City of Ramsey
Agenda
City Council Work Session
Tuesday, December 12, 2023
5:30 pm
Lake Itasca Room, 7550 Sunwood Drive NW

Remote Attendance available at www.cityoframsey.com/meetings.
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. Call to Order

2. Topics for Discussion

1. Provide Staff Direction On Animal Regulations and Derek Trout Rooster Appeal.
2. 2024 COR Infrastructure Improvements
3. Continue Discussions Regarding Proposed Updates to the Personnel Policy

3. Topics for Future Discussion

1. Review Future Topics/Calendar

4. Mayor/Council/Staff Input

5. Adjournment*

***Note: the City Council may motion to recess this Work Session meeting and reconvene after the regular City Council meeting if items on the agenda are not completed.**

CC Work Session

Meeting Date: 12/12/2023

Primary Strategic Plan Initiative: Create a positive image for residential neighborhoods, business districts and key corridors.

Information

Title:

Provide Staff Direction On Animal Regulations and Derek Trout Rooster Appeal.

Purpose/Background:

At the November 28, 2023, City Council meeting, City Council heard a settlement hearing for an animal violation of Chapter 10 for the keeping of a rooster on property less than 2.5 acres in size, located at 6025 177th Ln NW, Ramsey, MN. The purpose of the hearing was to determine if City Code was applied accurately. After much discussion of the appeal, there was some desire by the City Council to revisit Chapter 10 Animals for a possible amendment. The settlement hearing was tabled indefinitely.

Staff is looking for direction in terms of a potential amendment; there are 3 scenarios:

1. Revisit the ordinance to amend acreage requirements for the keeping of roosters, which will be a simple process and may involve a couple City Council work sessions;
2. Revisit the ordinance to amend the entire ordinance, which will take staff some time to complete. This will involve numerous City Council work sessions; or
3. Do not revisit the ordinance and bring the appeal to the next regularly scheduled City Council meeting for a motion.

Timeframe:

If the City Council directs staff to amend Chapter 10, the item will be discussed at future City Council work sessions to begin the amendment process.

Funding Source:

Not Applicable

Responsible Party(ies):

Planning Department

Outcome:

Provide staff with direction to ensure the case of the rooster appeal is addressed in a timely fashion.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	12/07/2023 11:40 AM
Form Started By: Stephanie Hanson		Started On: 12/05/2023 03:38 PM
Final Approval Date: 12/07/2023		

CC Work Session

Meeting Date: 12/12/2023

Primary Strategic Plan Initiative: Promote economic growth and development.

Information

Title:

2024 COR Infrastructure Improvements

Purpose/Background:

PURPOSE:

To provide final direction to staff on the 2024 COR Infrastructure improvements, specifically the improvements that are TIF eligible expenses. The waterfront park improvements will come to a future meeting.

BACKGROUND:

Since late 2022, the city has placed the build out of COR infrastructure as a high priority. The purpose was first due to the time frame allowed to incur eligible expenses against TIF 14 would expire November 28, 2023. Through special legislation in 2023, the deadline to incur expenses was extended to November 28, 2026. The district itself is set to run through 2040. In other words, the city is allowed to capture tax increment through 2040 to repay eligible expenses that have occurred.

The current focus is on the western portion of the COR given that is where the development interest is currently the highest. Three construction projects were awarded in 2023 within the TIF 14 district. First, was a utility extension and road reconstruction/extension of Ferret St NW in a commercial/industrially zoned area west of Armstrong Blvd and south of Bunker Lake Blvd. Second included a tree clearing project on city-owned parcels west of Center St. The third project was the excavation of a storm water pond within the future Waterfront Park area, and subsequently using that material to mass grade the same area as the tree clearing efforts to prepare shovel ready sites. A last component to work completed in 2023 was the full design of the remaining roadways (Center St. realignment, West Ramsey Parkway, Zeolite St.) These expenses were funded through the issuance of a $7 million bond.

On July 18, 2023, the City Council began reviewing 2024 priority projects for the COR. The early consensus was to construct the full length of Zeolite St NW and the section of West Ramsey Parkway between the round about and Zeolite. The factors behind this direction are due to the active developments of Aldi and Hilton Home 2 Suites, as well as executed purchase agreements with Norhart (market rate apartment with first floor commercial) and Centra Homes (100+ detached townhome project). It should be noted that both Norhart and Centra Homes will be contributing $256,000 each towards the construction of West Ramsey Parkway, west of Zeolite St. Further direction at the time was to update the financial analysis of TIF 14 to better recognize committed projects, thus impacting future tax revenue. The updated analysis is attached.

Staff have been working with Bolton & Menk throughout this process on the design of the roadways. Attached is a concept showing the nearly finalized road design and estimated costs. Minor adjustments between now and bidding on the projects for construction in 2024 will have minimal impact on the cost estimate. These costs are TIF eligible expenses and have been included in the updated financial analysis. The 2024 project timeline is as follows:

- December 13, 2023 Staff relay decisions made by City Council to Bolton & Menk
- January 13, 2024 Bolton & Menk Finalize Plans
- February 23, 2024 Staff Completes final Review
- February 27, 2024 Council Approves Plans & Orders Bids
- March 28, 2024 Open Bids

- April 9, 2024 Council Awards Bid

Other low priority improvements that will be required when development occurs are located on the eastern portion of the COR near Ramsey Blvd. This includes the connection of Veterans Drive to Ramsey Blvd (a right in right out access point will be constructed as part of the Ramsey Gateway Project) and Peridot St NW. A high level estimate for these improvements is $2.6 million.

Ehlers financial analysis is based on actual dollars spent to date and 2024 tax revenues. It further makes assumptions of future expenses based on engineer estimates for road projects and assumes future development growth, thus generating more tax revenue. The analysis is also predicated on the City receiving special legislation to allow repayment of expenses that occurred without interfund loan resolutions. See the last section of the analysis for a more detailed explanation. A summary of the financial analysis is as follows:

Expenses:

- $44.2 million - spent to date
    - $6.952 million must be paid back (paygo notes and 2023A bond)
    - $37.248 million is highly desired to be paid
        - $26.5 million worth of eligible expenses which includes interfund loans with necessary resolutions
        - $10.7 million worth of eligible expenses that the city needs special legislation due to not having interfund loan resolutions
- $4 million of road improvements proposed in 2024
- $2.6 million of road improvements remaining on the eastern side of the COR

If we look at the expenses under two scenarios, we are left with different totals that can be repaid through tax increment. This is due to the special legislation previously noted.

