

**City of Milroy  
County of Redwood, State of Minnesota**

**SPECIAL MEETING NOTICE**

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The Milroy City Council will hold a special meeting on Monday, January 13, 2025, at 6:30 p.m. The purpose of this special meeting is to discuss employee wages, benefits, hours and pay equity reporting.

POSTED 1/6/2025  
CLERK/TREASURER  
BETSY SNYDER



# **AGENDA – Special City Council Meeting**

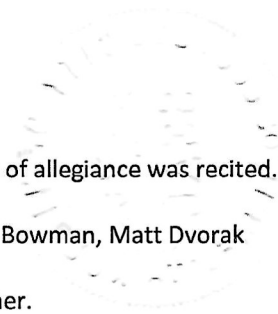
**Monday, January 13, 2025**  
**6:30 p.m.**

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- 1. CALL TO ORDER – Pledge of Allegiance & Roll Call**
- 2. APPROVE AGENDA – Additions/Deletions**
- 3. REVIEW PERSONNEL POLICY – Hours, Benefits**
- 4. EMPLOYEE REVIEWS - Wages**
- 5. APPROVE PAY EQUITY REPORT**
- 6. ADJOURN**

**CITY OF MILROY**

Regular City Council Meeting  
October 28, 2019



**CALL TO ORDER:** Mayor Graham called the meeting to order at 6:00 p.m. and the pledge of allegiance was recited.

**MEMBERS PRESENT:** Mayor Elizabeth Graham, Council Members Colleen Brooks, Cheryl Bowman, Matt Dvorak and Renee Zwach.

**ALSO PRESENT:** City Clerk/Treasurer Betsy Snyder and Public Works Director Dean Duscher.

**OPEN FORUM/GUESTS:** Clif Allen and Jeremy Boots, Moore Engineering were present to follow up with the council in regard to what they can do to assist the city with upcoming projects.

**CONSENT AGENDA:** A motion to approve the consent agenda items was made by Brooks, second by Zwach. Motion carried unanimously.

- September 23, 2019 Regular Meeting Minutes
- Claims Payable
- Resolution #18-2019 – Authorizing assessment of unpaid bills
- Land Use Permit #9-2019 – 503 Railroad Street

**REPORTS & REQUESTS:** Hydrant Flushing is complete, Park bathrooms are off and the addition of a street light by the FCAM/Oasis will be done but at this time the lights are on backorder.

Councilmember Zwach inquired about the request of a form of what has been done by the Public Works director. This was suggested a few months back and this was the council would be better informed. At this time if something comes up between meetings an email will be sent by either the clerk or public work director.

Clerk/Treasurer Snyder updated the council on the FEMA paperwork that was filled out in regard to the frost boils in the streets. The letter from the Redwood County Auditor/Treasurer in regard to moving to mail ballots was discussed. This will not be done until after the 2020 elections.

Kent Miller property owner at 502 Superior Street would like permission to plant trees in the alley adjacent to his home. A motion to approve was made by Zwach, second by Brooks. Motion carried unanimously.

The employee handbook update is being done and the vacation and S/P time will now be called annual leave. Any time that is allowed to be carried over to 2020 will need to be used first.

**UNFINISHED BUSINESS:** Employee reviews were then discussed. A motion to approve a 3%/ \$118.00 per month increase towards family health insurance for the clerk/treasurer position was made by Zwach, second by Bowman. Motion carried unanimously.

A motion to approve a 3.8% increase for the Public Works position was made by Zwach, second by Brooks. Motion carried unanimously.

A motion to approve a 2.8% increase for the Custodian position was made by Zwach, second by Dvorak. Motion carried unanimously.


Streets/City projects and the hiring of an engineer will be tabled until November meeting.

**NEW BUSINESS:** The current water tower contract was discussed.

**ADJOURNEMENT:** A motion to adjourn the meeting at 7:30 p.m. was made by Zwach, second by Bowman. Motion carried unanimously.

Approved at the regular meeting held on

November 25, 2019



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Betsy Snyder, City Clerk/Treasurer



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Elizabeth Graham, Mayor



## **CITY OF MILROY**

Regular City Council Meeting  
September 28, 2020

### **CALL TO ORDER**

Mayor Graham called the meeting to order at 6:00 pm and the pledge of allegiance was recited. Those in attendance were: Mayor Elizabeth Graham, Council Members Colleen Brooks, Cheryl Bowman, Renee Zwach and Matt Dvorak, Custodian Sara Soupir, City Clerk/Treasurer Betsy Snyder and Public Works Director Dean Duscher.

### **CONSENT AGENDA**

Resolution #16-2020 was removed from the consent agenda. A motion to approve the following consent agenda items was made by Brooks, second by Bowman. Motion carried unanimously.

August 24 Minutes, August 24 Public Hearing Minutes and September 16, 2020 Minutes

Claims Payable

Resolution #14-2020 – Work Comp Coverage for Elected Officials

Resolution #15-2020 – Designating Annual Polling Place

Land Use/CUP Permit #9-2020 – 400 Bernice Street

**RESOLUTION #16-2020 EXPENDING CARES ACT FUNDING:** A motion to approve the resolution #16-2020 as presented was made by Bowman, second by Zwach. Motion Carried unanimously.

### **REPORTS & REQUESTS**

Batteries have been replaced in the grass rig. October 5<sup>th</sup> – 9<sup>th</sup> is Fire Prevention week.

Public Works Director Duscher replaced the starter in the street sweeper but it still is not running. Other sweeping options were discussed.

Clerk Treasurer Snyder will be gone October 26, 27 and 28, 2020. The public works computer will be given to Ryan's Computers to pull the hard drive and dispose of.

### **UNFINISHED BUSINESS**

Employee reviews were then discussed with all employees. A motion to approve a 2.4%/75.00 per month increase towards family health insurance for the clerk/treasurer position, a 2.4% increase for the Public Works position and 3.3% increase for the Custodian position was made by Dvorak, second by Zwach. Motion carried unanimously.

The personnel policy will be tabled until the October meeting.

A motion to approve the contract with Quality Flow was made by Dvorak, second by Brooks. Motion carried unanimously.

A notice for unlicensed animals will be put in with the WSG bills.

### **NEW BUSINESS**

A motion to replace the two pumps for a cost of \$15,920.00 from Quality Flow was made by Brooks, second by Dvorak. Motion carried unanimously.

More mower quotes will be received for the October meeting.

No changes will be made to the council pay policy.

The sign out sheet for laptops for councilmembers will be updated and g-mail accounts assigned.

The water tower assessment report was reviewed.

### **ADJOURNEMENT**

A motion to adjourn the meeting at 7:16 p.m. was made by Zwach, second by Brooks. Motion carried unanimously.



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Betsy Snyder, City Clerk/Treasurer

Approved at the regular meeting held on  
October 26, 2020



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Elizabeth Graham, Mayor

Minutes  
Continuation Budget Meeting  
City Council  
December 12, 1994

The Continuation meeting for the Budget of the Milroy City Council was held on Monday, December 12, 1994 at 7:00 p.m. Present were Acting Mayor, Jim Thalacker - Council members: Darris Pinckney, Delmar Debbaut, and Tom Wurscher. Also present was Mayor Elect George Lanoue.

The meeting was called to order by Acting Mayor Jim Thalacker.

The purpose of this meeting was to finalize the Budget for 1995. With this finished, the council was given a letter received on this date from St. Paul, MN regarding an injury received by Shelly Lackie on 10-21-94. This is the first notice the City of Milroy has been given of said injury. After discussion, it was decided to send the letter to the city lawyer, Brian White, and have him handle this matter.

The council also made a decision on the salary for the City Clerk, after much discussion the motion was made to offer \$6.25 per hour with ~~30~~<sup>30</sup> hours per week being paid, and with a possible .50 per hour raise with the successful completion of a probation period of 6 months. Insurance reimbursement was also discussed and decided to offer it to the new Clerk.

With no further business on hand, the motion was made by Darris to adjourn the meeting. Delmar made a second. All were in favor. Meeting adjourned.

Respectfully submitted,

*Vicki Wurscher*  
Vicki Wurscher

## Health Insurance

From the Employee Handbook: The city will enroll eligible employees into the group health plan and make a competitive monthly contribution toward the group health benefit costs. The city will also contribute the deductible towards the policyholders VEBA plan.

The city currently has the health insurance policy through the SWWC Service Coop. This city has been a part of this pool since 2004 and has offered health insurance since 2002. Prior to 2002 there was a stipend for the employees to carry their own policy.

The city contributes 100% towards the single policy current (830.66).

A determined amount towards the family policy. Current (1200.00)

Clerk/Treasurer (1393.00) Two separate amounts were given to the clerk/treasurer as opposed to a raise. These amounts were equal to the percentage given to other employees for a wage increase.

