

CITY OF WILLMAR, MINNESOTA

PERSONNEL POLICY

AND

PROCEDURES

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SECTION 1. PURPOSE AND SCOPE

1.1. Purpose

The City of Willmar approves personnel policies in order to establish a uniform and equitable system of personnel administration for employees of the City. The City may supplement, amend and/or rescind the policies to assure that they will remain practical, useful and current.

In approving personnel policies, the City has made every effort to be as reasonable and practical as possible. Reasonable latitude has been incorporated in this manual in order that those who are responsible for operating under the policies may use discretion and judgment. The policies have been designed primarily to cover recurring situations. Policies covering infrequent and extremely unusual conditions and situations have usually been omitted.

Final responsibility for the enforcement of the policies shall rest with the City Council. The Council, however, has delegated responsibility, with full authority, to the City Administrator for the enforcement of all personnel policies. The City Administrator, in turn, may delegate certain responsibilities and authorities to the staff as deemed advisable in order to carry out the personnel policies. The City Administrator remains accountable to the City Council even though certain responsibilities and authorities have been delegated.

In order to ensure uniformity in the operation of the City policy, the City Administrator is authorized to issue memorandums as deemed advisable. Employees of the City should thoroughly acquaint themselves with these memorandums, as compliance with the memorandums is of equal importance as compliance with City policies.

1.2. Scope of Personnel Policy

Except as otherwise specifically provided, this policy applies to all employees of the City except the following:

- A.. All elected officials
- B. The City Attorney and Health Officer
- C. Members of City boards, commissions, and committees
- D. Volunteer firefighters and other volunteer personnel
- E. Emergency employees
- F. Any person covered under the Police Civil Service Commission

1.3. Conflicting Provisions

Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act, Minnesota Statutes Sections 179A.01 to 179A.25, shall be exempt from any provision to this part which is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or Civil Service Commission established under Minnesota Statutes Chapters 44, 419, or 420 is exempt from any provision of this part which is inconsistent with such statute or rules and regulations adopted thereunder. Nothing in this part is intended to modify or supersede any provision of the Veterans Preference Act, Minnesota Statutes Sections 197.455, 197.46, and 43A.11.

1.4. Definitions

- 1.4.1 Class means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.
- 1.4.2. Compensatory Time means time off with pay in lieu of monetary payment for overtime worked.
- 1.4.3. Continuous Operations are those functions which are required to operate on a 24-hour per day, 7-day per week basis, and shall include Wastewater Treatment and certain Park and Leisure Services functions.
- 1.4.4. Demotion means the movement of an employee from one classification to another having a lower maximum rate of pay and/or reduced responsibilities.
- 1.4.5. Departments are the primary organizational units of the City.
- 1.4.6. Department Director is an individual appointed to head a department, and shall include any individual properly designated to act for the Department Director in his/her absence.
- 1.4.7. Division means a branch of a department of the City service.
- 1.4.8. Work Rules are departmental regulations relating to working conditions.
- 1.4.9. Employee means an individual who devotes or applies one's time and energy in service to the City in any of the legal conditions of employment including (A) through (D) as follows:
 - A. Year-Round Employee means an employee who has successfully completed their initial probationary period with the City and has been granted full-time status by the City Administrator.
 - B. Full-time Employee means an employee who normally works 40 hours a week throughout the year hours per week throughout the year.
 - C. Part-time Employee means an employee who normally works less than 40 hours per week throughout the year.

- D. Temporary Employee means a person having no permanent status who may be hired to work for less than a 12-month period.
- 1.4.10. Position means any specific office, employment or job calling for the performance of certain duties and for exercise of certain responsibilities by one individual.
- 1.4.11. Probationary Period means a working test period during which an employee is required to demonstrate fitness for the position to which he/she is appointed by actual performance of duties.
- 1.4.12. Promotion means the movement of an employee from a position in one class to another position in a class having a higher maximum rate of pay and/or higher responsibilities.
- 1.4.13. Reallocation means a reassignment, change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class on the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position.
- 1.4.14. Transfer means a change by an employee from one position to another position of the same class or a comparable class in another department without examination.
- 1.4.15. Work Rules are departmental regulations relating to working conditions.

Reserved for Future Use

SECTION 2. PERSONNEL POLICY AND PROCEDURES

2.1. Equal Employment Opportunity

The City of Willmar is fully committed to provide equal employment opportunity for all persons regardless of race, color, religion, national origin, marital status, political affiliation, status with regard to public assistance, disability, sexual orientation or age, or other protected class status. This policy applies to all aspects of employment practices including selection, promotion, transfer, compensation, benefits, layoffs, and termination. This policy applies to all permanent full-time and part-time employees, temporary employees, and members of the Willmar Volunteer Fire Department, and any other organization/department that may from time to time do business as, or serve as, representatives of the City of Willmar. Equal opportunity problems should be brought to the attention of the City Administrator.

2.2. Discrimination

No person shall be employed, promoted, demoted, or discharged by the City or in any way favored or discriminated against because of political opinions or affiliations, race, color, national origin, religion, sex, marital status, status with regard to public assistance or disability, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minnesota Statutes Sections 179A.01 to 179A.25. No person who is between 18 and 70 years of age shall be discriminated against with reference to City employment in any way forbidden by Federal or State law.

2.3. Hiring Procedure

It is the policy of the City of Willmar to employ qualified applicants through employee promotion or local, regional, or national recruitment as required. Notice of all vacancies for positions shall be posted and advertised according to the City-wide Employment Policies, Practices and Procedures Manual or Police Civil Service Commission rules. All applications must be submitted no later than the final day for closing of applications.

Employment references may be contacted by the City Administrator or Department Director in order to verify employment history, applicant qualifications, and to determine suitability for employment.

Written performance or physical examinations may be required to determine the applicant's job knowledge, skills, or suitability for employment. All examinations must be related to the specific position for which an applicant is being considered and must be uniformly administered to all applicants. If a candidate is not able to perform any of the physical requirements of the job, it will be determined if reasonable accommodations can be made.

A physical examination may be requested and, if so, must be satisfactorily completed prior to City Administrator action granting permanent status. An applicant may be required to submit a driving record showing proof of an acceptable record if the position being applied for requires operation of City vehicles.

2.4. Nepotism

In no event will any applicant or employee receive preferential consideration because of relationship to another City of Willmar employee, to a member of the City Council, or other City official. No two members of an immediate family (spouse, parent, parent-in-law, guardian, child, son-in-law, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, or any family member residing in the employee's household) may be employed within the same department in a supervisor/subordinate role. Such relatives of the City Administrator or department directors may not be employed in the same department on a supervisor/subordinate role.

2.5. Probationary Period

The probationary period is an integral part of the selection process and shall be utilized for observing the employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards. Every new appointment of an employee who is not a veteran shall be subject to a probationary period of six months after appointment. Every promotional appointment of a full-time, year-round employee who is not a veteran shall be subject to a probationary period of a minimum of six months after appointment.

The appointing authority may terminate a probationary employee at any time during the probationary period if, in the appointing authority's opinion, the working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily or that the employee's habits and dependability do not merit continuance in the position. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal unless the employee is a veteran, in which case the procedure prescribed in Minnesota Statutes Section 197.46 shall be followed.

An employee terminated during the probationary period from a position to which they have been promoted or transferred shall be reinstated to a position in the class from which they were promoted or transferred unless the employee is discharged from the City service as provided in the rules.

Vacation and sick leave shall be earned by the new employee during the probationary period, but will not be available for use by the new employee until the period has been successfully completed. If the new employee does not complete the probationary period, no vacation or sick leave for that period shall be credited to the employee.

Wage or salary increases shall be consistent with the governing labor contract regardless of the dates of action by the City Council.

2.6. Personnel Record Access and Data Privacy

Employee records are maintained in the Finance Department. Included is information needed to administer employee benefits and payroll and to complete required Federal and State reports. Examples of personnel data are as follows: address, telephone number, social security number, person to notify in case of emergency, insurance and retirement beneficiaries, marital status, wage history, race, sex, job category, and department.

The City shall comply with the Minnesota Government Data Practices Act in the maintenance and disclosure of personnel data. The City may release information that is public data without a signed authorization from current or former employees. Public data includes, but is not limited to, salary, benefits, job title, job description, education and training background, previous work experience, date of first and last employment, the existence and status of any complaints or charges against the employee, and the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis for the action.

The City will release private data on an individual to the individual or to others authorized by the individual to receive such data.

If an employee desires to review their personnel file, contact the Finance Department to arrange a time for such a review.

Employment References: if the City receives a request for information regarding a former employee, the City will provide the requested public personnel data. The former employee must submit a signed release form to the City in order for it to release non-public personnel information.

Only the City Administrator, Department Directors, First Line Supervisors or other Department Director approved employees, and confidential personnel with a need to know may review an individual employee's personnel file.

2.7. Promotions/Transfers

The City of Willmar's policy is to promote existing employees where possible. A promotion shall be based on seniority, qualification, and ability to perform the duties of the new position and based on the recommendation of the respective Department Director. A transfer between Departments should be discussed and approved by both Department Directors and the City Administrator.

2.8. Complaint/Grievance Procedure

It is the policy of the City of Willmar, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. A grievance is defined as a dispute or disagreement of provisions in a collective bargaining agreement.

Grievances of employees covered by collective bargaining agreements shall be processed in accordance with such agreements. Prior to initiating a grievance the employee should obtain a copy of the governing collective bargaining agreement or contact the bargaining unit's steward or representative.

2.9. Conflict of Interest

The following actions by an employee of the City shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts below or disciplinary action as appropriate:

- Use or attempted use of the employee's position with the City to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;
 - Acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of duties for the City;
 - Failure to disclose a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City and refrain from participating in their capacity as a City employee in the making of such sale or in the making or performance of such contract;
 - Actions as an agent or attorney in any action or matter pending before the City except in the proper discharge of duties required to be performed for the City or on the employee's behalf; and
 - The solicitation of a financial agreement for the employee or entity other than the City when the City is currently engaged in the provision of the services which are the subject of the agreement or where the City has expressed an intention to engage in competition for the provision of the services; unless the City waives this clause.