- $50.8 million in expenses (actual and estimated proposed) with special legislation approval
    - $43.848 million when netting out the required paygo and 2023A bond expenses
- $40.1 million in expenses (actual and estimated proposed) without special legislation approval
    - $33.148 million when netting out the required paygo and 2023A bond expenses

Revenue:

If development does not occur beyond what is currently being constructed or under purchase agreements, then the projected revenue through 2040 is $22.8 million. Development is likely to occur, and therefore, Ramsey staff provided Ehlers with assumptions on future development and tax revenue. If we use these assumptions, the tax revenue to the City that could be applied back to the eligible expenses is $45 million. Both the $22.8 million and the $45 million in revenue netts out the required payment of the paygo notes and 2023A bond.

Other non-TIF Eligible Expenses:

The city has incurred $5.1 million in various park improvement, admin and marketing costs. The intent by the city has been to repay those amounts through land sale proceeds. To date, and included in the financial analysis, this has not been able to occur. There is an opportunity for the city to capture some of that through future land sales.

Timeframe:

Up to 30 Minutes for tonight's discussion

Funding Source:

The estimated construction costs of Center St, West Ramsey Parkway and Zeolite St. total $4,058,000, plus 3% indirect costs for construction related services including construction staking and administration, and preparing as-built plans. Staff will inspect construction.

Previously committed 2024 improvements (July 18, 2023):

- $950,000 West Ramsey Parkway (west of Zeolite)
- $819,000 Zeolite Street

- $53,000 Indirect costs (3%)
    - $1,822,000 estimated total costs

Additional 2024 improvements to consider:

- $1,649,000 West Ramsey Parkway (east of Zeolite)
- $640,000 Center St
- $69,000 Indirect costs (3%)
    - $2,358,000 estimated total costs

Available funding sources for these improvements:

- $512,000 developer contribution
- $1,134,000 TIF 1 Fund Balance
- $2,250,000 TIF 2 Fund Balance
- $674,000 TIF 14 Fund Balance
    - $4,570,000 total funding source

Interfund loans would be created for the purpose of paying back the TIF 1 and 2 proceeds from future tax increment.

Responsible Party(ies):

Brian Hagen, City Administrator
Bruce Westby, City Engineer/Public Works Director
Diana Lund, Finance Director

Outcome:

Provide direction on 2024 COR Infrastructure Improvements. Staff is recommending the council authorize bidding and award a contract in 2024 to construct Center St, West Ramsey Parkway, and Zeolite St. Funding is available for cash payment by utilizing available funds in TIF Districts #1, 2, & 14. An added benefit would also be to reduce the number of summer construction seasons impacting residents and business in the area.

Attachments

TIF #14 District Financial Analysis

COR Roadway & Trail Concept

TIF #14 Reimbursement Policy

Form Review

Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	12/05/2023 03:27 PM
Brian Hagen	Brian Hagen	12/07/2023 03:27 PM
Form Started By: Brian Hagen		Started On: 12/05/2023 07:43 AM
Final Approval Date: 12/07/2023		

MEMORANDUM

TO: Brian Hagen – City Manager
Diana Lund – Finance Director

FROM: Stacie Kvilvang - Ehlers

DATE: December 7, 2023

SUBJECT: TIF 14 (COR) Status

You inquired if the District could repay an additional $4 million in costs related to new street work to be completed within the COR. Below is a chart that outlines eligible expenditures made by the City to date (does not include any pay-as-you-go (paygo) obligations), other funding sources and the net cost to the City:

Category	Cost	Other Funds	Net Cost to the City
Land Acquisition	$ 12,987,632	$ (5,776,632)	$ 7,211,000
Public Improvements (COR 3)	$ 4,536,490	$ (40,482)	$ 4,496,008
Ramp	$ 11,754,485	$ (8,356,186)	$ 3,398,299
Transit Station	$ 4,106,872	$ -	$ 4,106,872
Roads	$ 25,432,829	$ (10,265,539)	$ 15,167,290
Roads - 2023A Bonds	$ 7,000,270	$ -	$ 7,000,270
Residence at the COR	$ 11,552,465	$ (9,109,465)	$ 2,443,000
TIF Admin	$ 425,846	$ -	$ 425,846
TOTAL	**$ 77,796,889**	**$ (33,548,303)**	**$ 44,248,586**

As noted, the City expended approximately $78 million, received approximately $33.5 million from other sources, leaving a net amount of cost still owed to the City of approximately $44.2 million. In addition to the above referenced costs, the City had an additional $5.1 million in costs for park improvements, admin and marketing that cannot be reimbursed through TIF, but could be reimbursed with land sale proceeds.

For pay 2024, the District is expected to generate approximately $2.12 million in TIF. Of this $1.285 million is going towards payment on the two (2) existing paygo notes and debt service on the 2023A bonds that were issued for road improvements within the COR this year. This leaves approximately $837,000 for the City to pay for administrative costs, any of the $37.248 million in costs noted above (this nets out the $7 million in roads financed with the 2023A bonds since we are required to repay those) or to use it to pay for future improvements within the District.

If we assume no future development (TIF stays at $2.12M/year), the City would have approximately $22.8 million available for uses as previously noted at the end of the District. However, staff is of the opinion that more development will occur over the remaining term of the District that will increase the amount of annual TIF to approximately $4.2 million by 2034. If development happens as staff has preliminarily laid out, that would mean at the end of the District, the City would have approximately $45 million available for eligible costs.

As noted, under either scenario, the City will have future TIF dollars available to pay for the additional $4 million in road improvements within the COR. Any dollars available after that expenditure are available to go back to the City to reimburse them for the remaining $37.248 million in costs.

Special Legislation in 2024

Some of the City costs noted in the chart above were funded without the required interfund loan resolutions pursuant to the TIF statute. It was assumed that the transit station and some of the other public improvements were allowable expenditures since they were specifically called out in the legislation, however the legislation did not exempt the City form the interfund loan requirement.

TIF counsel recommends that you amend the special legislation to request that those costs (approximately $10.7 million) are exempt from the interfund loan requirement and thus, you can reimburse yourself with TIF (if available). Without the legislation, only $26.5 million of the $37.248 million in City costs could be recovered.

Please contact me at 651-697-8506 with any questions.

