

City of Clearwater **Employee Handbook**

INTRODUCTION

Purpose

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Clearwater. They should not be construed as contract terms. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies.

Except as otherwise prohibited by law, the City of Clearwater 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:

1. Elected Officials;
2. City Attorney;
3. Members of City Boards, Commissions and Committees;
4. Consultants and Contractors;
5. Volunteers.

Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

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

Data Practices Advisory

Employee records are maintained in a location designated by the City Administrator. Personnel data is kept 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.

News Releases

Formal news releases concerning municipal affairs are the responsibility of the City Mayor. All contacts with the media should be reported to the City Administrator as soon as practicable.

No City employee is authorized to speak on behalf of the City without prior authorization from the City Council, City Administrator, City Mayor or his/her designee.

All news releases concerning City personnel will be the responsibility of the City Administrator or City Mayor.

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 Clearwater. 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 Clearwater. 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 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 immediate supervisor.
- Maintain good attendance.

Attendance and Absence

The operations and standards of service in the City of Clearwater require that employees be at work unless valid reasons warrant absence. In order for a team to function efficiently and effectively, employees must be on the job. Attendance 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 case of unexpected absence, employees should call their supervisor before the scheduled starting time. 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 established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures.

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.

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 or direct supervisor. Supervisors who authorize duplication of keys must submit this information, in writing to the City Administrator in order to maintain the integrity of the key system. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Use of City property for non-City purpose is prohibited, unless otherwise permitted by this handbook or upon approval by the City Administrator or the City Council.

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.

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. 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.

Personal Telephone Calls

Personal telephone calls are to be made or received only when truly necessary. 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. Please refer to the Cell Phone Policy for information on use of cellular phones.

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.

City employees are prohibited from using City facilities (such as break or eating areas, conference rooms, or offices) or City property (including, but not limited to, telephones, computers, facsimile machines, email systems, interoffice or voicemail, photocopiers, postage, paper or other office supplies) during hours of employment for any political campaign activity. This policy does not prohibit employees from using City facilities or property to cast a ballot or vote or attend political or campaign functions held at a City facility outside of work hours.

Smoking

All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City facility or vehicle.

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

DEFINITIONS

For purposes of these policies, the following definitions will apply:

Authorized Hours

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

Benefits

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

Benefit Earning Employees

Employees who are eligible for at least a prorated portion of City provided benefits. Such employees must be year-round employees who work at least thirty-six (36) 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.

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.

Fiscal Year

The period from January 1 to December 31.

Full-time Employee

Employees who are required to work thirty-six (36) or more hours per week year-round in an ongoing position.

Hours of Operation

The City's regular hours of operation are Monday through Thursday, from 8:00 a.m. to 4:30 p.m. Regular hours of operation for the Public Works Department are Monday through Friday, from 7:00am to 3:30pm. The City reserves the right to establish alternative hours as needed.

Introductory Period

The ninety (90) day 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. The introductory period is the last part of the selection process.

Non-exempt Employee

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

Part-time Employee

Employees who are required to work less than thirty-six (36) hours per week year-round in an ongoing position.

Pay Period

A fourteen (14) day period beginning at 12:00 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.

Promotion

Movement of an employee from one job class to another within the City, where the maximum salary for the new position is higher than that of the employee's former position.

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 (one hundred (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.

Transfer

Movement of an employee from one City position to another of equivalent pay.

Work Hours

The City of Clearwater follows a work schedule of thirty-six (36) hours per week. The normal working hours for City Hall employees are Monday through Thursday, 8:00 a.m. to 4:30 p.m. Normal working hours/schedule for the Public Works Department is forty (40) hours, Monday through Friday, 7:00 a.m. to 3:30 p.m. The City reserves the right to establish alternative hours as needed.

Workweek

A workweek is seven (7) consecutive twenty-four (24) hour periods. For most employees the workweek will run from Sunday through the following Saturday. 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 Administrator 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 on 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 Administrator.

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.

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.

For those positions requiring that veteran’s preference be provided, the City will apply veteran’s preference points in accordance with the provisions of Minnesota’s Veteran’s Preference Law.

Pre-Employment Medical Exams

The City Administrator or designee 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 and kept separate from personnel 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 is not 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.

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 Administrator will determine the level of background check to be conducted based on the position being filled.

Introductory Period

The introductory period is an integral part of the selection process and will be used for the purpose of observing the employee's work and for training the employee in work expectations. Introductory periods apply to new hires, transfers, promotions and rehires. Introductory periods are ninety (90) days in duration.

