acts require all job-related injuries or illnesses be reported as soon as possible to the supervisor. The supervisor, in collaboration with the employee, will complete a First Report of Injury and other forms necessary related to the injury or illness on the job and evaluate for workplace improvement needs.
4. **Unsafe Behavior.** Supervisors are authorized to take immediate action, including sending employee home, when employee's behavior violates city personnel policies, department policies and creates a potential health or safety risk for employee or others.
5. **Near Miss Event.** It is important to report near miss events, which is an unplanned event that did not result in injury, illness, or damage, but had the potential to do so. This provides an opportunity to address before there is harm.

6. **Accident/Incident Report.** The city accident/incident report form is to be completed for accidents and near miss events and submitted to the City Clerk within 12 hours of the accident/incident.

Education and Training

The City of Vergas promotes staff development as an essential and ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for staff development are to ensure the employees develop and maintain knowledge and skills necessary for effective job performance.

1. The City will pay the costs of employee participation in training and job-related meetings provided the attendance is approved in advance by supervisor or City Council and meets the criteria of job-relatedness.
2. Payment information, as invoices and billing statements, are to be forwarded for prompt payment.
3. Attendance at professional meetings not directly related to employee work responsibilities requires supervisor approval to ensure adequate department work coverage.

Media Request

With the exception of routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the City Office. No city employee is authorized to speak on behalf of the city without prior authorization from a City Official. Media requests include anything intended to be published or viewable to others in some form, such as television, radio, newspaper, newsletters, social media postings or websites.

When responding to media requests, employees should follow these steps:

- 1) If the request is for routine or public information (such as meeting time or agenda) provide the information and notify the City Office of the request.
- 2) If the request is regarding information about city personnel, potential litigation, controversial issues, an opinion on a city matter, or if an employee is unsure if the request is a "routine" question, forward the request to the City Office.
- 3) All news releases concerning the city and city personnel is the responsibility of the City Clerk

Whistle Blower

An employee of the City who, in good faith, reports an activity that he/she considers illegal or dishonest to one or more parties may have whistleblower protections. To one or more parties may have whistleblower protections. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate City Management Officials are charged with these responsibilities.

Examples of illegal or dishonest activities include violations of federal, state, or local laws, billing services not performed or goods not delivered and other fraudulent reporting.

- a. If an employee has knowledge of a concern of illegal or dishonest fraudulent activity, the employee is to contact their assigned supervisor. If the City Council has the assigned supervision, contact the Personnel Committee.
- b. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to disciplinary actions.
- c. It is the city's legal responsibility to protect employees who make a complaint. Whistleblower protections are provided in two important ways: confidentiality and protection from retaliation, consistent with the Minnesota Data Practices.

Adopted this 9th **Day of January 2024** by the City Council of the City of Vergas.

Mayor

ATTEST:

Julie Lammers
City Clerk-Treasurer

Approved: 1-01-2012

Updated:

02-09-2016

10-08-2019

02-08-2022

02-15-2023

01-09-2024

APPENDIX: Earned Sick and Safe Time (ESST)

Earned Sick and Safe Leave

“Earned Sick and Safe Leave” is paid time off and applies to all employees (including full-time employees, part-time employees, temporary employees and seasonal employees performing work for at least 80 hours in a calendar year for the city.

(a) Accrual of Earned Sick and Safe Leave

1. Part-time, temporary, and seasonal employees scheduled to work at least 80 hours per calendar year will accrue Earned Sick and Safe Leave at a rate of one hour for every 30 hours worked, including overtime hours, and can earn a maximum of 48 hours each calendar year.
2. For employees holding multiple positions performing work for at least 80 hours per calendar year all hours worked will contribute to Earned Sick and Safe time accrual up to the maximum of 48 hours each calendar year. Accrual is not based on separate positions. Accrued Earned Sick and Safe time may be used for all positions held by an employee.
3. Employees performing work for less than 80 hours per calendar year do not qualify for Earned Sick and Safe Leave.
4. Per the Minnesota Department of Labor and Industry elected officials are not considered employees and are exempt from Earned Sick and Safe Leave.
5. Once an employee performs work for more than 80 hours per calendar year, the employee’s eligibility threshold is met. Once the eligibility threshold is met, the accrual calculation includes all hours worked back to the first hour worked for the employer. Once the eligibility threshold is met, the employee will accrue one hour for every thirty hours worked moving forward, in compliance with the Carry Over and Pay Out requirements below, even if the employee does not meet the threshold of 80 hours in subsequent calendar years.

(b) Earned Sick and Safe Leave Use

The leave may be used as it is accrued in the smallest increment of time tracked by the city’s payroll system (.25 hours) as described below, for the following circumstances:

- An employee’s own:
 - Mental or physical illness, injury or other health condition

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

(c) For Earned Sick and Safe Leave purposes, family member includes an employee's:

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner

- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

(d) Advance Notice for use of Earned Sick and Safe Leave

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

(e) Carry Over and Pay Out of Earned Sick and Safe Leave

Part-time employees working less than 20 hours per week, part-time salaried employees, temporary employees, seasonal employees, may carryover unused Earned Sick and Safe time into the next calendar year, but at no time may the accrued Earned Sick and Safe time exceed 80 hours. Accrued Earned Sick and Safe time will not be paid out when an employee leaves their job, either voluntarily or involuntarily. An employee who transfers positions retains their accrued Earned Sick and Safe time. An employee who returns to work for the same employer within 180 days of separation is entitled to the Earned Sick and Safe time accrued before leaving.

(f) Retaliation prohibited

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

(g) Benefits and return to work protections

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

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

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