It shall be the responsibility of each employee to recognize when a conflict of interest exists and report the matter to their supervisor, a department head, or the City Administrator. If an employee has any question about whether a conflict exists he/she should consult with their supervisor, a department head, or the City Administrator.

Supervisors and Department Directors should be constantly aware of conflicts, potential conflicts, and the appearance of conflicts, and are responsible to ensure that all employees are made aware of this policy and are advised of its requirements. Questions of conflict of interest should be submitted immediately to supervisors or the City Administrator.

If the employee, their supervisor, a department head, or the City Administrator determines that a conflict of interest exists, the matter must be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

The following subsections apply to specific situations that may occur in the course of your employment.

2.9.1. Personal Gain No employee of the City shall use or attempt to use his/her employment position to secure or accept benefits, privileges, exemptions or advantages for themselves, their immediate family, or an organization with which they are associated.

2.9.2. Outside Employment The potential for conflicts of interest is lessened when individuals employed by the City regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor shall consult with the City Administrator.

Any City employee accepting employment in an outside position that is determined by the City Administrator to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

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

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use City equipment, resources or staff in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the City.

Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.

- No employee will work for another employer, or for his/her own business, while using paid sick leave from the City for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

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

2.9.3. Self-Dealing No employee of the City shall engage in any activity, become employed or affiliated for personal gain with any agency or organization which is or may become subject to the control, regulation, inspection, review, audit or enforcement authority of the City by that individual; nor may that individual approve or execute a purchase obligation on behalf of the City with any firm or organization with which they are affiliated.

2.9.4. Gifts and Endorsements

Gifts: In the course of or in relation to their duties performed for the City, employees are prohibited from accepting or agreeing to accept from any person or entity, except the City, the following: money, a gratuity, payment of expenses, a reward, real or personal property, a service, a favor, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment.

The following, however, may be accepted by employees in the course of or in relation to their duties performed for the City:

- A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;
- Payment of reimbursement 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 as part of the work assignment;
- Food, beverage, or a gift given at a reception, conference, or meal by an organization, if the attending employee received approval for their attendance at such event from the City in relation to their duties performed for the City; the City or attending employee paid fees for such event; and the food, beverage, or gift is given or offered to all other attendees; and
- Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees on their own time for which they are not compensated by the City.

Employees are also prohibited from accepting any gifts of any size or value, under any circumstances in which it could reasonably be thought to influence him or her in the course of or in relation to their duties performed for the City.

Endorsements: Employees are prohibited from recommending or endorsing a particular product or business to an individual who is not an employee of the City in the course of or in relation to their duties performed for the City.

2.9.5. Use of Confidential Information No employee of the City shall use or allow the use of confidential information obtained in their normal employment capacity to further their own or other private interests, and shall not accept outside employment or involvement in a business or activity that will require use or disclosure of such information.

2.9.6. Use of City Property No employee of the City shall use or allow the use of work time, supplies, equipment or other City property to further their own private interest or in any capacity not in the interests of the City.

2.10. Employee Conduct/Code of Ethics

All employees are expected to conduct themselves in a manner that is appropriate to the effective accomplishment of their work and is appropriate to the public with whom they contact when representing the City of Willmar. Therefore, the City of Willmar requires employees to adhere to the following standards of conduct and ethical behavior while on the job:

- A. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all their public activities in order to inspire public confidence and trust in public institutions.
- B. Serve in such a way that they do not realize undue personal gain from the performance of their official duties.
- C. Avoid any interest or activity which is in conflict with the conduct of their official duties.

- D. Eliminate all forms of illegal discrimination, fraud and mismanagement of public funds, and support colleagues if they are in difficulty because of responsible efforts to correct such discrimination, fraud, mismanagement, or abuse.
- E. Serve the public with respect, concern, courtesy and responsiveness, recognizing that service to the public is beyond service to oneself.
- F. Strive for personal, professional excellence and encourage the professional development of their associates and those seeking to enter the field of public service.
- G. Approach our organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication, and compassion.
- H. Respect and protect the privileged information to which they have access in the course of official duties.
- I. Exercise whatever discretionary authority they have under law to promote the public interest.
- J. Accept as a personal duty the responsibility to keep up to date on emerging issues and to administer the public's business with professional competence, fairness, impartiality, efficiency, and effectiveness.

2.11. Discipline

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules adopted. It is the policy of the City to administer disciplinary penalties without discrimination. Every disciplinary action shall be for just cause, and the employee may use the grievance procedure of their collective bargaining agreement with respect to any disciplinary action which they believe is either unjust or disproportionate to the offense committed.

The City Administrator shall oversee and supervise all disciplinary actions. The Department Director of each Department shall prescribe any disciplinary action, which is initiated against any employee or member of the Department. The Department Director may direct disciplinary action at any level he/she may deem necessary based upon the

facts of the incident on a case-by-case basis. The Department Director may at his/her discretion affirm or deny any recommendation for disciplinary action.

In the absence or inability of the City Administrator to act in a disciplinary matter, the Department Director shall assume that responsibility. When an employee has violated City policy, broken established work rules or regulations, engaged in misconduct or exhibited poor performance, the steps of progressive discipline outlined below should be followed, except in cases where the severity of the conduct warrants bypassing steps.

1. Verbal Reprimand:
 - A. Supervisor or Department Director
 - B. Maintain Record
 - C. No Appeal
2. Written Reprimand:
 - A. Supervisor or Department Director
 - B. Maintain Record and Include in Personnel File
 - C. May Appeal
3. Suspension With or Without Pay:
 - A. City Administrator
 - B. Maintain Record and Include in Personnel File
 - C. May Appeal
4. Demotion:
 - A. City Administrator
 - B. Maintain Record and Include in Personnel File
 - C. May Appeal
5. Discharge:
 - A. City Administrator
 - B. Maintain Record and Include in Personnel File
 - C. May Appeal

A terminated employee shall receive his final paycheck in accordance with Chapter 181 of the Minnesota Statutes including wages to the date of termination and a

percentage of earned and unused vacation and sick leave benefits as per the employee's bargaining agreement.

Any notations of oral reprimand shall be removed from the personnel file after a period of three years of the date of violation. Written letters of reprimand shall be removed from the personnel files after five years of the date of violation.

In any instances involving a written reprimand, suspension with or without pay, demotion or discharge, employees shall have the right to have included in their personnel files written responses to the charges and/or allegations warranting the appropriate disciplinary action.

Additionally, supervisors do not need to follow these steps in the case of a new employee with less than six months of employment who is unable to meet satisfactory performance standards.

2.12. Disciplinary Offenses

The following incidents constitute violations of City policy or work rules. This list is illustrative only and is not intended to be exhaustive.

1. Failure to observe safety rules and regulations.
2. Failure to report to work at the appointed time or place, or for departing prior to the designated time.
3. Solicitation, distribution, or display of unauthorized literature while on City time.
4. Operating a personal business while on City time.
5. Intimidation or coercion.
6. Reporting to work impaired or incapacitated due to the use of alcohol or non-prescribed drugs; or consumption or possession of alcohol or non-prescribed drugs on City time or property.
7. Abuse or waste of City equipment, tools, or material.
8. Using abusive language or making false or malicious statements concerning any employee, the City, or its services.
9. Horseplay, loafing, or sleeping on the job.
10. Unauthorized posting, removing, or altering of bulletin board notices.
11. Violation of City or Department written or verbal policies or procedures.
12. Unauthorized use or release of confidential, sensitive, or privileged information.
13. Intentional unavailability for or refusal to work overtime or respond to emergency call outs.
14. Abuse of sick leave or other paid leaves.
15. Conduct unbecoming of a City employee.
16. Insubordination.
17. Theft of public or private property.
18. Misappropriation of public property.
19. Sexual harassment.
20. Fighting on City time or property.
21. Conviction of a felony.
22. Intentional or negligent damage or destruction of public or private property.

23. Fraud, falsification, or deceit in the conduct of City business.
24. Discrimination in the conduct of City business.
25. Incompetence or unsatisfactory performance.
26. Unauthorized possession or use of firearms or hazardous materials on City time or property.
27. Work disruption or stoppage, illegal strike, or other forms of job action or withholding of services.
28. Acts or threats of physical violence directed towards City officials or employees.
29. Soliciting favors, gifts, services, or bribes in the conduct of City business.
30. Willful violation of the Data Practices regulations.

2.13. FIREARMS AT WORK

The City of Willmar hereby establishes a policy prohibiting all employees, except sworn employees of the Police Department, from carrying or possessing firearms while acting in the course and scope of employment for the City. The possession or carrying of a firearm by employees other than sworn Police Officers is prohibited while working on City property or while working in any location on behalf of the City. This includes, but is not limited to:

- Driving on City business;
- Riding as a passenger in a car or any type of mass transit on City business;
- Working at City Hall or any other City-owned work site;
- Working off-site on behalf of the City;
- Performing emergency or on-call work after normal business hours and on weekends;
- Working at private residences and at businesses on behalf of the City; and
- Attending training or conferences on behalf of the City.

When responding to on-call work from home after regular work hours, an employee is prohibited from bringing a firearm in their private vehicle unless the vehicle remains in a parking lot and is not needed in order to respond to the call.

Violations of this policy are subject to disciplinary action in accordance with the City's Disciplinary Procedures Policy (Sections 2.11 and 2.12).

2.14. Termination of Employment

Any employee wishing to leave the municipal service in good standing except for mandatory retirement shall file with his/her Department Director at least 10 working days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City and denying terminal leave benefits. Unauthorized absence from work for a period of three working days may be considered by the Department Director as a resignation without such benefits.