2020 – 3.8% or 118.00 a month/.94-dollar amount based on the wage receiving at the time (24.50)

2021 – 2.4% or 75.00 a month/.59-dollar amount based on the wage receiving at the time (24.50)

The city will also contribute the deductible towards the policyholders VEBA plan. Single (1200.00)  
Family (2400.00).

## From the SWWC website

### • **Offering an insurance pool with statewide power and local control**

Your Service Cooperative group health insurance pool spreads risk and reduces cost while providing you the freedom to select the doctor and health plan of your choice. You will be the decision maker to see any doctor, clinic, or hospital for your care. This freedom gives you greater satisfaction about your healthcare, which leads to perceived and actual improvements in your well-being. And it works!

### • **Features**

Statewide risk pool under [Minnesota Healthcare Consortium \(MHC\)](#)

Rating methodology to provide stability

Lower pooling limits for catastrophic claims

Blending your claims with regional expectations to stabilize smaller groups

Your choice of level of assistance for mandatory bids

New networks and plan design options

A selection of consumer tools and programs customizable to each member

### • **Advantages**

Regional pool discretion and reserves

Group control of benefit design

Dedicated Medica and Service Cooperative teams

Discounted access to medical savings and spending accounts with Wex

Customized wellness programs with grant funding available

Education and resources available on best practices & mandates

**Our Vision:** MHC will be the public sector health and well-being solution.

**Our Mission:** We are dedicated to empowering and engaging our members in lifelong health and well-being.



**Clerk/Treasurer**

2019 – No increase or cost of living

2020 – Added \$118.00(3.8%) a month more towards the family health plan - .94

2021 – Added \$75.00(2.4%) a month more towards the family health plan - .59

2022 – 1.00 = 25.50

2023 – 2.50 = 28.00

2024 – .25 = 28.25

**Average hours worked each week:** 32

**Number of Employees they supervise:** 1

**Current Salary:** 28.25

**2025 COLA:** 2.7%

**Years of Service:** 30

**Overtime or Comp:** Overtime/ rarely receive OT

**Licenses/Certifications:** MN Certified Municipal Clerk (MCMC – 2006) and MN Master Municipal Clerk (MMMM – 2017) through the MN Clerks and Finance Officers Association (MCFOA). International Certified Municipal Clerk (CMC – 2017), International Master Municipal Clerk (MMC – 2022) and an Athenian Fellow (2021) through the International Institute of Municipal Clerks (IIMC). I have achieved the highest certifications that one can earn in Minnesota and Internationally. I am currently working through the IIMC on a new Education Plus Program (EPP): \*PROFESSIONAL \* LEADERSHIP \* UNITED \* IN \* SERVICE\*

**Health Insurance:** Currently through the SWWC Service Coop. The city contributes 100% towards the single policy (749.33) and a determined amount towards the family policy (1393.00) this amount includes the raise for the clerk. The city will also contribute the deductible towards the policyholders VEBA plan.

**PERA:** Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city (7.5%) and the employee (6.5%) contribute to PERA each pay period as determined by state law.

**Annual Leave:** 12 hours per pay period **PG 15 in Handbook**

Years of Service Annual Accrual Rates

Year 1	1.5 hours per pay period
Years 2-5	4 hours per pay period
Years 6-8	6 hours per pay period
Years 9-12	8 hours per pay period
Years 13-17	10 hours per pay period
Year 18+	12 hours per pay period

**Clothing Allowance:** 250.00 per Use or Lose



# MILROY

*The City of Milroy is an equal opportunity provider & employer.*

**POSITION TITLE:** Clerk-Treasurer

**REPORTS TO:** Mayor and City Council

**EMPLOYMENT STATUS:** Non-Exempt: Full-time – Minimum 32 hours per week

## **GENERAL DESCRIPTION OF POSITION:**

Performs administrative and supervisory work to coordinate city operations, manages financial and accounting functions, personnel administration and payroll processing, utility billing. Communicates internally with the City Council, other city employees, city attorney, city bond and financial agent, city engineer, and other contracted consultants.

Communicates externally with numerous federal, state, and county public agencies, League of Minnesota Cities, Municipal Clerks and Finance Officers and insurance companies.

## **ESSENTIAL FUNCTIONS-CLERK/TREASURER**

- Coordinates city government operations in such areas as finance, records management, budget, fixed assets and information management to ensure efficient use of resources and adequate service to citizens
- Oversees all personnel policies and files
- Issues monthly payroll and maintains required records; prepares quarterly reports and follows other required reporting procedures
- Drafts, with city attorney & other staff members, ordinances, resolutions, and policies for Council approval; interprets ordinances and policies when appropriate
- Prepares and administers the annual budget; presents to the Council for review and approval.
- Receives and keeps all monies of the city and its various funds
- Invests appropriate funds in accordance with state and city guidelines; maintains related investment records and prepares monthly reports for Council; monitors collateral levels
- Audits, pays and records claims submitted by vendors
- Maintains records of all bookkeeping transactions and accompanying ledgers, journals and bank account reconciliation information
- Prepares and publishes annual Financial Statements as required by State Auditor's Office
- Assists auditors with annual audit of all funds and monitors compliance with audit report
- Maintains Records Management-keeping a functional filing system
- Oversees and prepares utility billing functions, maintaining accurate records and customer accounts
- Prepares and keeps meeting agendas with supporting documentation
- Attends all council meetings and meetings of other official bodies as needed/requested
- Prepares minutes of Council meetings and other official city meetings and posts to City

website

- Provides clerical support to Mayor and Council; carries out Council directives as required
- Assists in composition of requests for (non-engineered) project bids and quotes; receives, tabulates and assists in analysis of bids and quotes for products and services and makes recommendations to Council as directed
- Maintains and monitors insurance files, OSHA and Workers Comp records
- Assists the Fire Chief in preparing the Fire Budget, draft fire contracts and invoice for fire calls
- Coordinate and conduct elections, post and publish required notice of each regular and special election, receive filings for election, record the proceedings, act as Head Election Judge for the Primary, General or special elections in preparing a work schedule and serving on the day of elections
- Assists in monitoring city operations for compliance with applicable laws, regulations, rules, policy, and ordinances
- Ensures posting, notification and publication processes are followed as required by local, state and federal statutes
- Prepares federal, state, and county reports as required
- Attests the Mayor's signature on official documents where required; maintains responsibility for City Seal.
- Provides public information upon request and in accordance with the Data Practices Act and city policy; maintains confidential information with appropriate discretion
- Provides certified copies of proceedings and records of the City upon request
- Administers oaths of office to Mayor and Council members.
- Maintains deeds and abstracts and other property records in a secure manner
- Assists in compiling information for grant applications and works closely with city attorney and consultants on documents required for grant applications; drafts grant proposals and administers grants as directed
- Performs research and administrative support work on various special projects; maintains all related bookkeeping and financial records
- Coordinates applications for beer and liquor licenses, land use permits, variances and conditional use permits; issues said licenses and permits upon Council approval
- Purchases office equipment, furnishings and supplies for clerk's office; also printed materials; recommends and implements technology upgrades as required
- Attends job-related training to keep current on laws, regulations, and procedures including MCFOA Clerks Institute, LMC Clerks Orientation, and MCFOA yearly conference along with additional training opportunities as they become available.
- Answers phones and receives visitors; provides information and personally responds to complaints or refers to appropriate department

#### **OTHER DUTIES AND RESPONSIBILITIES:**

- Compose and update city web-site and the city facebook page
- Attend monthly City Council meetings
- Perform assigned duties to the best of their ability at all times
- Render prompt and courteous service to the public at all times
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as Job Descriptions
- Conduct themselves with decorum toward both residents and staff and respond to

inquiries and information requests with patience and every possible courtesy

- Report any and all unsafe conditions to the Mayor
- Maintain good attendance
- City Property will not be used for personal use

#### **REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES**

- Knowledge of laws, rules, and regulations applicable to City government.
- Knowledge of budgeting, accounting, and government finance.
- Knowledge of city ordinances, policies and procedures
- Ability to prepare and administer budgets.
- Ability to communicate effectively and establish effective working relationships with elected officials, staff, other public officials, and general public including making formal presentations.
- Ability to solve problems and make decisions using appropriate processes and tools.
- Ability to research and prepare accurate and thorough reports and to maintain records.
- Ability to perform mathematical calculations, to analyze data, and to prepare reports.
- Ability to prioritize city needs, coordinate departmental operations and services, and effectively and efficiently manage resources.
- Ability to use a typewriter, computer, calculator, fax machine, copier and other office equipment.
- Ability to handle confidential information with discretion.