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.

Prior to posting a vacant position, the existing job description is reviewed by the City Administrator or designee and the hiring supervisor to ensure that the job description is an accurate reflection of the position and that 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 Personnel Committee and 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 Administrator, and/or 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 Personnel Committee and the City Administrator, but must be approved by the City Council prior to distributing to employee's.

Layoff

The City Administrator will maintain a seniority list. In the event that 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 layoff.

HOURS OF WORK

Work Hours

The City of Clearwater generally follows a work schedule of thirty-six (36) hours per week. For City Hall employees, the normal workweek is Monday through Thursday, 8:00 a.m. to 4:30 p.m.; City Hall is closed on Fridays. The Public Works Department follows a work schedule of forty (40) hours per week with the normal workweek of Monday through Friday, 7:00 a.m. to 3:30 p.m.

Full-time status is considered all work in a thirty-six (36) hour week. Overtime is calculated after a forty (40) hour week worked.

Alternate work hours/schedules may be established as necessary. The City Council may establish alternative hours for City staff for City Hall hours from time-to-time.

Meal Breaks and Rest Periods

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

Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees working out-of-doors will normally take their break at the location of their work. Employees whose duties involve traveling throughout the City may stop along the assigned route at a restaurant or other public accommodation for their fifteen (15) minute break. Exceptions must be approved by the supervisor or City Administrator.

Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the City Administrator, on the use of meal breaks and rest periods.

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 PTO or compensatory time or, with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments. Public works employees will generally be required to report to work regardless of conditions.

COMPENSATION

All employees, City Council, City Commissioners, and all others included in the Payroll system 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.

All pay stubs will be emailed unless a request is made to the City Administrator to provide a printed copy in a sealed envelope. Pay stubs will not be given to anyone other than the person for whom they were prepared, unless the person has a signed note by the employee authorizing the city to give the other person the pay stub. Pay stubs will be given to the spouse, or another appropriate immediate family member, in case of a deceased employee. Employees are responsible for notifying the City Administrator of any changes in address, phone number, names of beneficiaries, marital status, withholdings, etc. If a pay stub is lost or stolen, employees should notify the City Administrator immediately.

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

Paychecks/ Pay Schedule

Employees will be paid on Wednesday on a bi-weekly basis. If the regular payday falls on a holiday, payday will be the last regular workday before the holiday.

The pay week starts at the beginning of an employee's shift on Sunday and includes all work performed up to the close of business on Saturday.

- Pay period is bi-weekly (every two (2) weeks).
- Workweeks run from Sunday, 12:00 a.m. to Saturday, 11:59 p.m.
- Timesheets will be turned in to the City Administrator on the Monday following the end of a pay period for processing on Tuesday and payment on Wednesday.
- Paydays will be every other Wednesday beginning April 20, 2005.
- Regular working hours runs as follows:
 - Full time Public Works Staff: 7:00 a.m. to 3:30 p.m. with a one-half (.5) hour lunch.
 - Seasonal Public Works Staff: At the discretion of the Maintenance Supervisor.

- Full time City Hall Office Staff: 8:00 a.m. to 4:30 p.m., Monday through Thursday. CLOSED on Fridays.

A few additional facts about pay:

- New employees will be paid on the scheduled pay date.
- Any overtime earnings will be paid following the actual hours worked per pay period.
- Eligible employees can receive PTO pay in advance if they are taking five (5) consecutive days and that check will be distributed on the last payday preceding vacation. To be paid in advance, an employee must notify his/her supervisor one (1) week before his/her vacation begins so that a check can be prepared. Vacation (PTO) pay in advance must also be approved by the City Council.

Time Reporting

Full-time, non-exempt employees are expected to work the assigned number of hours per workweek and will be paid according to the time reported on their timesheets. 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. Reporting false information on a timesheet may be cause for immediate termination.

- All Public Works employees will track their own time during the workday with the approvals by the Public Works Supervisor at the end of the pay period.
- The Public Works Supervisor will compile the data, summarized in an MS Excel spreadsheet, and ensure both the employee and the Public Works Supervisor sign the approved timesheet.
- Department Head timesheets will be approved by the City Administrator and, in the case of the City Administrator's absence, the Finance Director will approve their timesheet.

Overtime/Compensatory Time

Because of the nature of work, employees may be asked to work overtime on weekends or additional hours during the regular workday and are expected to comply with such requests.

