

Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Town Hall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

Nowthen City Council  
February 1, 2024  
7:00pm

## WORK SESSION AGENDA

- 1) **Call to Order**
  - a) Pledge of Allegiance
  - b) Roll Call
- 2) **Approve Agenda**
- 3) **Approve Resolution 2024-XX Appointing 2024 Presidential Nomination Primary**
- 4) **Review Phase 1 of the Nowthen Personnel Policy Changes**
- 5) **Review Employee Annual Performance Ratings, Payroll Wages, Recommended COLA increase per 2024 Budget and Recommended Merit Increases**



## REQUEST FOR COUNCIL ACTION

Agenda Item: 3	Department: Administration	Requested Council Meeting Date: February 1, 2024	Submitted By: Deputy City Clerk
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**TITLE OF ISSUE: APPROVAL OF RESOLUTION 2024-XX APPROVING THE APPOINTMENT OF ELECTION JUDGES FOR 2024 PRESIDENTIAL NOMINATION PRIMARY.**

### **BACKGROUND AND SUPPLEMENTAL INFORMATION:**

2024 is a Presidential Election year with three (3) elections, the Presidential Nomination Primary (PNP), the Primary and the General Election. Each of these elections requires Election Judges. The first of the three (3) elections is March 5, 2024. This election will require fewer judges than the August 13<sup>th</sup> Primary, and the November 5<sup>th</sup>, General Election. There are no basic age and residency guidelines for election judges. Pursuant to Minnesota Statutes Section 204B.21, elections judges must be appointed by the city council. The staff has made every effort to achieve balance in its election judge political parties.

The judges for the PNP do not require the two (2) hours of election training if they were judges in the 2022 election, only the one (1) hour of PNP training is required. Due to this clause, rather than hire new judges, it was determined that the best course of action was to use 2022 judges. The following judges have expressed an interest in coming back for the PNP and have been assigned the required one (1) hour of PNP training. Providing all of them complete the required training, staff is recommending the city council approve them to be judges for the PNP on March 5<sup>th</sup>, 2024, with the hourly rate to be the same as the 2022 election, Head Judges \$16, Asst. Head Judge \$15.50 and Judge \$15.00. In the event circumstances require judges to be appointed in addition to the persons named below, the Deputy Clerk/Elections Manager is authorized to appoint as necessary, provided that appointed person(s) meet all requirements of MN statute administrative policy.

Sheryl Olson  
Mary Ellen Durkot  
Lori Wellberg  
Scott Davis  
Michael Wayman  
Tess White-Bettle

Paula Coffey  
Rhonda Mix  
Lexi Johnson  
Carson Stadel  
Chad Johnson  
Any additional judges as determined by the Deputy Clerk.

Additional Judges (and those listed above) will be appointed closer to the August Primary based upon availability for the election and completion of the 2024 two (2) hour training, along with head judge training for the head judges.

Note: Some of the expenses of the PNP will be reimbursed by the state of Minnesota at the

completion of the election. Deputy Clerk Johnson will submit all the expenses to the state when the PNP is completed.

**SOURCE OF FUNDING:** General Fund 100-41410-103 Election Pay & some reimbursed expenses.

**REQUESTED COUNCIL ACTION:** Motion and Second as part of the consent agenda to appoint the judges as set forth in resolution 2024-xx.

**SUPPORTING DOCUMENTS ATTACHED:**

Resolution	Ordinance	Contract	Minutes	Plan Map
X				

Other:

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## RESOLUTION No. 2024-XX

### A RESOLUTION APPROVING THE APPOINTMENT OF ELECTION JUDGES FOR 2024 PRESIDENTIAL NOMINATION PRIMARY.

**WHEREAS**, 2024 is a Presidential Election year with three (3) elections, the Presidential Nomination Primary (PNP), the Primary and the General Election. Each of these elections requires Election Judges. The first of the three (3) elections is March 5, 2024, and;

**WHEREAS**, the judges for the PNP do not require the two (2) hours of election training if they were judges in the 2022 election, only the one (1) hour of PNP training is required. Due to this clause, rather than hire new judges, it was determined that the best course of action was to use 2022 judges. The judges listed below have expressed an interest in coming back for the PNP and have been assigned the required one (1) hour of PNP training, and;

**WHEREAS**, pursuant to Minnesota Statutes Section 204B.21, elections judges must be appointed by the city council. Providing all the judges listed below complete the required training, staff is recommending the city council approve them to be judges for the PNP on March 5th, 2024, with the hourly rate to be the same as the 2022 election, Head Judges \$16, Asst. Head Judge \$15.50 and Judge \$15.00. In the event circumstances require judges to be appointed in addition to the persons named below, the Deputy Clerk/Elections Manager is authorized to appoint as necessary, provided that appointed person(s) meet all requirements of MN statute administrative policy.

Sheryl Olson	Paula Coffey
Mary Ellen Durkot	Rhonda Mix
Lori Wellberg	Lexi Johnson
Scott Davis	Carson Stadel
Michael Wayman	Chad Johnson
Tess White-Bettle	Any other judges as determined by the Deputy Clerk.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NOWTHEN** as follows:

1. The recitals set forth above are incorporated herein.
2. City Council approves the hiring of the above-named judges and any others determined by the Deputy Clerk for the 2024 PNP at the rates listed above.
3. Any funding reimbursed from the 2024 PNP will be allocated to the fund 100-41410-103

The motion for the adoption of the foregoing resolution was proposed by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Recordings of Nowthen City Council Meetings are available on City of Nowthen Youtube channel.

Passed and adopted by the Nowthen City Council this 1<sup>st</sup> day of February 2024.

CITY OF NOWTHEN

\_\_\_\_\_  
By: JEFFREY M. PILON  
Its Mayor

ATTEST \_\_\_\_\_  
By: SCOTT LEHNER  
Its City Administrator

# Personnel Policy Phase 1 Outstanding Items:

## 1) Updates based on Attorney Review

2) **PTO Rollover** – Per 12/14 Discussion the following was determined for existing employees:

- At the end of 2024, pay out up to 200 hours, up to 40 hours can be rolled over with a payout of 160. Any accrued hours above 200 will be lost effective 12/31/2024.
- 2025 and beyond, all employees follow the 40 hour rollover and 40 hour payout rule.

**Per the 1/9 meeting:** Rollover for all employees was updated to 40 hours rollover with extenuating circumstances to allow an additional 40 hours rollover (for example if it snowed the week between Christmas and New Years)

## 3) PTO Accrual for Existing Employees:

**Summary:** Based on the accepted PTO accrual chart for new employees, existing employees with less than 6 years of service would need to wait until their 11<sup>th</sup> anniversary to get an increase in PTO. Should the hours or years of service from this statement be adjusted based on Chart B? *Current Employees more than 1 year service and less than 6, 8.33 hours per pay period. Employees with 15+ years, 11.66 hours per pay period.*

**Details:** The following was determined on 12/14 based on the PTO accrual chart created during the meeting, Chart A below.

### Current Employees Hired prior to Nov 1<sup>st</sup> 2023: Discussed on 12/14 and Accepted on 1/9

- Current Employees more than 1 year service and less than 6, 8.33 hours per pay period. Employees with 15+ years, 11.66 hours per pay period.
- Existing contracts supersede this policy.
- At the end of 2024, pay out up to 200 hours, up to 40 hours can be rolled over with a payout of 160. Any accrued hours above 200 will be lost effective 12/31/2024.
- 2025 and beyond, all employees follow the 40 hour rollover and 40 hour payout rule.

**Chart A:**

Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Pay Period	Hours Accrued per Year
Hire date to 1 year Anniversary	10	2	3.33	80
1st Anniversary to 2nd Anniversary	15	3	5	120
2nd Anniversary to 3rd Anniversary	20	4	6.67	160
3rd Anniversary to 5th Anniversary	25	5	8.33	200

6th Anniversary to 10th Anniversary	30	6	10	240
10th Anniversary +	35	7	11.67	280

During the 1/9 meeting, Chart B (below) was accepted as the PTO accrual for new employees. The previously determined accrual for existing employees based on Chart A was not rediscussed. Based on Chart B, existing employees with less than 6 years of service would need to wait until their 11<sup>th</sup> anniversary to get an increase in PTO.

Should the hours or years of service from this statement be adjusted based on Chart B? *Current Employees more than 1 year service and less than 6, 8.33 hours per pay period. Employees with 15+ years, 11.66 hours per pay period.*

**PTO Accrual for New Hires after Nov 1<sup>st</sup>, 2023 – Discussed and Accepted on 1/9**

**Chart B:**

Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Pay Period	Hours Accrued per Year
Hire date to 1 <sup>st</sup> Anniversary	10	2	3.33	80
1 <sup>st</sup> Anniversary to 5 <sup>th</sup> Anniversary	15	3	5	120
5 <sup>th</sup> Anniversary to 8 <sup>th</sup> Anniversary	20	4	6.67	160
8 <sup>th</sup> Anniversary to 11 <sup>th</sup> Anniversary	25	5	8.33	200
11 <sup>th</sup> Anniversary to 14 <sup>th</sup> Anniversary	30	6	10	240
14 <sup>th</sup> Anniversary +	35	7	11.67	280

**4) PTO Accrual for New Employees**

**Chart A: Discussed 12/14**

Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Pay Period	Hours Accrued per Year
Hire date to 1 year Anniversary	10	2	3.33	80
1st Anniversary to 2nd Anniversary	15	3	5	120
2nd Anniversary to 3rd Anniversary	20	4	6.67	160
3rd Anniversary to 5th Anniversary	25	5	8.33	200
6th Anniversary to 10th Anniversary	30	6	10	240
10th Anniversary +	35	7	11.67	280

**Chart B: Discussed 1/9**

Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Pay Period	Hours Accrued per Year
Hire date to 1 <sup>st</sup> Anniversary	10	2	3.33	80
1 <sup>st</sup> Anniversary to 5 <sup>th</sup> Anniversary	15	3	5	120
5 <sup>th</sup> Anniversary to 8 <sup>th</sup> Anniversary	20	4	6.67	160
8 <sup>th</sup> Anniversary to 11 <sup>th</sup> Anniversary	25	5	8.33	200
11 <sup>th</sup> Anniversary to 14 <sup>th</sup> Anniversary	30	6	10	240
14 <sup>th</sup> Anniversary +	35	7	11.67	280



City	Vacation Carry over	Sick Carry Over	PTO carry over	Population	Notes:
Maplewood			<b>496 Hours</b>	40940	Grandfathered employees can carry over 1.5 times of the years accrual.
St. Francis	<b>20 Hours + a full year</b>	<b>400 Hours</b>		8342	
Waconia			<b>480 Hours</b>	13071	12 weeks which is guaranteed under FMLA
Woodbury	<b>192 Hours</b>	<b>600 Hours</b>		76990	Sick Leave does get paid out as well upon seperation (15 weeks)
Lino Lakes	<b>240 Hours</b>	<b>600 Hours</b>		21608	Can carry over more sick with with Administrator approval
Otsego			<b>Full year of accrual</b>	21401	Employee may carry over one year ending Dec. 31 to the next year amount of PTO
St.Clair	<b>380 Hours</b>	<b>200 Hours</b>		750	just changed this year
Little Fork			<b>200 Hours</b>	543	
Zimmerman	<b>40 Hours + a full year</b>	<b>1040 hours</b>		6395	Dept Heads can carry 60 hours + full year accrual
					Employee who reached 800 hours of sic can convert to future sick leave accrual max of 96 hours per year 2x year into deferred compensation account if they match amount with deductions
Morris	<b>800 Hours</b>	<b>280 Hours</b>		5206	
East Bethel	<b>240 Hours</b>	<b>640 Hours</b>		12038	Comp time is capped at 50 hours & paid out at the end of each year if accrued.
Burnsville	<b>240 Hours</b>	<b>960 Hours</b>		63943	
Shoreview			<b>280 Hours</b>	26670	
Brooklyn Park			<b>240 Hours</b>	84526	Unlimited amount as long as by Oct. 1, they are 240 or under. Lose anything above 240
Princeton			<b>520 Hours</b>	4883	<b>1040</b> Hours for Dept Head & Supervisors. Also, Employee may <b>cash out 300 hours</b> annually into deferred compensation or qualifying HSA
Loretto			<b>80 Hours</b>	634	
Amboy			<b>80 Hours</b>	531	
Minnetrista			<b>400 Hours</b>	8557	

Most have a 100% pay out at time of seperation



**CITY OF NOWTHEN EMPLOYMENT  
AND PERSONNEL POLICIES  
Updated January 2024**

**CHAPTER 2**

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# CHAPTER 2

## SECTION 1

### PURPOSE, ADOPTION, AMENDMENT, AND SCOPE

- Section 2-1-1 Purpose
- Section 2-1-2 Scope
- Section 2-1-3 Amendments
- Section 2-1-4 Interpretation
- Section 2-1-5 Data Practices Advisory
- Section 2-1-6 Disclaimer

**2-1-1 PURPOSE:** The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Nowthen. They should not be construed as contract terms. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole and exclusive discretion of the City Council. These policies dated **January, 2024** supersede all previous personnel policies.