#### **JOB QUALIFICATIONS**

- High School Diploma or GED, preferred Minnesota Certified Municipal Clerk (MCMC) Certification; Willing to obtain MCMC certification within four-years of employment
- Experience in public business administration and/or accounting preferred
- Strong computer skills and working knowledge of Microsoft Word and Excel
- Knowledge of ASYST accounting system preferred
- Knowledge of the ASYST Utility billing system preferred
- Excellent verbal and communication skills
- Strong interpersonal skills
- Time management and organizational skills
- Attention to detail
- Self-motivated



**Public Works**

2019 – .64 = 20.00  
2020 – .75 = 20.75  
2021 – .50 = 21.25  
2022 – 1.00 = 22.25  
2023 – 2.75 = 25.00  
2024 – .25 = 25.25

**Average hours worked each week:** 35

**Number of Employees they supervise:** 0

**Current Salary:** 25.25

**2025 COLA:** 2.7%

**Years of Service:** 13

**Overtime or Comp:** Overtime & Comp

**Overtime Policy: Non-Exempt (Overtime-Eligible) Employees PG 12 & 13 in Handbook**

He receives 4 hours of overtime each pay period for the weekend hours of checking pumps. This amounts to \$4,000.00 per year. OT to date is 7 hours above those 4 each pay period with the exception of the 39 for the rains/flooding

**Licenses/Certifications:** Class D Wastewater and Class C Water.

**Health Insurance:** Currently through the SWWC Service Coop. He has a Single Policy. The city contributes 100% towards the single policy (749.33). The city will also contribute the deductible towards the policyholders VEBA plan.

**PERA:** Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city (7.5%) and the employee (6.5%) contribute to PERA each pay period as determined by state law.

**Annual Leave:** 10 hours per pay period PG 15 in Handbook

Years of Service Annual Accrual Rates

Year 1	1.5 hours per pay period
Years 2-5	4 hours per pay period
Years 6-8	6 hours per pay period
Years 9-12	8 hours per pay period
Years 13-17	10 hours per pay period
Year 18+	12 hours per pay period

**Clothing Allowance:** 250.00 per Use or Lose



# MILROY

*The City of Milroy is an equal opportunity provider & employer.*

**POSITION TITLE:** Public Works/Maintenance

**REPORTS TO:** Mayor and City Council

**EMPLOYMENT STATUS:** Non-Exempt: Full-time – 40 hours per week

## **GENERAL DESCRIPTION OF POSITION:**

Responsible for the operation and maintenance of the Public Works Department including street & storm sewer system; parks; and the water and wastewater facilities and system. Work involves the enforcement of all local, state, and federal safety and environmental rules and regulations.

## **DUTIES, RESPONSIBILITIES, AUTHORITY**

- Must be knowledgeable of and comply with all applicable city, state, and federal regulations.
- Maintains ongoing education with the Minnesota Pollution Control Agency and the Minnesota Department of Health to retain licensure.
- Responsible for ensuring city properties are clean and safe for public use.
- Responsible for the overall maintenance of the city's public works operations and general maintenance of city-owned properties, equipment and vehicles.
- Oversee the operation, maintenance, and repair of streets, parks and recreation, water and wastewater treatment facilities. Responsible for planning, prioritizing, and scheduling for maintenance of city properties and equipment. Duties include troubleshooting for immediate solutions. Responsible for coordinating projects and activities related to special events, emergencies, and other city activities.
- Responsible for submitting requests for purchasing, receiving, securing, and accurate recording of city maintenance inventory. Participate in the development of budgets for each of the public works departments in collaboration with Clerk-Treasurer for presentation to Council; assists with rate studies and recommends rate adjustments and appropriate ordinance changes.
- Attend scheduled safety trainings.
- Report monthly to Milroy City Council with public works activities of the previous month or as requested by the Council including testing completed and reports submitted.
- Responsible for obtaining quotes and bids following the policies, procedures and statutes required. Securing warranty information when applicable.
- Follow confidentiality guidelines for reporting and recording.
- Advises City Council of necessary repairs and upgrades for streets, parks, sidewalks, equipment, water and wastewater systems and make appropriate recommendations.
- Respond to all utility locate calls from Gopher State One Call.
- Act as primary liaison with private contractors as required.
- Conducts research, make recommendations and serves as a consultant on special projects.
- Perform skilled work in the operation of water and wastewater systems including, but not necessarily limited to:

- Operation of 2-cell stabilization pond system.
- Collect samples
- Record keeping
- Monitor and maintain distribution system
- Flushing hydrants
- Maintain all city-owned properties including, but not necessarily limited to:
  - Removal of refuse and debris
  - General maintenance, cleaning, and repair of all city-owned facilities
  - Snow and ice removal
- Maintain all parks and recreational areas including, but not necessarily limited to:
  - Direction of grounds maintenance activities related to lawns, trees, shrubs, and weed control
  - Maintenance and repair of operational equipment
- Responsible for maintaining transportation routes within the city including, but not necessarily limited to:
  - Snow and ice removal
  - Repair road surfaces
  - Maintain and operate city-owned transportation equipment.
- Twenty-four-hour responsibility for effective operations for all areas of the public works department.

#### **OTHER DUTIES AND RESPONSIBILITIES**

Attend monthly City council meetings

Other duties as assigned

Perform assigned duties to the best of their ability at all times

Render prompt and courteous service to the public at all times

Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as Job Descriptions

Conduct themselves with decorum toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy

Report any and all unsafe conditions to the Mayor

Maintain good attendance

City Vehicle and City Property will not be used for personal use

#### **JOB QUALIFICATIONS**

- Background check and pre-employment physical
- Must possess high school diploma or equivalent
- Must possess a valid Minnesota driver's license
- Class "D" Water and Wastewater Operator's License or ability to obtain licensing within 1 year
- Knowledge of equipment and tools used on the job
- Basic mechanical ability
- Knowledge to keep accurate records for water and wastewater
- Basic computer skills including, but not limited to Microsoft Excel and Word
- Ability to establish and maintain effective working relationships with other employees, public officials and the public
- Good written and oral communication skills
- Must have a flexible schedule and be willing to work some evenings and weekends
- Self-motivated

**Custodian**

2019 – .35 = 10.60

2020 – .30 = 10.90

2021 – .35 = 11.25

2022 – .25 = 11.50

2023 – 2.00 = 13.50

2024 - .25 = 13.75

**Average hours worked each week: 2**

**Number of Employees they supervise: 0**

**Current Salary: 13.75**

**Years of Service: 9**





# MILROY

*The City of Milroy is an equal opportunity provider & employer.*

**POSITION TITLE:** Custodian

**REPORTS TO:** City Clerk/Treasurer

**EMPLOYMENT STATUS:** Non-Exempt: Part Time – 2hours per week

## **GENERAL DESCRIPTION OF POSITION:**

Performs a wide variety of tasks associated with the care and maintenance of the Milroy Fitness Center and the Milroy City Hall.

## **GENERAL DUTIES**

- Basic cleaning, sweeping, mopping or vacuuming of floors and mats
- Keep bathrooms cleaned and well stocked
- Clean and empty all garbage containers
- Clean glass entry door and other glass as needed
- Keep an inventory of supplies and inform supervisor of the need to re-stock

## **KNOWLEDGE AND SKILLS**

- Ability to use good judgement in the safe usage of household cleaning supplies and equipment
- Ability to carry out written and oral instructions
- Ability to use good time management skills

## **QUALIFICATIONS**

- Previous custodial work experience
- Self-motivated

<u>City</u>	<u>Pop</u>	<u>C/T Pay</u>	<u>Years of Service</u>	<u>PW/Streets Pay</u>	<u>Years of Service</u>	<u>PW Hours</u>	<u>CT Hours</u>
Round Lake	367	\$ 30.00	10 Years	\$ 28.00	1 Year		
Good Thunder	561	\$ 31.47		\$ 26.39			
Isle	830	\$ 36.17	12 Years	\$ 32.75	17 Years		
Audubon	560	\$ 26.45		\$ 32.00			
Lorreto	673	\$ 39.88	11 Years	\$ 35.43	1 Year		
Lynd	448	\$ 25.41		\$ 30.00		40	30
Belview	291	\$ 25.00	3 Mths	\$ 31.21			
Wood Lake	381	\$ 29.92	1.5 Years	\$ 32.54	8.5 Years		
Vesta	271	\$ 24.60	2.7 Years	\$ 26.50	3Mths	40	40
Echo	265	\$ 24.00	2.5 Years	\$ 29.00	5 Years	40	32
Lucan	212	\$ 24.87	6.75 Years	\$ 27.04	13 Years	38	15

City	Pop	C/T Pay	Years of Service	PW/Streets Pay	Years of Service	PTO	Health Insurance
Lynd	448	\$ 25.41		\$ 30.00		PTO based on years ESST=80hrs	HSA Contributions Single paid by city HSA=3000
Vesta	271	\$ 24.60	2.7 Years	\$ 26.50	3 mths	40hrs first 2 yrs 80hrs yrs 3-5 120hrs yrs 5-10 11yrs or more add 1 day per year-Max 20days ESST=1 hr per 30worked	Single paid by city
Echo	265	\$ 24.00	2.5 Years	\$ 29.00	5 Years	40hrs 1st yr 80hrs after 2yrs 120hrs after 5yrs	Single paid by city HSA = 2000
Lucan	212	\$ 24.87	6.75 Years	\$ 27.04	13 Years	104hrs yrs 0-5 130hrs yrs 6-8 182hrs yrs 9-12 195hrs yrs 13-17 208hrs yrs 18+	Sick time 8hrs per month