The City of Clearwater has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime. In general, employees in executive, administrative and professional job classes are exempt; all others are non-exempt.

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 forty (40) in one workweek. Compensation will take the form of either time and one-half pay or compensatory time as set forth in this handbook. Compensatory time is paid time off at the rate of one and one-half hours off for each hour of overtime worked.

Overtime pay is based on actual hours worked. Time taken for lunch or dinner is not included as time worked for purposes of computing overtime. Additionally, holidays, PTO, compensatory time or other compensated time off shall not be used in calculating time worked for overtime purposes.

Overtime compensation is paid to all non-exempt employees at one and one-half (1.5) times their regular rate of pay for all hours worked in excess of forty (40) hours per week.

During the week staff is scheduled to do the weekend round checks, that staff will adjust their schedule accordingly to keep the scheduled hours worked that week at forty (40).

Public Works Department will be paid one and one-half (1.5) times for holiday work and for emergency call outside of their regularly scheduled workweek in the form of a shift differential.

For overtime paid at one and one-half (1.5) times the regular rate of pay, the employee will be paid cash for the hour with the additional one-half (.5) hour pay accrued as compensatory time. (Example: If an employee's hourly base rate is \$10.00 and the employee works an overtime total of 3 hours, the employee will receive \$30.00 overtime pay (3 hours x \$10.00) and 1.5 hours of compensatory time (3 hours * 0.5 hours).

If an employee chooses to be paid at a rate for the overtime standards and declines the additional comp time; the employee must file a request with the City Administrator to get prior approval. Example: Base rate of \$10.00 and accumulated 4 hours of overtime – The overtime is calculated at \$10.00 per hour times 1.5% = \$15.00 per hour. \$15.00 times 4 = \$60.00 versus \$40.00 plus 4 x .5 = 2 hours of accrued comp time.

An employee can use compensatory time within the same guidelines as Paid Time Off (“PTO”).

An employee is allowed to accrue 80 hours in compensatory time before the earned time is paid out over the maximum accrual amount.

Each employee must specify compensatory time used versus PTO time on their timesheets to ensure the correct paid time off accruals is maintained.

All non-exempt employees must receive authorization from their supervisor before working overtime. An employee who has worked overtime must enter it on his/her time record no later than the day after it is accrued.

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 accountancy, an exempt employee will need to work thirty-six (36) hours or more hours per week. Exempt employees do not receive extra pay for the hours worked over thirty-six (36) hours in one workweek.

Exempt employees are paid on a salary basis. This means that they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the 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 Clearwater will only make deductions from the weekly salary of an exempt employee as allowed for under state and/or federal law.

The City of Clearwater 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 management staff are set forth in "Hours of Work," 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 work hour requirement. Exempt employees must communicate their absence to the Mayor or his/her designee.

If one of the above employees regularly absents themselves from work under this policy and it is found that there is excessive time away from work which is not justified, the situation will be handled as a performance issue. If it appears that less than thirty-six (36) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine

whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Administrator for specific situations as determined necessary. The City Administrator will submit a “Facts & Findings Report” to the City Council for approval.

All exempt positions may require work beyond thirty-six (36) hours per week. In recognition for working extra hours, these employees may take some time off during their normal working hours with supervisory approval. The time off for extra hours will be on a one-for-one basis.

PERFORMANCE REVIEWS

An objective performance review system will be established by the City Administrator or designee for the purpose of periodically evaluating the performance of City employees and approved by the City Council. 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. Employees do not have the right to change or grieve their performance review, but 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 introductory period, informal performance meetings should occur frequently between the supervisor and the employee.

Signing of the performance review document by the employee acknowledges that 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.

EMPLOYEE BENEFITS

Medical Insurance

Full-time employees are eligible for the City of Clearwater's medical and life insurance plans immediately upon hire. The medical and Life plan is employer paid. Part-time employees are not eligible for medical benefits. The City will pay for 100% of single and/or family coverage for its Full-time employees.

Retirement Savings Plan

The City of Clearwater provides a PERA (Public Employee Retirement Association) retirement savings plan for full-time employees who have completed any mandatory Introductory Period and otherwise qualify to participate. The plan includes a provision for employee tax-deferred compensation contributions.

The plan trustee is Public Employees Retirement Association (PERA). You can request a full copy of the plan summary description from the City Administrator.