Except as otherwise prohibited by law, the City of Nowthen has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate their employment at any time for any reason.

Throughout these employment and personnel policies, "City of Nowthen," and "City," are synonymous terms. The "Employer" referenced or implied in this policy is "The City Council."

**2-1-2 SCOPE:** The Employment and Personnel Policies applies to all Employees of the City of Nowthen. Department Heads may implement more specific guidelines and procedures than outlined in this Handbook for their individual Departments, provided they are not in conflict with these policies and have been approved by the City Administrator. Such Departmental procedures shall be approved by the City Council prior to implementation.

These Policies do not apply to the following:

- Elected Officials
- Members of Commissions, Boards, and Committees; and
- Consultants, independent contractors, and others rendering temporary professional services for the City of Nowthen

No provision of these policies is intended to violate, supersede or conflict with any Federal or State law or regulation. In the event that a provision in these policies are in conflict with State or Federal law, the applicable law shall apply. Any Employees covered by a collective bargaining agreement entered into in accordance with the MN Public Employers Labor Relations Act shall be exempt only from any provisions in these policies that directly conflict with language in the bargaining agreement.

Any provisions contained in contracts between the City Council and an individual Employee shall be exempt from any of the provisions in these policies that are in direct conflict.

**2-1-3 AMENDMENTS:** The City Council will approve all new or revised policies and/or benefits before they become effective. The City Administrator may direct the preparation of new or revised policies and/or benefits and present to the City Council. When a new or revised policy and/or benefits is approved by the City Council, the City Administrator will file the amendment, and it will become part of this policy. Deletions to the policies will be approved by the City Council with filing handled by the City Administrator.

**2-1-4 INTERPRETATION:** Legal Council is responsible for the interpretation of these policies. The City Administrator assisted by department heads is responsible for the implementation.

**2-1-5 DATA PRACTICES ADVISORY:** Numerous types of data are categorized as private, non-public, or confidential under the MN Government Data Practices Act. In many circumstances, data may not be disclosed except with authorization of the subject of the data or pursuant to court order. To ensure that the MN Government Data Practices Act is not violated, Employees are strictly prohibited from disclosing to a third party, within or outside the City, the following without the express authorization of the City's Responsible Authority:

- personnel data;
- data relating to pending civil legal actions;
- any other data that might be classified as private, non-public, or confidential

Pursuant to the MN Government Data Practices Act, the City Council shall appoint a Responsible Authority to administer the requirements for the collection, storage, use and dissemination of data on individuals within the City.

**2-1-6 DISCLAIMER:** Nothing contained in these policies or in any other City document, and nothing said or done by a City Employee, is intended as an employment contract between the City and an Employee or as a guarantee of continued employment, property right or liberty interest. Employment for all City Employees is at-will and both the City and the Employee have the right to terminate the employment relationship at any time.

The City Council reserves the right to modify, revoke, suspend, terminate, or change the language and contents of these policies, in whole or in part, at any time, with or without notice.

Employment with the City is at-will, except as otherwise provided by law or contract. Employment may be terminated, with or without cause, at any time at the option of either the Employee or the City Council. No representative of the City has authority to enter into any agreement to the contrary, unless approved by the City Council.

## **SECTION 2**

### **DEFINITIONS**

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

**Benefits** - Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.

**Benefit Earning Employees** - Employees who are eligible for City provided benefits. Such employees must be year-round employees who work at least forty (40) hours per week on a regular basis.

**Classification System** – A system intended to rank employee positions based upon job responsibilities and hours worked to assure uniform and fair job duties and benefits.

**Core Hours** - The core hours are those hours that all employees (exempt and non-exempt) are expected to work. Police, fire, and public works employees do not have core hours and work the schedules established by their supervisors.

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

**Exempt Employee** - Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act.

**FICA (Federal Insurance Contributions Act):** FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., those covered under a Section 218 agreement). These amounts may change if required by law.

**Fiscal Year** - The period from January 1 to December 31

**Full-time Employee** – Employees who are required to work forty (40) or more hours per week year-round in an ongoing position.

**Hours of Operation** – The hours the city is open for business.

**Job Description** – A narrative description of the work responsibilities of the position which forms the basis of the classification plan.

**Management Employee**– An employee who is responsible for managing a department or division of the City.

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

**Part-Time Employee** - Employees who are required to work less than forty (40) hours per week year-round in an ongoing position.

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



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

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

**Regular Employee** – An employee who has successfully completed the training (probationary) period and has been granted regular status by the city council.

**Seasonal Employee** - Employees who work only part of the year (185 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

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

**Training (Probationary) Period** – A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city's selection process and is used by supervisors for closely observing an employee's work. With the approval of the city council the Training (Probationary) period may be extended. City Administrator to provide extenuating circumstances to extend.

**Training Employee** – An employee who is in the training (probationary) period of employment.

## SECTION 3

### RECRUITMENT AND SELECTION

- Section 2-3-1 General Statement
- Section 2-3-2 Equal Employment Opportunity
- Section 2-3-3 Recruitment and Selection Process
- Section 2-3-4 False Information
- Section 2-3-5 Residency Requirement
- Section 2-3-6 Relatives: Appointment and Placement

**2-3-1 GENERAL STATEMENT:** Appointment and promotion to positions in the City shall be based upon merit. Selection methods will be based solely on job-related factors.

Regardless of the number of applicants, selection methods shall be deemed competitive when:

- The qualifications required are based on job relevant factors established by the City;
- A reasonable opportunity is afforded for qualified persons to apply; and
- All persons being considered compete against the same standards.

**2-3-2 EQUAL EMPLOYMENT OPPORTUNITY:** The City of Nowthen is an equal opportunity employer. No individual shall be discriminated against because of race, color, creed, sex, religion, age, national origin, sexual orientation, marital status, physical or mental disability, veterans status, source of income, or any other group or class which discrimination is prohibited by State or Federal law.

Employees who participate in discrimination of any kind are subject to discipline, up to and including termination.

Any person who feels that he or she has been discriminated against should contact their Supervisor, or the City Administrator. If the perpetrator is the City Administrator, the discrimination should be reported to The City Council. Employees and applicants are protected from coercion, intimidation, interference, and discrimination for filing complaints or assisting in investigations.

**2-3-3 RECRUITMENT AND SELECTION PROCESS:** The City shall take whatever measures necessary to seek out and encourage properly qualified individuals to apply for positions.

**1. Position Vacancy Announcement**

The City, at its sole discretion, will determine how a vacant position is posted.

- a. Internal-only postings are those vacancies that are limited to current City of Nowthen employees.
- b. External postings are those vacancies that are open to current City of Nowthen Employees and outside applicants.

With City Council approval Part-time, Temporary and Seasonal positions may be filled by re-hiring Employees who have previously worked for the City in the same capacity during the past twelve (12) months, have received satisfactory evaluations and resigned or released in good standing.

**2. Selection of Candidates**

The City may use written, oral or performance tests, an evaluation of training and experience, or any combination of these.

Appointment to a position in the City shall not be construed to be a property right of the Employee. All Employees are appointed by and serve at the sole discretion of the City Council.

Excluding any election Judges, an Employee may not hold both a full-time and part-time position within the City simultaneously.

**3. Selection Process**

The selection process will be a cooperative effort between the City Administrator and the Hiring Committee or City Council Designee with the City Council making the final decision.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council approval.

Except where prohibited by law seasonal and temporary employees may be terminated by the supervisor at any time, subject to City Council approval.

#### **4. Pre-employment Checks**

Reference Check - The City reserves the right to conduct reference checks for all Employees before making an offer of employment. Reference checks may be conducted during the selection and/or interview process.

Background Check – All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate’s suitability for the position. Except where already defined by state law, the City Administrator or City Council will determine the level of background check to be conducted based on the position being filled. The City reserves the right to conduct background checks at the finalist stage or after a conditional offer of employment has been made. A finalist is an applicant who has been selected to have an interview with the City, City Administrator or City Council.

Credit Check - Certain positions, due to the nature of their responsibilities, may require the City conduct a credit check. If a position warrants a credit check, the City will obtain the necessary authorizations and comply with the Fair Credit Reporting Act (FCRA).

Fit-for-Duty Exam - Certain positions may require candidates to undergo a pre-employment fit-for-duty or psychological testing. These exams will only be conducted after a conditional offer of employment has been extended.

Drug and Alcohol Testing – All candidates, after a conditional offer of employment has been extended, shall have a pre-employment drug and alcohol test in accordance with the City’s Drug and Alcohol Testing Policy or the Federal Department of Transportation (DOT) Regulation 49 CR § 40.25.

If something in the applicant’s pre-employment checks makes them ineligible for employment, the City will withdraw the offer of employment at that time.

#### Training (Probationary) Period –

A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city’s selection process and is used by supervisors for closely observing an employee’s work. With the approval of the city council the Training (Probationary) period may be extended. City Administrator to provide extenuating circumstances to extend.

During the training/probationary period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and what needs improvement. A formal review with documentation will take place at three months. If at three months improvement is needed, all reviews going forward will be documents and added to the employee’s file.

An employee serving the initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Nothing in this policy handbook shall be construed to imply after completion of the probationary period, an employee has any vested interest or property right to continued city employment.

**2-3-4 FALSE INFORMATION:** Any applicant who gives false or misleading information, cheats on an examination, or falsifies a statement, certificate, or evaluation will not be considered for employment.

Should the City discover false information was provided by the applicant after starting employment with the City, the Employee may be subject to immediate termination.

**2-3-5 RESIDENCY REQUIREMENT:** Employees are not required to maintain residency within City limits. However, Employees in designated positions must comply with response time provisions established by the City.

**2-3-6 RELATIVES: APPOINTMENT AND PLACEMENT:** For the purposes of Section 2-3-6, the terms “family member or relative” shall mean the employee or spouse of the employee, parent, child (by birth, adoption or legal guardian), brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew and niece.

The City of Nowthen does not restrict employment of more than one member of a family or persons related by blood or marriage. However, to avoid conflict of interest, for Employees hired/rehired on or after January 1, 2021, the following shall apply:

- A. No City Employee may be appointed to the same Department as a spouse, family member or relative.
- B. No City Employee shall take part in decisions to hire, retain, promote or determine the salary of his/her family member or relative.
- C. No City Employee is to be assigned responsibility for supervising, directing or auditing the work or performance of his/her family member or relative.

## SECTION 4

### RECORDS AND REPORTS

Section 2-4-1 Employment Records

Section 2-4-2 Performance Evaluations

**2-4-1 EMPLOYMENT RECORDS:** The City Administrator or designee maintains employment records for all Employees in accordance with the MN Government Data Practices Act. It is important that Employees' permanent personnel records are kept accurate and up to date.

It is the Employee's responsibility to promptly notify the City Administrator or designee when there is a change in any of the following:

- Name (through marriage or otherwise)
- Mailing Address
- Life Events (marriage, divorce, birth/adoption of child, etc.)
- Beneficiaries for life insurance, pension benefits, etc.
- Telephone Numbers
- Emergency Contact Information

Most of the data is considered private information and is not revealed without the Employee's permission.

Employees may view their employment records, upon written request, by making an appointment with the City, the City Administrator or designee. The City Administrator or their designee will observe the review and make copies of any information requested by the employee.

**2-4-2 PERFORMANCE EVALUATIONS:** Performance evaluations are an opportunity for the Employee, Supervisor, and the City to assess an individual's job performance. All full-time and part-time employees are required to receive annual evaluations. Seasonal and temporary employees are required to have periodic evaluations. The performance evaluation is designed to:

- A. Ensure that quality services are provided to the public at the least possible cost;
- B. Motivate and develop Employees to their fullest potential;
- C. Clarify roles and mutual expectations of Supervisors and Employees; and
- D. Ensure open and on-going communication between Employees at all levels, including feedback from subordinates to Supervisors.
- E. Determine goals and objectives for the upcoming evaluation period.