# CITY OF MILROY PERSONNEL POLICY

Adopted 2020

## Table of Contents

Purpose.....	5
Scope .....	5
EEO Policy Statement .....	5
Data Practices Advisory .....	6
Media Requests .....	6
Personal Communications and Use of Social Media.....	7
CITYWIDE WORK RULES & CODE OF CONDUCT .....	7
Conduct as a City Employee.....	7
Attendance & Absence .....	8
Access to and Use of City Property.....	8
Appearance.....	8
Conflict of Interest.....	8
Falsification of Records.....	9
Whistleblower Protections.....	9
Personal Telephone Calls.....	9
Political Activity .....	9
Smoking .....	9
DEFINITIONS .....	10
Authorized Hours.....	10
Benefits.....	10
Benefit Earning Employees.....	10
Direct Deposit .....	10
Employee .....	10
Exempt Employee .....	10
FICA (Federal Insurance Contributions Act).....	10
Fiscal Year .....	10
Full-Time Employee .....	10
Hours of Operation.....	10
Non-Exempt Employee .....	11
Part-Time Employee .....	11
Pay Period.....	11
PERA (Public Employees Retirement Association).....	11
Reclassify .....	11
Seasonal Employee.....	11
Service Credit.....	11



Temporary Employee .....	11
Training/Probationary Period .....	11
Weapons.....	12
Workweek.....	12
EMPLOYEE RECRUITMENT & SELECTION.....	12
Scope .....	12
Features of the Recruitment System .....	12
Testing and Examinations .....	12
Pre-Employment Medical Exams .....	13
Selection Process .....	13
Background Checks.....	13
Training Period.....	14
ORGANIZATION .....	14
Job Descriptions.....	14
Assigning and Scheduling Work.....	14
Job Descriptions and Classifications .....	14
Layoff .....	14
HOURS OF WORK.....	14
Work From Home .....	14
Meal Breaks and Rest Periods .....	15
Adverse Weather Conditions.....	15
COMPENSATION .....	15
Direct Deposit .....	16
Time Reporting .....	16
Overtime .....	16
Non-Exempt (Overtime-Eligible) Employees .....	16
Exempt (Non-Overtime-Eligible) Employees .....	16
Leave Policy for Exempt Employees .....	17
PERFORMANCE REVIEWS .....	18
BENEFITS.....	18
Health Insurance.....	18
Retirement/PERA.....	18
HOLIDAYS.....	18
LEAVES OF ABSENCE .....	19
Funeral Leave.....	18
PTO Leave/ESST.....	19
(a) Medical Certification .....	20
(b) Accrual Rates for PTO.....	20
(c) Returning to Work After a Medical Absence .....	20
(d) Severance Pay .....	20
(e) Unpaid Leave .....	20

Military Leave .....	20
Fire department/First Responder Leave.....	20
Jury Duty .....	21
Court Appearances .....	22
Victim or Witness Leave .....	22
Job Related Injury or Illness.....	22
Pregnancy and Parenting Leave.....	22
Administrative Leave .....	22
Adoptive Parents .....	23
School Conference Leave.....	23
Bone Marrow/Organ Donation Leave .....	23
Elections / Voting.....	23
Regular Leave without Pay .....	23
Family and Medical Leave.....	24
Reasonable Unpaid Work Time for Nursing Mothers.....	24
Light Duty/Modified Duty Assignment .....	24
Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy.....	25
SEXUAL HARASSMENT PREVENTION .....	25
General .....	25
Definitions.....	25
Expectations .....	26
Special Reporting Requirements .....	27
Retaliation.....	27
RESPECTFUL WORKPLACE POLICY .....	28
Applicability .....	28
Abusive Customer Behavior.....	28
Types of Disrespectful Behavior .....	28
Names and Pronouns.....	29
Employee Response to Disrespectful Workplace Behavior .....	29
Supervisor’s Response to Allegations of Disrespectful Workplace Behavior .....	30
Confidentiality .....	31
Retaliation.....	31
Possession and Use of Dangerous Weapons.....	31
SEPARATION FROM SERVICE .....	32
Resignations.....	32
Severance Pay.....	32
DISCIPLINE .....	32
General Policy .....	32
No Contract Language Established .....	32
Process.....	32
GRIEVANCE PROCEDURE .....	34

Waiver.....	34
EMPLOYEE EDUCATION & TRAINING .....	34
Policy.....	34
Job-Related Training & Conferences .....	34
Job-Related Meetings .....	35
Request for Participation in Training & Conferences .....	35
Out of State Travel.....	35
Not to Exceed Figure.....	35
Compensation for Travel & Training Time.....	35
Memberships and Dues .....	35
Travel & Meal Allowance .....	35
OUTSIDE EMPLOYMENT .....	36
DRUG FREE WORKPLACE .....	37
CITY DRIVING POLICY.....	37
CELLULAR PHONE USE .....	37
General Policy .....	37
Procedures.....	38
Responsibility.....	38
SAFETY .....	38
Reporting Accidents and Illnesses .....	38
Safety Equipment/Gear .....	39
Unsafe Behavior.....	39
Access to Gender-Segregated Activities and Areas .....	39

## CITY OF MILROY PERSONNEL POLICY

### **Purpose**

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Milroy. They should not be construed as contract terms for any city employees. No supervisor or City representative has any authority to enter into any agreement for employment for any specific period of time, or to make any agreement contrary to this provision. Nothing in this Personnel Handbook, or in other City policies which may be communicated to the employee, constitutes a contract of employment for any city employee. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the city. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current city policy at all times.

This handbook provides information to you, as an employee of the City of Milroy, about certain terms and conditions of your employment. It is not, and should not be considered, an employment contract. Your continued employment, and the conditions of the employment, is solely within the discretion of the City of Milroy. The handbook summarizes major policies and programs related to your employment. Additional information about many of these policies and programs is available from the city clerk's office. Please take advantage of those resources to assure that you are fully aware of your rights and responsibilities as an employee of the City of Milroy.

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

### **Scope**

These policies apply to all employees of the city. Except where specifically noted, these policies do not apply to:

- Elected officials
- City attorney
- Members of city boards, commissions, and committees
- Consultants and contractors
- Volunteers, except as specifically noted for paid-per-call firefighters.

If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an information guide to help employees become better informed and to make their experience with the city more rewarding. Departments may have special work rules deemed necessary by the supervisor and approved by the city administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

### **EEO Policy Statement**

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

## **Data Practices Advisory**

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

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

## **Media Requests**

All city employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the appropriate department or to the data practices authority.

Any employee who identifies a mistake in reporting should bring the error to the city clerk or other appropriate staff. Regardless of whether the communication is in the employee's official city role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

With the exception of routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the city administrator. No city employee is authorized to speak on behalf of the city without prior authorization from the city administrator or his/her designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the city clerk of the request.
2. If the request is regarding information about city personnel, potential litigation, controversial issues, an opinion on a city matter, or if an employee is unsure if the request is a "routine" question, forward the request to the city clerk. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person, who will get back to you as soon as he/she can." Then ask the media representative's name, questions, deadline, and contact information.

All news releases concerning city personnel will be the responsibility of the city council.

When/if the city council authorizes a staff person to communicate on behalf of the city in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the city. Account names on social media sites must be clearly connected to the city and approved by the city administrator.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: "The city finished street cleaning on 16 streets in the northwest corner of the city this past week" instead of "The city is doing a great job with street cleaning this year!" Corrections must be issued when needed.
- Generally not include personal opinions in official city statements. One exception is communications related to promoting a city service. For example, an employee could post the following on the city's Facebook page: "My family visited Hill Park this weekend and really enjoyed the new band shelter." Employees who have been approved to use social media sites on behalf of the city should seek assistance from the city administrator on this topic.

- Notify the city administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for city business. Employees should be aware that data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

### **Personal Communications and Use of Social Media**

It is important for city employees to remember that the personal communications of employees may reflect on the city, especially if employees are commenting on city business. The following guidelines apply to personal communications, including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- Remember what you write or post is public, and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home computers.
- The City of Milroy expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race, national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local human rights commission.
- If you publish something related to city business, identify yourself and use a disclaimer such as, "I am an employee of the City of Milroy. However, these are my own opinions and do not represent those of the City of Milroy."
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the city.

## **CITYWIDE WORK RULES & CODE OF CONDUCT**

### **Conduct as a City Employee**

In accepting city employment, employees become representatives of the city and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Milroy. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a city employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

The following are job requirements for every position at the City of Milroy. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations as set forth in these personnel policies as well as those of their departments.
- Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.