TRAVEL AND EXPENSES

POLICY: TRAVEL, CONFERENCES, SCHOOLS, & TRAINING

The City of Clearwater will reimburse elected officials and employees for reasonable business travel expenses incurred while on assignments away from the normal work location. The City Administrator will approve any travel, conferences, schools, lodging, and training that has been budgeted for all City Staff. The City Council will approve any travel, conferences, schools, lodging, and training that has been budgeted for the Mayor and Members of the Council.

When approved, the cost of airfare, lodging, and registration may be paid by check or city credit card when applicable to the vendor in advance of the travel date.

POLICY: TRAVEL EXPENSES

A. Meals

B. Lodging

C. Transportation

1. Airline

2. Automobile

D. Reimbursement

E. Miscellaneous

F. Violation

An elected official's or employee's approved expenses incurred while conducting City business or attending approved conferences or training are paid by the City.

Expenses incurred by a spouse or other person attending a conference with an elected official or employee must be paid by the elected official or employee.

A. MEALS

Reimbursement for meals while on travel is only for actual expenditures. The reimbursement rate will not exceed the rates allowed for meals and incidental expenses as outlined below.

Breakfast \$17.00 Breakfast will only be allowed when travel begins by 6:00 AM.

Lunch \$17.00

Dinner \$24.00 Dinner will only be allowed when travel requires an employee to be out past 7:00 PM.

Tips and sales tax are included in the meal rates.

When registration or tuition fees include one or more meals, the individual is expected to utilize the meal(s) as supplied by the conference and not have additional meal expense.

If meal is provided as part of a conference and/or training event then no reimbursement is allowed for that meal. The hours spent during the provided meal cannot be counted as time spent

as work hours, unless the meal period includes a presentation or event considered part of the conference and/or training.

Identify names of other employees when claiming meal costs for more than one employee.

Liquor is not an allowable expense.

Individual, itemized receipts will be submitted for reimbursement.

B. LODGING

The actual cost for lodging is paid by the City. Room service, personal telephone calls and other extras must be paid for by the elected official or employee. A telephone call home of reasonable length will be paid if the elected official's or employee's schedule has changed, and the return time/date is different than originally planned.

Hotel or motel accommodations should be appropriate to the purpose of the trip. Room charges for each day are to be listed separately. Receipts for lodging must be approved to obtain reimbursement. The City Administrator will coordinate with the elected official and/or employee to make hotel or motel accommodations

Reimbursement for lodging shall be limited to the minimum number of nights required conducting the assigned City business. If an individual chooses, for personal reasons, to arrive earlier or leave later, the additional lodging and other expenses related to this decision are his/her personal expense and will not be reimbursed by the City.

Where multiple occupancy by other than individual occurs, the person may only claim the actual cost of the single room rate (if different from the double room rate).

C. TRANSPORTATION

1. Airline

The actual cost for coach class is paid by the City. Prizes, bonuses or free trips awarded by the airlines as a result of travel paid by the City, become the property of the City and may not be accepted for personal use.

Airline Travel Credits: Minnesota Statutes §15.435

Whenever City funds are used to pay for airline travel by an elected official or employee, the elected official or employee for whom the ticket is purchased is responsible for ensuring airline travel credits (i.e., frequent flyer miles) or benefits resulting from the travel are transferred to the City.

This policy applies to all airline travel paid for by the City for City elected officials or employees.

2. Automobile

City vehicles are to be used in most instances.

If an elected official or employee uses his or her own personal vehicle, he or she will be reimbursed for the amount allowed by the IRS permitted basic mileage rate.

If personal vehicle used, a mileage log must be submitted to get reimbursed. No side trip miles should be included in log. This amount will automatically be adjusted per the IRS.

Actual costs for parking fees will be reimbursed. Parking receipts are required.

Travel time will be paid to non-exempt employees in accordance with the Fair Labor Standards Act, department policies and procedures, and/or applicable collective bargaining agreements.

Travel time should be during normal business hours when possible in order to avoid overtime.

The City will pay or reimburse for costs incurred for a rental vehicle if needed for out-of-state travel. The rental vehicle must be mid-sized or economy class. No reimbursement will be allowed for the rental of luxury vehicles.

D. REIMBURSEMENT

Elected officials or employees must complete an expense statement form and attach receipts for any allowable meals, lodging, transportation and/or parking expenses incurred. All expenses must be supported by receipts. Requests for reimbursement must be turned in 30 days from the issuance of the expense to the City Administrator. If a request is made after the 30 days neither the City Administrator or City Council will consider payment of the expense.