ROADWAYS & TRAILS

MAINTAIN COUNTY ROAD DITCH, TYP

BUNKER LAKE BOULEVARD (CSAH 116)

ARMSTRONG BOULEVARD (CSAH 83)

147TH AVENUE NW

HWL = 866.5
NWL = 861

WATERFRONT CONCEPT BY OTHERS

RAMSEY PARKWAY

ZEOLITE STREET NW

EAST BLVD SIDEWALK COMPLETED WITH DEVELOPMENT

16' CONCRETE WALK BEHIND PARKING BAY (REGIONAL TRAIL)

146TH AVENUE NW

CENTER STREET NW

YOLITE STREET NW

SUNWOOD DRIVE NW

WILLEMITE STREET NW

COST BREAKDOWN	
RAMSEY PARKWAY A1	$950,000
RAMSEY PARKWAY A2	$1,649,000
ZEOLITE STREET	$819,000
CENTER STREET	$640,000
	$4,058,000

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SCALE FEET

LEGEND

- THE COR PROPOSED ROADWAY IMPROVEMENTS
- CONCRETE WALK
- CONCRETE PAVEMENT, MEDIAN, CURB & GUTTER
- PROPOSED REGIONAL STORMWATER POND & DRAINAGE
- BIOFILTRATION MEDIAN
- TURF / LANDSCAPING

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POLICY FOR THE REIMBURSEMENT OF CITY FUNDS WITH LAND PROCEEDS AND TAX INCREMENT FOR TIF AREA #14 (COR)

SECTION I: PURPOSE

- To reimburse city for initial land purchase of the COR area in 2009
- To reimburse city for two internal loans that were established to purchase land – Water Fund and Sewer Fund. Initial principal of each loan was $2,334,394 with a 2% interest rate
- To reimburse city for all other expenses incurred in the COR area: Public Improvements, Parking Ramp, Transit Station, Roads (Including Armstrong Interchange and County Road #116), Administration and Marketing

SECTION II: POLICY STATEMENT

It is the intent of the City of Ramsey to recoup all of the city funds that have been expended to purchase and develop the COR area. The city will use land proceeds from the COR area and future tax increment from Tax Increment District No. 14 to pay itself back.

SECTION III: PROCESS

- **Distribution of Land Proceeds. The following will be administered sequentially as proceeds are received:**

    1. When land proceeds are received from the sale of lots in the COR area, the proceeds will first be applied against the reduction of the outstanding internal loans of the water and sewer funds and their respective interest rates.

    2. After the Water and Sewer loans have been paid in full, land proceeds generated in the COR area will next be applied

against park obligations as park improvements are non-TIF eligible. Park Trust Fund will be the benefitting fund.

3. After steps 1 and 2 above have been paid in full, additional land proceeds generated will pay back the city HRA (other designated City Fund if HRA dissolved) for any expended funds related to non-TIF eligible items such as administrative expenses and marketing.

4. After steps 1, 2 and 3 above have been paid in full, additional land proceeds will be distributed to the respective city funds per percentages outlined below:

City Funds Expensed:		Percentage of Total costs
COR Revolving-Future Armstrong & CR #116	$ 10,000,000	29.44%
EDA	$ 600,000	1.77%
Equipment Revolving Fund	$ 1,132,686	3.33%
Landfill Trust Fund	$ 256,638	0.76%
MSA	$ 8,498,931	25.02%
Public Improvement Revolving (PIR)	$ 1,031,579	3.04%
Stormwater Management	$ 200,000	0.59%
Stormwater Utility	$ 381,882	1.12%
Street Light Utility	$ 112,000	0.33%
TIF 1	$ 2,183,728	6.43%
TIF 2	$ 6,921,287	20.37%
TIF 4	$ 2,255,015	6.64%
Water Fund	$ 396,146	1.17%
Total	$ 33,969,892	100.00%

- **Distribution of Tax Increment Funds. The following will be administered sequentially as funds are received:**

    1. When Tax Increment Funds are received from the County, any increment remaining after the payment of obligated debt will repay the city funds per percentages outlined below:

City Funds Expensed:		Percentage of Total costs
COR Revolving-Future Armstrong & CR #116	$ 10,000,000	29.44%
EDA	$ 600,000	1.77%
Equipment Revolving Fund	$ 1,132,686	3.33%
Landfill Trust Fund	$ 256,638	0.76%
MSA	$ 8,498,931	25.02%
Public Improvement Revolving (PIR)	$ 1,031,579	3.04%
Stormwater Management	$ 200,000	0.59%
Stormwater Utility	$ 381,882	1.12%
Street Light Utility	$ 112,000	0.33%
TIF 1	$ 2,183,728	6.43%
TIF 2	$ 6,921,287	20.37%
TIF 4	$ 2,255,015	6.64%
Water Fund	$ 396,146	1.17%
Total	$ 33,969,892	100.00%

CC Work Session

Meeting Date: 12/12/2023

Primary Strategic Plan Initiative: Not Applicable

Information

Title:

Continue Discussions Regarding Proposed Updates to the Personnel Policy

Purpose/Background:

As discussed at the November 28, 2023 work session, the purpose of this case is to provide the City Council with information on proposed updates to the Personnel Policy and to seek feedback regarding any revisions the City Council would like to see included in the updated policy. Many new policies were added from the League of Minnesota Cities sample policy. In the case where a policy is similar to an existing City policy, both are shown. Staff will discuss each scenario as needed.

Background:
The current Personnel Policy was adopted on March 13, 2018. Staff anticipates this discussion to be extensive, requiring more work sessions followed by formal adoption. Time-sensitive updates will be adopted this evening on the consent agenda. If needed, revisions can be made and the policies can be ratified at the first meeting in January.

For purposes of tonight's meeting, staff will cover the following content:

- Section 1 - Introduction, in its entirety, which will be adopted upon final review of all sections of the personnel policy.
- Section 2 - Definitions, its entirety, which will be adopted upon final review of all sections of the personnel policy.
- Section 6 - Sick Leave
    - Revisions specific to the sick leave policy, now referred to as Traditional Sick Leave and Earned Sick and Safe Time (ESST).
        - This portion of the policy, now referred to as Traditional Sick Leave, is not changing (other than formatting).
        - Revisions are focused on setting policy for the new ESST, which is required beginning January 1, 2024.
            - This policy, which is included in this evening's consent agenda for adoption, can be updated and ratified if needed in January.
- Section 6 - Holidays
    - Addition of Juneteenth as required by law
    - Change to when Christmas Eve is observed
        - This policy, (Juneteenth and Christmas Eve) which is included in this evening's consent agenda for adoption, can be updated and ratified if needed in January.
- Section 12 - Drug Free Workplace Policy
    - This policy, which is included in this evening's consent agenda for adoption, can be updated and ratified if needed in January.

Staff recommends that any Personnel Policy content that is also included in the City's current union contracts, such as holidays, sick leave accruals, or vacation accrual schedules, does not differ from the union contracts.

Attached: Applicable sections of the Personnel Policy.

Timeframe:

Approximately 45 minutes

Funding Source:

Not applicable.

Responsible Party(ies):

Colleen Lasher, Administrative Services Director
Brian Hagen, City Administrator

Outcome:

To progress toward an updated Personnel Policy, including the following higher priority policies for adoption this evening. Note, if needed, revisions can be made and the policies can be ratified at the first meeting in January.

- Section 6 - Sick Leave
  - Revisions specific to the sick leave policy, now referred to as Traditional Sick Leave and Earned Sick and Safe Time (ESST).
- Section 6 - Holidays
  - Addition of Juneteenth as required by law
  - Change to when Christmas Eve is observed
- Section 12 - Drug Free Workplace Policy

Attachments

Introduction

Definitions

Sick Leave

Holidays

Drug Free Work Place

Form Review

Inbox	Reviewed By	Date
Colleen Lasher	Colleen Lasher	12/07/2023 03:45 PM
Brian Hagen	Kathy Schmitz	12/07/2023 03:47 PM
Form Started By: Kathy Schmitz		Started On: 12/07/2023 02:11 PM
Final Approval Date: 12/07/2023		

SECTION 1 INTRODUCTION

1.1 ~~How to use this Personnel Policy~~ Purpose

~~This~~ The purpose of this personnel policy is provided as a reference and as a summary of the city of Ramsey's personnel policies, work rules, and benefits. – It replaces, revokes, and supersedes any previous personnel policies, interpretations, or practices, and is only valid until amended or replaced by the City Council. Accordingly, you will find it to your advantage to read the entire personnel policy promptly so that you will have a complete understanding of the material covered.

The purpose of this personnel policy is to provide for a safe, orderly, and disciplined employment environment. This policy will promote knowledge of what is expected of personnel generally, which should result in a greater degree of self-assurance in all positions. In relationships between positions it should be each City employee's individual aim to build mutual respect and confidence which is essential to local government service.

Any local, state, or federal laws that impose stricter requirements or regulations shall be used in lieu of policies or procedures outlined in this personnel policy, whenever they apply.

Additional information or clarification as to each section of this personnel policy may be obtained from your supervisor, Department Head or the ~~Human Resources Manager~~Administrative Services Director. The text of this policy, however takes precedence over and controls any inconsistent communication from any City employee or elected official.

This personnel policy summarizes the various policies and benefits currently provided by the city of Ramsey. Nothing contained in this personnel policy or in any other City document, and nothing said or done by a City employee, may be construed as an employment contract between the City and an employee, a guarantee of continued employment, or terms and conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment.

The City reserves the right to modify, revoke, suspend, or change this personnel policy, in whole or in part, at any time, with or without notice, at the City Council's sole discretion.

1.2 Scope of Policy

Section 1.02 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, except as specifically noted for paid-on-call firefighters.

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

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

This personnel policy generally applies to all City employees, including probationary employees, and elected officials.

Certain provisions of this policy may be inapplicable to the following individuals:

1) Elected officials~~;~~
2) ~~Appointed personnel; i.e.~~ City Attorney~~;~~
3) Members of City boards, commissions, and committees~~;~~
~~3)~~4) Consultants and Contractors
~~4)~~5) Volunteers, except as specifically noted for p~~P~~aid-on-call Firefighters ~~and volunteer personnel;~~
~~5)~~6) Emergency employees who are employed for emergency work caused by natural disaster~~;~~
~~6)~~7) Temporary full-time and temporary part-time employees and those working less than 14 hours per week~~.~~

~~Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act shall be exempt from any provision of this policy that is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota state law is exempt from any provision of this policy that is inconsistent with such statute or rules and regulations adopted hereunder. Nothing in this Section is intended to modify or supersede any provision of the Minnesota Veterans' Preference Act.~~

1.3 Employee Responsibility

It is the individual employee's responsibility to know and understand thoroughly the policies and subjects covered in this personnel policy. Updated material may be added periodically. Each employee is responsible for going over any new material added. Any questions about the material covered in this policy can be answered by the employee's S~~s~~upervisor, Department Head or Human Resources.

1.4 Data Practices Advisory:

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

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

~~In accordance with the Minnesota Government Data Practices Act, the City is required to inform employees of their rights as they pertain to any private information that the City collects from them. During the course of City employment, an employee will likely be asked to provide information which is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data. Much of the data the City has about individual employees, however, is classified as public according to Minnesota Statutes, section 13.43, subdivisions 2 and 3. All public data is available for inspection and copying by members of the public, with or without the employee's consent.~~

~~Information about employees requested by the City may be used for the following purposes: (1) process payroll, including accounting for wages and fringe benefits and to justify any reimbursed expenses; (2) enroll in benefit programs and pension plans (3) evaluate the employee's job performance, eligibility and abilities; (4) distinguish the employee from other applicants and employees and identify the employee in the correct personnel file; (5) determine the employee's eligibility for employment or promotion, and make employment decisions about the employee's performance; (6) contact the employee or other significant persons in case of an emergency; (7) compile equal opportunity and affirmative action reports; (8) make decisions regarding the employee's eligibility for sick leave, family and medical leave, parenting leave, and other available leave; (9) make decisions regarding the employee's eligibility for workplace accommodations, including accommodations for disabilities; (10) comply with workers compensation requirements in the event of an injury; and (11) provide information during workplace investigations. Such information may also be used and disclosed for other purposes consistent with applicable law. The information provided by the employee may be used in performance evaluations, determinations regarding merit pay, applications for different employment positions, and other matters which involve a review of the employee's personnel file and past performance.~~

~~Unless the employee is told otherwise, the employee is required to provide this information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding. Even if the employee is not required to provide information, it is generally to the employee's best interest to provide it. Without the requested information, the City may not be able to determine the employee's eligibility for employment opportunities, compute wages, or grant the employee other benefits. The employee's refusal to provide information during an employment investigation may also necessitate that the investigation be completed without his or her input.~~

~~Federal law permits government agencies to require individuals to provide their social security number for the administration of any tax. Please be aware that when an employee is asked to give his or her social security number on revenue forms, this collection is mandated by law. This information will be shared with the Minnesota Department of Revenue, the Internal Revenue Services, and security tax programs. In most other cases, the disclosure of an employee's social security number is voluntary.~~