- Maintain good attendance while meeting the goals set by an employee's supervisor.

### **Attendance & Absence**

The operations and standards of service in the City of Milroy require that employees be at work unless valid reasons warrant absence, or an employee has a position that has been approved to work remotely. In order for a team to function efficiently and effectively, employees must fully understand the goals that have been set for them and the time required to be on the job. Understanding attendance requirements is an essential function of every city position.

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In the event of an unexpected absence, employees should call their supervisor before the scheduled starting time and keep in mind the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the supervisor.
- Failure to use the established reporting process will be grounds for disciplinary action.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor.
- Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing.
- The city may waive this rule if extenuating circumstances warranted such behavior.

This policy does not preclude the city from administering discipline for unexcused absences of less than three (3) days. Individual departments may establish more specific reporting procedures.

For budgetary and confidentiality reasons, non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their supervisor.

### **Access to and Use of City Property**

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other city-owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with his/her supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the city in order to resign in good standing. Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the city is prohibited unless authorized by the city administrator. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

### **Appearance**

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their supervisor. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the city. City staff shall not enforce the city's dress code more strictly against transgender and gender diverse employees than other employees.

### **Conflict of Interest**

City employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be a perceived or actual conflict of interest or could result in

a personal benefit for themselves or a family member. If an employee has any question about whether such a conflict exists, he/she should consult with the city administrator.

### **Falsification of Records**

Any employee who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies, will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

### **Whistleblower Protections**

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

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

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or Human Resources. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

It is the city's legal responsibility to protect employees who make a complaint of employment discrimination, who serve as a witness or participate in an investigation, or who are exercising their rights when requesting religious or disability accommodation from retaliation.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota Data Practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

### **Personal Telephone Calls**

Personal telephone calls are to be made or received only when truly necessary (e.g., family or medical emergency). They are not to interfere with city work and are to be completed as quickly as possible. Any personal long-distance call costs will be paid for by the employee.

### **Political Activity**

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no city employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the city to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.

### **Smoking**



The City of Milroy observes and supports the Minnesota Clean Indoor Air Act. All city buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that smoking in any form (through the use of tobacco products such as pipes, cigars, and cigarettes) or “vaping” with e-cigarettes is prohibited while in a city facility or vehicle.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees 18 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

## DEFINITIONS

### **Authorized Hours**

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

### **Benefits**

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

### **Benefit Earning Employees**

Employees who are eligible for at least a pro-rated portion of city-provided benefits. Such employees must be year-round employees who work at least 30 hours per week on a regular basis.

### **Demotion**

The movement of an employee from one job class to another within the city, where the maximum salary for the new position is lower than that of the employee’s former position.

### **Direct Deposit**

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

### **Employee**

An individual who has successfully completed all stages of the selection process, including the training period.

### **Exempt Employee**

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

### **FICA (Federal Insurance Contributions Act)**

FICA is the federal requirement that a certain amount be automatically withheld from employees’ earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers). These amounts may change if required by law.

### **Fiscal Year**

The period from Jan. 1 to Dec. 31.

### **Full-Time Employee**

Employees who are required to work thirty (30) or more hours per week year-round in an ongoing position.

### **Hours of Operation**

The city's regular office hours of operation are Monday through Thursday, from 8 a.m. to 4 p.m.  
The city's regular maintenance hours are Monday through Friday, 7:30 a.m. to 4:30 p.m.

**Supervisor**

Employee named to supervise other employees, if you are the supervisor then city council would act as your supervisor.

**Non-Exempt Employee**

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

**Part-Time Employee**

Employees who are required to work less than thirty (30) hours per week year-round in an ongoing position.

**Pay Period**

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

**PERA (Public Employees Retirement Association)**

Statewide pension program in which all city employees meeting program requirements must participate in accordance with Minnesota law. The city and the employee each contribute to the employee's retirement account.

**Reclassify**

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

**Seasonal Employee**

Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

**Service Credit**

Time worked for the city. An employee begins earning service credit on the first day worked for the city. Some forms of leave will create a break in service.

**Temporary Employee**

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

**Training/Probationary Period**

A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city's selection process and is used by supervisors for closely observing an employee's work. An employee serving his/her initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

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

Time served in temporary, seasonal, volunteer or interim positions are not considered part of the probationary period. If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked, and the probationary period will be extended by the length of time taken.

Training begins on your first day of employment with an orientation process in which you will learn about city policies and procedures, take a tour of the city, and meet co-workers. Then you will begin to learn your job by training with your supervisor or a co-worker. In the first few months, you will meet with your supervisor frequently to discuss your progress and at six months, you will have a formal review.

### **Weapons**

Weapons are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

### **Workweek**

A workweek is seven consecutive 24-hour periods. For most employees the workweek will run from Monday through the following Sunday. With the approval of the city council, departments may establish a different workweek based on coverage and service delivery needs.

## **EMPLOYEE RECRUITMENT & SELECTION**

### **Scope**

The city clerk or a designee will manage the hiring process for positions within the city. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to city employment. All hires will be made according to merit and fitness related to the position being filled.

### **Features of the Recruitment System**

The city administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Application for employment will generally be made online or by application forms provided by the city. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the city administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position.

The deadline for application may be extended by the city clerk. Unsolicited applications will not be kept on file.

Position vacancies may be filled on an "acting" basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

### **Testing and Examinations**

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test; or other appropriate job-related exam. For example:

- Keyboarding exercises for data entry positions.
- Writing exercises for positions requiring writing as part of the job duties.
- “In-basket” exercise for an administrative support position (sets up real-life scenarios and items that would likely be given to the position for action, and asks the candidate to list and prioritize the steps they would take to complete the tasks).
- Mock presentation to the City Council for a planning director position, for example.
- Scenarios of situations police officers are likely to encounter on the job that test the candidate’s decision-making skills (can be role played or multiple choice questions).

Internal recruitments will be open to any city employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the city.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

### **Pre-Employment Medical Exams**

The city clerk or city council may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any city position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the city with the cost of the exam paid by the city. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist). The physician will notify the city administrator or designee that a candidate either is or isn’t medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the city administrator or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

### **Selection Process**

The selection process will be a cooperative effort between the city administrator or designee and the hiring supervisor, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the supervisor at any time, subject to City Council approval.

The city has the right to make the final hiring decision based on qualifications, abilities, experience and City of Milroy needs.

### **Background Checks**

All finalists for employment with the city will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the city clerk will determine the level of background check to be conducted based on the position being filled.

### **Training Period**

The training period is an integral part of the selection process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations. Training periods apply to new hires, transfers, promotions, and rehires. Training periods are twelve months in duration, but may be extended by, for example, an unpaid leave of absence.

## **ORGANIZATION**

### **Job Descriptions**

The city will maintain job descriptions for each regular position. New positions will be developed as needed but must be approved by the City Council prior to the position being filled.

A job description is prepared for each position within the city. Each job description will include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. In addition, job descriptions may also describe the benefits offered and potential career path opportunities as a means to entice a qualified pool of applicants. Good attendance and compliance with work rules and policies are essential functions of all city positions.

Prior to posting a vacant position the existing job description is reviewed by the city administrator or designee and the hiring supervisor to ensure the job description is an accurate reflection of the position and the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Supervisors are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the city council.

### **Assigning and Scheduling Work**

Assignment of work duties and scheduling work is the responsibility of the supervisor subject to the approval of the city council.

### **Job Descriptions and Classifications**

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

### **Layoff**

In the event it becomes necessary to reduce personnel, temporary employees and those serving a probationary period in affected job classes will be terminated from employment with the city before other employees in those job classes. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the city administrator, subject to approval of the City Council. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

## **HOURS OF WORK**

### **Work from Home**

Only employees with job functions that are able to be done offsite will be allowed to do so with approval. Reasonable notice should be given for an 'offsite workday' request, employee is entitled to a timely response to said request. Working hours should be consistent with employee's standard working schedule. This does not include days on 'travel status' (seminars, conferences, etc). Employees must continue to comply with the City's organizational rules, policies, and procedures. All terms and conditions of City employment continue to apply, including compensation, benefits, and individual responsibilities.

Employees are responsible for protecting City property, such as laptops, and should make reasonable efforts to safeguard said property (unattended laptop, for example). Work related information should remain on City property/devices (laptops, hard drives, etc). Care should be taken to safeguard confidential information, including citizen's private information. Business/in-person meetings should not be held at the residence of an employee. This does not include teleconference/phone meetings which are acceptable. Overtime and leave requests must be approved and processed as they normally would in office.

### **Meal Breaks and Rest Periods**

A paid fifteen (15) minute break is allowed within each four (4) consecutive hours of work. An unpaid sixty (60) minute lunch period is provided. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunch time by saving these breaks.

### **Adverse Weather Conditions**

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees not reporting to work for reasons of personal safety will not normally have their pay reduced as a result of this absence. Employees will be allowed to use accrued sick or vacation time for hours missed due to weather.