The City will pay or reimburse all travel costs that are reasonable and necessary. Any person conducting official City business is expected to show good judgment in the nature and amount of expenses incurred while conducting City business. Such expenses must be both reasonable and necessary.

Expenses of another person who accompanies the individual on a trip are not reimbursable, nor are the travel or other expenses for side trips of either the employee or another person. The expense report must reflect only the expenses incurred that are business related. No reimbursement will be allowed for traffic violations or tickets received while conducting City business

E. MISCELLANEOUS

Assigned Credit Cards may only be used by the individual named on the Credit Card. If an employee has no assigned Credit Card he/she must use a personal credit card and submit receipts as required for reimbursement.

Cash advances are limited to \$100.00.

No reimbursement will be made for the purchase of alcoholic beverages.

Tips will be reimbursed for baggage handling and miscellaneous tipping. Meal tips are included in the meal price allowed. Tip reimbursement is limited to no more than 15%.

Registration and supplies (i.e., for conferences) will be reimbursed, if necessary to the trip; however, the employees must provide receipts for such expenditures, if separate from conference fees.

Fees for Travelers checks are reimbursable.

Telephone calls of a business nature will be reimbursed when identified on an expense report.

Telephone calls of a personal nature will not be reimbursed.

Reimbursement will be made for laundry expenses if the employee is on a trip of more than four days.

Expenditures for items not listed in the Travel Policy are not reimbursable.

If an individual, for personal reasons, chooses to arrive early or leave later than the time required for City business, the extra time shall be charge to vacation or comp time.

Travel and training will not be paid for an individual that has announced their intention to resign, not to seek re-election, or who have been defeated in an election.

No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

F. VIOLATION

Falsification of travel documents/expense reporting, resulting in overpayment of the City's assets, or failure to comply with this policy in any other way will be subject to discipline up to and including discharge.

HOLIDAYS

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

1. New Year's Day
2. Martin Luther King, Jr. Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Thanksgiving Day
9. Christmas Eve
10. Christmas Day

(1) Floating Holiday

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. To avoid confusion, all holidays will be announced in advance.

City Hall will close the Thursday prior to any recognized holiday that falls on a Friday for all administrative employees’ who work a four (4) day week ending on Thursday. The time taken on the prior Thursday will be an **unpaid** holiday. Employees’ may take PTO, Comp Time or Floating pay. The holiday that falls on a Friday is the recognized paid holiday.

Employees will be paid for the holiday if they:

- are a full-time employee of the City of Clearwater, and
- have worked the full day before and the full day after the holiday, unless time off has been approved in advance as PTO for personal days.

Due to business needs, some employees may be required to work on City holidays. An employee’s supervisor or manager will notify the employee if he/she is required to work.

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

LEAVES

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 programs, 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.

Paid Time Off ("PTO")

PTO replaces individual sick leave, vacation leave and funeral leave plans, and combines them into a single benefit program. PTO does not replace City observed holidays, jury duty, military leave, or court leave. Employees accrue PTO based on length of service with the City. Plan provisions discourage unnecessary utilization by providing cash and savings incentives.

PTO 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.

Eligibility

Only full-time and part-time employees are eligible for PTO, and all PTO must be earned before being taken. An employee may not substitute pay for unused PTO unless the employee receives his/her supervisor's written approval. A Vacation Request Form must be completed and given to the employee's supervisor for approval one (1) week prior to the vacation date. Should a City holiday occur during the employee's time off, the employee may add an additional day, either at the beginning or the end of the employee's PTO, with his/her supervisor's approval.

The Finance Director will track PTO in the City's employee software system.

The City reserves the right not to approve a request for PTO if it will interfere with City operations or adversely affect coverage of job and staff requirements. Whenever possible, employees' requests for pre-scheduled PTO will be accommodated, but where scheduling conflicts arise, seniority and workload priority will prevail. Unscheduled absences are discouraged, except in emergency situations.

PTO Accrual

PTO may be used as soon as it is accrued. A Full time employee will not receive the years of service PTO rate until they have been employed with the City for ninety (90) days. After the ninety (90) day introductory period; the years of service rate will be applied to the employee's payroll records. Length of service with the City determines the rate at which eligible employees

acquire PTO. Employees become eligible for PTO on an annual basis. The number of hours earned are demonstrated below. Any accrued PTO time will become available on the employee’s anniversary date. The payroll department will add the accrued PTO time on the employee’s anniversary date.