The City Administrator in consultation with the immediate Supervisor shall conduct a detailed performance evaluation on an annual basis or more frequently if needed.

The performance evaluation will be used for reviewing areas in an Employee's performance (such as: problem areas, further training and development, future goals, etc.). All performance evaluations will be discussed with the Employee.

The performance evaluation shall be in writing and signed by both the Employee and Supervisor, and submitted to the City Administrator to be retained in the Employee's Personnel File.

During the training/probationary period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and what needs improvement. A formal review with documentation will take place at three months.

If at three months improvement is needed, all reviews going forward will be documented and added to the employee's file.

## SECTION 5

### WORK SCHEDULE

Section 2-5-1 Work Schedule

Section 2-5-2 Breaks

**2-5-1 WORK SCHEDULE:** The core hours of work shall be those established by the City Council for the efficient conduct of City business. The normal workweek for Full-time Employees shall consist of forty (40) hours, Monday – Friday, except Holidays. The regular workweek starts 12:00 a.m. Saturday and ends 11:59 p.m. Friday, seven consecutive 24-hour periods.

These hours are to be observed by Full-time Employees. However, work hours may vary based on the needs of the City.

All Employees are subject to being called back to work in the event of a declaration of an emergency by the Mayor. The City Administrator or Supervisor are the only authorities that may grant an excuse from call back.

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees will be allowed to use accrued PTO or with supervisor approval may modify the work schedule or make other reasonable schedule adjustments.

Public works maintenance employees will generally be required to report to work regardless of conditions.

**2-5-2 BREAKS:** Employees granted two (2) fifteen (15) minute rest breaks per eight-hour shift approximately in the middle of each 4 hours worked and at times that do not materially interfere in the rendering of services. Employees will be also granted a ½ hour unpaid meal break approximately mid shift at the location of the employees choosing, providing that the entire break doesn't take more than 30 minutes.

Employees who choose to smoke must do so on their regularly scheduled breaks or lunch periods. No additional time will be allowed for smoking. Smoking is only allowed in the designated smoking area located by each City Building. The city of Nowthen observes and supports the Minnesota Clean Indoor Air Act.

Employees under age 21 are prohibited from smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco while on duty.

Service to the public may require the establishment of regular shifts for some Employees on a daily, weekly, seasonal or annual basis other than the normal work schedule. Employees will be given as much notice as practicable for any changes in shifts.

## SECTION 6

### OUTSIDE EMPLOYMENT

#### Section 2-6-1 Outside Employment

**2-6-1 OUTSIDE EMPLOYMENT:** The City of Nowthen does not generally restrict Employees from engaging in outside employment. However, the City expects Full-time and Benefits Eligible Employees to consider the City their primary employer. The City will not condone outside employment that interferes with the performance of an Employee's duties with the City or which represents a conflict of interest. The City will not change an Employee's work hours to facilitate the scheduling of any outside employment.

City time, facilities, equipment, or supplies shall not be used for the purposes of outside employment. Any violation may include discipline up to and including dismissal.

Full-time and Benefits Eligible Employees must receive prior, written approval from the City Administrator prior to engaging in any outside employment. The City Administrator shall confer with the City Council if appropriate.

## SECTION 7

### COMPENSATION

#### Section 2-7-1 FLSA Status

#### Section 2-7-2 Administration of Pay

#### Section 2-7-3 Promotion

#### Section 2-7-4 Demotion

#### Section 2-7-5 Pay Periods, Paydays and Pay Distribution

#### Section 2-7-6 Overtime Pay

#### Section 2-7-7 Time Sheets

**2-7-1 FLSA STATUS:** All positions shall be designated as either overtime exempt or non-exempt according to the Fair Labor Standards Act (FLSA).

**2-7-2 ADMINISTRATION OF PAY:** Employees of the City will be compensated according to classification schedules adopted by the City Council. Unless approved by the City Council, employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement, appropriate expense reimbursement for phone and travel expenses may be authorized by the City Administrator, in addition to regular pay.

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

**2-7-3 PROMOTION:** An Employee promoted to a higher job class could be compensated with an increase in pay. If the increase is not equivalent to a step, the increase shall be to the higher step closest to the increase.

**2-7-4 DEMOTION:** An Employee demoted to a lower job class could have their wage rate unchanged “frozen,” until such time the pay schedule for the lower job class reaches the wage rate at which the Employee was frozen.

**2-7-5 PAY PERIODS, PAYDAYS AND PAY DISTRIBUTION:** The City shall establish pay periods and paydays in accordance with State and Federal law.

As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the city administrator of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

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. The City has three years to identify an overpayment.

**2-7-6 OVERTIME PAY:** The City’s overtime policy complies with applicable State and Federal laws governing accrual and use of overtime. The City Council determines whether each Employee is designated as “exempt” or “non-exempt” from earning overtime. In general, Employees in executive, administrative, and professional job classes, as defined by the Fair Labor Standards Act (FLSA), are exempt and all others are non-exempt.

All Employees, in all departments, may be required to work overtime as requested by their Supervisor. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to distribute overtime work fairly and balance the personal needs of Employees when assigning overtime work.

The City Administrator and Supervisors are encouraged to adjust Employees schedules to limit the amount of overtime earned.

### **1. Non-exempt (overtime eligible) Employees**

Only Employees to whom the overtime provisions of the FLSA apply are required to be compensated for overtime worked.

All overtime must be authorized in advance by the Employee’s supervisor or designated representative. An Employee who works overtime without prior approval may be subject to disciplinary action, up to and including termination, except in emergency situation.



All non-exempt Employees will be compensated at the rate of one and one-half times their base hourly rate for any hours worked over 40 hours in one workweek.

Personal Time Off (PTO) and Holidays, are not allowed to be counted as hours worked in calculating overtime but are considered regular work hours.

For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked.

Overtime earned will be paid on the next regularly scheduled payroll date.

For the purposes of computing overtime compensation for any employee that holds a position with the City in multiple departments and at different pay rates, the overtime pay shall be calculated by using the blended pay rate of the positions, based on the standards as set forth in the FLSA.

## **2. Exempt (non-overtime eligible) Employees**

Exempt Employees are exempt from the overtime requirements of the FLSA and are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their Supervisor. Generally, to meet these expectations, an exempt Employee may need to work more than an average of 40 hours in a week. Exempt Employees do not receive additional pay for hours worked over 40 in one work week.

**2-7-7 TIMESHEETS:** It is the Employee's responsibility to ensure that their timesheet is completed accurately, signed and submitted in a timely manner to their Supervisor immediately after the end of the designated pay period or after the last shift worked in a pay period. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked, and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a biweekly basis. Each time report form must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet shall be cause for disciplinary action up to and including immediate termination.

Supervisors shall be responsible for verifying Employee timesheets and submitting properly authorized timesheets to the Finance Department in accordance with the payroll schedule. Failure to submit a timesheet in a timely manner, by either the Employee or Supervisor, will result in a delay in pay for the Employee until the next regularly scheduled payday. The City will not process a payroll outside of the regular payroll cycle to accommodate late timesheets.

## **SECTION 8**

### **EMPLOYEE STATUS**

Section 2-8-1 Personnel Covered

Section 2-8-2 Motor Vehicle Record/Driver's License Check

Section 2-8-3 Drug Tests

Section 2-8-4 Resignation

Section 2-8-5 Lay-Off  
Section 2-8-6 Retirement  
Section 2-8-7 Discharge  
Section 2-8-8 Good Standing

**2-8-1 PERSONNEL COVERED:** Any person employed by the City.

**2-8-2 MOTOR VEHICLE RECORD/DRIVER'S LICENSE CHECK:** Once employed, every employee at the City who drives City vehicles or equipment or who drives personal vehicles for City business will be subject to annual Motor Vehicle Record/Driver's License Check. The City Administrator will review each February the Motor Vehicle Record/Driver's License Check, and will bring any concerns to the City Council, at which point the City Council may take appropriate action.

All employees must inform the City as soon as that employee becomes aware that the employee's driver's license has been suspended or revoked.

**2-8-3 DRUG TESTS:** Once employed, any City employee shall be subject to drug/alcohol tests, either randomly or due to reasonable suspicion. The City Administrator will review the results of the drug/alcohol tests and bring any concerns to the City Council, at which point the City Council may take appropriate action. Any employee who is: involved in an accident while at work for the City; involved in an accident while on City property; or involved in an accident that involves the use of City vehicles or equipment may be required by the City Administrator to submit to a drug test following the accident. The City Administrator will review the results of any such drug tests and will bring any concerns to the City Council, at which point the City Council will take appropriate action.

**2-8-4 RESIGNATION:** Non-exempt, Employees wishing to leave employment shall submit a written resignation to their Supervisor ten (10) workdays prior to their anticipated separation date, as part of the terms to leave employment in good standing.

Exempt Employees, wishing to leave employment shall submit a written resignation to their Supervisor a minimum of twenty (20) workdays prior to their anticipated separation date, as part of the terms to leave employment in in good standing. Employment contract language supersedes this verbiage.

Employees may not use PTO during the ten (10) or twenty (20) workdays prior to separation, unless prior authorization is granted by the City Administrator or City Council for appointed employees.

Employees who leave employment in good standing shall be paid accrued, unused PTO, following termination of employment. The rate of pay will be the Employee's normal base rate of pay, at straight time, in effect on the Employee's date of separation. Employees who leave employment and are not in good standing will not be paid out accrued, unused PTO.

The City Administrator is authorized to accept all resignations on behalf of the City after which the City Council will vote to accept. The City Administrator or City Council may conduct exit interviews with departing Employees.

Employees leaving employment in good standing and with a satisfactory evaluation are eligible for re-hire within a twelve (12) month period with approval of the City Council.

**2-8-5 LAY-OFF:** The City Council, in its sole discretion, shall have the authority to lay-off any Employee when such action becomes necessary based on budgetary reasons, lack of work, or any other reason as determined by the City Council. Employees subject to lay-off shall receive such notice in writing. Employees laid off by the City for reasons other than misconduct shall be paid accrued, unused PTO, following termination of employment, provided all City property (equipment, supplies, keys, etc.) has been returned. The rate of pay will be the Employee's normal base rate of pay, at straight time, in effect on the Employee's date of separation.

**2-8-6 RETIREMENT:** For most Employees, the Public Employees Retirement Association (PERA) is a mandatory program authorized by MN State Statutes.

A retiring Employee is one that resigns and meets the PERA eligibility requirements for determining retirement.

**2-8-7 DISCHARGE:** Discharge of an Employee is City-initiated termination of employment for reasons other than a lay-off. The City may discharge any Employee at any time for misconduct, inefficiency, incompetence, violation of work rules, or for any other reasons not prohibited by law.

Employees who are involuntarily terminated will be paid through their termination date, provided all City property (equipment, supplies, keys, etc.) have been returned. The rate of pay will be the Employee's normal base rate of pay, at straight time. Employees who are discharged due to misconduct, gross inefficiency, incompetence, or violation of work rules will not be paid out any unused, accrued PTO.

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

1. **VETERANS PREFERENCE:** In the event that a discharged Employee is a veteran, the City will follow applicable State and Federal laws.

**2-8-8 GOOD STANDING:** To leave in good standing, employees must return all city keys, credit cards, property, equipment, etc, have a satisfactory performance review, not be on an action plan and give proper notice (10 workdays for non-exempt employees, 20 workdays for exempt employees.)

Employees leaving employment with the City in good standing are eligible to receive payout of any accrued, unused PTO hours and are eligible for re-hire within a twelve (12) month period with City Council approval.

PTO will be paid out at the Employee's normal base rate of pay, at straight time, in effect on the Employee's separation date.

## SECTION 9

### ATTENDANCE, VACATION AND LEAVES

Section 2-9-1 Attendance

Section 2-9-2 Severe Weather Conditions

Section 2-9-3 Holidays  
Section 2-9-4 Personal Time Off (PTO)  
Section 2-9-5 Use of Personal Time Off (PTO)  
Section 2-9-6 Extended Medical Benefit (EMB)  
Section 2-9-7 Use of Extended Medical Benefit (EMB)  
Section 2-9-8 Injury on Duty Pay  
Section 2-9-9 Military Leave  
Section 2-9-10 Jury and Witness Duty  
Section 2-9-11 Unauthorized Leave  
Section 2-9-12 Regular Leave Without Pay  
Section 2-9-13 Voting Leave  
Section 2-9-14 Family Medical Leave Act (FMLA)  
Section 2-9-15 Return to Work from Medical Leave  
Section 2-9-16 Funeral Leave

**2-9-1 ATTENDANCE:** Regular attendance and punctuality is an essential component of Employee performance and will be considered when making recommendations for promotions, professional development, and outside training and conference participation.

If an Employee cannot report for work due to illness or an emergency, the Employee should contact their Supervisor as early as possible, before the start of the scheduled workday. Supervisors should always be informed of an Employee's expected date of return to work.

All Employees are hired to do a job that is important to the operations of the City of Nowthen. Therefore, it is critical to the City's success that Employees strive for the best attendance possible. An absence of two (2) consecutive workdays without notifying the Supervisor may be considered as job abandonment and may result in disciplinary action, up to and including termination.

Tardiness, unauthorized absences, abuse of breaks and lunches may result in disciplinary action, up to and including termination.

All Employees are required to correctly report time worked and absences and see that the distribution of hours worked is charged to the proper activity. Supervisors are responsible for verifying the accuracy of timesheet entries for their Employees.

**2-9-2 SEVERE WEATHER CONDITIONS:** When severe weather conditions prohibit an Employee from reporting for the Employee's normal work shift or require an Employee to depart early, a non-exempt Employee will be paid for only those hours actually worked.

Absences due to weather conditions may be charged to the Employee's PTO. Only if the Employee does not have any PTO will the Employee be allowed to take the time as unpaid.

**2-9-3 HOLIDAYS:** Full-time and Benefits Eligible Employees will receive the following Holidays off with pay.

New Year's Day - January 1  
Martin Luther King, Jr. Day - 3rd Monday in January  
President's Day - 3rd Monday in February  
Memorial Day - last Monday in May

Juneteenth – June 19  
Independence Day - July 4  
Labor Day - 1st Monday in September  
Veteran’s Day - November 11  
Thanksgiving Day - 4th Thursday in November  
Day after Thanksgiving – 4<sup>th</sup> Friday in November  
Christmas Eve Day - December 24 ½ day if the 24<sup>th</sup> falls on a regular scheduled workday.  
Christmas Day - December 25

Employees on an unpaid leave immediately preceding or following a Holiday will receive no Holiday pay.

Employees who call in sick the day before or after a holiday will not be paid for the holiday.

Other than Christmas Eve, a Holiday that falls on a Saturday will be observed on the preceding Friday. A Holiday other than Christmas Eve, that falls on a Sunday will be observed on the following Monday.

Non-exempt Employees that are eligible for paid Holidays, who are not regularly scheduled to work on an actual OR observed Holiday but are authorized to do so by their Supervisor due to a City emergency, shall receive pay at one and one-half times (1½) times their regular hourly rate of pay in addition to their Holiday pay.

Employees who work more than an eight-hour shift must take the appropriate number of additional PTO time to cover hours over eight.

**2-9-4 PERSONAL TIME OFF (PTO):** All full-time employees are eligible for the PTO plan. Employees working part time, seasonal or temporary employees are not eligible. PTO can be used for any reason an employee needs to be away from work.

All eligible employees accrue time based on length of service and hours worked, regardless of pay grade, or position.

Time off for official holidays and court or military duty leave are not included in the PTO plan, and employees will continue to receive this in addition to their PTO.

PTO accrual is based on hire (service) date and hours will accrue each per pay period. From the date of hire until their first anniversary, employees may only use PTO that has been accrued. After completing their first year of employment, employees can use PTO that has not been accrued. If PTO is used before it has accrued and the employee leaves the City, unaccrued hours will be deducted from the final paycheck.

Employees leaving employment with the City in good standing are eligible to receive a payout of any accrued, unused PTO hours.

The City Council reserves the right to mandate PTO days. As an example: a Holiday falls on a Tuesday and Council chooses to close the Office / Maintenance Department on the preceding Monday.

## **Schedule**

PTO Accrual for employees hired **Before Nov 1<sup>st</sup>, 2023**

PTO Accrual for employees hired **After Nov 1<sup>st</sup>, 2023**

Completed Years of Employment	Days Accrued Per Year	Weeks Accrued per year	Hours Accrued per Pay Period	Hours Accrued per Year
Hire date to 1 <sup>st</sup> Anniversary	10	2	3.33	80
1 <sup>st</sup> Anniversary to 5 <sup>th</sup> Anniversary	15	3	5	120
5 <sup>th</sup> Anniversary to 8 <sup>th</sup> Anniversary	20	4	6.67	160
8 <sup>th</sup> Anniversary to 11 <sup>th</sup> Anniversary	25	5	8.33	200
11 <sup>th</sup> Anniversary to 14 <sup>th</sup> Anniversary	30	6	10	240
14 <sup>th</sup> Anniversary +	35	7	11.67	280

At end of fiscal year (Dec. 31st) employees may rollover up to 40 hours (5 days). If there are extenuating circumstances (for example, snow during previously scheduled PTO) the administrator may approve payout an additional 40 hours (5 days). Any additional unused hours are lost.

PTO shall not accrue during a period of unpaid leave of absence.

The City’s payroll system is the official record of PTO accruals.

**2-9-5 USE OF PERSONAL TIME OFF:** All PTO requests are subject to the approval of the Employee’s Supervisor. PTO must be used in minimum increments of 60 minutes.

To the extent possible, all PTO requests must be submitted to the Employee’s Supervisor a minimum of 5 days prior to the expected use of PTO. Supervisors are responsible for scheduling PTO in a manner that reasonably balances the operational and service needs of the department with the request of the Employees for time off.

The City will make a reasonable effort within the operational needs of the City to schedule PTO as requested by the Employee. However, the City reserves the right to deny PTO requests which may have an adverse effect on the City’s operations or cancel previously approved PTO requests if unexpected circumstances arise, which require an Employee’s attendance at work.

The City will not permit the excessive use of PTO in anticipation of an Employee’s separation from employment with the City, either by resignation, layoff or discharge. In particular, use of PTO will not be permitted during the 10 or 20 workdays prior to the effective date of an Employee’s resignation unless prior authorization is granted by the City Council.

In the event of illness or emergency that prevents an Employee from requesting PTO in advance, the Employee shall notify the Supervisor no later than the start of the workday. Employees who fail to notify their Supervisor may be subject to discipline, up to and including termination, at the sole discretion of the Supervisor and/or City.

Paid holiday leave shall not be counted as PTO.

**2-9-6 EARNED SICK AND SAFE TIME (ESST):**

### **a) Earned Sick and Safe Time Accrual:**

Full time employees do not accrue ESST as the PTO plan is more generous than the ESST requirements.

Part Time and Seasonal employees will accrue 1 hour of ESST for every 30 hours worked up to a 48 hours per calendar year. The hourly rate of Earned Sick and Safe Time is the same hourly rate an employee earns from employment with the city. This specific leave applies to all Part Time and Seasonal employees performing work for at least 80 hours in a year for the city.

### **b) Earned Sick and Safe Time Use**

The leave may be used as it is accrued in one-hour increments for the following circumstances:

#### **An employee's own:**

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

#### **Care of a family member:**

- With mental or physical illness, injury or other health condition Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition Who needs preventative medical or health care Whose school or place of care has been closed due to weather or other public emergency When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
- Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:

- Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
- Obtain services from a victim services organization
- Obtain psychological or other counseling
- Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
- Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

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

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

**(c) Advance Notice for use of Earned Sick and Safe Time:**

If the need for Sick and Safe Time 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 Time 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 Time to find a replacement worker to cover the hours the employee will be absent.

Employers must maintain the confidentiality of Earned Sick and Safe records, medical certifications, histories, and documents information pertaining to domestic abuse, sexual assault or stalking, and any statement from the employee about the need for leave. Medical records should be maintained confidentially and apart from personnel files.



Per the statute, employees may request the city to destroy or return records under Earned Sick and Safe Time that are older than three years prior to the current calendar year.

**(d) Carry Over of Earned Sick and Safe Time**

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

**2-9-8 INJURY ON DUTY PAY:** An Employee who is temporarily unable to work due to an injury or illness sustained in the performance of the Employee's work with the City may be eligible for Workers' Compensation benefits, subject to the provisions of the State of MN Workers' Compensation Law.

An Employee who becomes eligible to receive Workers' Compensation benefits will receive the total amount of the Workers' Compensation check and may receive the difference between their Workers' Compensation payment and the Employee's regular gross salary through the use of accrued paid leaves, if eligible. The total of Workers' Compensation benefits and paid leave compensation may not exceed the Employee's gross pay.

**2-9-9 MILITARY LEAVE:** State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such Employees are entitled to a leave of absence without loss of pay, seniority status, and efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar year.

The leave of absence is only in the event the employee returns to employment with the City as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years. Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active-duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals. Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

**2-9-10 JURY AND WITNESS DUTY:** Benefit Eligible Employees will be granted a paid leave of absence for jury duty. Benefits Eligible Employees paid leave will be pro-rated for the hours they would regularly be scheduled to work.

In order to receive pay for the time served on jury duty, Employees must submit their jury duty pay to the Finance Department. Employees are authorized to keep reimbursable mileage, parking, or eligible day care expenses received during jury duty.

When an Employee is subpoenaed as a witness in a court case relating to City business or serves voluntarily in a case relating to City business, the Employee will receive pay at their regular pay rate at straight time.

Employees subpoenaed as a witness in a case which is not related to City business must use accrued PTO if eligible or take unpaid leave (if the Employee has no eligible paid leave accruals) for the time spent participating in the case.

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

**2-9-11 UNAUTHORIZED LEAVE:** Any Employee who is absent without authorization for two (2) consecutive work days may be deemed to have abandoned their job and voluntarily resigned their employment with the City, having not left in good standing.

**2-9-12 REGULAR LEAVE WITHOUT PAY:** All requests for unpaid leave must be submitted in writing to the City Administrator. The written request by the Employee should state the length of time and reason for the request for unpaid leave.

An unpaid leave of absence, not to exceed a maximum of one calendar month, may be granted at the discretion of the City Council based on consideration of, but not limited to, the following factors:

- City's staffing needs;
- Employee's performance record and length of service;
- Reason for the request;
- Any other relevant information.

All eligible paid leaves must be exhausted before any unpaid leave is taken.

Benefits, including but not limited to: PTO, Holiday Leave or any other forms of indirect compensation shall not accrue during a period of unpaid leave.

Employees may continue on the City's group insurance coverages during the period of unpaid leave, but shall be responsible for paying one hundred percent (100%) of the premium costs. Premium costs shall be pro-rated hourly for any unpaid leave that is less than a full calendar month.

**2-9-13 VOTING LEAVE:** In accordance with MN Statutes, every Employee who is eligible to vote in an election has the right to be absent from work for a reasonable time for the purpose of voting.

Elections covered by this section include a regularly scheduled state primary or general election, an election to fill a vacancy for a U.S. senator or representative, or an election to fill a vacancy for a State senator or representative.

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that employee gives the City at least ten (10) days written notice.

**2-9-15 RETURN TO WORK FROM MEDICAL LEAVE:** When an Employee requests to return to work after an illness or injury, pregnancy, delivery, or postpartum recuperation, including a Workers' Compensation injury or any other medical leave of absence, the City shall require a return to work statement from the Employee's physician. The statement will contain any limitations and/or restrictions that may apply to the Employee performing the normal work duties of the Employee's job.

The City may require the Employee to be examined by the City's designated physician, at City expense, prior to the Employee returning to work.

**2-9-16 SCHOOL CONFERENCE LEAVE:** Effective July 1, 2023, any employee may take unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use PTO hours for this absence but are not required to do so.

**2-9-17 REASONABLE WORK TIME FOR NURSING MOTHERS:** Nursing mothers and lactating employees will be provided reasonable paid break times (which may run concurrently with already provided break times) to express milk.

The city will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

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

## SECTION 10

### INSURANCE BENEFITS

Section 2-10-1 Insurance Benefits

Section 2-10-2 Health Savings Account (HSA)

Section 2-10-3 Voluntary Benefits

Section 2-10-4 Insurance Continuation (COBRA)

Section 2-10-5 Benefits of City Retirees

**2-10-1 INSURANCE BENEFITS:** The City has a medical and hospitalization insurance plan for eligible Employees. The City will contribute a monthly amount toward group health benefits for each eligible employee and his/her dependents. The amount to be contributed and the type of coverage will be determined annually by the City Council.

**2-10-2 SHORT-TERM DISABILITY AND LONG-TERM DISABILITY INSURANCE:** The City has a short-term disability and long-term disability insurance plan for eligible Employees. The City will pay the premiums on this benefit.

**2-10-3 LIFE INSURANCE:** The City has a life insurance plan for eligible employees. The City will pay a set coverage amount for each eligible employee.

**2-10-4 HEALTH SAVINGS ACCOUNT (HSA):** The City has established Health Savings Accounts (“HSA”) for its employees. The City will pay all administrative costs and fees for the plan. The City may make an additional contribution to the accounts if the City Council so decides.

**2-10-5 VOLUNTARY BENEFITS:** The City, at its sole discretion, may offer voluntary benefits to its Employees. 100% of voluntary benefit premiums are paid by the Employee.

**2-10-6 INSURANCE CONTINUATION (COBRA):** The City will administer insurance continuation benefits in accordance with the Federal Consolidated Omnibus Reconciliation Act (COBRA). COBRA gives Employees and their qualified beneficiaries the opportunity to continue health insurance coverage under any of the City’s group plans when a “qualifying event” would normally result in the loss of eligibility.

Under COBRA, the Employee (or beneficiary) pays the full cost of premium charge at the City’s group insurance rate, plus a 2% administrative charge. Insurance coverage extended by COBRA will be discontinued for non-payment of premiums.

When a participating Employee ceases employment with the City, all insurance coverages will be discontinued at midnight of the first of the month following the date of termination.

Human Resources will provide Employees that participate in benefits, where COBRA continuation applies, a written notice describing their rights and obligations under COBRA.

**2-10-7 BENEFITS OF CITY RETIREES:** The City will administer insurance continuation benefits in accordance with MN Statute 471.61, and as amended, which provides for the continuation of group health to former Employees who are:

- receiving disability or pension benefit from PERA; OR
- have met the age and service requirements necessary to receive a pension from PERA;

All insurance continuation provisions listed in Section 2-10-4 are applicable.

## SECTION 11

### MISCELLANEOUS BENEFITS

Section 2-11-1 Professional Organizations  
Section 2-11-2 Professional Development  
Section 2-11-3 Job Related Licensing, Certification and Coursework  
Section 2-11-4 Travel Expenses

**2-11-1 PROFESSIONAL ORGANIZATIONS:** The City Administrator may approve an Employee's membership and dues to professional organizations and City community organizations be paid by the City, provided that the purpose is to promote, advertise, improve, or develop the City's resources and advantages and not for personal interest or gain.

**2-11-2 PROFESSIONAL DEVELOPMENT:** The City encourages Employees to attend job-related conferences, workshops, seminars, training, etc. to stay up to date with changes in their field and enhance their professional development.

Employees are allowed to attend National, Regional (multi-state) or local professional development opportunities with prior approval from the City Council.

Approval for attendance at professional development opportunities shall be based on, but not limited to:

- Availability of budgeted funds
- Relevance to the Employee's position
- Degree of benefit, to the City, of the knowledge to be obtained
- Content of the conference, workshop, seminar, etc.
- Employee presents lessons learned to the City Council
- Past performance of the Employee
- and any other criteria.

In the event that attendance at a professional development opportunity would generate overtime, the Employee and their Supervisor, prior to the Employee's attendance at such event, shall arrange the Employee's schedule so that no overtime is generated as a result of attendance.

Unless approved by the City Council voluntary attendance at a conference, training or other event outside of normally scheduled hours is not compensable, even if the event is directly related to the Employee's job or paid by the City. If the Employee chooses not to attend some portion of the event or leave early, the Employee shall use PTO for that time.

**2-11-3 JOB RELATED LICENSING, CERTIFICATION AND COURSEWORK:** Certain positions in the City require that the Employee be licensed or certified in order to legally perform the duties of that position. When licenses or certifications are required for a position, the City will pay the cost or reimburse the Employee for the cost of maintaining the license or certification.

The City may also pay for other job-related professional licenses, certifications and coursework that provide job enrichment to the Employee. These opportunities are subject to Department Head approval and budget availability.

**2-11-4 TRAVEL EXPENSES:** Employees will be reimbursed for all reasonable expenses incurred when traveling on City business, upon authorization by the Department Head and approval of such expenses by the City Council. Reasonable expenses include:

Mileage: When an Employee uses their personal vehicle, mileage is reimbursed at the IRS annually established rate per mile. An Employee's routine commute to and from work shall not be included in the determination of mileage for reimbursement.

Parking: Parking fees will be reimbursed for the actual amount.

Airfare, Train fare: Coach airline and train ticket costs will be reimbursed when it is more economical to fly or rail than drive.

Any travel credits or benefits earned from City paid or reimbursed travel must be accrued to the benefit of the City. The City shall not reimburse Employees for tickets purchased with personal travel credits or benefits.

Travel insurance is not reimbursable.

Rental Car: A car may be rented for City business, if warranted (i.e. if not driving to the event). The Employee will waive the rental company's loss/damage supplemental liability and/or personal accident insurance. Rental cars shall be mid-size or less, unless the City Council pre-approves something else.

Lodging: Hotel expenses, at a non-luxury hotel (unless it is the location of the event), will be reimbursed for the actual cost, not to exceed the single occupancy rate. Lodging expenses will not be reimbursed for activities held within the Twin Cities Metropolitan Area or within a 75-mile radius of the City of Nowthen, unless it is determined to be financially feasible and approved by the City Council, prior to travel.

Meals: Meal expenditures, including tax and tip, will be reimbursed according to Federal Reimbursement rates for Employees who travel on City business. Liquor is not an allowable expense.

Meals included as part of a conference registration are not reimbursable.

Miscellaneous: Reimbursement of miscellaneous expenses (i.e., taxis, subways, bus fares, hotel phone calls, etc.) will be reimbursed, provided they are directly connected to carrying out official City business.

In order to receive reimbursement, the Employee must complete the appropriate claim form, attach original receipts, and submit it to the Finance Department for consideration and approval.

## **SECTION 12**

### **CONDUCT**

- Section 2-12-1 Conduct
- Section 2-12-2 Basic Employee Responsibilities
- Section 2-12-3 Ethics in Public Employment
- Section 2-12-4 Political Activity
- Section 2-12-5 Code of Ethics

Section 2-12-6 Respectful Workplace  
Section 2-12-7 Harassment Prevention  
Section 2-12-8 Technology Policy  
Section 2-12-9 Drug, Alcohol and Offence Policy  
Section 2-12-10 Personal Appearance  
Section 2-12-11 Discipline  
Section 2-12-12 Whistleblowers  
Section 2-12-13 Grievances

**2-12-1 CONDUCT:** In accepting employment for the City Council, Employees become representatives of the City Council and are responsible for assisting and serving the citizens.

Employees should exhibit conduct that is professional, ethical, responsive and of standards becoming of a City Employee. To achieve this goal, Employees must adhere to established policies, rules, and procedures and follow the instructions of their Supervisor and Department Head.

**2-12-2 BASIC EMPLOYEE RESPONSIBILITIES:** City Employees are required to:

- perform their assigned duties to the best of their ability at all times and to continually strive to improve their performance;
- render prompt and courteous service to the public at all times;
- read, understand, and comply with the rules and regulations as set forth in this policy as well as those of their department;
- conduct themselves in a respectful manner towards both the residents and other Employees and respond to inquiries and information requests with patience and every possible courtesy;
- report all unsafe conditions to their immediate supervisor;
- maintain good attendance; and
- exhibit respect of one another, the City Clerk, Department Heads, Mayor and Council Members, Committee, Commission Members, Consultants, vendors hired by the City and residents.

The foregoing is not intended as an exhaustive list of any Employee's responsibilities, but rather a general description of the most basic performance expected by the City.

**2-12-3 ETHICS IN PUBLIC EMPLOYMENT:** In order to best serve the public interest and general welfare of the City of Nowthen and its citizens, this statement of ethics is established for all Employees of the City.

Employees shall not use their position for personal gain, engage in any business or transaction or have a financial interest, direct or indirect, which is in conflict with the proper performance of their official duties.

### **1. Applicability**

For the purposes of Sections 2-12-3 and 2-12-4, the term "Employee" shall include any individual employed by the City in any capacity.

### **2. Conflict of Interest**

The credibility of local government rests heavily upon the confidence which citizens have in their Employees to render fair and impartial services to all citizens without regard to personal

interest or political influence. Thus, Employees must scrupulously avoid any activity, which suggest a conflict of interest between their private interests and City responsibilities.

Employees of the City must not engage or have financial interest in any business or other activity, which could reasonably lead to a conflict of interest with the Employee's primary City responsibilities. Examples of activities which are not in accordance with this Policy include, but are not limited to, the following:

- Taking part in a zoning or permit decision that violates the City Code;
- Entering into any sale, lease or contract in violation of MN Statutes, Section 471.87 – 471.89;
- Employee shall not participate in any election administration duties as part of their work assignment if they are the spouse; parent, stepparent; child (by birth, adoption or legal guardian); stepchild; sibling-including stepsibling; grandparent; parent-in-law; daughter-in-law; son-in-law; brother-in-law; sister-in-law; uncle; aunt; nephew; niece; is domiciled either permanently or temporarily, with any candidate on the ballot at that election or is a candidate on the ballot at that election;
- Acceptance of any gift from an interested person in violation of MN Statutes, Section 471.895;
- Activities which require the Employee to interpret City codes, ordinances, or regulations when the activity involves matters with which the official or Employee has business and/or family ties;
- Consulting activities carried out within the City if the consulting involves any conflict of interest with the Employee's City work responsibilities;
- Using an Employee's authority, influence, or City position for the purpose of private or personal financial gain;
- The use of City time, facilities, equipment, or supplies for the purpose of private or personal gain;
- Employees shall not breach the provisions of the state or federal law by the release of the info learned by the course of employment;
- Conducting personal business while working for the City;
- Accepting rebates or procuring any financial gain through the bidding process or employment of outside personnel;
- Representing persons or associations in dealings with the City for the purposes of private or personal gain;
- Giving special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen;



- Using the City's name, logo or any other City symbol for something other than City business without approval; and
- Attempting to influence other officials or other Employees in any way with money, services, or other remuneration.
- Accepting a gift, reward, gratuity, favor, service or promise of future employment, or other future benefit from any source (except the City) for any activity related to duties of the office, agent, or Employee, unless otherwise provided by Minnesota Law. However, the acceptance of any of the following shall not be a violation of this policy:
  1. Gifts of nominal value, except in the circumstances described below under "Financial Interest of Agents." For the purposes of this policy, "nominal value" is defined as \$5.00 per donor per year per officer, agent, or employee.
  2. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause or for public service.
  3. Payment or reimbursement of expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the City and which have been approved in advance by the City Council as part of the work assignment.
  4. Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by officers, agents, or employees on their own time for which they are not compensated by the City.

Any Employee engaging in any activity involving either an actual or potential conflict of interest or having knowledge of such activity by another Employee shall promptly report the activity to the City Administrator, or if such activity be by the City Administrator, to the Mayor.

The matter shall be investigated and a determination shall be made as to whether or not an actual or potential conflict exists. If the investigation determines a conflict exists, it shall be presumed that the continuation of the practice would be injurious to the effectiveness of the Employee in carrying out his/her duties and responsibilities. In such cases Employee shall immediately terminate the conflicting activity or be subject to termination of employment.

**2-12-4 POLITICAL ACTIVITY:**

Employees shall not use City time, resources, or their position with the City in promoting or advocating the election of any individual.

No Employee shall use their authority or official influence to compel someone to apply for membership or become a member of any political organization.

No Employee may pay or promise to pay any assessment subscription or contribution for political purposes for someone to take part in any political activity.

**2-12-5 CODE OF ETHICS:** Employees are expected to abide by the Code of Ethics listed below:

- treat elected and appointed officials, other Employees, and the public with respect and dignity;

- be courteous in their dealings with elected and appointed officials, other Employees, and the public;
- maintain the highest standards of honesty and integrity in public and private dealings;
- recognize the interdependency of elected and appointed officials and City staff;
- respect the decisions of elected officials and supervisors;
- do not undermine or sabotage implementation of ordinances, policies and rules that are passed;
- do not communicate personal views on City business matters to the public; and
- set a good example for others to follow.

**2-12-6 RESPECTFUL WORKPLACE:** The City of Nowthen seeks to provide a workplace free of threats and acts of violence for its Employees, volunteers, vendors, citizens, and visitors. Violence or the threat of violence has no place in any City facility.