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

## **COMPENSATION**

Full-time employees of the city will be compensated according to schedules adopted by the City Council. Unless approved by the Council, employees will not receive any amount from the city in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

When the occasion occurs that an employee has to come into work outside of normal scheduled hours, the employee will receive a minimum of one hour of compensation.

When the occasion occurs that an employee has to come into work on a weekend, the employee will be compensated at time and a ½, regardless if the 40 hours have been worked that week or not.

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

Under the Minnesota Wage Disclosure Protection Law, employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his or her wages as a condition of employment.

- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. §181.172, subd. 3.
- The city cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the city and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or (800) 342-5354.

### **Direct Deposit**

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

### **Time Reporting**

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. They will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. Each time reporting form must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet may be cause for immediate termination.

### **Overtime**

The City of Milroy has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The city clerk will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime.

### **Non-Exempt (Overtime-Eligible) Employees**

All overtime-eligible employees will be compensated at the rate of time-and-one-half for all hours worked over 40 in one workweek. Vacation, sick leave, and paid holidays do not count toward "hours worked."

For most employees the workweek begins at midnight on Sunday and runs until the following Sunday night at 11:59 p.m. Supervisors may establish a different workweek based on the needs of the department, subject to the approval of the city council.

The Mayor, Acting Mayor or the employee's supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

Overtime earned will be paid at the rate of time-and-one-half on the next regularly scheduled payroll date. Anything earned over eight (8) hours per pay period will be banked as comp time. These hours will be reported at each monthly council meeting and paid out at the end of the year.

### **Exempt (Non-Overtime-Eligible) Employees**

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

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

The City of Milroy will only make deductions from the weekly salary of an exempt employee in the following situations:

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

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

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

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

#### **Leave Policy for Exempt Employees**

Exempt employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and/or on-call hours. The normal hours of business for exempt staff are Monday through Friday, 8 a.m. to 5 p.m., plus evening meetings as necessary.

Exempt employees are required to use paid leave when on personal business or away from the office for four (4) hours or more, on a given day. Absences of less than four (4) hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal 8 a.m.



to 5 p.m. Monday through Friday requirement. Exempt employees must communicate their absence to the city clerk.

If one of the above employees is regularly absent from work under this policy and it is found that there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

### **PERFORMANCE REVIEWS**

An objective performance review system will be established by the city council for the purpose of periodically evaluating the performance of city employees. The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

Performance reviews will be discussed with the employee. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable using the city's grievance process, other performance evaluation data, including subjective assessments, are not. For those parts of the performance evaluation system deemed not challengeable, an employee may submit a written response, which will be attached to the performance review. Performance reviews are to be scheduled on a regular basis, at least annually. The form, with all required signatures, will be retained as part of the employee's personnel file.

During the training period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and not so well.

Signing of the performance review document by the employee acknowledges the review has been discussed with the supervisor and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

### **BENEFITS**

#### **Health Insurance**

The city will enroll eligible employees into the group health plan and make a competitive monthly contribution toward the group health benefit costs. The city will also contribute the deductible towards the policyholders VEBA plan.

#### **Retirement/PERA**

The city participates in the Public Employees Retirement Association (PERA) to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each pay check for Social Security and Medicare (the city matches the employee's Social Security and Medicare withholding for many employees).

### **HOLIDAYS**

The city observes the following official holidays for all regular full-time and part-time employees:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Veterans Day
Presidents Day	Thanksgiving Day
Memorial Day	Columbus Day ( <i>Floating Holiday</i> )
Independence Day	Christmas Day
Juneteenth	

Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

When a holiday falls on a Sunday, the following Monday will be the “observed” holiday and when a holiday falls on a Saturday, the preceding Friday will be the “observed” holiday for city operations/facilities that are closed on holidays.

Full-time employees will receive pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Part-time employees will receive prorated holiday pay based on the number of hours normally scheduled. Any employee on a leave of absence without pay from the city is not eligible for holiday pay.

Premium pay of 2 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the “actual” holiday as opposed to the “observed” holiday.

Employees wanting to observe holidays other than those officially observed by the city may request either vacation leave or unpaid leave for such time off.

### **LEAVES OF ABSENCE**

Depending upon an employee’s situation, more than one form of leave may apply during the same period of time (e.g., the Family and Medical Leave Act is likely to apply during a workers’ compensation absence). An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

Except as otherwise stated, all paid time off, taken under any of the city’s leave program, must be taken consecutively, with no intervening unpaid leave. The city will provide employees with time away from work as required by state or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

#### **Funeral Leave**

Employees will be permitted to use up to four (4) consecutive working days, with pay, as funeral leave upon the death of an immediate family member. This paid leave will not be deducted from the employee’s vacation or sick leave balance. Immediate family means spouse, children, parents, grandparents, grandchildren, siblings and spouses of such persons, and shall include parents and siblings of the employee’s spouse or any blood relative residing in the same household.

#### **PTO/ESST Leave**

Effective January 1, 2024, the State of Minnesota enacted the Earned Sick and Safe Time (ESST) law (Minn. Stat. §§ 181.9445-181.9448). The City will designate the first 48 hours of PTO leave used each calendar year by an employee eligible to accrue PTO as Earned Sick and Safe Time (ESST). If an employee chooses to use the employee's first 48 hours of PTO in a calendar year for reasons other than the ESST-qualifying reasons outlined by statute, the City of Milroy will not provide additional ESST-designated PTO hours. Employees who wish to preserve their ESST-designated PTO specifically for the ESST purposes outlined by law are responsible for managing their own PTO usage to ensure their 48 hours of ESST-designated PTO are available to be used for ESST purposes throughout the course of the calendar year when requested by the employee. The statutory reasons for which ESST may be used are set forth in Minn. Stat. § 181.944. While an employee may use any available PTO hours the employee has for an ESST purpose, the employee will not be provided with additional ESST-designated PTO hours once the employee's available 48 hours have been exhausted each calendar year. Employees who do not use all of their 48 hours of ESST-designated PTO in a calendar year will be allowed to carry over their unused ESST-designated PTO into the next calendar year, up to a maximum

accumulation of 80 hours of ESST-designated PTO.

PTO leave can be used for any reason, subject to existing request and approval procedures. As with all paid time off programs, the city needs to ensure that service to the public and work requirements are not adversely impacted.

**(a) Medical Certification**

Good attendance is an essential job function for all city employees. If unplanned absences are excessive, a doctor’s certification may be required. The physician’s certification is to state the nature and duration of the illness or injury and verify that the employee is unable to perform the duties and responsibilities of his/her position. A statement attesting to the employee’s ability to return to work and perform the essential functions of the job and a description of any work restrictions may also be required before the employee returns to work.

**(b) Accrual Rates for PTO leave**

Years of Service	Annual Accrual Rates
Year 1	1.5 hours per pay period
Years 2-5	4 hours per pay period
Years 6-8	6 hours per pay period
Years 9-12	8 hours per pay period
Years 13-17	10 hours per pay period
Year 18+	12 hours per pay period

PTO will not accrue during unpaid leaves. Regular part-time employees will accrue PTO leave on a prorated basis based on regular hours worked. Employees can carry over any annual leave up to two times the amount earned in a year.

**(c) Returning to Work After a Medical Absence**

After a medical absence, a physician’s statement may be required on the employee’s first day back to work, indicating the nature of the illness or medical condition and attesting to the employee’s ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation. Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Sick leave may be denied for any employee required to provide a doctor’s statement until such a statement is provided.

The city has the right to obtain a second medical opinion to determine the validity of an employee’s workers’ compensation or sick leave claim, or to obtain information related to restrictions or an employee’s ability to work. The city will arrange and pay for an appropriate medical evaluation when it has been required by the city.

**(d) Severance Pay**

Employees leaving the city in good standing will receive 100 percent of their annual leave balance as compensation (applicable taxes will be withheld). Employees have the option of directing those dollars into a 457 deferred compensation plan (subject to IRS maximum deferral regulations and Minnesota law).

**(e) Unpaid Leave**

Unpaid leaves may be approved in accordance with the city personnel policies. Employees must normally use all accrued annual leave prior to taking an unpaid leave.

If the leave qualifies under Parenting Leave or Family and Medical Leave, the employee may retain a balance of forty (40) hours when going on an unpaid leave. Any exceptions to this policy must be approved by the city administrator.

**Military Leave**

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

The leave of absence is only in the event the employee returns to employment with the city as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years.

Where possible, notice is to be provided to the city at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

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

Employees will be granted up to ten (10) working days of unpaid leave whose immediate family member is a member of the United States armed forces who has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

Unless the leave would unduly disrupt the operations of the city, employees whose immediate family member, as a member of the United States armed forces has been ordered into active service in support of a war or other national emergency, will be granted an unpaid leave of absence, not to exceed one day's duration in any calendar year, to attend a send-off or homecoming ceremony for the mobilized service member.