<u>Years of Service</u>	<u>PTO Accrual Rate Per Year</u>	<u>Maximum Accrual Per Year</u>
0 – 90	40 hours	40 hours
91 days – 1 year	80 hours	120 hours
1 year up to 2 years	120 hours	200 hours
2 - 5 years	160 hours	240 hours
6-10 years	200 hours	240 hours
11 + years	240 hours	240 hours

A part-time employee will be eligible to earn PTO after 90 days of employment with the City. PTO will be earned at a rate based on their average hours worked in a week, to be calculated as follows: Total hours worked in past 26 pay periods divided by 52 weeks. This will be recalculated each 26 pay periods, closest to their anniversary date.

Example: Public Works employee worked 1250 hours in past 26 pay periods - $1250 / 52 \text{ weeks} = 24.03$ average hours a week.

<u>Years of Service</u>	<u>Vacation Accrual Rate Per Year</u>	<u>Maximum Accrual Per Year</u>
0 – 89 Days	0 hours	0 hours
90 Days to 1 Year and Beyond	32 hours accrued at 90 Days thereafter, average Hours worked in a week based on the past 26 pay periods, as recalculated each 26 pay period cycle	32 hours

Fire PTO

Individuals employed to a permanent, full-time position for the City of Clearwater whom also serve as a volunteer firefighter for the City of Clearwater shall be eligible for Fire PTO. The permanent, full-time position shall be considered the primary position for purposes of administering this benefit.

Eighty (80) hours of paid time off will be available, annually, on the first of the year for eligible employees. The Fire PTO is a “use or lose” benefit, whereas any hours unused at the end of a calendar year shall expire and may not be carried forward to the subsequent year. Unused hours will not constitute a cash value for payout to the employee at year-end or upon termination.

Fire PTO is available for eligible employees to use when called away from their primary employment under the City, to serve the volunteer fire department. The Fire PTO may only be used during the regularly scheduled work hours of the employee's primary employment.

The employee is required to document the use of the Fire PTO on their timesheet for their primary position. Additionally, the employee will document the total time spent away from their primary position to serve the fire department.

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.

Compensatory Time

See Overtime as outlined under "Overtime/Compensatory Time" for more specifics.

An employee can use compensatory time within the same guidelines as PTO. Employees must try and use accrued comp time by December 31 of each calendar year to meet the required cap on total hours accumulated. The maximum accrual per year is eighty (80) hours.

An employee is only allowed to accrue eighty (80) hours in compensatory time. If the employee has more than the maximum allowed time, the employee will be paid all the hours over the maximum hours.

Each employee must specify compensatory time used versus vacation/PTO time on their timesheets to ensure the correct paid time off accruals is maintained.

Unpaid Leave

Unpaid leaves may be approved in accordance with the City personnel policies. Employees must normally use all accrued PTO and compensatory time prior to taking 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. As per the Uniformed Services Employment and Re-employment Rights Act (“USERRA”) and Minnesota Statutes §§ 192.26-192.261, employees who are members of an Armed Forces Reserve or National Guard unit will be granted a military leave when called to active duty. Employees will be reinstated to their position as required by state and federal law. Employees are to present a copy of their orders to the City Administrator prior to leave approval. For complete details on the use of this leave time, contact the City Administrator.

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.

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.

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 Administrator.

School Conference Leave

Employees are allowed up to 16 hours of unpaid leave during any 12-month period to attend school conferences or classroom activities related to the employee's child (under eighteen (18) or under twenty (20) and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. This leave also applies to attendance at conferences and activities for an employee's child who receives childcare services as defined by Minnesota law, or attends a pre-kindergarten regular or special education program.

Victim or Witness Leave

An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony is entitled to reasonable time off from work to attend criminal proceedings related to the victim's case.

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 ten (10) 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 during the morning of 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 Administrator may authorize leave without pay as necessary. Normally employee benefits will not be earned by an employee while on leave without pay. However, the City's contribution toward medical 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.

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 or vacation/PTO leave. Employees who are working reduced

hours while on this type of leave will receive holiday pay on a prorated basis and will accrue vacation/PTO leave based on actual hours worked.

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

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 leave 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.

RESPECTFUL WORKPLACE POLICY

(Includes sexual harassment policy)

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City acknowledges that 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 work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, firefighters and City Council members.

Abusive Customer Behavior

While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

Violent behavior includes the use of physical force, harassment, or intimidation.

Discriminatory behavior includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.

Offensive behavior may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person. 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.
- 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.

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.

Employee Response to Disrespectful Workplace Behavior

Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a violation of this policy, they are encouraged to follow the steps below.

Step 1(a). Politely, 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 no later than ten (10) business days after your report.

Step 1(c). In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, City Administrator or the police.

Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two (2) business days to a supervisor or the City Administrator.

Step 2. If after what is considered to be a reasonable length of time (for example, thirty (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 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 within two (2) business days to the City Administrator, 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. 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 that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

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. 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 Administrator about the allegations.

Step 4. As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

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.

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 Administrator who will assume the responsibility for investigation and discipline.

If the City Administrator 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 Council Member 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 Administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

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 employee's(s') personnel file(s). 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.

SEPARATION FROM SERVICE

Resignations

Employees wishing to leave City service in good standing must provide a written resignation notice to their supervisor, 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.

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 employment of the City by retirement or resignation will receive pay for one hundred percent (100%) of unused PTO and Compensation Time (Comp) if applicable.

Termination

Disclaimer: Any and all "Earned" PTO/Comp time will be paid at one hundred percent (100%) for unused PTO and Compensation Time within a twenty-four hour period following separation of employment.

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 Clearwater. 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 with any 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 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 supervisor with prior approval from the City Administrator.

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 that they agree with the reprimand. Written reprimands will be placed in the employee's personnel file.

Suspension With or Without Pay

The City Administrator may suspend an employee with or without pay for disciplinary reasons. Suspension with or without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans 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 Administrator 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 Administrator, with the approval of 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, 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 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 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.

Step 3. Any grievance can be appealed to the Clearwater City Council.

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:

1. Performance evaluations;
2. Pay increases or lack thereof; and
3. Merit pay awards.

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

OUTSIDE EMPLOYMENT

The potential for conflicts of interest is lessened when individuals employed by the City of Clearwater regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the City Administrator. Any City employee accepting employment in an outside position that is determined by the City Administrator to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

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

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use City equipment, resources or staff in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the City. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for his/her own business, while using paid PTO/Comp time from the City for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the Personnel Committee, City Administrator and 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 Clearwater 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

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.

Employees whose job require a driver's license and who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first workday 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.

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.

COMPUTER USE POLICY

Purpose

This policy serves to protect the security and integrity of the City's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources.

The City reserves the right to inspect any data, e-mails, files, settings or any other aspect of a City-owned computer or related system and will do so, on an as-needed basis as determined by the City Administrator.

All employees are responsible for reading and following information that may be distributed from time-to-time by the technology department about appropriate precautions to protect City systems.

An employee who violates any aspect of this policy may be subject to disciplinary action including revocation of certain system privileges or termination.

Personal use

The City recognizes that some personal use of City-owned computers and related equipment has and will continue to occur. Some controls are necessary, however, to protect the City's equipment and computer network and to prevent abuse of this privilege.

- Only City employees may use City-owned equipment. Family members or friends of employees are not allowed to use City equipment or technology resources.
- Personal use must take place during non-work hours (breaks, lunch hour, before or after work). Personal use should never preempt work use.
- Reasonable use of City e-mail systems for personal correspondence is allowable, provided it does not interfere with an employee's normal work and is consistent with all provisions in this policy. Employees should treat this privilege as they would the ability to make personal phone calls during work hours.
- Reasonable use of the City's access to the Internet for personal reasons is allowable, provided it does not interfere with an employee's normal work and is consistent with all provisions in this policy.
- If employees want to use or connect their own peripheral tools or equipment to City-owned systems (such as digital cameras, PDAs, disks or flash cards), they must have prior approval from the City Administrator and must follow provided directions for protecting the City's computer network.

- Files from appropriate personal use of the City's equipment may be stored on a computer's hard drive, providing the size of all personal files does not exceed 50 MB. The City may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.
- Use of City equipment or technology for personal business interests, for-profit ventures, political activities or other uses deemed by the City Administrator to be inconsistent with City activities is not allowed. If there is any question about whether a use is appropriate it should be forwarded to the City Administrator for a determination.

Software, hardware, games and screen savers

In general, all software and hardware required for an employee to perform his or her job functions will be provided by the City. Requests for new or different equipment or software should be made to your supervisor or directly to the City Administrator.