~~Any information an employee is asked to provide may be shared with individuals within the City whose job duties reasonably require access, as well as individuals outside of the city whose duties require access, such as insurance vendors, consultants, attorneys, and retirement plan employees. Information may also be shared with other agencies authorized by law to receive specific data.~~

~~If litigation arises, the information may be provided in documents filed with the court which are available to any member of the public. If it is reasonably necessary to discuss the information at a City Council meeting, it will be available to members of the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information is available to any member of the public.~~

1.5 Equal Employment Opportunity Statement

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

~~This is to affirm the city of Ramsey's policy of providing Equal Opportunity to all employees and applicants for employment and complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof. This policy extends to all applicants and employees and to all aspects of the employment relationship, including, but not limited to, recruiting, hiring, promotion, transfer, discipline, and compensation.~~

~~The city of Ramsey is an Equal Opportunity Employer. The City provides equal employment and advancement opportunity on the basis of merit within the context of its unique business environment and without regard to race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by state or federal law.~~

~~The city of Ramsey will take affirmative action to ensure that all employment practices are free of discrimination. Such employment practices include, but are not limited to the following; hiring,~~

~~upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.~~

Personal Communications and Use of Social Media

It is important for city employees to remember the personal communications of employees may reflect on the city, especially if employees are commenting on city business or commenting on issues that implicate their city employment. As city representatives, employees share in the responsibility of earning and preserving the public's trust in the city. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all city staff will carry out city functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times. The following guidelines apply to personal communications, including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- Do not share any private or confidential information you have access to as a result of your city position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the city's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any city department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The City can act on the personal communication that violates this policy without waiting for the actual disruption.
- Remember what you write or post cannot easily be undone. It may also be spread to a larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible online, even if it is done after hours, from home and on home computers.
- The city expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race (including traits associated with race, including, but not limited to, hair texture and hairstyles such as braids, locs and twists) national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local human rights commission.
- If you publish something related to city business and there is liable to be confusion whether you are speaking on behalf of the city, it would be best to identify yourself and use a disclaimer such as, "These are my own opinions and do not represent those of the city of Ramsey.

- Individuals must not use City-owned or operated equipment to post to personal sites, including social networking sites, except during break times or before/after work.
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though they may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the city (e.g., (city name) Cop).

Section Media Requests

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

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

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

1. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the city administrator of the request.

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

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

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

- Identify themselves as representing the city. Account names on social media sites must be clearly connected to the city and approved by the city administrator.

- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: "The city finished street cleaning on 16 streets in the northwest corner of the city this past week" instead of "The city is doing a great job with street cleaning this year!" Corrections must be issued when needed.
- Generally, not include personal opinions in official city statements. One exception is communications related to promoting a city service. For example, an employee could post the following on the city's Facebook page: "My family visited Hill Park this weekend and really enjoyed the new band shelter."
  Employees who have been approved to use social media sites on behalf of the city should seek assistance from the city administrator on this topic.
- Notify the city administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for city business. Employees should be aware data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

1.6 Unlawful Acts

No person shall knowingly make any false statement, certificate, mark, rating, or report in regard to any test, certificate, or appointment held or made under the City personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this policy.

No person seeking employment to or promotion in the City service shall either directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person, or on account of or in connection with the employee's test, appointment, or promotion, or proposed appointment or promotion.

No person shall be employed, promoted, demoted, or terminated by the City or in any way favored or discriminated against because of, race, creed, color, national origin, religion, sex, sexual orientation, marital status, familial status, age, status with regard to public assistance or disability, other characteristics protected by state or federal law, or because of actions taken with regards to the rights under provisions of the Public Employment Labor Relations Act. No person who is over 18 years of age shall be discriminated against with reference to City employment in any way forbidden by federal and state law.

1.7 Exceptions

No exception to any provision of this personnel policy may be made except by the City Administrator, the City Administrator's designee as noted in specific sections of this policy, or the City Council as required under the City's Charter. Such exceptions shall be made only on a case by case basis and only after the City Administrator or the City Council has adopted sufficient findings of fact showing the justification for the exception.

SECTION 2 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 pro-rated portion of some City provided benefits. Such employees must be year-round employees who work at least 20 hours per week on a regular basis.

Casual Employee – Temporary employees who periodically work "special projects" for the City including, but may not be limited to ~~such as the Pet Clinic~~, Elections, ~~and~~ Happy Days, ~~. This classification includes, but may not be limited to,~~ Rink Attendants, Snow Plow Drivers, and other employees working less than 14 hours per week.

Core Hours

The core hours for all employees (exempt and non-exempt) are expected to work are 8 a.m. to 4:30 p.m., Monday through Friday. Police, fire, and public works employees do not have core hours and work the schedules established by their supervisors.

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.

Department Head - Employees that are responsible for the efficient administration of their respective departments including substantial supervisory control of a permanent nature over other municipal employees. Department Heads shall initiate, with the approval of the City Administrator, whatever practices, functions, programs and procedures that are necessary to fulfill that responsibility. All Department Heads will report directly to the City Administrator. The City Administrator shall serve as the Department Head for the Administrative Services Department.

Direct Deposit -As permitted by state law, all City employees are required to participate in direct deposit.

Division Heads – Employees that are responsible for the efficient administration of their respective divisions, including substantial supervisory control of a permanent nature over other municipal employees. Division Heads shall initiate, with the approval of their Department Head, whatever practices, functions, programs and procedures that are necessary to fulfill that responsibility.

Eligible Sick Leave Severance Pay - Eligible sick leave severance shall include a combined total of both traditional sick leave and earned sick and safe time. It ~~be~~shall be defined as a lump sum payment upon termination of employment based on thirty-three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said

employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. If applicable, sick leave severance pay is subject to the rules of the non-union post-employment healthcare savings plan. In order to obtain eligible sick leave severance pay, an employee must leave City employment in "good standing," as provided in Policy 3.13.

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

Exempt Employee – Any employee excluded from overtime and compensatory time off provisions of the Minnesota and federal Fair Labor Standards Act ("FLSA").

FICA (Federal Insurance Contributions Act) - FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribute a percentage for Social Security and for Medicare. The City contributes a matching percentage on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

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

Full-time Employee - Employees who are required to work forty (40) or more hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended.

Hours of Operation - City Hall's hours of operation are Monday through Friday, from 8:00 a.m. to 4:30 p.m.

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

Part-time Employee - Employees who are required to work less than forty (40) hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended.

Pay Period

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

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

Probationary Period

A six or twelve-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) unless covered by a collective bargaining agreement stating a different time frame. An employee serving the initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights. Time served in temporary, seasonal, volunteer or interim positions are not considered part of the probationary period. If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked, and the probationary period will be extended by the length of time taken.

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

Seasonal Employee

Employees who work only part of the year to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Except as required by law, seasonal employees do not earn benefits or credit for seniority. In order to comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended or, in some rare instances, may be offered health insurance to comply with federal health care reform laws and regulations while avoiding associated penalties.

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.

Supervisor – Any person having authority in the interests of the employer to perform or effectively recommend a majority of the following actions: hires, transfer, suspensions, promotions, discharges, discipline, reward, assignments and work direction, adjustment of grievances and performance evaluations.

~~**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.~~

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. Except as required by law, temporary employees do not earn benefits or credit for seniority. In order to comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended or, in some rare instances, may be offered health insurance.

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

Weapons

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

Work Week - The regular work week for City employees is forty hours, in addition to a lunch period, Monday through Friday, except as otherwise established by the City Administrator or designee in accordance with needs of the department. For payroll purposes, a workweek is seven consecutive 24-hour periods running from Saturday through the following Friday.

6.2 *Traditional* Sick Leave *and Earned Sick and Safe Time (ESST)*

Traditional sick leave shall include and may be authorized when the employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Traditional sick leave may also be authorized, when the employee's presence is necessary, for actual illness, injury, legal quarantine, or medical treatment for serious illness in the employee's immediate family. Immediate family, for the purposes of this policy, shall be defined as spouse, parent, step-parent, children, step-children, brother, sister, grandparents, grandchildren or a like member of employee's spouse's family. Traditional sick may be used as listed above and does not include the expanded ESST uses and expanded ESST family members as it may differ from ESST. It may benefit employees to first draw upon the traditional sick leave accrual so long as the reason for using sick leave meets the traditional sick leave criteria and save their ESST time for situations that require the expanded uses allowed under ESST.

To be eligible for traditional sick leave with pay, an employee shall:

(1) report as soon as possible to the EMPLOYEE'S department head the need for sick leave and whether the sick leave is for the employee, employee's child, adult child, spouse, sibling, parent, grandparent or stepparent;

(2) keep the employee's department head informed of the need for continued sick leave if the absence is of more than three (3) days duration;

(3) submit a medical certificate for any absence if required by the City Administrator;

(4) provide the employer with sufficient information needed in order to comply with the Family and Medical Leave Act.

Earned sick and safe time (ESST) eligible uses shall include: 1. the employees mental or physical illness, treatment or preventive care; 2. a family member's mental or physical illness, treatment or preventive care; 3. absence due to domestic abuse, sexual assault or stalking of the employee or a family member; 4. closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and 5. when determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease.

Earned sick and safe time eligible family members shall include:1. Employee's child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent); 2. their spouse or registered domestic partner; 3. their sibling, stepsibling or foster sibling; 4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child; 5. their grandchild, foster grandchild or step-grandchild; 6. their grandparent or step-grandparent; 7. a child of a sibling of the employee; 8. a sibling of the parents of the employee; 9. a child-in-law or sibling-in-law; 10. any of the family members (1 through 9 above) of an employee's spouse or registered domestic partner; 11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and 12. up to one individual annually designated by the employee.

To be eligible for earned sick and safe time, an employee shall provide notice of ESST use and documentation as follows:

1) If the need for use of ESST is foreseeable, the employer requires employees' to provide seven (7) days' notice.
2) If the need for use of ESST is not foreseeable, employees' must provide notice as soon as practicable.

Employees shall provide notice of the intent to use ESST to their supervisor's via the supervisor's stated expectations, such as, notifying a supervisor via email, telephone, or text message.

If an employee uses ESST for more than three (3) consecutive days, the employer may require employees to provide reasonable documentation demonstrating the ESST use is covered by one of the qualifying reasons, such as:

1) a signed statement by a health care professional
2) a court record
3) a signed document from a victim services organization,
4) a written statement from the employee indicating the employee is using or used ESST for a qualifying purpose
5) The Employer will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

ESST shall be administered per Minnesota Law, §§181.9445–181.9448 by means of the Accrual and Carryover method.

Using or claiming traditional sick leave or ESST for a purpose not authorized by this policy may be cause for disciplinary action.

~~Sick leave may be authorized when an employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave may also be authorized when the employee's presence is necessary, due to an illness of or injury to the employee's child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent or for any purpose authorized by law, including, but not limited to, Minnesota Statutes, section 181.9413 (as amended). For additional information as to when sick leave may be utilized, employees should contact Human Resources~~

~~To be eligible for sick leave with pay, an employee shall:~~

~~a. Report as soon as possible to the employee's immediate supervisor the need to be absent and identify if the absence is due to the employee's illness or the employee's immediate family, as listed above;~~
~~b. Keep the employee's immediate supervisor informed of such employee's need for continued absence;~~

~~c. For any absence that exceeds three days, upon request by the City Administrator, submit a medical certificate before the employee will be allowed to return to work.~~

~~Using or claiming sick leave for a purpose not authorized may be cause for disciplinary action. For the purpose of accumulating additional sick leave, an employee using earned vacation leave, sick leave, compensatory time off, or paid holidays is considered to be working. At the discretion of the Department Head, an employee may use accrued sick leave during the probationary period. After the end of the probationary period, an employee is entitled to use sick leave accrued from the start of the probationary period.~~

Sick Leave Accrual, Conversion and Carryover

Every probationary and regular employee is entitled to accrue a combined total of traditional sick leave and earned sick and safe time (ESST) with pay at a rate of eight (8) hours for each calendar month of full-time service or major fraction thereof. The employer may compute sick leave on an hourly basis equivalent to 96 hours per 2080 hours of compensated time, exclusive of overtime.

Traditional sick leave and ESST may be accrued to a maximum combined total of 960 hours at a rate of eight (8) hours for each calendar month of full-time service or major fraction thereof. Combined unused sick leave and unused ESST in excess of 960 hours at the end of a calendar year (January 1st) shall be converted to vacation at a rate of one-hour vacation for each two-hours of sick leave in excess of 960. Employees subject to the non-union post-employment healthcare savings plan under section 4.8 of this policy shall contribute all unused sick leave hours in excess of 960 hours, at a rate of one hour for every two hours of sick leave to the post-employment healthcare savings plan.