#### **Fire Department/First Responder Leave**

Any Employee joining the Milroy Fire Department or the Milroy First Responders is entitled to leave his/her job to provide protection without the loss of wage, provided his/her specific duties are covered.

#### **Jury Duty**

Regular full-time and part-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the city in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the clerk of court so the city will be able to determine the amount of compensation due for the period involved.

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

### **Court Appearances**

Employees will be paid their regular wage to testify in court for city-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with city employment, minus mileage reimbursement, must be turned over to the city.

### **Victim or Witness Leave**

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case.

### **Job Related Injury or Illness**

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment.

Workers' compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

### **Pregnancy and Parenting Leave**

#### **[The Minnesota law changed effective July 1, 2014]**

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child as eligible for up to 12 weeks of unpaid leave and must begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice, which is at least three (3) days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

### **Administrative Leave**

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the City Council.

### **Adoptive Parents**

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

### **School Conference Leave**

Any employee who has worked half-time or more for more may take unpaid leave for up to a total of sixteen (16) hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use vacation leave hours for this absence, but are not required to do so.

### **Bone Marrow/Organ Donation Leave**

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours, unless agreed to by the city, to undergo medical procedures to donate bone marrow or an organ. The 40 hours is over and above the amount of accrued time the employee has earned

The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

### **Elections / Voting**

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the city at least twenty (20) days written notice.

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote on the election day. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues.

### **Regular Leave without Pay**

The city clerk may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council.

Normally employee benefits will not be earned by an employee while on leave without pay. However, the city's contribution toward health, dental and life insurance may be continued, if approved by the City Council, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted.

If an employee is on a regular leave without pay and is not working any hours, the employee will not accrue (or be paid for) holidays, sick leave, or vacation leave (*annual leave*). Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue sick leave and vacation leave (*annual leave*) based on actual hours worked.

Leave without pay hours will not count toward seniority and all accrued vacation leave time must normally be used before an unpaid leave of absence will be approved.

To qualify for leave without pay, an employee need not have used all sick leave earned unless the leave is for medical reasons. Leave without pay for purposes other than medical leave or work-related injuries will be at the convenience of the city.

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave or FMLA, will be guaranteed return to the original position only for absences of thirty (30) calendar days or less.

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the city administrator subject to approval of the City Council.

**Note:** The Family and Medical Leave Act (29 CFR Part 825) provides certain employees with up to 12 workweeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

The FMLA applies to all public agencies, including state, local and federal employers, and local education agencies (schools). To be eligible for FMLA leave, an employee must work for a covered employer and:

- have worked for that employer for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
- work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

**Note:** “volunteer” firefighter may count as employees if paid at or near minimum wage.

Given the employee eligibility requirements, even though all cities are covered by the FMLA, only employees in cities with more than 50 employees have the potential to qualify for FMLA protected leave. Thus, only cities with 50 or more employees generally include an FMLA policy in their personnel policies.

### **Family and Medical Leave**

Refer to the League’s model [FMLA policy](#) for language.

### **Reasonable Unpaid Work Time for Nursing Mothers**

**[MN law change effective July 1, 2014]**

Nursing mothers will be provided reasonable unpaid break time for nursing mothers to express milk for nursing her child for one year after the child’s birth. The city will provide a room (other than a bathroom) as close as possible to the employee’s work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

### **Light Duty/Modified Duty Assignment**

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the city council on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the city administrator. The city administrator reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice **must** be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the city's job description along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the city administrator. The city may require a medical exam conducted by a physician selected by the city to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the city administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis.

If the city offers a light duty assignment to an employee who is out on workers' compensation leave, the employee may be subject to penalties if he/she refuses such work. The city will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

#### **Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy**

The city will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth:

- More frequent restroom, food, and water breaks;
- Seating;
- Limits on lifting over 20 pounds; and/or
- Temporary transfer to a less strenuous or hazardous position, should one be available.

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

### **SEXUAL HARASSMENT PREVENTION**

#### **General**

The City of Milroy is committed to creating and maintaining a public service work place free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws. In keeping with this commitment, the city maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

This policy statement is intended to make all employees, volunteers, members of boards and commissions, and elected officials sensitive to the matter of sexual harassment, to express the city's strong disapproval of unlawful sexual harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

#### **Definitions**

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:



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

Examples of inappropriate behaviors that are unacceptable and therefore prohibited, even if not unlawful in and of themselves include: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior. In summary, sexual harassment is the unwanted, unwelcome or repeated action of an individual against another individual, using sexual overtones.

### **Expectations**

The City of Milroy recognizes the need to educate its employee's volunteers, members of boards and commissions, and elected officials on the subject of sexual harassment and stands committed to providing information and training. All employees are expected to treat each other and the general public with respect, and assist in fostering an environment free from offensive behavior or harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

1. A supervisor;
2. City Clerk;
3. Mayor or city councilmember.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a supervisor.

1. Communicate to the harasser the conduct is unwelcome. Professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions, and request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.
2. In some situations such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with an offender.
3. To reiterate, it's important you notify a supervisor, the city administrator, the mayor or councilmember of your concerns. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the city administrator, the mayor or the city attorney.

The city urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. Management takes these complaints seriously and has the obligation to provide an environment free of sexual harassment. The city is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, a supervisor must report the allegations promptly to the city administrator. If the city administrator is the subject of the complaint, then the supervisor is to report the complaint to the City Attorney. A supervisor must act upon such a report even if requested otherwise by the victim. The city will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

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

### **Special Reporting Requirements**

When the supervisor is the alleged harasser, a report will be made to the city clerk who will assume the responsibility for investigation and discipline.

If the city clerk is the alleged harasser, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a councilmember is the alleged harasser, the report will be made to the city clerk and referred to the City Attorney who will undertake the necessary investigation. The City Attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the city clerk may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

If an elected or appointed city official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

### **Retaliation**

The City of Milroy will not tolerate retaliation or intimidation directed towards anyone who makes a complaint of employment discrimination, who serves as a witness or participates in an investigation, or who is exercising his/her rights, including when requesting religious or disability accommodation. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal or harassment. While each situation is very fact dependent, generally speaking retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If you feel retaliation is occurring within the workplace, please report your concern immediately to any of the following:

1. Immediate supervisor;
2. City Clerk;

3. Mayor or City Councilmember
4. In the event an employee feels retaliation has occurred by the city administrator or the City Council, then reporting may be made to the City Attorney.

Supervisors who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the city administrator, or if the complaint is against the city administrator to the City Attorney, who will decide how to proceed in addressing the complaint.

### **RESPECTFUL WORKPLACE POLICY**

The intent of this policy is to provide general guidelines about conduct that is and is not appropriate in the workplace and other city-sponsored social events.

The city acknowledges this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

#### **Applicability**

Maintaining a respectful public service work environment is a shared responsibility. This policy is applicable to all city employees, volunteers, firefighters, members of boards and commissions and City Council members.

#### **Abusive Customer Behavior**

While the city has a strong commitment to customer service, the city does not expect employees to accept verbal and other abuse from any customer.

An employee may request that a supervisor intervene when a customer is abusive, or the employee may defuse the situation themselves, including professionally ending the contact.

If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a supervisor. Employees should leave the area immediately when violence is imminent unless their duties require them to remain (such as police officers). Employees must notify their supervisor about the incident as soon as possible.

#### **Types of Disrespectful Behavior**

The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves:

##### **Violent behavior**

Includes the use of physical force, harassment, bullying or intimidation.

##### **Discriminatory behavior**

Includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, pregnancy, gender-biased statements, such as stereotypes about women or men, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.

##### **Offensive behavior**

May include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every

example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the city administrator.

### **Sexual harassment**

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

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

### **Sexual harassment includes, but is not limited to, the following**

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing,
- fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

### **Names and Pronouns**

Every employee will be addressed by a name and by pronouns that correspond to the employee's gender identity. A court-ordered name or gender change is not required.

### **Employee Response to Disrespectful Workplace Behavior**

All employees should feel comfortable calling their supervisor or city clerk to request assistance should they not feel comfortable with a situation. If situations involve violent behavior call the police or ask the individual to leave the area.

If employees see or overhear a violation of this policy, employees should advise a supervisor, the city clerk, or City Attorney promptly.

Employees who believe disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, the city clerk.

**Step 1(a).** If you feel comfortable doing so, professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior

because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

**Step 1(b).** If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or city administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter.

In some situations, with an offender from the public it is preferable to avoid one on one interactions. Talk to your supervisor or city clerk about available options to ensure there are others available to help with transactions with the offender.

**Step 1(c).** The city urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. It is vitally important you notify a supervisor, the city clerk, the mayor or councilmember of promptly of your concerns. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it promptly to a supervisor or the city administrator.