Unapproved software or downloads (free or purchased), hardware, games, screen savers, toolbars, clipart, music and movie clips, other equipment, software or downloads that have not been specifically approved by the City Administrator may compromise the integrity of the City's computer system and are prohibited.

The City may without notice remove any unauthorized programs or software, equipment, downloads, or other resources if they could harm City systems or technology performance.

If there is any question about whether software or hardware downloads, etc. is appropriate it should be forwarded to the City Administrator for a determination.

Electronic mail

The City provides employees with an e-mail address for work-related use. Some personal use of the City e-mail system by employees is allowed, provided it does not interfere with an employee's normal work and is consistent with all City policies.

An employee's personal e-mail (and other personal documents) may be considered "public" data and may not be protected by privacy laws. Personal e-mail may also be monitored as directed by the City Administrator and without notice to the employee.

The following policies relate to e-mails of both business and personal content:

- Use common sense and focus primarily on using e-mail for City business. When sending an e-mail message, employees should never transmit an e-mail that the employee would not want his/her supervisor or other employees to read.
- Be wary when corresponding by e-mail on confidential communications (e.g. letters of reprimand, correspondence with attorneys, medical information).

- Do not open e-mail attachments or links from an unknown sender. Delete junk or “spam” e-mail without opening it if possible, do not respond to unknown senders.
- Do not gossip or include personal information about yourself or others in an e-mail.
- Do not use harassing language, including sexually harassing language or any other remarks including insensitive language or derogatory, offensive or insulting comments or jokes in an e-mail.
- Do not curse or use swear words in an e-mail.

Storing and transferring documents

Electronic documents, including e-mails and business-related materials created on an employee’s home or personal computer, should be stored on the City’s network in accordance with City records retention policies and the Minnesota Data Practices Act. The following are some general guidelines that may be useful to consider:

- E-mail that is simple correspondence and not an official record of City business should be deleted as soon as possible and should not be retained by employees for more than three months. The City will not retain e-mails longer than one year on the network or in network back-ups.
- E-mail that constitutes an official record of City business must be kept in accordance with all records retention requirements and should be copied to appropriate network files for storage.
- City-related documents that an employee creates on his or her home computer or any other computer system should be copied to the City’s network files.
- Documents or e-mails that may be classified as protected or private information under data practices requirements should be stored separately from all other materials.

If you are unsure whether an e-mail or other document is a government record for purposes of records retention laws, or is considered protected or private under data practices, check with your supervisor or the City Administrator.

Transferring data and documents between computer systems requires information to be stored on a floppy disk, CD-ROM, flash or USB drive, or other storage media. These items can also be used to transmit computer viruses or other items harmful to the City’s computer network.

Internet

The City provides Internet access to employees for work on City business. Employees may use this access for work-related matters in a professional manner.

Occasional personal use of the Internet is acceptable within the bounds of all City policies. The following considerations apply to all uses of the Internet whether business related or personal:

- There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.
- Internet use during work hours must be limited to subjects directly relating to an employee's job duties.
- Personal use of the Internet during non-work hours (breaks, lunch hour, before or after work) is permitted. However, employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races or religions. If an employee is unsure whether a site may include inappropriate information, the employee should not visit the site. If an employee accidentally visits an inappropriate site, the employee should report this immediately to his/her supervisor or the City Administrator.
- No software or files may be downloaded from the Internet unless approved in advance by the technology department. This includes but is not limited to free software or downloads, maps, weather information, toolbars, music or photo files, clipart, screensavers and games.
- Employees may not participate in any Internet chat room unless the topic area is related to City business.
- The City may monitor any employee's use of the Internet without prior notice, as deemed appropriate by the City Administrator.

Passwords and physical security of equipment

Employees are responsible for maintaining computer passwords and for following these guidelines:

- Your passwords should not be shared or told to other staff. If it is necessary to access an employee's computer when he or she is absent, contact the technology department.
- Passwords should not be stored in any location on or near the computer. If necessary, store your password in a document or hard copy file that is locked when you are absent from your desk. Do not store it electronically in a palm pilot or cell phone system.

Because technology equipment is generally small and portable, employees should use caution when leaving equipment unattended. Do not leave City computer equipment in an unlocked vehicle or unattended at any off-site facility (airport, restaurant, etc.).

Notice of computer problems

Employees are responsible for notifying their supervisor or the City Administrator about computer problems or odd computer behavior. Small problems may indicate a more serious network or computer system issue, so employees should err on the side of caution when deciding whether or not to raise a question or concern.