ESST shall be a subset of traditional sick time. It shall be accrued at a rate of one hour of paid leave for every 30 hours worked to a maximum of 48 hours per year. The remaining accrual, shall be applied to the traditional sick leave bank.

Employees are eligible for carry over of accrued unused ESST into the following year, but the total of ESST carry over hours shall not exceed 80 hours.

For the purpose of accumulating additional traditional sick leave and ESST, an employee using earned vacation leave, paid holidays or sick leave is considered to be working.

Regular part-time employees shall be entitled to combined traditional sick leave and earned sick and safe time computed by converting their part-time employment to equivalent adjusted full-time service.

~~Every probationary and regular employee is entitled to earn sick leave with pay at the rate of 1 day (based on an 8-hour day) for each calendar month of full-time service or major fraction thereof. Sick leave may be accrued to 120 days (960 hours); unused sick leave in excess of 120 days (960 hours) at the end of a calendar year (December 31st) shall be converted to vacation at a rate of one hour of vacation for each two hours of sick leave, subject to the maximum amount of accrued vacation leave provided in this policy. All hours in excess of 960, as defined in section 4.8 non-union post-employment healthcare savings plan, will be applied per the applicable agreement.~~

~~Regular part-time employees are eligible to earn sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Sick leave will count toward total budgeted work hours for the year.~~

6.3 Holidays

The city of Ramsey recognizes thirteen (13) ~~twelve (12)~~ holidays for non-union employees. Regular employees are eligible for holiday pay provided they work the day preceding, and the day following, the holiday, (unless the day(s) off were previously approved by the supervisor). Regular employees who are scheduled to work the holiday will be given another day off with pay. Paid holidays include:

1.	New Year's Day	January 1st
2.	Martin L King Day	3rd Monday in January
3.	President's Day	3rd Monday in February
4.	Memorial Day	Last Monday in May
5.	Juneteenth	June 19th
6~~5~~.	Independence Day	July 4th
7~~6~~.	Labor Day	1st Monday in September
8~~7~~.	Veteran's Day	November 11th
9~~8~~.	Thanksgiving Day	4th Thursday in November
10~~9~~.	Friday after Thanksgiving Day	(Non-union, AFSCME and LELS Captains only)
11~~10~~.	Christmas Eve	December 24th
12~~11~~.	Christmas Day	December 25th
13~~12~~.	*Eight Hour Floating Holiday	To be used Jan. 1 to Dec. 31

All employees in full-time regular positions are entitled to time off with full pay on holidays. The City shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of their duties or other conditions requires them to do so.

Regular part-time employees are eligible to earn paid holidays in proportion to that earned by regular full-time employees based on work hours budgeted on January 1. Paid holidays will count toward total budgeted work hours for the year.

If an approved holiday falls on a day a part-time employee is not scheduled to work, the employee must take the paid holiday leave during the same pay period in which the holiday occurred.

Employees may be required to work on paid holidays when the nature of their duties or other conditions require them to do so. A non-exempt, non-union employee required to work on a holiday shall receive their full pay for the holiday, as well as a minimum of 2-hours pay at a rate of 1-1/2 times the employee's base hourly pay rate for the time worked on such holiday. All holidays specified will be paid in dollars or as earned compensatory time off.

When New Year's Day, Independence Day, Veteran's Day, ~~Christmas Eve~~ or Christmas Day falls on Sunday, the following Monday is considered the paid holiday and if any such day falls on Saturday, the preceding Friday is considered the paid holiday. When Christmas Eve falls on Sunday, the preceding Friday is considered the paid holiday. Each holiday commences at the beginning of the first shift on the day on which the holiday occurs and continues for 24 hours thereafter. Eligible employees shall receive pay for official holidays at their normal rate of pay if they are at work or on a leave of absence with pay the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday.

New employees hired after December 1st are not eligible for the floating holiday during the calendar year in which they were hired. Floating holidays may not be carried over.

*~~:~~ Upon separation from the City, if an employee has not used their Floating Holiday, it will be forfeited.

SECTION 12 Drug Free Workplace Policy

DRUG FREE WORKPLACE

In accordance with federal law, the city of Ramsey 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 drugs 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 days after the conviction as required by the Drug-Free Workplace Act of 1988.

~~12.1 Drug Free Workplace Policy Statement~~

Drug, Alcohol and Cannabis Testing and the Drug-Free Workplace Act

Policy for Non-Commercial Drivers (Non-DOT)

Purpose and Objectives

The city of Ramsey ("city") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The city of Ramsey does not intend to intrude into the private lives of its employees, but strongly believes that a drug, alcohol and cannabis-free workplace is in the best interest of employees and the public alike. Alcohol, drug, and cannabis abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The city of Ramsey 's Drug, Alcohol and Cannabis Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver's license by the United States Department of Transportation ("DOT") for their job will be tested under the city's Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the "DOT Policy"). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the "policy acknowledgement." A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

Persons Subject to Testing and Circumstances Under Which Testing May Be Required

Under this policy, the city may test any applicant to whom an offer of employment has been made and may test employees for alcohol and/or drugs, including cannabis, under the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1.

(1) Pre-Employment Testing:

Every job applicant offered employment with the city receives the offer conditioned upon successful completion of drug test, and/or an alcohol or cannabis test, if applicable, among other conditions. The city will not request or require a job applicant to undergo cannabis testing related to "lawful consumable products" pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except with respect to the categories of positions listed below in the definition of "Drug" or if otherwise required by state or federal law. If the job offer is withdrawn based drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the drug or other applicable test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant's provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant.

Temporary and seasonal employees are not subject to this policy except for those designated by the hiring department as safety-sensitive positions.

(2) Reasonable Suspicion Testing:

Consistent with Minn. Stat. § 181.951, subd. 5, employees will be subject to alcohol and/or drug testing, including cannabis testing, when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol, drugs or cannabis; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs, alcohol, or cannabis, while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, drugs or cannabis or

containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol, drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all city employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify the Administrative Services Director or their designee in Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

(3) Treatment Program Testing:

In accordance with Minn. Stat. § 181.951, subd. 6, the city may request or require an employee to undergo drug, alcohol or cannabis testing, if the employee has been referred by the city for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan. In such a case, the employee may be requested or required to undergo drug or alcohol testing, including cannabis testing, without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

(4) Routine Physical Examination Testing:

The city may request or require an employee to undergo drug and/or alcohol testing—but not cannabis testing, except for the categories of positions listed above for which cannabis is considered a drug or unless otherwise required by state of federal law–as part of a routine physical examination. The city, in accordance with Minn. Stat. § 181.951, subd. 3, will request or require this type of testing no more than once annually, and the employee will be provided with at least two weeks' written notice that the test will be required as part of the physical examination.