2.15. Retirement

Every appointed employee of the City shall automatically be retired upon reaching the age of 70 years, except as provided by the following clause:

If the City Council finds that the interests of the City will best be served by allowing a person to remain in the employ of the City after reaching 70 years of age because his/her services are especially needed or replacement would be especially difficult, the Council may recommend that the employee be retained after his/her 70th birthday. Unless the Council disapproves such retention within three weeks after receipt of the recommendation of the City Administrator, the employee may continue employment for one year. Any such employee may be retained for successive one-year periods until reaching the age 75 upon the annual recommendation of the City Administrator and approval of the Council.

2.16. Lay Offs

After at least two-week's notice to the employee, the Council may lay off an employee whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position, or because of changes in organization. However, no full-time, year-round employee shall be laid off while there are temporary or probationary employees serving in the same class of positions for which the full-time, year-round employee is qualified, eligible, and available. Lay-offs, when necessary, shall be considered according to the length of the employee's service within the same class of positions for which the full-time, year-round employee is qualified, eligible, and available.

2.17. Business-Related Vehicle Operation

Any employee whose job description requires the operation of a vehicle as a condition of employment must maintain an acceptable driving record and possess a valid Minnesota Driver's License in order to operate a City-owned vehicle or a personally-owned vehicle on City business. In the event an employee is convicted of certain traffic violations that cause his/her driver's license to be suspended, revoked or cancelled; or that causes the employee to be uninsurable under the City's business auto insurance policy; or that causes the employee to have an unacceptable driving record according to City policy; or that causes an employee's driver's license to be revoked under the Minnesota Implied Consent Law, the City Administrator shall take appropriate action which may include suspension, transfer, or demotion to a position that does not require vehicle operation, or recommend outright discharge.

Any employee whose job description does not require a valid driver's license but has been assigned a City vehicle for business or commuting purposes, shall immediately forfeit the privilege of using the City vehicle upon the conviction of traffic violations that cause a suspension, revocation or cancellation of a valid driver's license or cause the employee's driving record to be deemed unacceptable.

For purposes of this policy the unacceptable driving record criteria shall be as follows:

- A. Three moving violations and/or at-fault vehicular accidents within a 36-month period or any combination thereof;
- B. Two alcohol-related violations within a 36-month period; or
- C. One reckless driving or careless driving and one other moving violation within a 36-month period; or
- D. One hit and run violation and one other moving violation within a 36-month period.

For purposes of this policy each violation shall be deemed on a per occasion basis. Any occurrence where an employee receives multiple violations in conjunction with an at-fault vehicular incident, only one violation shall be recorded.

Traffic or parking citations received while operating a vehicle on City business shall be the responsibility of the employee.

The City is not liable for damage to personally-owned vehicles while utilized for City business. Proof of insurance may be requested from employees who use privately-owned vehicles while conducting City business.

Vehicles owned by the City may not be used to travel to and from an employee's residence except as follows:

- A. Employees who are assigned a vehicle and who are or may be engaged in City-related activities other than during the normal work day, or
- B. Employees who are assigned a vehicle and whose work is primarily away from the City Offices and the time or distance is minimized by allowing the employee to use the vehicle to travel to and from the employee's residence.

Employees assigned vehicles must reside within City of Willmar boundary limits. As per IRS regulations, the imputed income from non-exempt vehicles will be added to an employee's gross income. The City will not withhold payroll taxes from the employee's paycheck.

An employee who is authorized by the City to operate a private vehicle on official City business shall be reimbursed for such usage at the current rate prescribed by the IRS regulations for mileage allowance.

Positions which are assigned City vehicles will be determined by the City Administrator.

2.18. Other Employment

Employees are permitted to engage in outside employment subject to the approval of the City Administrator and their Department Director and the following restrictions:

- A. Any outside work is secondary to full-time City employment and shall not interfere with the regular duties of the employee.
- B. No employee shall accept other pay or compensation for time during which he/she was employed by the City.
- C. No employee shall work for any contractor or company who has a project or contract with the City.
- D. No employee shall accept employment that requires the use of City equipment, facilities, or material.
- E. An employee may serve as a member of the Willmar Volunteer Fire Department with the approval of the City Administrator.
- F. An employee may serve as a member of the Volunteer Ambulance Service with the approval of the City Administrator.

Outside employment by Department Directors which may tend to interfere or conflict with the Department Director's regular duties shall be avoided.

2.19. Gifts for Employees

No employee will be required or coerced to make a contribution for a gift or a favor for another employee. No City funds shall be used for any gift, card, or favor for an employee or employee's relative.

2.20. Alcohol or Drugs/Treatment and Counseling

The City of Willmar recognizes that safety problems are created when employees use or abuse illegal drugs and/or alcohol and/or abuse prescription drugs. The City of Willmar is concerned about providing a safe workplace for its employees with the goal of attaining and maintaining a drug and alcohol free workplace. Therefore, we have established the following policy on drugs and alcohol:

The unlawful manufacture, distribution, dispensation, possession, possession for sale or distribution, use, or transportation of a controlled substance or alcohol or being under the influence of illegal drugs or alcohol, while in the workplace and/or on City of Willmar owned property, while operating City of Willmar equipment or vehicles, or while on duty or performing assigned job duties is strictly prohibited and will not be tolerated. Also, the abuse of prescription drugs is expressly prohibited. Further, an employee's involvement in and conviction for any drug-related criminal activity whether on City of Willmar managed/owned property or otherwise, is strictly prohibited and will not be tolerated. Appropriate disciplinary actions, which may include termination, will be taken against any employee for violation of these prohibitions.

A controlled substance for purposes of this Policy means a controlled substance listed in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812), and as further defined by Federal regulations (21 C.F.R. Sections 1300.11 through .15). This list includes, but is not limited to marijuana, heroin, PCP, cocaine, and amphetamines.

A condition of employment for work under funds received by the City of Willmar from any Federal agency, is that each employee directly engaged in the performance of work funded by such a grant will:

- A. Abide by the terms of this Policy, and
- B. Notify the City of Willmar of his or her criminal drug statute conviction for any violation occurring in the workplace of the City of Willmar or occurring in any other areas by no later than five (5) days after such conviction.
 1. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body

charged with the responsibility to determine violation of Federal or State criminal drug statutes.

2. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

A sanction will be imposed on any employee so convicted. Within thirty (30) days after receiving notice of the conviction:

- A. The City of Willmar will take appropriate disciplinary action against such employee, up to and including termination; or
- B. The City of Willmar will require such employee to satisfactorily participate in drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency.

Each employee shall be provided notice that as a condition of employment with the City of Willmar, the employee must comply with this Policy; further, this Policy shall be incorporated into the City of Willmar's Personnel Policy.

NOTICE TO ALL CITY OF WILLMAR EMPLOYEES

This is to notify all employees of the City of Willmar that the unlawful manufacture, distribution, dispensing, possession, use or transportation of a controlled substance or alcohol or being under the influence of illegal drugs or alcohol, while on City of Willmar managed/owned property, operating City of Willmar equipment or vehicles or while on duty, or performing assigned job duties is strictly prohibited and will not be tolerated. Also, the abuse of prescription drugs is expressly prohibited. Further, an employee's involvement in and conviction for any drug-related criminal activity whether on City of Willmar managed/owned property or otherwise, is strictly prohibited and will not be tolerated. Appropriate disciplinary actions, which may include termination, will be taken against any employee for violation of these prohibitions. Each employee, as a condition of employment with the City of Willmar, shall be required to do the following:

- A. Abide by the terms of this Policy, and

- B. Notify the City of Willmar of his or her criminal drug statute conviction for any violation occurring in the workplace of the City of Willmar or occurring in any other areas by no later than five (5) days after such conviction.
1. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of Federal or State criminal drug statutes.
 2. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

EMPLOYEE ACKNOWLEDGMENT:

I hereby acknowledge receipt of copies of this notice and the City of Willmar's Drug-Free Workplace Policy.

BY: _____

DATE: _____

2.21. Gratuities

No employee may solicit or accept any money, service, or other valuable consideration from any person who has or is seeking to obtain contractual or other business or financial relations with the City, conducts operations or activities that are regulated by the City, or has an interest that may be substantially affected by their performance of assigned duties and responsibilities. An employee may accept food and refreshment in such instances as a luncheon, dinner meeting, or inspection tour if the instance occurs in conjunction with City business.

No employee recruiting employment to or controlling promotion in the municipal service shall either directly or indirectly receive or accept any money, service, or other valuable consideration from any person, or on account of or in connection with a test, appointment or promotion, or proposed appointment or promotion.

(See Section 2.9.4.)

2.22 Sexual Harassment

Sexual harassment and sex discrimination are against the law. It is the policy of the City of Willmar to abide by federal and state laws which prohibit sexual harassment, and to maintain an employment atmosphere free of sexual harassment, intimidation, or coercion. The supervisory and management personnel of the City are responsible for implementing this policy and their success in their jobs depends, in part, on its successful implementation.

Discipline: Sexual harassment of any employee of the City by any other employee of the City will not be tolerated. If an investigation of a complaint of sexual harassment produces evidence that such harassment has occurred, appropriate disciplinary action will be taken, up to and including discharge.

Definition of Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct in a sexual nature. The following are examples of conduct which may be legally actionable sexual harassment. These examples are not all inclusive:

1. Use of demeaning terms which have sexual connotation.
2. Objectionable physical proximity or physical contact.
3. Unwelcome suggestions regarding, or invitations to, social engagements or events.
4. Any indication, express or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend on the granting of sexual favors to any other employee, supervisor, or manager.
5. Any action relating to any employee's job status which is in fact affected by consideration of the granting or refusal of social or sexual favors.
6. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
7. The deliberate or careless expression of jokes or remarks of a sexual nature to or in the presence of employees who may find such jokes or remarks offensive.

8. The deliberate or careless dissemination of materials which have a sexual content and which are not necessary for work (such as cartoons, articles, pictures, e-mail, etc.), to employees who may find such material offensive.

Employee Responsibility: All employees shall be careful to treat their Co-workers, subordinates, and supervisors with respect at all times.

The following procedures may be used by any employee for reporting any form of harassment:

1. Any employee who feels that he or she is being subjected to sexual harassment in any form, shall, if the aggrieved employee feels comfortable in doing so, inform the person engaging in the sexual harassing conduct or communications that such conduct or communication is offensive, against City policy and must stop; or
- 2, If an employee who feels that he or she is being subjected to sexual harassment in any form, and is uncomfortable about talking to the person engaging in sexual harassing conduct or communications, may contact their supervisor or department director if the employee is comfortable in doing so. The employee may also contact: Willmar City Administrator, 320-214-5160

Any employee who becomes aware or is concerned about a perceived incident of sexual harassment is encouraged to report this activity to the City Administrator, a supervisor, or a manager.

If any supervisor, manager, or Department Director has an incident of sexual harassment reported to them, the individual receiving the report shall contact the City Administrator. Complaints involving the City Administrator shall be reported to the Chair of the Labor Relations Committee.

Investigation: All reports of sexual harassment will be investigated in a timely manner and if the investigation produces evidence that such harassment has occurred, appropriate disciplinary action will be taken, up to and including discharge.

If you believe you have been subjected to sexual harassment, you may also contact:

1. Minnesota Department of Human Rights
500 Bremer Tower

7th and Minnesota Streets

St. Paul, MN 55101

(651) 296-5663

2. The Equal Employment Opportunities Commission

110 South Fourth Street, Room 178

Minneapolis, MN 55401

(651) 349-3495

Any official or employee who is found to have been the perpetrator of sexual harassment will be subject to appropriate disciplinary action pursuant to Section 2.11 of the City's Personnel Policy and Procedures. Any official or employee found to have made a false complaint of sexual harassment may also be subject to disciplinary action pursuant to Section 2.11 of the City's Personnel Policy and Procedures.

No retaliation of any kind will occur because an employee has reported an incident of suspected sexual harassment.

This policy shall apply to all employees, including those represented by a bargaining unit, full-time, part-time, and seasonal.

2.23. Solicitations on Company Premises

Solicitation by sales people offering merchandise not related to City business is prohibited during normal working hours. Soliciting by employees is discouraged and acceptance of offers is not mandatory for maintaining employment.

2.24. Membership/Dues/Conferences

Employees are encouraged to join and participate in associations which will enhance their ability to perform their duties. The City will pay the dues if the membership relates directly to their job.

Attendance at out-of-state association meetings, conferences, or annual meetings must be approved by the City Administrator. Attendance at state-wide association meetings, conferences, or annual meetings may be approved by the Department Director. Attendance at scheduled events and/or classes of a conference or annual meeting are required if the registration is paid with City funds. Employees seeking membership on various committees to assist with research projects, conference planning, dues and services, etc. shall first receive the prior approval of the City Administrator.

Any employee desiring to seek election to and service as an officer of a state, national, or international professional organization shall receive the prior approval of the City Administrator.

2.25. Donations

The City Administrator, Department Directors, Mayor, and City Council members may accept and/or solicit donations in the form of cash, materials, and equipment which are intended to off-set, subsidize, and compliment the City's general operating budget. All donations shall be receipted and acknowledged in year-end departmental reports. All cash donations shall immediately be turned over to the office of the City Clerk-Treasurer for deposit and credit to the General Fund. Capital equipment valued in excess of \$1,000 shall immediately be reported to the Council whereby it shall be accepted and acknowledged by resolution. Solicitation of cash donations and capital equipment valued in excess of \$1,000 shall require prior City Council approval.

2.26. Public Purpose Expenditures

The following items are deemed to meet the Council definition of public purpose expenditures. With respect to the following categories of spending, all other uses are deemed to be inappropriate.

1. Meals and Refreshments (Excluding Alcohol):
 - A. Are allowed as part of a city business meeting in which the character of the meeting would involve predominately non-city employees.
 - B. When they are a part of a breakfast/lunch/dinner meeting for official city business when it is the only practical time to meet and when it involves non-city employee participants (i.e. business developers or business representatives). Only the expenses incurred by city employee(s) may be reimbursed. The City Administrator may allow exceptions when deemed in the interest of the City.
 - C. During non-routine, official meetings of the City Council, committees or subgroups.
 - D. When they are part of the structured agenda for a conference, workshop, seminar or meeting in which the City Administrator or a Department Director has authorized the employee to attend (this does not include routine staff meetings).
 - E. For department-sponsored meetings, conferences or workshops where the majority of invited participants are not city employees.
 - F. At department-sponsored events where registration fees are charged and the majority of invited participants are not city employees.
 - G. At meetings consisting primarily of city employees when the refreshment and/or meals are an integral part of the event and are necessary to sustain the flow of the meeting and to retain the captive audience, and if the meeting is one of the following:
 1. A division-wide annual/quarterly staff meeting for all employees;
 2. A non-routine senior staff or organizational meeting;

3. An organization-wide or division-wide annual/quarterly staff meeting for all Department Directors/supervisors; or
 4. With the exception of structured training sessions, for the purpose of this policy, the meetings described shall be held no more frequently than once per quarter.
- H. During official meetings of the City Council, Council Committees, advisory boards/commissions and task forces, when they are of a non-routine basis or when special events are held (i.e. as retirements or recognition).
- I. A dinner meal to be allowed for staff during performance of election related duties on election day.
2. Recognition Events/Purchases
- A. As refreshments for recognition of special one-time or once-per-year
 - B. Events when provided at modest level with prior City Administrator approval, such as: Annual Employee Picnic, Annual Clean-up Day Breakfast, Annual Employee Recognition Celebration.
 - C. Recognition gift purchases must be at a nominal cost not to exceed \$25.00 per employee, unless part of a Council-approved employee compensation program. Recognition gift purchases over \$25.00 but less than \$250.00 per employee event, such as caps, pins, rings, watches, statues, plaques, medals, awards, ribbons and certificates will be awarded as approved by the City Administrator or his/her designee for retirement and extraordinary individual or item contributions. Awards to paid on-call firefighters and/or volunteers may not exceed \$150.00 in value per employee event. The Council may annually appropriate funds to the City Administrator's budget to pay for such expenditures.
 - D. Annual Employee Recognition Awards
Years of service awards for regular full- and part-time employees amounting to \$10.00 per year of service recognized at 5-year intervals that may be awarded at the Annual Recognition Event.

3. Special Events
 - A. Such as Willmar Fests, National Night Out, the Volunteer Recognition event and other events that involve or invite participation by the general public.
 - B. Expenditures for meals and participation fees are allowed, and representative staff members may participate in events that directly benefit the marketing of the City.
4. Refreshments and Food for Emergency Response Staff

Because emergency personnel are often called to perform for extended periods of time and duties where refreshments are important to duty performance, firefighters, police officers and other emergency response personnel may be provided refreshments or food when it is deemed appropriate by the City Administrator or Department Director to assure the delivery of quality emergency response service.
5. Employee Training
 - A. Is allowed for reasonable registration, tuition and travel expenses for conference, seminars, workshops, tuition and approved City employment-related course work in accordance with City of Willmar Personnel Policy.
 - B. Is allowed for tuition assistance required for retraining as part of planned organizational change based on an organization change plan.
6. Membership and Dues

When the primary purpose of the membership is for public benefit and not personal interest or gain in accordance with City of Willmar Personnel Policy.
7. Employment Licensing and Certifications Renewals

When the primary purpose of the license or certification is for public benefit and not personal interest or gain in accordance with Employment Contracts.

8. Clothing and Other Sundry Items

Employees may receive T-shirts and other sundry items of nominal value when these items are made available to the general public or if these items are determined by the City Administrator to be important to the successful involvement of employees in special city-sponsored or city-supported events (i.e. National Night Out, Willmar Fests, etc.). Employees may be supplied with uniforms, clothing, boots and other gear necessary for the performance of their job.

2.27. Use of Credit Cards

Credit cards shall be issued to the City Administrator and Department Directors and used by those employees authorized by the respective Department Director to make purchases. Claims presented for payment must include invoices and receipts to support the items charged in the bill from the credit card company. Credit card charges will be paid off on a monthly basis.

Municipal credit cards may be used for small purchases in the ordinary course of business and/or to expedite purchases of time sensitive materials/equipment. No personal use of the credit card is permitted. Small purchases shall be defined as any Departmental general operating purchase under One Thousand Dollars (\$1,000). Proposed purchases exceeding One Thousand Dollars (\$1,000) shall require prior approval of the City Administrator

The Finance Department shall provide for appropriate accounting of credit card purchases, including verification of necessary invoices and/or receipts.

Any Department Director leaving their position or role with the City must immediately return the municipal Credit Card to the City Treasurer, who will cancel it. Credit cards may be cancelled at any time by the City if any of the policies, procedures and guidelines are not followed, and/or if there is not compliance to any of the terms and conditions outlined in this policy.

It is the Department Director's responsibility to follow-up on any erroneous charges, disputed items, returns or adjustments to ensure proper credit is given on subsequent statements.

Department Director's shall be responsible for validation and safekeeping of their municipal credit cards and shall sign the credit card immediately upon receipt. The credit card should always be treated with the same care as personal credit cards, keeping the card(s) in an accessible, but secure location. When using the credit card for

internet purchases, cardholders should ensure that the site utilizes industry recognized encryption transmission tools.

When the expiration date is passed and/or after the Department Director has received a new credit card, the old credit card is to be cut in half and properly disposed. The credit card is valuable property which requires proper treatment by the Department Director to protect it from misuse by unauthorized parties.

SECTION 3. HOURS AND CONDITIONS OF EMPLOYMENT

3.1. Work Day/Hours, Work Week, Flextime

The normal work day for an employee shall be eight (8) hours. The normal work week shall be forty (40) hours.

Part-time or seasonal employees shall work as directed by the Department Director. 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 8:00 a.m. to 4:30 p.m. day. The employer will give sufficient notice to the employees affected by the establishment of the work day different from the employee's normal eight (8) hour work day unless an emergency exists.