All Employees are expected to:

- refrain from acts of violence;
- promote safe workplace practices, including this policy;
- promptly report any dangerous, harassing, threatening or violent situations that occur in the workplace;
- refrain from any type of retaliation against a person for making a complaint, reporting violence in the workplace, or participating in an investigation of violence in the workplace or on city property.

The City does not tolerate any type of workplace violence committed by or against Employees.

Employees are prohibited from making threats or engaging in violent activities. Acts of violence include, but are not limited to:

- Use of physical force and/or threat of physical force;
- Causing physical injury to oneself or another person;
- Written or verbal communications, which are of a threatening, intimidating or coercive nature;
- Vandalism or intentional destruction of City property or the property of another Employee or member of the public;
- Committing acts motivated by, or related to, discrimination and harassment;
- Deliberate or careless conduct endangering the safety of other Employees or the public;

Acts of violence on City property or facilities, or while on City business, will not be tolerated or ignored. Employees found to be in violation of this policy will be subject to disciplinary action up to and including termination. Any unlawful act of violence committed by Employees or members of the public while on City property or while using City facilities or property, will be prosecuted as appropriate.

The City intends to use reasonable legal, managerial, administrative and disciplinary procedures to secure the workplace from violence and to reasonably protect Employees and members of the public.

The City reserves the right to search and inspect any and all City property.

### 1. Dangerous Weapons

A dangerous weapon is any instrument capable of producing bodily harm, and the use of which manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

This includes City tools, instruments, or other implements which if used improperly and/or for anything other than their intended use could result in bodily harm, intent to harm, intimidate another person or threaten the safety of the Employee and/or another person.

The Employee's Supervisor or Department Head shall have the authority to approve whether it is necessary for an Employee to be in possession of any tools or instruments to properly perform the duties of their job and whether certain tools will be provided by the City to complete work-related tasks.

### 2. Reporting

Employees shall be responsible for promptly reporting incidents of violence in the workplace or potentially dangerous situations to their Supervisor or Department Heads, and if appropriate to law enforcement authorities. A Supervisor or Department Head receiving a report of an incident from an Employee should promptly notify the City Clerk who will notify the City Council.

### 3. Investigation

A prompt and confidential investigation will be conducted by the City and fair consideration will be given to all facts presented. Any Employee found, after appropriate investigation, to have threatened or committed an act of violence against another Employee shall be subject to disciplinary action, up to and including termination.

### 4. Retaliation

Retaliation against a person for having made a complaint or report of violence in the workplace, or participating in or assisting in an investigation of violence in the workplace is prohibited. Any person who believes that he or she has been subject to such retaliation/harassment should report it promptly to their Supervisor or Department Head.

### 5. Confidentiality

Personal information obtained in the course of an investigation under this policy shall be considered confidential and not subject to public disclosure, except as may be necessary as part of the disciplinary process or as otherwise provided by law.

### 6. Orders for Protection

Employees must notify their Supervisor or Department Head when an order for protection has been obtained naming City facilities

**2-12-7 HARASSMENT PREVENTION:** The City of Nowthen seeks to provide a workplace free of offensive conduct or harassment based on race, national origin, gender, religion, disability, age, marital status, status with regard to public assistance or sexual orientation.

All Employees are expected to:

- refrain from acts of harassment;
- promote harassment free workplace practices, including this policy;

- promptly report any harassment or harassing behavior, or situations that occur in the workplace;
- refrain from any type of retaliation against a person for making a complaint, reporting harassment in the workplace, or participating in an investigation of harassment in the workplace.

The City does not tolerate any type of harassment committed by or against Employees.

Offensive conduct or harassment occurs when:

- submission to conduct or communication of a derogatory, harassing or biased nature is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or obtaining or retaining public services/accommodations.
- submission to or rejection of conduct or communication of a derogatory, harassing or biased nature by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
- the conduct or communication of a derogatory, harassing or biased nature has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment, public service/accommodation environment.

Examples of sexual/gender harassment may include, but are not limited to:

- unwelcome verbal remarks, jokes or innuendoes of a sexual nature or based upon gender;
- unwelcome pressure for sexual favors;
- unwelcome or unwanted sexual advances such as, but not limited to, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual;
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or access to public services or public accommodations;
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or access to public services or public accommodations;
- distribution or display of written materials, pictures or other graphics of a sexual or gender biased nature;
- other unwelcome behavior or words directed at an individual because of gender.

### 1. Reporting

Employees shall be responsible for promptly reporting incidents of harassment or harassing behavior to their Supervisor or Department Head. A Supervisor or Department Head receiving a report of an incident from an Employee should promptly notify the City Administrator who will notify the City Council.

### 2. Investigation

A prompt and confidential investigation will be conducted by the City and fair consideration will be given to all facts presented. Any Employee found, after appropriate investigation, to have harassed another Employee shall be subject to disciplinary action, up to and including termination.

### 3. Confidentiality

Personal information obtained in the course of an investigation under this policy shall be considered confidential and not subject to public disclosure, except as may be necessary as part of the disciplinary process or as otherwise provided by law.

### 4. Retaliation

Retaliation against a person for having made a complaint or report of harassment, or participating in or assisting in an investigation of harassment is prohibited. Any person who believes that he or she has been subject to such retaliation should report it promptly to their Supervisor or Department Head.

It is a violation of the law for any Supervisor or Employee to retaliate against someone who files a harassment complaint.

**2-12-8 TECHNOLOGY POLICY** as amended from time to time is hereby incorporated by reference: The City enforces a separate “Technology Policy,” which includes the use of computers (internet and email), handheld personal devices, mobile phones, radios, etc.

### **2-12-9 DRUG, ALCOHOL AND CRIMINAL OFFENCE POLICY:**

A. Off-duty Driving. The City has determined that a City employee’s driving activity off-duty is a strong indicator of that individual’s on-duty driving conduct. Employees may face disciplinary action if the City finds that their off-duty driving conduct is putting the City at risk. In making such determination the City shall consider the following type of behavior to be cause for concern; however, the City shall consider also the individual’s performance history:

1. Conviction of Driving Under the Influence (DUI).
2. Conviction of death by vehicle, hit and run, fleeing or trying to elude a law enforcement officer, driving while suspended or revoked, or similar major driving offenses.
3. Suspension or revocation of driving license.
4. An overall driving history that reveals a pattern of convictions of traffic offenses; particularly with three or more moving violations.

B. Alcohol or Drugs. The City strictly prohibits the use, possession, manufacture or sale of alcohol and illegal drugs by employees anywhere on City property (including parking lots and grounds), City vehicles or while on City time. Any employee who has been determined to be in violation of this policy may be subject to disciplinary action up to and including termination of employment.

The city of Nowthen observes and supports the Minnesota Clean Indoor Air Act. Employees under age 21 are prohibited from smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco while on duty.

Furthermore, all City buildings and vehicles\*, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City facility or vehicle\*. Employees **21** and over are allowed to smoke outdoors on City property, but only in areas designated for that purpose.

\*Employees hired prior to 1/1/23 are grandfathered in and may smoke in vehicles purchased prior to 1/1/23 provided there is only one person in the vehicle and windows are rolled down. No smoking is allowed by anyone in a city vehicle purchased after 1/1/23.

### C. Criminal Offenses.

All employees are expected to remain law abiding. Recognizing the many potential adverse impacts, any employee that is charged with any of the following criminal activities (referred to herein) must immediately report the incident to the City Administrator who will notify the City Council.

1. All felonies.
2. All gross misdemeanors.
3. Any misdemeanors involving theft, fraud or dishonesty.

A criminal conviction may not automatically result in disciplinary action against the employee. A determination by the City Council will be made regarding the direct relationship between the conviction and the employment position. The City may take disciplinary action against the employee, up to and including dismissal, for criminal offenses which relate to the employee's ability to perform their job, or which has or may create a present or future danger or risk to the City or public. By way of example, and not as an exclusive list, the following offenses will be considered as having a direct relationship to the employment position of an employee:

1. Crimes involving the use of alcohol and/or controlled or illegal substances;
2. Assault and other violent crimes;
3. Crimes involving dishonesty (i.e. theft, fraud, forgery);
4. Crimes involving illegally entering onto property owned by others (i.e. burglary, trespass, vandalism);
5. Crimes involving tampering (i.e. tampering of public records or information, false reports to law enforcement, tampering with or fabricating of physical evidence).

In determining whether disciplinary action is taken, the City may consider the individual's performance history and any competent evidence of sufficient rehabilitation.

**2-12-10 PERSONAL APPEARANCE:** The dress and appearance of City Employees is a direct reflection of the professionalism of the City's services. City Employees are usually in direct contact with the public every day as part of their regular workday. A neat, clean, well-groomed Employee will present a positive image of the City.

Employees should dress in a reasonable manner and use good judgment when choosing attire. Dress needs vary by job function. Employees in certain departments must wear uniforms or casual types of clothing due to job specific duties and conditions of the position, including safety, excessive wear and tear on clothing, and appropriateness for job performance.

Clothes are expected to be clean free of rips, tears, patches (unless decorative) and offensive logos and wording.

Employees reporting to work in attire that, at the discretion of management, is not in compliance with this policy, and may be sent home to change clothes. The Employee will not receive pay during this time.

#### 1. Uniforms

Employees that are provided uniforms by the City are required to wear them during paid work time. While in uniform, whether or not on paid time, Employees must be professional and conduct themselves in a manner becoming of a City Employee.

## 2. Public Works Employees

The wearing of safety shoes meeting ANSI Z41.1 standards is compulsory for all maintenance department workers. Safety shoes must be worn at all times unless specifically authorized by the employee's immediate supervisor for specific assigned tasks, i.e., installing buoys in lake. Employees required to wear safety shoes must:

1. Wear shoes that fit properly;
2. Inspect shoes regularly for damage such as: dampness or embedded metal that might impair electrical protection; cuts; cracks; etc., which might expose feet to danger;
3. Never wear defective footwear on the job; and
4. Never repair their own safety shoes, i.e., never repair non-sparking footwear with metal nails.
5. The City will purchase one (1) approved pair of safety shoes as needed as determined by the City Administrator for an amount not to exceed \$140.00 and anything over that amount will be the employee's responsibility.

Public Works Employees must wear a shirt/t-shirt and long pants at all times. The clothing must be clean, neat, in good repair and afford adequate safety protection for their job.

**2-12-11 DISCIPLINE:** Employees are subject to discipline when they fail to fulfill their duties and responsibilities at the level required, or when they violate City policies or work rules.

The type of discipline imposed will be based upon the nature and severity of the infraction and the conditions surrounding the incident. Disciplinary action does not have to be progressive. The City may take disciplinary action while seeking criminal or civil prosecution against an Employee.

The City retains the sole discretion to determine what behavior warrants disciplinary action and what type of disciplinary action will be imposed. Reasons for disciplinary action may be a single serious infraction or an accumulation or pattern of less serious offenses, whether related or unrelated to each other.

The following are examples of types of offenses that may warrant disciplinary action, but are not limited to:

1. Violation of any of the provisions in the City policies, departmental work rules, or safety rules;
2. Incompetence, inefficiency, ineffectiveness, or misconduct in the performance of duties;
3. Inability or unwillingness to perform the essential functions of a position, with or without reasonable accommodation;

4. Conviction of a crime directly related to the Employee's position with the City;
5. Intoxication or being under the influence of a controlled substance while on duty;
6. Failure to enroll or successfully complete a substance abuse treatment program if directed by the City;
7. Inducing or attempting to induce an Employee to commit an unlawful act or to act in violation of a policy, regulation, or order;
8. Making false or misleading statements while conducting City business; or falsifying any reports, records, or documents;
9. Offensive conduct toward the public, City Council, City Employees, Committee or Commission Members or Consultants;
10. Dishonesty in the performance of duties;
11. Theft;
12. Falsification of time sheets;
13. Careless, destructive, negligent, or inappropriate handling, control, or use of City property or vehicle;
14. Use of any City vehicle or property for personal use or gain;
15. Excessive tardiness or absenteeism, or abuse of leave;
16. Unauthorized absence from work for a period of two work days;
17. Insubordination;
18. Sexual or other harassment based upon race, creed, color, religion, sex, national origin, age, marital status, sexual orientation, political affiliation, status with regard to public assistance, or disability;
19. Acts or threats of physical violence or endangering the health or safety of others;
20. Violating the data privacy rights of any Employee or citizen;
21. Discrimination.

**1. Types of Discipline:**

Disciplinary action may be in one or more of the following forms:

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



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

**Written Reprimand:** A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time. Written reprimands are issued by the supervisor with prior approval from the city administrator.