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

### **Supervisor's Response to Allegations of Disrespectful Workplace Behavior**

Employees who have a complaint of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations promptly to the city clerk, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

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

**Step 1(b).** Supervisors, when talking with the reporting employee will be encouraged to ask him or her what he or she wants to see happen next. When an employee comes forward with a disrespectful workplace complaint, it is important to note the city cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical and related information will only be shared on a need to know basis and in accordance with the Minnesota Data Practices Act.

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

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

**Step 3.** The supervisor must notify the city clerk about the allegations (assuming the allegations do not involve the city clerk).

**Step 4.** In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations, and the alleged violator will have the opportunity to answer questions and respond to the allegations. The City will follow any other applicable policies or laws in the investigatory process.

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

**Step 6.** The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Government Data Practices Act.

### **Special Reporting Requirements**

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the city clerk who will determine how to proceed in addressing the complaint as well as appropriate discipline.

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

If a councilmember is perceived to be the cause of a disrespectful workplace behavior incident involving city personnel, the report will be made to the city administrator and referred to the city attorney who will undertake the necessary investigation. The city attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the city clerk may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

If an elected or appointed city official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

### **Confidentiality**

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

### **Retaliation**

Consistent with the terms of applicable statutes and city personnel policies, the city may discipline any individual who retaliates against any person who reports alleged violations of this policy. The city may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

### **Possession and Use of Dangerous Weapons**

Possession or use of a dangerous weapon (see attached definitions) is prohibited on city property, in city vehicles, or in any personal vehicle, which is being used for city business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on city property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

## **SEPARATION FROM SERVICE**

### **Resignations**

Employees wishing to leave the city service in good standing must provide a written resignation notice to their city clerk, at least ten (10) working days before leaving. Exempt employees must give thirty (30) calendar days' notice. The written resignation must state the effective date of the employee's resignation. Unauthorized absences from work for a period of three consecutive work days may be considered as resignation without proper notice.

Failure to comply with this procedure may be cause for denying the employee's severance pay and any future employment with the city.

### **Severance Pay**

Employees who leave the employ of the city in good standing by retirement or resignation will receive pay for 100 percent of unused accrued annual leave.

## **DISCIPLINE**

### **General Policy**

Supervisors are responsible for maintaining compliance with city standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Milroy. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the city's personnel policies. The supervisor and/or the city administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

### **No Contract Language Established**

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

### **Process**

The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any city employee has a contractual right or guarantee (also known as a property right) to the job he/she performs.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee. The following are descriptions of the types of disciplinary actions:

**Oral Reprimand**

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

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

**Written Reprimand**

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time.

Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the city clerk with prior approval from the city council.

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

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

**Suspension With or Without Pay**

The city council may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the city council, except in the case of veterans. Qualified veterans, who have completed their initial probationary period, will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

**Demotion and/or Transfer**

An employee may be demoted or transferred if attempts at resolving an issue have failed and the city council determines a demotion or transfer to be the best solution to the problem.

The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

**Salary**

An employee's salary increase may be withheld, or the salary may be decreased due to performance deficiencies.

**Dismissal**

The city council may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with city standards.



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

### **GRIEVANCE PROCEDURE**

Any dispute between an employee and the city relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner:

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

**Step 2:** If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the city administrator within seven (7) days after the supervisor's response is due. The city administrator or his/her designee will respond to the employee in writing within seven (7) calendar days. The decision of the city administrator is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

#### **Waiver**

If a grievance is not presented within the time limits set forth above, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the city's last answer. If the city does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the city and the employee without prejudice to either party.

The following actions are not grievable:

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

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

### **EMPLOYEE EDUCATION & TRAINING**

The city promotes staff development as an essential, ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for staff development are to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance and to provide employees with an opportunity for job enrichment and mobility.

#### **Policy**

The city will pay for the costs of an employee's participation in training and attendance at professional conferences, provided that attendance is approved in advance under the following criteria and procedures:

#### **Job-Related Training & Conferences**

The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related.

CLE or similar courses taken by an employee to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee's duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the city.

The city council is responsible for determining job-relatedness and approving or disapproving training and conference attendance.

### **Job-Related Meetings**

Attendance at professional meetings costing \$50.00 or less and directly related to the performance of the employee's work responsibilities do not require the approval of the city council. Advance city clerk approval is required to ensure adequate department coverage.

### **Request for Participation in Training & Conferences**

The request for participation in a training session or conference must be presented to the city council. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the city.

Requests totaling more than \$50.00 must be approved by the city council.

Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to the city clerk for prompt payment.

### **Out of State Travel**

Attendance at training or conferences out of state is approved only if the training or conference is not available locally. All requests for out of state travel are reviewed for approval/disapproval by the city council.

### **Not to Exceed Figure**

Payment of training and/or conference expenses must not exceed \$3,000.00 per employee per fiscal year, excluding travel and subsistence costs. Exceptions must receive approval by the City Council.

### **Compensation for Travel & Training Time**

Time spent traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act.

Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

### **Memberships and Dues**

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the city. Normally, one city membership per agency, as determined by the city council is allowed, providing funds are available.

### **Travel & Meal Allowance**

If employees are required to travel outside of the area in performance of their duties as a city employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. In no case will city funds be used to pay for, or reimburse, for events sponsored by or affiliated with political parties. The city will not reimburse employees for meals connected with training or meetings within city limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting. The city will also not reimburse employees for the costs for travel of family members.

Employees who find it necessary to use their private automobiles for city travel and who do not receive a car allowance will be reimbursed at the allowable IRS rate.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Meal expenses of \$50.00 per day will be allowed.

A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending banquets, training sessions, or meetings of professional organizations.

### **Clothing Allowance**

All employees will be allowed a \$250.00 per year allowance. The Public Works Department may purchase insulated clothing, boots, jeans, shirts. The Clerk/Treasurer may purchase clothing to include shirts or jackets with the city logo on.

## **OUTSIDE EMPLOYMENT**

The potential for conflicts of interest is lessened when individuals employed by the City of Milroy regard the city as their primary employment

responsibility. All outside employment is to be reported to the city council. If a potential conflict exists based on this policy or any other consideration, the employee will consult with the city council.

Any city employee accepting employment in an outside position that is determined by the city council 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 leave from the city for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the city council.

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.

### **DRUG FREE WORKPLACE**

In accordance with federal law, the City of Milroy has adopted the following policy on drugs in the workplace:

- A. Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the city's intent and obligation to provide a drug-free, safe and secure work environment.
- B. The unlawful manufacture, distribution, possession, or use of a controlled substance on city property or while conducting city business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- C. The city recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
- D. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting city business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

### **CITY DRIVING POLICY**

This policy applies to all employees who drive a vehicle on city business at least once per month, whether driving a city-owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. The city expects all employees who are required to drive as part of their job to drive safely and legally while on city business and to maintain a good driving record.

The city will examine driving records once per year for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter. The city will determine appropriate action on a case-by-case basis.

### **CELLULAR PHONE USE**

This policy is intended to define acceptable and unacceptable uses of city issued or personal cellular telephones. Its application is to insure cellular phone usage is consistent with the best interests of the city without unnecessary restriction of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cellular phones and to ensure that city employees exercise the highest standards of propriety in their use.

#### **General Policy**

Cellular telephones are intended for the use of city employees in the conduct of their work for the city. They will be compensated to use their personal phones.

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from

discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided to facilitate the provisions of this policy.

- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
  - In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a State law exception for authorized emergency vehicles while in the performance of official duties.
- Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See above “City Driving Policy” for more information on reporting driver’s license restrictions”

Regardless of who pays the bill, cell phone records about city business are subject to the Minnesota Government Data Practices Act. What this means is that if a request were received, the city would be under the obligation to determine what information is public data and what information is private data and would need access to the employee’s phone records and possibly the phone itself in order to provide the data that is being requested. Therefore, the best practice is to limit usage of personal cell phones for city business to that which is truly necessary or be prepared to produce your cell phone and the associated records if needed.

Use of public resources by city employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the supervisor.

Personal calls will be made or received only when absolutely necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible. In cases where the city does not regard accounting for personal calls to be unreasonable or administratively impractical.

### **Procedures**

It is the objective of the City of Milroy to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action.

### **Responsibility**

The city council, or city clerk, will have primary responsibility for implementation and coordination of this policy. All supervisors will be responsible for enforcement within their departments.

## **SAFETY**

The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the city. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor.

### **Reporting Accidents and Illnesses**

Both Minnesota workers’ compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee’s immediate supervisor is

required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

### **Safety Equipment/Gear**

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

### **Unsafe Behavior**

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the city's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

### **Access to Gender-Segregated Activities and Areas**

With respect to all restrooms, locker rooms or changing facilities, employees will have access to facilities that correspond to their affirmed gender identity, regardless of their sex at birth. The city maintains separate restroom and/or changing facilities for male and female employees and allows employees to access them based on their gender identity.

In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the city will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity.