

## ARTICLE V. PERSONNEL\*

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**\*Editor's note**--It should be noted that following Ord. No. 1708, adopted Oct. 11, 2000, the following was set out "The **City of Woodbury** is subject to Title II of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability by public entities. The City is committed to full implementation of the Act to our services, programs, and activities. Information regarding the provisions of the Americans with Disabilities Act is available from the City Administrator's office at 651-714-3500. Auxiliary aids for disabled persons are available upon request at least 72 hours in advance of an event. Please call the ADA Coordinator, at 651-714-3500 (TDD 714-3568) to make arrangements."

**Note**--See the editor's footnote to Art. III of this chapter.  
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### DIVISION 1. GENERALLY

#### **Sec. 2-190. City administrator's responsibility.**

The city administrator shall be responsible for carrying out the provisions of this policy with the exception that he/she may designate responsibility to other suitable city employees as appropriate.

(Ord. No. 1708, 10-11-2000)

#### **Sec. 2-191. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

*Benefits* means privileges granted to an employee in the form of vacation leave, sick leave, holiday leaves, military leave, military induction pay, insurance, or unused sick leave pay.

*Classification plan* means an orderly plan under which positions, on the basis of duties and responsibilities, are grouped into classes, each class designated by a descriptive title and defined by a class specification.

*Demotion* means the movement of an employee to either a class having a lower pay grade or to a lower step in his/her existing pay grade.

*Department director* means the director of a department, namely the community development director, finance director, administration and human resources director, park and recreation director, public safety director, or public works director.

*Division director* means the director or supervisor of a division or work group, namely the senior planner, chief building official, accounting supervisor, ~~assistant finance director, city assessor, assistant to the city administrator,~~ communications and environmental education coordinator, recreation supervisor, parks supervisor, ice arena manager, golf course manager, deputy public safety director, fire services manager, ~~police operations manager,~~ public works superintendent, streets supervisor, utilities supervisor, or fleet management specialist.

*Employee* means a person legally holding a position in the city service.

law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any step relations of the preceding.

The provisions of this policy shall not apply to relatives of the city, elected officials of the city, the city administrator, or confidential employees of the city who are employed by the city prior to October 14, 1993, the effective date of this policy. This policy shall not apply to relatives of elected officials who are elected after the employee has been hired by the city.  
(Ord. No. 1708, 10-11-2000)

**Editor's note**--At the city's instruction, Ord. No. 1708, adopted Oct. 11, 2000, replaced § 2-204 which derived from Ord. No. 1597, § 1597.01, adopted Aug. 11, 1993. Formerly, § 2-204 pertained to retirement.

**Sec. 2-205. Physical examination for continued employment.**

A condition of employment for every employee is the employee's ability to perform the duties of the position satisfactorily. Every employee shall demonstrate his physical, mental, and emotional fitness to perform his/her work. The employer may require a yearly or periodical physical and/or psychological examination. If a physical examination is ordered by the city for an employee the city will pay for the examination.

(Ord. No. 1597, § 1597.01, 8-11-93)

**Sec. 2-206. Layoffs.**

Fourteen (14) calendar days after written notice, the city administrator, following approval by the city council, may lay off regular employees because of shortage of work or funds, abolition of positions, or other reasons. The city administrator may lay off or terminate temporary or seasonal employees with no prior notice and without city council approval.

(Ord. No. 1597, § 1597.01, 8-11-93)

**Sec. 2-207. Regular work day and week.**

Except for certain sworn employees in the police department and full-time firefighters, the full-time regular work week shall be forty (40) hours, generally with at least two (2) consecutive days off each week and the regular day generally shall be eight (8) working hours. Supervisors may require their employees to work overtime in situations where it is required in order to ensure the orderly and efficient operation of the government. Employees designated as exempt from overtime according to the provisions of the Fair Labor Standards Act may require additional working hours as needed to complete the responsibilities of the position.

(Ord. No. 1597, § 1597.01, 8-11-93)

**Sec. 2-208. Activities incompatible with employment--Generally.**

- (a) A city employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with his/her duties as a city employee, or with the duties, functions and responsibilities of the department by which he is employed.

- (b) The following activities shall be considered inconsistent, incompatible or in conflict with city employment:
- (1) Any employment, activity or enterprise which involves the use for private gain or advantage of the city's time, facilities, equipment or supplies, prestige or influence of a city office or employment.
  - (2) Involves the receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the city for the performance of an act which the officer or employee would be required or expected to render in the regular course of his/her city employment or a part of his/her duties as a city officer or employee.
  - (3) Involves the performance of an act in other than his/her capacity as a city officer or employee which may later be subject directly or indirectly, to the control, inspection, review, audit or enforcement by such officer or employee or the department by which he/she is employed.
  - (4) Involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his duties as a city officer or employee.

(Ord. No. 1597, § 1597.01, 8-11-93)

**Sec. 2-209. Same--Political activity.**

- (a) ~~No employee shall directly or indirectly, during his/her hours of employment solicit or receive funds or at any time use his/her authority or official influence to compel any employee to apply for membership or become a member of, pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any employee found guilty of violating any provision of this subsection is automatically separated from service as per Minnesota Statutes Section 210A.081. No employee shall participate in activities that involve the public employee's use of his or her official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity.~~
- (b) Employees are free to engage in any political activity of their choice provided it does not conflict with subsection (a).

(Ord. No. 1597, § 1597.01, 8-11-93)

**Sec. 2-210. Same--Outside employment.**

Employees may not engage in outside employment which would conflict with their job or might in any way hinder their objective and impartial performance of their public duties, embarrass the city government, or impair their efficiency on the job.

(Ord. No. 1597, § 1597.01, 8-11-93)

**Secs. 2-211--2-119. Reserved.**

DIVISION 2. PAY PLAN AND COMPENSATION