A written reprimand will: (1) state what happened; (2) state what should have happened; (3) identify the policy, directive or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence.

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

Serious infractions may require skipping either the oral or written reprimand, or both. The City Council may move to Suspension without pay or Discharge steps.

**Suspension without pay:** With prior approval of the City Council the City Administrator may suspend, without pay, an Employee for up to 30 work days in a calendar year, except in the case of veterans. Qualified veterans, who have completed their initial probationary period, will not be suspended without pay in conjunction with a termination. The City Administrator will provide the Employee with written notification specifying reason(s) for the suspension, the effective date(s) and duration of the suspension, previous letters of expectation, oral or written warnings, unacceptable performance appraisals, discussions, or reprimands, if any, and the corrective action necessary to avoid further disciplinary action. Suspensions without pay are documented and made a permanent record in the Employee's personnel file.

Benefits, including but not limited to: PTO, Holiday Leave or any other forms of indirect compensation shall not accrue during a period of suspension without pay.

Employees may continue on the City's group insurance coverages during the period of suspension without pay, but shall be responsible for paying one hundred percent (100%) of the premium costs incurred by the City during the suspension. Premium costs shall be prorated hourly for any suspension without pay that is less than a full calendar month.

**Demotion/Reduction in Pay:** With prior approval of the City Council, the City Administrator may reduce the pay of an Employee within the pay range provided for in the City's compensation plan or demote the Employee by specifying reason(s) for the reduction of pay or demotion, previous letters of expectations, verbal or written warnings, unacceptable performance appraisals, discussion or reprimands, if any, and the effective date of the pay reduction or demotion. Demotions and reductions in pay are documented and made a permanent record in the Employee's personnel file.

**Discharge:** The City Council may dismiss any Employee at any time for misconduct, inefficiency, incompetence, violation of work rules, insubordination or for any other reasons not prohibited by law.

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

## **2. Rights of the Employee**

In the event the City Administrator recommends that disciplinary action be taken against an employee, they shall provide written notification to the employee specifying the reason(s) for the disciplinary action. An employee may appeal the imposition of the recommended disciplinary action by filing a grievance with the City Administrator within five (5) work days of the date of the written notification. If a written appeal is not filed within the prescribed time the recommended disciplinary action shall be imposed. If an appeal of the disciplinary action is taken, grievance shall be handled as outlined in Section 2-12-13 of this Policy starting at Step 2.

If disciplinary action is imposed on an employee, the City Administrator shall make a notation in the employee's personal file specifying the disciplinary action taken and the reason(s) for the disciplinary action.

**2-12-12 WHISTLEBLOWERS:** Pursuant to Minn. Stat. 181.932, the City of Nowthen will not discharge, discipline, threaten or otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because an employee, or person acting on behalf of an employee, in good faith, reports to the City (or any other official) a violation or suspected violation of any federal or state law or rule adopted pursuant to law. No City Official or law enforcement official will disclose, or cause to disclose, the identity of any employee making a report or providing information under Whistleblower provision without the employee's consent unless the investigator determines that disclosure is necessary for prosecution. If the disclosure is necessary for prosecution, the employee will be informed prior to the disclosure.

## **2-12-13 OPEN DOOR POLICY**

### **1. Commitment to Open Communication**

The City of Nowthen's Open Door policy provides for a work environment where:

- open, honest communication between managers and employees is a day-to-day business practice.
- employees may seek counsel, provide or solicit feedback, or raise concerns within the City.
- the City Administrator holds the responsibility for creating a work environment where employees' input is welcome, advice is freely given, and issues are surfaced early and are candidly shared without the fear of retaliation when this input is shared in good faith.

The Open Door Policy means that City Administrator is available when their office door is open or by setting up a meeting. Employees should feel comfortable speaking with them about any questions/concerns they have. In most cases, talking with the City Administrator is the most effective and efficient way to resolve issues. The City Administrator is typically the most direct source of information regarding an employee's job, policies, and procedures. If the City

Administrator is unable to provide assistance, or is the issue is regarding the City Administrator then the employee may discuss problems or suggestions with the City Council instead of, or in addition to, the City Administrator. Issues are usually resolved through this informal communication. If a satisfactory resolution is not reached at this level then complaints may be brought forward through the City's Grievance Policy.

## **2. Responsibilities**

Employees are encouraged to meet and discuss suggestions, problems, or concerns with the City Administrator. The City Administrator is expected to have an open door policy that is designed to encourage employees to bring forward any concerns or questions to them so that issues can be resolved constructively together. It is a violation of this policy to retaliate against anyone who brings a good-faith concern to the City Administrator's attention.

### **2-12-14 GRIEVANCES:**

The City aims to provide a fair, equitable and productive work environment for all employees. If an employee has a question or wishes to discuss a possible violation, they should first follow the Open Door Policy. If they are not comfortable with that approach for any reason, or if no action is taken, they can follow the Grievance Policy. As such, this grievance procedure is established for the purpose of resolving disputes or disagreements raised by an Employee. An Employee is required to utilize the following procedure should they have a grievance.

It is the policy of the City of Nowthen to allow Employees a process through which they can aggrieve perceived unfair treatment or decisions. A grievance is a dispute or disagreement raised by an employee or group of employees against the City because of an interpretation of City policies.

**Step 1:** The Employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the proper supervisor within twenty-one days after the alleged violation or dispute has occurred.

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

### **2-12-15 WAIVER:**

If the grievance is not presented in the time periods set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the prior answer. If the proper authority does not answer a grievance or appeal; thereof within the specified time limits, the employee may elect to treat the grievance as denied and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the employee and the authority involved in the Step or to meet public meeting notice laws.

The following actions are not grievable:

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

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

## SECTION 13

### PURCHASE OF GOODS AND SERVICES

As stated in MN Statute 471.382, the City of Nowthen Council may authorize the use of a credit card by any City Employee otherwise authorized to make a purchase on behalf of the City. All purchases by credit card must otherwise comply with all statutes, rules and policies applicable to City purchases. A City employee who makes or directs a purchase by credit card that is not in compliance with statutes, rules and policies, is personally liable for the amount of the purchase.

Bills from credit card companies do not contain the detail necessary to satisfy the requirement that claims presented to the City for payment must be in writing and itemized. Therefore, invoices and receipts for all items charged must be retained. A list of all credit cards charges will be included with monthly expenditures for Council review and approval. (*MN Stat 412.271 subd. 2, MN Stat 471.38 subd 1*)

Credit card use must also comply with laws concerning borrowing. Credit cards will not be used for carrying debt. The entire card balance shall be paid in full each month. (*MN Stat Ch 475*)

1. Employees who are Department Heads are authorized to use or direct use of the City of Nowthen's credit card.

For the purpose of this policy statement, 'spend' means:

- a) Utilization of one's own funds or credit for which the city will need to reimburse the individuals; or,
- b) Utilization of petty cash; or,
- c) Incurring a charge or credit obligation in the name of the city.

2. Credit cards will carry a card limit of no more than \$7,500.00
3. City credit cards will be issued through the City Administrators' office. All cards must be returned to the City Administrator when renewed or upon leaving the employment of the City. A lost or stolen credit card must be reported immediately.
4. No employee will intentionally use a City of Nowthen credit card for personal purchases. Unauthorized use or abuse of a city credit card will result in disciplinary action, up to and including termination of employment.
5. Supporting documents and/or invoices will be submitted to the City Administrator's office immediately after purchasing an item(s). Supervisors will stipulate on the

Documents and/or invoices a description of what the purchase is for. For example: Maintenance supplies for Community Center; repair parts for loader. Documents/invoices will be coded by the City Administrator upon receipt.

6. Authorized persons will receive and sign an acknowledgement form regarding credit card use.

## SECTION 14

### EMPLOYEE COMPLAINT POLICY

Section 2-14-1 Purpose  
Section 2-14-2 Definitions  
Section 2-14-3 Procedures For Filing a Complaint  
Section 2-14-4 Complaint Category  
Section 2-14-5 Investigation Process  
Section 2-14-6 Investigation Results  
Section 2-14-7 Appeal Process  
Section 2-14-8 Minnesota Data Practices Act

#### **2-14-1 Purpose:**

To respond promptly and professionally to complaints about the behavior of City employees in the performance of their official duties, while also protecting the rights and reputation of the employee and the City.

#### **2-14-2 Definitions:**

**Complaint** - A written complaint filed on the City's official complaint form regarding the conduct of a City employee generated by anyone other than another City employee.

**Criminal** - Any action which would constitute a violation of a Federal, State or municipal law.

**Employee** - Any regular, temporary or seasonal employee of the City of Nowthen or any volunteer of the City.

**Minor Violation** - A violation of City standards which, if proven, could result in an oral or written reprimand for a first offense.

**Major Violation** - A violation of City standards which, if proven, could result in the employee's suspension, demotion, or discharge for a first offense. (This determination will be made in consultation with the City Administrator, City Council and City Attorney).

#### **2-14-3 Procedures for Addressing Employees Complaints:**

- A. The City Administrator will review all complaints regarding city employees and forward them to the appropriate party, including Council if applicable. Complaints against

Supervisors will be forwarded to the City Council. Complaints that have already been addressed or are determined by the City Administrator to be duplicative will not be forwarded. The City Administrator will contact the complainant to inform them of whether or not the Complaint will be investigated. Once a Complaint has been addressed, the City Administrator will inform the complainant of the resolution of the complaint as allowed by Data Privacy laws.

- B. Complaints against an elected official shall not be addressed by city staff or the city attorney. The election process shall be the deciding factor in this area.
- C. Complaints may not be filed by a 3<sup>rd</sup> party, the person filing the Complaint must have been involved in the situation.
- D. Complaints that are based on hearsay will not be accepted.
- E. Complaints that are incoherent will not be accepted.

**2-14-4 Complaint Category:**

- A. Complaints regarding Employee behavior investigated under this policy fall into the following categories:
  - 1. Behavior which was consistent with City policy and procedures, therefore no discipline would result, even if the behavior was substantiated.
  - 2. Behavior which, if substantiated, could result in a Minor Violation of the employee for a first offense (oral or written reprimand).
  - 3. Behavior which, if substantiated, could result in a Major Violation for a first offense, up to and including discharge.
  - 4. Behavior which, if proven, would constitute a criminal act.

The City Council in the case of the Supervisors or the City Administrator in the case of all other employees will make the determination as to what type of behavior has been alleged. Based upon this determination, the appropriate process identified in this policy will be used to conduct the investigation and respond to the Complaint.

- B. Notwithstanding this policy, the City shall comply with all applicable state statutes related to Data Privacy and public discussion of or release of data to the public, as well as the City's adopted Personnel Policy.

**2-14-5 Investigation Process:**

- A. Action Based on Complaint Category:
  - 1. If the Complaint is regarding behavior which was consistent with City policy and procedures, therefore no discipline would result, even if the behavior was substantiated, the Complaint will be dismissed.

2. If the Complaint could result in a Minor Violation, a Major Violation, or Criminal Action it will be investigated by the City Council in the case of the Supervisors or by the City Administrator in all other cases.

B. Investigation:

1. The investigation will consist of at least interviewing the complainant, the respondent employee, the employee's supervisor, and any witnesses to the alleged behavior.
2. As soon as possible following the filing of the Complaint and the identification of the subject employee, the Supervisor will notify any involved employees of the allegation(s).
3. No one involved in the investigation should discuss the matter under investigation outside of the investigation until it is complete. Violation of this provision may result in disciplinary action.

**2-14-6 Investigation Results:**

- A. The resolution of the Complaint will be defined as one of the following:
  1. UNFOUNDED - The investigation demonstrated that the alleged actions did not occur or did not involve a City employee.
  2. UNSUBSTANTIATED - The investigation did not present sufficient evidence to clearly prove or disprove the allegations.
  3. EXONERATED - The investigation confirmed that the alleged behavior did occur, but it was consistent with City policy.
  4. SUSTAINED - The investigation does disclose sufficient evidence to clearly prove the allegations.
- B. If the resolution of the Complaint is defined as UNFOUNDED, UNSUBSTANTIATED or EXONERATED, the City Administrator will inform the complainant of the determination and no further action shall be taken by the City.
- C. If the Complaint was SUSTAINED and the result is a Minor Violation (verbal or written reprimand) the City Administrator will inform the complainant of the result. If a written reprimand is issued and if requested by the complainant the City Administrator will provide the complainant with a copy of the written reprimand, unless prohibited by Minnesota Data Practices Act or other applicable law.
- D. If the Complaint was SUSTAINED and the result is a Major Violation (suspension, demotion or discharge), the results of the investigation shall be documented including a summary of the alleged behavior and results of the investigation. The documentation will be presented to the City Council and the City Council will determine what action shall be taken. After the action has been taken the employee will be informed of the action taken and provided with all documentation from the Complaint, investigation, and City Council Action. The City Administrator will inform the complainant of the result of the City Council's decision and if the complainant requests the City Administrator will provide a

copy of the documentation unless prohibited by the Minnesota Data Practices Act or other applicable law, and after providing any required due process to the employee.