Service to the public may also require the establishment of regular work weeks that schedule work on Saturdays and/or Sundays.

In the event that work is required because of unusual circumstances such as, but not limited to, fire, flood, snow, or breakdown of equipment or facilities, no advance notice need be given. It is not required that an employee working other than the normal work day be scheduled to work more than eight (8) hours; however, each employee has an obligation to work overtime or call backs if requested unless unusual circumstances prevent him/her from so working.

The City Administrator, Department Directors certain titled officials, and other supervisory personnel who are exempt from the Fair Labor Standards Act are given reasonable freedom in their hours. They shall have no rigid work hours or work weeks except that their hours shall be such as to best supervise their employees or as directed by the City Council.

3.2. Rest Periods

Every employee, when working under conditions where a break period is practicable, shall be granted a Fifteen-(15) minute paid rest period during each four-hour work period. Each Department Director shall schedule rest periods so as not to interfere with work requirements. Rest periods shall not be accumulative and failure to take the allotted rest period per shift does not allow the employee to leave the shift earlier than called for by departmental established work hours nor utilize the time to compensate other absences.

3.3. Lunch Periods

Every employee shall be granted an unpaid lunch period consisting of one-half hour. Lunch periods shall not be accumulative from day to day and shall not be utilized to compensate for other absences. Certain employees may be required to eat on the job due to the nature of the work and will subsequently be paid for the lunch period.

3.4. Attendance/Tardiness/Inclement Weather

Every employee is expected to be regular in attendance during all scheduled hours of work. Unsatisfactory attendance including reporting late or quitting early shall be cause for disciplinary action. If an employee anticipates being late for any reason, the supervisor should be telephoned as far in advance as possible. All employees are required to report to their supervisor in the event they are sick and unable to attend work.

Any employee, including probationary employees, who is delayed or prevented from being at work on a regular work day due to inclement weather, may elect to be compensated in the following ways:

- A. Take the time off as leave without pay.
- B. With prior approval of the City Administrator, may make up the hours missed by coming to work before the regular workday begins or by staying after the end of a regular workday. Hours must be made up in the same pay period that the hours were missed.
- C. Request accrued compensatory time to be used to offset such missed hours.
- D. If no accrued compensatory time exists, request to use vacation or personal leave to offset the missed hours.

All of the above options must be requested in writing and be approved by the appropriate supervisor and City Administrator.

In the event that an essential employee living within the City limits finds it impossible due to inclement weather to get to their job, they will be picked up by a Public Works vehicle or snow plow. All other employees will be expected to get to work by their own means.

3.5. Leave of Absence

The City of Willmar expects its employees to maintain a continuous record of employment. However, occasions do arise when it is necessary for an employee to absent themselves from work for an extended period of time. In such cases, the employee should submit a written request for a specific leave of absence to the Department Director. The Department Director shall submit a copy of the letter with a recommendation to the City Administrator. Requests may be approved based on individual needs, employee's performance, and appropriate recommendation. When a leave of absence is granted, it is with the understanding that the employee intends to return to work at the completion of the leave. If granted a leave, employees can continue their hospitalization, life, and LTD insurance programs by paying the monthly premiums. No sick days or vacation days accrue during a leave of absence.

3.5.1. Maternity Leave of Absence Maternity/paternity or adoption leave of absence without pay will be granted to a natural parent or an adoptive parent who requests such leave in conjunction with the birth or adoption of a child. The leave shall commence on the date requested by the employee and shall continue up to four (4) months past the date of delivery or adoption of a child. Pregnant women will be permitted to continue working for the City, without regard to their stage of pregnancy, provided that they can continue to perform their regularly prescribed duties and can do so without endangering either the health of the mother, fetus, or endangering other employees because of restricted work activity. The City of Willmar may require a physician's statement at any time attesting to these facts regarding safety. Maternity leave during the first or second trimester shall be granted only with a physician's order.

3.5.2. Military Leaves Employees will be provided with a military leave of absence in accordance with State and Federal law.

Training duty referred to includes weekly and weekend training assemblies, annual tours of training duty, and special courses of instruction and other types of reserve training covered by Federal Statutes. The State law also entitles an employee to leave of absence without pay when called into active service.

3.5.3. Jury or Witness Duty When an employee performs jury duty or is subpoenaed as a witness in court, the employee is entitled to compensation from the City equal to the difference between their regular pay and the amount received as a juror or witness.

3.5.4. Industrial Accident Leave An industrial accident leave without pay will be granted for the duration of the recuperation period needed from an injury or illness sustained during the working hours in the employ of the City. This leave shall commence only upon the complete exhaustion of accumulated sick leave benefits used prior to or augmented with workers compensation benefits. Seniority and length of service time shall not compound during this leave. Any employee on an industrial accident leave shall retain rights to return to the position and all other employees hired to fill the position during the leave of absence shall be bumped from the position upon the return of the employee. The leave of absence shall terminate upon determination that the employee is permanently disabled and/or unable to return to their original position. This leave for the duration of the recuperation period shall supersede the extended leave of absence clause (Article 5.7.6).

3.5.5. Religious Services If an employee wishes to attend religious services during regular working hours, they must do so with the approval of their supervisor and either take approved leave such as vacation, personal leave, compensatory time, leave without pay, or make up the time with the approval of their supervisor.

3.5.6. Volunteer Emergency Service Duty If an employee desires to serve on the volunteer fire department, ambulance service or rescue squad, the employee may do so following approval of his/her Department Director and City Administrator, and by strict adherence to the following regulations:

- A) Employees deemed essential by the Department Director will not be allowed to answer calls for the volunteer service during normal scheduled hours. Employees on an on-call status will not be allowed to answer any calls, emergency or routine in nature, unless a backup on-call employee arrangement has been made. Non-essential employees will not be restricted except as previously provided.
- B) Upon volunteer duty completion, all employees will be expected to return promptly and resume their normal work activity.

All employees will receive their normal wage rate any time they answer an emergency or routine call. Employees will be paid for any volunteer service duty not exceeding four hours during a normal working period. All response time exceeding a four-hour time period must be taken as vacation pay, comp. time, or leave without pay.

If an employee is required to work after a normal period on a day when the employee took volunteer service leave for a four-hour period or greater, time and one-half (1 1/2) wage rate will not be paid to employee until the actual hours of the employee's normal schedule have been worked.

3.6. Use of Telephones

3.6.1. Personal Calls During working hours employees are expected to keep the number and length of personal calls at a minimum.

3.6.2. Long Distance Personal Calls Long distance calls placed by an employee must be made using the employee's personal long-distance credit card.

3.6.3. Cellular Telephone Cellular telephones may be used for conducting City business at locations or in situations where a regular telephone is not available. If a regular telephone is accessible, it should be used rather than the cellular telephone. Personal local and long distance calls are prohibited except in the case of an emergency. If an employee must make an emergency call and initially charges the City, he or she must notify the Finance Department as soon as possible after the call is made. Reimbursement for cellular phone calls must be made as soon as the cellular phone bill is received.

3.7. Personal Mail

Employees are discouraged from having their personal mail delivered to the City Offices. Employees are also prohibited from preparing any personal letters during regular working time.

3.8. Parking

Reserved for future use.

3.9. Clothing

The City of Willmar may provide clothing to employees when employee identification is deemed to be in the best interest of the City.

All departments shall use a standardized marking or logo on uniforms and designed clothing.

Individual items of apparel that are permitted shall include T-shirts, hats, polo shirts or sweatshirts and shall be appropriate for seasonal employment.

Departments may utilize jackets or windbreakers for employment identification. However, these clothing units shall remain property of the City of Willmar and disposed of after reasonable period of usefulness.

Department may make mandatory wearing of clothing at times of employment to assist at special events or days when employee identification is paramount.

3.10.

Reserved for future use.

3.11.

Reserved for future use.

3.12.

Reserved for future use.

SECTION 4. COMPENSATION

4.1. Pay Period, Pay Days

Employees shall be paid every-other Thursday, for the period of the preceding two weeks ending on Saturday at 12:00 a.m. When a pay day falls on a holiday, employees shall receive their pay the preceding work day.

4.2. Payroll Deductions

The City is required to deduct from all employees' checks Federal and State income tax and Social Security tax if applicable. The City serves as the collection agency and passes the money on to the State and Federal government. The City is also required to deduct contributions to the Public Employees Retirement Association (PERA).

There are other payroll deductions which may be taken into consideration on payroll checks. Some of these are as follows: union dues, deferred compensation, savings bonds, insurance premiums, and United Way contributions. Employees desiring to enroll in any of these programs should contact the Finance Department.

4.3. Overtime

Unless they are exempt under the Fair Labor Standards Act (FLSA), employees are entitled to overtime compensation at a rate of one and one-half hours for each hour of overtime worked in excess of eight (8) hours within a twenty-four (24) hour period or forty (40) hours in a work week. The compensation may be in cash or in compensatory time off. Arrangements for compensatory time off in lieu of overtime pay in cash shall be made part of the collective bargaining agreement governing the respective employee.

Overtime is due only for time actually worked over 40 hours in a work week. If an employee takes compensatory time off or paid vacation, personal leave or sick leave, those hours are not counted as part of the 40-hour work week for purposes of determining whether overtime is due, because those hours were not actually worked.

4.4. Working Out of Class

Out-of-class pay may be requested whenever an employee is designated by their supervisor to perform all of the duties and responsibilities of a position in a higher salary grade for a period of 60 consecutive work days or more. The City Administrator or designee reviews the proposed out-of-class request prior to an appointment and approvals shall be limited to a period not to exceed six-months, however extensions may be requested. Generally, working out-of-class is the result of a temporarily vacant position. In such a case and for the duration of the out-of-class assignment, the employee is eligible for a payment of up to 10% of their actual base salary, or placement at the higher salary range minimum, whichever is greater. The out of class payment will be retroactive to the first day the employee worked in the higher classification and may be paid as an adjustment to the hourly rate or paid in a lump-sum at the conclusion of the out-of-class assignment. Employees being considered for an out-of-class assignment must meet the minimum qualifications of the position in the higher classification.

Whenever an employee is directed to temporarily perform most, but not all, of the duties and responsibilities of a position in a higher salary grade as defined above for a period of 60 consecutive work days or more, the employee is eligible for a partial out-of-class payment of up to 5% of their actual base salary to be paid in a lump-sum as indicated in paragraph one of this section.

All requests for additional compensation for extra work performed out-of-class shall be subject to council approval and supported by a detailed written report prepared by the City Administrator, Human Resources Director, or the employee's immediate supervisor. The report shall identify and quantify the extra out-of-class duties and responsibilities performed by the employee. The supervisor of the "Out of Class Employee" shall monitor the employee's performance and report monthly in writing to the City Administrator as to the status of work projects and what is or isn't getting done in the absence of a permanent incumbent in this position.

The City Acknowledges that the actions taken granting additional compensation for working out of class does not create a past practice or precedence.

4.5. Travel Expenses

The City of Willmar hereby agrees that travel by its personnel may be by privately-owned vehicles, commercial transportation, or City-owned vehicles. Travel by one of the above will be authorized by the Department Director, with consideration given to the method which would be the most economical and in the best interest of the City both in terms of dollars and time spent during travel.

Use of City-owned vehicles is specifically prohibited for travel in excess of three hundred (300) miles or travel which would result in a City-owned vehicle being out of the City for more than five (5) days. Said restrictions may be exceeded only with City Administrator approval. Commercial transportation is the preferred mode of travel in these cases. An employee may elect to use his/her own vehicle, however, reimbursement will be limited to the lower of: 1) the total cost of round trip air fare, plus the cost of mileage between Willmar and the Minneapolis/ St. Paul Airport, and the cost of long-range parking at the airport for the number of days the employee would have been gone; or 2) the cost of mileage at the rate prescribed by IRS regulations. The City will not reimburse personnel for meals and housing en route to a destination when the employee has elected to travel in their privately-owned vehicle. A maximum of two days may be claimed in travel status when an employee elects to travel by privately-owned vehicle. Any additional days spent in travel will be recorded as vacation or personal leave days. When using a privately-owned vehicle, the City will reimburse an employee at a level recognized by the IRS for tax purposes.

A maximum allowance for meals within the State is \$9.00 for breakfast, \$11.00 for lunch, and \$20.00 for dinner. Special banquet meals in connection with a conference must be approved ahead of time or the regular reimbursement will apply. Reimbursement of meals will only be allowed provided appropriate meal receipts are attached to requests.

Receipts must be attached for registration fees, bus, train or air travel, or for gas used when personnel are traveling in City-owned vehicles, hotel rooms, and other items of expense. All reimbursements for meals while not away from home will be included as other income on the employees W-2 or reported on a Form 1099 for non-employee

reimbursements. The City Administrator may from time to time and on a case-by-case basis, approve increased maximum meal allowances when deemed appropriate for the conduct of City business.

Out-of-State trips will be reimbursed in accordance with the above policy for City employees. Out of State trips will be approved for personnel by the City Administrator when such trips are in the budget. Should travel for staff development become necessary and is not in the department's budget, special prior City Council approval will be required.

An expense report shall be filled out at least every month, and room receipts must be attached (IRS rule) and all other receipts where possible. This report shall be turned in to the Finance Department at least by Wednesday, one week before a Council meeting, in order to receive payment on the day following a meeting.

Requests for an expense account advance must be made by the Wednesday prior to a Council meeting. Expense account advances must be reconciled with actual expense as soon as possible

4.6. Petty Cash

Petty cash funds are kept in various offices as authorized by the City Council. The petty cash funds will be used to reimburse payments up to \$100.00. Any expenditure over \$100.00 will be reimbursed by check at regular Council meetings. Receipts must be attached to a complete petty cash slip whenever possible. An advance of petty cash may be obtained by completing a petty cash slip and reconciling the advance with the actual amount as soon as possible.

Employee personal checks may not be cashed through the petty cash fund.

4.7. Transfer, Reclassification and Promotions

Job duties may change from time to time to better meet changing administrative needs or productivity requirements within a specific department. In the event of job reclassification, the lateral transfer from one position to another within the same salary grade or promotion to a classification at a higher salary grade, the City Administrator shall follow this procedure in making compensation recommendations to the City Council:

4.7.1. Reclassification

A position may be reclassified when approved changes in job duties significantly modify position responsibilities.

Positions may be reclassified either upward (higher salary grade) or downward (lower salary grade). Reclassification upwards results in a salary increase. Reclassification downward generally results in no immediate change to the employee's salary. When the employee's salary is within the new salary grade range, and is below the salary range midpoint, the employee will be eligible for salary step increase on the annual review date. Reclassification does not change the employee's step increase date.

When downward reclassification results in the employee's salary exceeding the maximum of the new salary range, the salary rate may not be increased for any reason, until such time that the salary rate is within the established salary range.

4.7.2. Promotion

A promotion is defined as a change from one classification to another which has a higher salary grade.

Upon promotion, employees will receive an increase of their actual base salary. In no event shall the increase in salary exceed the maximum of the new salary grade. A promotion to a higher salary grade will result in the employee's salary step increase date changing to the date of entry into the higher paid classification. Resulting internal equity and the employee's appropriate placement within the salary range should be considered when implementing a promotional salary action.

4.7.3. Transfer

A transfer is defined as a change from one classification to another within the same salary grade. No salary increase shall be granted at the time of a lateral transfer. This will result in no change of date for salary steps or increases.

SECTION 5. EMPLOYEE BENEFITS

5.1. Vacation

Vacation with pay shall be granted to City employees except that no employee shall be allowed to use vacation leave until after the expiration of the employee's probationary period. The probationary restriction shall not apply to employee promotions and/or transfers.

Full-time employees shall accrue vacation leave according to the schedule of their collective bargaining agreement. Permanent part-time employees shall accrue vacation leave according to a rate equal to the average hours worked per week divisible by a forty (40) hour work week multiplied by the respective collective bargaining agreement vacation schedule.

Each employee desiring to take vacation leave and having vacation leave with pay to his/her credit in accordance with the foregoing provisions, shall make application for such leave to the immediate supervisor except when departmental rules require Department Director approval. The application shall be approved if it will not seriously affect the services of the Department.

The City of Willmar encourages all employees to take at least one week of vacation in a block. The balance of accrued vacation may be taken individually in a minimum of one (1) hour increments.

In case of sickness or accident not covered by Workers Compensation, an employee may request that all or part of the accrued vacation time be applied as sick leave and will be paid in the same manner as vacation time. Vacation may not be waived by an employee for the purpose of receiving extra pay for work during that period.

Vacation leave is accrued when vacation days, holidays, and sick days are taken. No vacation leave shall accrue during a leave of absence, except employees on the 15-day military leave with pay.

In the event an employee's services are terminated in good standing, they shall be compensated for the accumulated vacation hours at the rate of pay of the termination date. Employees who voluntarily terminate prior to completing the

probationary period or who are dismissed at the end of the probationary period shall not be eligible for terminal vacation pay.

5.2. Sick Leave

Sick leave with pay shall be granted to City employees except that no employee shall be allowed to use sick leave until after the expiration of the employee's probationary period and City Administrator action granting full-time, year-round status. In cases of extreme emergency, and with the express approval of the Department Director, sick leave may be granted during the probationary period. Full-time, year-round employees shall accrue sick leave according to the schedule of their collective bargaining agreement. Permanent part-time employees shall accrue sick leave according to a rate equal to the average hours worked per week divisible by a forty (40) hour work week multiplied by the respective collective bargaining agreement sick leave schedule.

Employees may use sick leave for the following:

- A. Illness of the employee, causing absence from work.
- B. Injury to employee, causing absence from work.
- C. Need by employee for acute medical or dental care which cannot be obtained after working hours.
- D. Illness or injury to members of the immediate family - father or grandfather, mother or grandmother, sister or sister-in-law, brother or brother-in-law, spouse, children of either husband or wife, stepchildren or stepparents, and a member of the employee's immediate household.
- E. Pregnancy prior to delivery and up to four (4) months post-delivery.

When an employee is unable to report to work because of illness or injury, or because of illness in the immediate family, he/she shall report to the Department Director or First Line Supervisor, or cause to be reported, early enough so that arrangements may be made to carry on the employee's work. The Department Director may require a signed statement from the employee's physician or other evidence of the extent of the injury or condition of the employee or employee's family member during illness.

Sick leave is accrued when vacation days, holidays, and sick days are taken. No sick leave shall accrue during a leave of absence, except employees on military leave with pay.

Sick leave with pay shall not be granted to emergency or per diem employees. When incapacitating sickness or hospitalization occurs within a period of vacation leave, the period of illness may, upon presentation of a statement from the attending licensed physician, be charged as sick leave and the charge against vacation leave reduced accordingly.

The appointing authority may require the employee to produce medical certification from a registered, practicing physician attesting to the fact that the employee is fit to return to work.

Pregnancy is treated as a sickness. When the employee is unable to perform her job responsibilities, sick leave may be used prior to the maternity leave of absence within the following guidelines:

- A. Sick days may be used continuously until the employee has depleted the number of sick days accrued, after which the leave of absence would become effective.
- B. It is not required that all or any sick days be used for maternity leave, as it may be desired to save the sick days in case of illness or surgery. Maternity leave of absences are granted up to four (4) months after the date of delivery, regardless of the extent of sick days used.
- C. Sick days may only be used up to four months after the delivery.

Natural or adoptive parents may use sick leave for the following reasons:

- A. Pregnant employees requesting maternity leave may use paid sick leave prior to the birth of the child and up to four (4) months after the birth of the child unless all accumulated sick leave is exhausted at an earlier date.
- B. Male employees who become a natural or adoptive parent may use a maximum of three (3) sick days before or after the birth or arrival of the child.
- C. Female employees who become an adoptive parent may use a maximum of three (3) sick leave days before or after the arrival of the child.

Any employee sustaining an injury while on the job is eligible for Workers Compensation. Accumulated sick leave may be used in conjunction with the payment received from Workers Compensation so that the combined total will be equal to the employee's net salary (see Workers Compensation).

Donation of Sick Leave:

With the express written approval of the City Administrator, City employees having accrued sick leave will be allowed to donate a portion of such accrued sick leave to fellow employees experiencing a major life threatening disease or health condition suffered by the employee, spouse, children or stepchildren of either husband or wife or stepparents, or a member of the employee's immediate household.

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

1. An Employee will be eligible to receive donated sick leave only after all accumulated sick leave, vacation leave, and compensatory time have been used by the employee.
2. No employee will be allowed to receive more than twenty (20) days of donated sick leave for any single major life threatening disease or health condition without the express written approval of the City Administrator.
3. An employee may donate no more than sixteen (16) hours per calendar year to a single fellow employee. This shall not be construed to prohibit donating sixteen (16) hours per year to another fellow employee.
4. A written request to donate sick leave must be made to the City Administrator on forms designated by the City for this purpose.
5. The City Administrator shall have the right to deny use of donated sick leave or limit its use as shall be determined in the best interests of the City of Willmar.

5.3. Holidays/Scheduled Days Off

Employees shall receive regular compensation for eight (8) hours of work for each of the holidays listed in their collective bargaining agreement. When a holiday falls on a Saturday, the previous day will be designated as a holiday. When on a Sunday, the following day will be a holiday.

When a holiday falls during a vacation period or when an employee is on sick leave, the employee will not be charged for vacation or sick leave for that day provided the holiday falls on a day they are normally scheduled to work. If an employee works on a holiday, they receive pay or compensatory time in lieu of pay as per the governing collective bargaining agreement of the employee.

Permanent part-time employees are entitled to pay on a holiday only if they would normally be scheduled to work on the day of the week designated as the holiday, and they shall be paid only for the number of hours they would have worked.

5.4. Life Insurance/Supplemental Life Insurance

The City of Willmar provides group term life insurance with accidental death and dismemberment for all full-time employees and any permanent part-time employee that consistently works 20 hours per week all year long. The cost of the plan is paid by provisions of the employee's respective collective bargaining agreement.

5.4.2. Continuation of Coverage

- A. Retirement. An employee does not have the option to remain in the group term life insurance program until age 65. The employee may opt to convert to a single term life plan with the current vendor without evidence of insurability.
- B. Termination or layoff of employment for reasons other than gross misconduct. An employee has the option to continue in the group life insurance program for up to 18 months following the date of termination, layoff, or date of reduction in hours causing the employee not to be eligible for coverage under the group life insurance policy.

Information on life insurance is available in the Finance Department and the City Clerk's Office.

5.5. Health Insurance

5.5.1. The City of Willmar provides a standard medical and hospitalization health insurance plan for all full-time employees and any permanent part-time employee that consistently works twenty (20) hours per week all year long. The cost of the plan is paid by provisions of the employee's respective collective bargaining agreement. Permanent part-time employees eligible for medical and hospitalization health insurance shall pay a pro-rated share of a monthly premium based on the average hours worked per 40 hour work week.

| | Traditional Plan (Blue Select) | Double Gold (Blue Select) | Minimum Value Plan | VEBA\HSA |
|--------------------------|-----------------------------------|------------------------------|-----------------------|---------------------|
| Single – Employer | \$599.00 | \$599.00 | \$423.00 | \$ 505.50 |
| Employee | \$ 0.00 | \$139.00 | \$ 0.00 | \$ 0.00 |
| | | | | City Dep \$2,600.00 |
| | Traditional Plan (Blue Select) | Double Gold (Blue Select) | Minimum Value Plan | VEBA\HSA |
| Family – Employer | \$1,455.75 | \$1,455.75 | \$1,183.50 | \$ 904.50 |
| Employee | \$ 224.25 | \$ 609.25 | \$ 0.00 | \$ 505.50 |
| | | | | City Dep \$5,200.00 |
| Family – Employer | | | | \$1,339.50 |
| Employee | | | | \$ 70.50 |
| | | | | City Dep \$0.00 |

5.5.2. Continuation of Coverage.

- A. In the event of the employee's death, all eligible dependents may continue their coverage provided that:
 - 1. The eligible dependents have not consented in writing to the employer that the coverage be terminated; or
 - 2. Dependent children who have been on continuation but reach their limiting age may continue coverage for a 36-month period; or

3. In the event of the widowed spouse, coverage may continue until becoming covered under another group health service plan.

Failure of the surviving, eligible dependent or dependents to make required premium payments (any time during the continuation of coverage period) within 90 (ninety) days after notice of the requirement to pay the premiums shall be a basis for the termination of the coverage without written consent. In the event of termination by reason of the eligible dependent's failure to make required premium payments, written notice of cancellation will be mailed to the eligible dependent's last known address at least 30 (thirty) days before cancellation.

- B. In the event of legal separation or dissolution of the employee's marriage, the separated or divorced spouse and dependent children, if any, may continue their coverage provided that:
 1. The separated or divorced spouse and dependent children, if any, have not consented in writing to the employer that the coverage be terminated; or
 2. Dependent children who have been on continuation but reach their limiting age may continue coverage for a 36-month period; or
 3. In the event of the divorced spouse, coverage may continue until becoming covered under another group health services plan.
- C. Dependents of Medicare - eligible employees may continue their coverage following the date of Medicare eligibility until the earlier of:
 1. Thirty-six months have elapsed; or
 2. The dependent becomes eligible for Medicare; or
 3. The dependent becomes covered under any other group coverage plan.
- D. Dependent children may continue their coverage after attaining the dependent limiting age, as defined in the contract until the earlier of:
 1. Thirty-six months have elapsed; or
 2. The dependent child becomes covered under any other group coverage plan.

- E. Terminated employees, laid off employees, early retirees, and employees with reduced hours may continue their coverage until the earlier of:
 - 1. Eighteen months following the date of termination, layoff, retirement, or reduction in hours; or
 - 2. The date the employee becomes covered by the same or any other group coverage plan.
- F. Retired employees and the employee's spouse and dependents shall be provided with continuation insurance coverage in accordance with the City Master Plan contract with its insurance provider and State and Federal law.

For items "B" through "F" above, failure of the eligible individual to make required premium payments (any time during the continuation of coverage period) within 31 days after notice of the requirement to pay the premiums shall be basis for the termination of the coverage without written consent. All of the above are termed "qualifying events". An eligible dependent is any spouse or dependent child of an employee who would otherwise lose coverage on account of a qualifying event.

An eligible person may have more than one qualifying event, but the coverage period may not exceed a total of 36 months for items C, D and E above. With any of the "qualifying events", the employer may terminate coverage prior to the expiration of the 36-month or 18-month period, only upon:

- 1. The employer's abolition of all health plans provided to any employee; or
- 2. The employee's or eligible dependent's failure to pay the required premium; or
- 3. The eligible dependent becoming eligible for Medicare; or
- 4. The eligible individual becoming covered under another group plan.

All employees, spouses, and dependents eligible for coverage in parts A - F of this policy must make written application to the employer when applying for the continuation of coverage.

In the event an employee becomes disabled, the employee and his/her dependents are immediately eligible to continue coverage (provided the City's contract continues in force).

The City of Willmar must notify its carrier within thirty (30) days after an employee's death, termination, reduction in work hours, or eligibility for Medicare. The employee must notify the employer of his/her divorce or any changes in dependent status within sixty (60) days of the qualifying event.

The City will notify by mail, to their last known address, all eligible individuals of their rights under this provision within fourteen (14) days after receiving notice of a qualifying event.

Individuals, eligible under this policy, will be provided at least sixty (60) days written notice in which to elect such continued coverage. The 60 day period commences on the date the plan coverage would otherwise terminate or the date on which such notice of the right of continued coverage was sent, whichever is later.

The individual has forty-five (45) days from the election of continuation of coverage date to make the first required payment. Subsequent premium payments are due and payable on a regular monthly basis thereafter.

During the 180 days preceding the expiration of the continuation of coverage, the City will provide individuals, eligible under parts A - F of this "Continuation of Coverage" policy, the option of enrollment under a conversion health contract that is available to employees, spouses, and eligible dependents.

5.6. Disability Insurance

The City of Willmar provides a long-term disability insurance policy for all full-time employees and any permanent part-time employee that consistently works thirty (30) hours per week all year long. Permanent part-time employees eligible for disability insurance shall pay a pro-rata share of the monthly premium based on the average hours worked per 40-hour work week.

An employee qualifying for the insurance (minimum consecutive months of disability must be met) will receive 60 percent of the employee's monthly basic wage or salary up to a maximum of \$4,000 per month.

Accrued sick leave shall be reduced during the qualifying period equal to the normal schedule of bi-weekly hours of the employee. Upon fulfilling the qualifying period, approved sick leave will be coordinated with the disability insurance payments on a pro-rata basis equal to, but not exceeding, the net compensation amount paid prior to the disability.

Long-term disability insurance payments may be offset by qualifying PERA disability payments to the minimum benefit leave of \$50 per month dependent upon existing PERA disability criteria.

5.7. Extended Leave of Absence

5.7.1. Employees may request an extended leave of absence without pay for reasons other than injury or illness subject to the approval of the City Administrator.

5.7.2. An employee who has requested an extended leave of absence may be required to successfully complete a physical exam before being allowed to return to work.

5.7.3. Employees requesting an extended leave of absence of one month or more are required to pay the pro-rata cost of monthly premiums for health, long-term disability, or life insurance policies in effect during the time of absence.

5.7.4. Vacation and sick leave shall not be earned and accumulated during an employee's leave of absence regardless of the length of leave.

5.7.5. An employee shall not be granted a leave of absence in order to accept a different position with another employer. Acceptance of other work shall be considered as termination of employment with the City.

5.7.6. Employees may request an extended leave of absence without pay for reasons of injury or illness subject to City Administrator approval and/or subject to long-term disability insurance criteria. Acceptance of the request by the City Administrator will limit the leave of absence to one year from the date of approval. In the event the employee cannot return and perform the designated job duties at the end of one year, the employee shall be placed on un-requested leave of absence and their job shall be considered vacant. Except that an employee, at the end of the one year, may request to return on a part-time rehabilitative employment basis if it is recommended and supervised by a licensed physician and it is acceptable to the long-term disability insurance carrier. Acceptance of the rehabilitative employment request by the City Administrator will limit the arrangement to one hundred eighty (180) calendar days. In the event the employee cannot perform on a full-time basis at the end of 180 calendar days, the City Administrator may opt to demote or transfer the employee to a part-time permanent position within the employee's capabilities or terminate the employee and their job shall be considered vacant. All employee vacation and sick leave benefits accumulated and payable in accordance with the respective collective bargaining agreement shall be paid in full if placed on the un-requested leave of absence.

Employees granted a leave of absence, and who plan to be absent the full term authorized under these policies and procedures, will be required to notify the City of the employee's intent with regard to continued employment ninety (90) days in advance of the expiration of the leave.

5.8. Funeral Leave

Employees may be allowed up to three (3) working days paid leave at the employee's straight time rate in the event of death of a member of the employee's immediate family. Such funeral leave days will not be deducted from sick leave. The employee's immediate family is defined as father or father-in-law, grandfather, mother or mother-in-law, grandmother, sister or sister-in-law, brother or brother-in-law, spouse, children of either husband or wife, stepchildren or stepparents, or a member of the employee's own immediate household. It is understood that payment under the above provisions is only for a day or days when the employee was scheduled to work and would have worked except for the death of such relative.

5.9 Emergency Leave

An employee may be granted time off without pay when approved by the Department Director provided the employee has no unused vacation or compensatory time. Up to two (2) hours may be taken off without pay for compelling personal reasons with the approval of the immediate Supervisor. More than two hours requires the Department Director's approval.

5.10. Retirement Program/PERA/FICA

The City of Willmar is a member of the State Public Employees Retirement Association and also participates in the Federal FICA program. Membership for full-time employees is mandatory at date of employment. The City and member employees contribute to the retirement plans and may be either a coordinated member or a basic member of PERA. Coordinated means an employee is eligible for both PERA and FICA benefits. A basic employee is eligible for PERA only (employed prior to 1966). If an employee separates from City employment before retirement, he/she may request a refund from PERA of employee contributions.

EMPLOYEES EXCLUDED FROM MEMBERSHIP IN PERA AND EXEMPTED FROM FICA TAX:

- A. Temporary Employees. Employees who hold positions of an essentially temporary or seasonal character are exempt provided such employment does not continue for a period in excess of one hundred twenty (120) working days in any calendar year.
- B. Full-time Students. Part-time employees are exempt if they are full-time students who are enrolled and regularly attending classes at an accredited school, college or university. Full-time students must provide proof of status in order to meet this exemption.
- C. Part-time Employees. An employee who earns less than \$325 per month is not eligible for membership. The \$3,900 per calendar year rule may be used only if annual earnings are stipulated in advance in writing. The document must be signed at the time the employee was hired or at the beginning of contract year.
- D. Medicare. An amount for Medicare coverage shall be withheld from wages of employees in the above classifications until such time as any one of the exclusions is no longer met. Withholdings shall be at full rates thereafter.

5.11 Deferred Compensation

The State of Minnesota Deferred Compensation Program is a plan that allows employees to place a portion of their earnings through payroll deduction into a tax deferred investment program. Taxes on money set aside are deferred until the time of withdrawal. The City does not match the employee's contribution.

Employees may elect to defer up to 25 percent of their annual gross taxable wages or \$7,500, whichever is less.

Information on deferred compensation is available in the ~~Finance Department~~ HR Department.

5.12

Reserved for Future Use

5.13. Personal Leave Days

Each employee desiring to take personal leave, and having leave with pay to his/her credit in accordance with the provisions of a collective bargaining agreement, shall make application for such leave to their supervisor. The application shall be approved if it will not seriously affect the services of the Department.

Personal leave days accruing on an annual basis shall be prorated for new hires on an hourly basis per hours remaining in the calendar year. Personal leave days shall be available for immediate use, specifically inclusive of probation, and may be used in full as soon as a new year begins.

Personal leave days may be used in hourly increments but may not be carried over into a new calendar year. In no event shall an employee receive severance pay for unused personal leave days when an employee's services are terminated.

5.14. Retirement/Termination Pay

Employees retiring or terminating in good standing that are eligible for vacation and/or sick leave compensation as described in their labor contract, shall be allowed to receive payment of their accrued vacation and/or sick leave in a lump-sum payment or carried over three (3) calendar years and not on a monthly basis. All requests for multiple year payments must be in written form, signed and dated by the employee, and submitted to the Finance Director in a timely manner prior to leaving the employment of the City.

5.15.

Reserved for future use.

SECTION 6. HEALTH AND SAFETY

6.1. Employee Safety Program

Where practical, the City of Willmar conducts informational safety meetings or films with employees on an as-needed basis. All employees are required to develop safe work habits and contribute in every manner possible to the safety of the employee, co-workers, and the general public.

Employees are required to read the safety handbook provided during the check in interview. Employees are to immediately report to their supervisor all accidents and injuries occurring within the course of their employment. Employees should immediately report to their supervisor all unsafe practices or conditions observed. Employees must cooperate and assist in the investigation of accidents to identify correctable causes and to prevent reoccurrence. Employees will actively support and participate in the safety promotional and educational measures utilized in department safety programs. Employees must become familiar with and observe approved safe work procedures for their work activities.

6.2. Employee Right-to-Know

Minnesota's 1983 Employee Right-to-Know law places certain obligations on employers whose employees may be exposed to hazardous substances, harmful physical agents, or infectious agents. The employer must take steps to evaluate their work places and to provide specific types of training and information to the employee. Employees have a conditional right to refuse to work if they are in imminent danger. There are also requirements for the labeling of hazardous substances and equipment or work areas that generate harmful physical agents.

To comply with the Right-to-Know standards, the City has established a program for gathering and updating information and conveying it to employees. Any questions or comments should be directed to an employee's immediate supervisor or the Safety Director.

6.3. Workers Compensation

If an employee is injured or becomes ill due to job-related reasons, the employee shall be eligible for workers compensation benefits according to the current State regulations.

In the event of an injury or illness, the City of Willmar shall follow the procedure to continue the employee's regular wage until such time as the employee receives a workers compensation payment for lost work time. The employee's accrued sick leave shall then be reduced by the difference between their regular pay and the workers compensation check. State law allows the employee to choose between endorsing the workers' compensation payment to the employer or to keep the tax-free workers compensation payment and reducing the employees next scheduled paycheck by an equal amount. An employee may choose not to receive additional salary compensation from the City (above the workers compensation payment) in order to preserve limited sick leave accruals.

Payments made to an employee by workers compensation are not considered salary and therefore PERA or FICA are not deducted. Deductions of Federal and State tax, FICA and PERA will be deducted on the excess of regular earnings over workers compensation payments.

6.4. Reporting of Injuries

Employees must report all accidents and injuries, no matter how minor, to a supervisor immediately. A First Report of Injury form shall be completed and filed with the City's Workers Compensation insurance company. The supervisor is also required to complete a written accident report.

6.5. Pre-employment Physical

An employee may be required to submit to a medical examination before permanent and full-time employment is finalized. Such examination shall be conducted by a City-appointed physician and shall be at the expense of the City.

6.6. Safety Glasses

The City of Willmar shall furnish the safety glasses as required by the employer at the start of employment or at the start of new job tasks requiring safety glasses and all subsequent prescription changes or loss of glasses due to damage while at work.

Safety glasses will be provided as follows:

- A.
 - 1. Prescription and non-prescription safety lens, glass or plastic with choice of safety frames.
 - 2. Photo-grey or tinted lens as required by the job description.
 - 3. Side shields, permanent mount or clip-on.
 - 4. Any special prescription requirements such as over power (sphere or cyl.) or 28MM segment bifocals.
- B. The City of Willmar will not pay for the following:
 - 1. The extra cost of safety glasses purchased from a supplier other than the suppliers designated by the City of Willmar. The employee shall be responsible for any additional costs from that supplier.
 - 2. The costs of an eye examination. This is the employee's responsibility.
- C. Authorization to purchase safety glasses: The purchase of safety glasses shall be authorized by the employee's supervisor. A purchase authorization should be approved by the supervisor and presented to the designated supplier. The portion of the costs approved for payment by the City shall be shown on the purchase authorization or supplier invoice and returned to the supervisor by the employee. The purchase authorization or supplier invoice shall be held by the supervisor until the employee has received the safety glasses. When the employee has received their safety glasses, the supervisor will acknowledge the receipt of the glasses on the purchase authorization or supplier invoice and forward it to the Finance Department.

6.7. Safety Boots/Footwear

The City of Willmar shall cost-share on purchases of safety boots/footwear as needed by an employee to perform their work safely. Adequate foot protection will be provided for all seasons under the following conditions:

- A. The City of Willmar will pay directly to a vendor or reimburse the employee up to \$175 toward of the cost for all pairs of safety shoes, boots, or other special footwear as required. The time limit between authorized purchases shall not be subject to a specific time but shall be at the discretion of the supervisor.
- B. The City of Willmar will not pay for the cost of a foot examination needed to correct podiatry ailments or treatments.

Authorization to purchase safety footwear shall be approved by the supervisor. The portion of the costs submitted for payment to the City shall be clearly shown on the vendor purchase invoice.

The supervisor has authority to deny employer cost sharing in any circumstance whereby abnormal or excessive wear can be attributed to an employee's after-hour job, theft of boots recently purchased, or safety boot damage directly attributable to private use.

*Dollar amount increase from \$125 to \$175 on June 1, 2015