#### **2-14-7 Appeal Process:**

- A. If the Complaint falls under the category of a Minor Violation the decision of the Supervisor is final.
- B. If the Complaint falls under the category of a Major Violation the employee may appeal the decision pursuant to the City's Personnel Policy.

#### **2-14-8 Minnesota Data Practices Act:**

- A. Any data obtained by the City in connection with a Complaint will be governed by the Minnesota Data Practices Act and all other applicable statutes and rules.

## **SECTION 15**

### **MISCELLANEOUS**

Section 2-15-1 Property Damage Reporting  
Section 2-15-2 Personal Use of City Property  
Section 2-15-3 Use of City Vehicles  
Section 2-15-4 Telecommunications  
Section 2-15-5 Keys and Security  
Section 2-15-6 Unauthorized Expenditures

**2-15-1 Property Damage Reporting:** An Employee involved in an incident that results in damage to City property or any other property during the course of conducting City business, must notify their supervisor and the City Administrator immediately and submit a written report of the incident to their Supervisor and City Administrator within two (2) hours of the occurrence unless physically unable to do so.

Vehicle accidents also require a copy of the MN Motor Vehicle Accident Report.

**2-16-2 Personal Use of City Property:** Employees shall not use City time, City-owned supplies, equipment, property, facilities for personal use or any other use that is not in the interest of the City, unless the Employee has the prior approval of the City Council for such use. The City Administrator shall only approve the use, if such use complies with City policies, does not pose a conflict of interest, and is of minimal value.

Personal commercial business activity conducted on City time or with City-owned supplies, equipment, property, or facilities is strictly prohibited.

Unauthorized removal of City property or its conversion to personal use may be cause for discipline up to and including termination.

The City also enforces a separate "Technology Policy."



**2-15-3 Use of City Vehicles:** City-owned vehicles are to be used only by authorized City Employees for official City business. Employees that drive or may be required to drive City vehicles and equipment are responsible for maintaining a safe driving record and for observing all traffic laws. Seat belts must be properly used at all times. Drivers must have a current, valid driver's license that is adequate for the type of vehicle being driven. Any Employee who operates a City vehicle without a valid driver's license will be subject to disciplinary action up to and including dismissal and possible criminal prosecution.

Smoking is not allowed in city vehicles.

Employees with authorization to drive City vehicles will be subject to an annual driver's license check by the City.

#### **2-15-4 Telecommunications**

Local personal calls should be made only when necessary and preferably during the Employee's scheduled breaks and lunch periods.

##### 1. Email and Voicemail

Employees are required to check their email and voicemail messages on a daily basis on regular workdays, preferably several times throughout the day. Email use is limited to official city business.

Voicemail greetings and email responses must indicate if an Employee is not available to respond in a timely manner and when a response can be expected.

##### 2. Mobile Telecommunications Use

Mobile technology, including phones, pagers and other wireless devices shall be administered in accordance with the City's "Technology Policy."

Employee's with personal mobile telecommunications devices should use them only when necessary and preferably during the Employee's scheduled breaks.

**2-15-5 Keys and Security:** Employees are responsible for securing their work area at the end of each day and ensuring the building, confidential files, etc., are properly secured. Employees entrusted with keys are required to maintain their safekeeping and to return them before receiving their last paycheck when employment with the City is terminated. Lost or stolen keys are to be reported immediately.

**2-15-6 Unauthorized expenditures:** Any spending on unbudgeted items must have prior approval of the City Council. In an emergency the City Administrator or Maintenance Supervisor may spend on unbudgeted items with the written approval of two City Council members.

## **SECTION 16**

### **POSITION DESCRIPTIONS**

Section 2-16-1 City Administrator

Section 2-16-2 Deputy Clerk  
Section 2-16-3 Office Assistant  
Section 2-16-4 Maintenance Supervisor  
Section 2-16-5 Maintenance Worker

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



## REQUEST FOR COUNCIL ACTION

Agenda Item: 5	Department: Administration	Requested Council Meeting Date: February 1, 2024	Submitted By: Scott Lehner, City Administrator
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**TITLE OF ISSUE:** Approve Resolution 2024-XX Approving COLA and Merit Increases to city staff effective 1-1-24.

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** Each year in the budget, a COLA increase has been included. For the 2024 budget, a 3.5% COLA is allocated for the four (4) full-time employees. Also included in the 2024 budget, is an amount of \$10,870 to be distributed as a merit increase to reward employees for their contributions to the team for 2023. This year the City Administrator is requesting to use this merit increase to help align our current pay structure to be competitive with others in the industry. The dollars that would be used to make the recommended changes are within our approved 2024 budget.

Staff is asking city council to consider the rate of inflation in 2022 that hit a high of 9.1% (see article provided). In 2023 staff was given between 2%-8% depending where it seemed most needed to equalize salaries based upon positions. Administrator Lehner has been able to determine that there have been inconsistencies in how or if pay increases happened in the past. This has resulted in a gap in our wage structure. The City Administrator is trying to fairly compensate his staff for their length of service and their contribution to the team.

Inflation for 2023 has settled in at 3.4%, very close to the recommended 3.5% COLA increase for the 2024 wage increases. It was discussed multiple times in work sessions about retaining employees and being the “workplace of choice” in the area. Administrator Lehner was asked to break out COLA and the Merit to not exceed 6% total. The breakdown is 3.5% to be COLA and 2.5% to be used for Merit Increases. Administrator Lehner has completed his annual performance reviews of staff and has included his recommendations for both COLA and MERIT increases as requested by council.

**SOURCE OF FUNDING:** 2024 Wage and Salary Line items in each department

**REQUESTED COUNCIL ACTION:**  
Approve Resolution 2024-XX Approving the Distribution of COLA and MERIT Increases as recommended by Administrator Lehner and included in the 2024 Budget.

**SUPPORTING DOCUMENTS ATTACHED:**

Resolution	Ordinance	Contract	Minutes	OTHER
X				

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## KEY TAKEAWAYS

- The U.S. inflation rate shows the change in prices year over year.
- The inflation rate responds to different phases of the business cycle as the economy expands and contracts.
- The Federal Reserve uses monetary policy to control inflation and keep it at or near an annual target of 2%.
- In 2022, inflation reached some of the highest levels seen since 1981, hitting 9.1% in the middle of 2022 in the wake of the COVID-19 pandemic. <sup>[2]</sup>
- Inflation came down in 2023, ending the year at 3.4%.

### 2024 PROPOSED COLA AND MERIT INCREASE SPREADSHEET

Employee	Position	2021 Wage per Hour	2022 Wage per Hour	2023 Hourly Wage per Hour	2023 Actual Gross from Box 3 of W-2	Hourly Wage x 2080	2024 3.5% COLA Increase	2024 Proposed Wage per Hour with COLA	2024 Proposed Merit Increase	2024 Proposed Wage per Hour with Merit	Notes from Administrator
Joe Glaze	PW Supervisor	\$ 31.66	\$ 32.61	\$ 34.66	\$ 74,673.48	\$ 72,092.80	\$ 1.21	\$ 35.87	\$ 0.13	\$ 36.00	Total Increase 3.9% Rating - Partially Meets
				without overtime. (\$6,002.88)	\$ 68,650.60						
Eric Madson	PW Maintenance	\$ 23.44	\$ 25.34	\$ 27.41	\$ 55,540.24	\$ 57,012.80	\$ 0.96	\$ 28.37	\$ 1.63	\$ 30.00	Total Increase 9.4% Rating - Highly Meets
				without overtime (\$3,394.70)	\$ 52,145.54						
Isaac Schulz	PW Maintenance			\$ 25.00	\$ 20,642.12	\$ 52,000.00	\$ -	\$ -	\$ 2.00	\$ 27.00	Total Increase 8% Rating - Meets Expectation
					includes fire, next year will be separate.						
Natalie Johnson	Deputy Clerk	\$ 30.00		\$ 35.00	\$ 87,089.31	\$ 72,800.00	\$ 1.23	\$ 36.23	\$ 1.27	\$ 37.50	Total Increase 6.7% Rating - Exceeds Expectations
					without overtime. (\$14,369.31)						
				\$36 to stay longer. Made FT Employee- (added vacation) dropped to \$34			2024 3.5% COLA Monthly Increase	MONTHLY SALARY		MONTHLY SALARY	110,691.00
Scott Lehner	City Administrator			\$ 7,461.54	\$ 34,319.38		\$ 297.06	\$ 8,784.57		\$ 9,224.25	Utilize 2024 budgeted salary using only COLA increases.
					MONTHLY SALARY						
					MONTHLY SALARY						
					ANNUAL SALARY						
					ANNUAL SALARY						
					MONTHLY SALARY						
					MONTHLY SALARY						

Hourly Employee Increase for 4 hourly employees: 4.28 per hour x 2080 hours for FT employment = \$8,902.40  
 Salary/Employee Increase: \$297.06 x 12 month = \$3,564.72

Does not include any recommendations for merit increases based upon performance in 2023.

Part-Time Employees

Employee	Position	2021 Wage per Hour	2022 Wage per Hour	2022 Actual Gross from Box 1 of W-2	2023 Hourly Wage per Hour	2023 Actual Gross from Box 3 of W-2	Proposed Increase	2024 Proposed Wage per Hour			
Don Phillips	Recycling Attendant				\$ 15.00	\$ 7,462.50	\$1 per hour	\$ 16.00			\$1 per hour
Christie Wait	Recycling Attendant				\$ 15.00	\$ 11,118.75	\$1 per hour	\$ 16.00			\$1 per hour
Chris Riley	Administrative Asst				\$ 22.00	\$ 561.00	No increase until anniversary	\$ 22.00			New employee
Sue Schmit	Administrative Asst				\$ 23.00	\$ 1,627.25	No increase until anniversary	\$ 23.00			New employee
<b>Temporary Part-Time</b>											
Genevieve Hirschboeck					\$ 35.00	\$ 11,418.75	No increase	\$ 35.00			Temp Employee

City Council

Mayor Pilon	Mayor	\$500 Per Month	\$ 9,040.00 (includes stipends)	No Increase	\$500 Per Month
CM Alders	Council member	\$400 Per Month	\$ 4,800.00		\$400 Per Month
CM Breyen	Council member	\$400 Per Month	\$ 5,280.00 (includes stipends)		\$400 Per Month
CM Fiadebo	Council member	\$400 Per Month	\$ 5,280.00 (includes stipends)		\$400 Per Month
CM Rainville	council member	\$400 Per Month	\$ 4,800.00		\$400 Per Month

Nowthen City Office  
8188 199<sup>th</sup> Ave. NW  
Nowthen MN, 55330  
(763)-441-1347



Council Meeting Location:  
Historic Townhall  
19800 Nowthen Blvd NW  
Nowthen MN, 55330

## RESOLUTION No. 2024-XX

### A RESOLUTION APPROVING THE DISTRIBUTION OF COLA AND MERIT INCREASES AS RECOMMENDED BY ADMINISTRATOR LEHNER and INCLUDED IN THE 2024 BUDGET.

**WHEREAS**, COLA increases for city staff were included in the 2024 budget along with merit increases based upon performance, and;

**WHEREAS**, Administrator Lehner has completed staff reviews, and has provided his recommendations to city council, and;

**WHEREAS**, Administrator Lehner has the authority to distribute the 3.5 % COLA increases and Merit increases to city staff effective January 1, 2024.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NOWTHEN** as follows:

1. The recitals set forth above are incorporated herein.
2. City Council authorizes Administrator Lehner to distribute 3.5% COLA to city staff and distribute the budgeted amount of \$10,870 as merit increases with reviews.

The motion for the adoption of the foregoing resolution was proposed by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Passed and adopted by the Nowthen City Council this 1st day of February 2024.

CITY OF NOWTHEN

\_\_\_\_\_  
By: JEFFREY M. PILON  
Its Mayor

ATTEST \_\_\_\_\_  
By: SCOTT LEHNER  
Its City Administrator