(5) Random Testing:

In accordance with Minn. Stat. § 181.951, subd. 4, the city may require an employee to submit to random drug, alcohol, and cannabis testing, if the employee is in a safety-sensitive position.

Right of Refusal:

Employees and job applicants have the right to refuse to submit to an alcohol, drug, or cannabis test under this policy. However, such a refusal will subject an employee to immediate termination.

If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug alcohol or cannabis test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds:
An employee or job applicant who, on religious grounds, refuses to undergo drug and/or alcohol testing, including cannabis testing, of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug, alcohol, or cannabis testing of a urine sample.

Cost of Required Testing:
The city will pay for the cost of all drug, alcohol or cannabis testing, requested or required of all job applicants and employees, except for confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

Prohibition against Drugs and Alcohol

Use and Possession of Alcohol or Drug(s):
Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia, while on duty; while on city premises; while operating any city vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the city or while "on call" and subject to return to work.
Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug, alcohol and cannabis testing policy.

Employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired by Alcohol, Drugs or Cannabis:
Employees are prohibited from being under the influence of alcohol or drugs, including cannabis, or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty; whole should be while on the city's premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter drug used as intended by the manufacturer.

Driving While Impaired:
A conviction of driving while impaired in a city-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Drug Convictions:
Any employee convicted of any criminal drug statute must notify his or her supervisor and the Administrative Services Director or their designee in Human Resource in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a drug-related conviction, the city will take appropriate personnel action against the employee up to and including discharge or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the city is receiving federal grants or contracts of over $25,000, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Drugs:
Employees taking a lawful drug, including prescription and over-the-counter drugs or cannabis, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

Review and Notification of Test Results

Notification of Negative Test Results:
In the case of job applicants and in accordance with Minn. Stat. § 181.953, Human Resources will notify a job applicant of a negative drug result within three days of receipt of result by the

city, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result. A "Negative Test Results Notification" form will be sent to the job applicant, and the job applicant may request a copy of the test result report from Human Resources. In the case of current employees and in accordance with Minn. Stat. § 181.953, Human Resources will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the city. A "Negative Test Results Notification" form will be sent to the employee, and he or she may request a copy of the test result report from Human Resources.

Notification of Positive Test Results:
In the event of a confirmed positive blood or urine alcohol drug, or cannabis test result, the city will notify the employee of a positive result within three days of receipt of the result. Human Resources will send to the employee or job applicant a "Positive Test Results Notification" letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result.

Right to Provide Information after Receiving Test Results:
Within three working days after notice of a positive drug, alcohol, or cannabis test result on a confirmatory test, the employee or job applicant may submit information to the city to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, (such as medications the employee is taking), the city will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.

Right to Confirmatory Retest:
A job applicant or employee may request a confirmatory retest of the original sample at the job applicant's or employee's own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the city in writing of the job applicant's or employee's intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the city will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory retest will use the same drug and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the city's job offer will be reinstated, and the city will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any

lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the city will reimburse the employee for the actual cost of the confirmatory retest.

Access to Reports:
In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens:
A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

Consequences for Employees Engaging in Prohibited Conduct

Job Applicants:
The city's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees:

- No Adverse Action without Confirmatory Test. The city will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result. The city may temporarily suspend a tested employee with or without pay or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the city believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public.
  The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

Discipline and Discharge:

Confirmatory Positive Test Result:
The city will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The city has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the city after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment

of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and

- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

Other Misconduct:
Nothing in this policy limits the right of the city to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other city personnel policies.

Emergency Call Back to Work Provisions:
If an employee is called out for a city emergency and he or she reports to work and is suspected of being under the influence of drugs, alcohol, or cannabis he or she will not be subject to the testing procedures of this policy but will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol, drugs or cannabis and who is called out for a city emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

Non-Discrimination

The city of Ramsey policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., ch. 363, disability does not include conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property of the safety of individuals.

Furthermore, the city will not retaliate against any employee for asserting his or her rights under this policy.

City's Employee Assistance Program

The city has in place a formal employee assistance program (EAP) to assist employees in addressing serious personal or work-related problems at any time. The city's EAP provides confidential, cost-free, short-term counseling to employees and their families. Employees who may have an alcohol, cannabis, or other drug abuse problem are encouraged to seek assistance before a problem affects their employment status. Employee assistance program services are available by contacting your health insurance company or as listed on the City's employee intranet site.

Policy Contact for Additional Information
If you have any questions about this policy or the city's drug, alcohol and cannabis testing procedures, you may contact the Administrative Services Director or designee to obtain additional information.

By this policy, the city of Ramsey has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each city employee will receive a copy of this policy and will be required to read it.

Definitions

Alcohol: Means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

Alcohol use or usage: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant: Means a person applying for a job with the city.

Cannabis: Means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

Cannabis testing: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of cannabis in the sample tested.

City: Means the city of Ramsey.

City premises: Means, but is not limited to, all city job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the city.

City vehicle: Means any vehicle which employees are authorized to use solely for city business when used at any time; or any vehicle owned or leased by the city when used for city business.

Collection site: Means a place designated by the city where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of drugs and alcohol.

Confirmatory test: Means a drug, alcohol or cannabis test on a sample to substantiate the results of a prior drug, alcohol test or cannabis on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Drug: Includes any "controlled substance" as defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a "controlled substance" as defined in Minn. Stat. § 152.01, subd. 4. Cannabis and its metabolites are considered a "drug" for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving

treatment, examination or emergency care for a medical, psychiatric or mental condition; positions requiring a commercial driver's license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

Drug and/or alcohol testing, and drug and/or alcohol test: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

Drug paraphernalia: Has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

Employee: Means a person who performs services for compensation for the city and includes independent contractors except where specifically noted in this policy.

Initial screening test: Means a drug, alcohol, or cannabis test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Job applicant: Means a person who applies to become an employee of the city and includes a person who has received a job offer made contingent on the person passing drug testing.

Positive test result: Means a finding of the presence of alcohol, drugs, cannabis or their metabolites that exceeds the cutoff levels established by the city. Minimum threshold detection levels are subject to change as determined in the city's sole discretion.

Random selection basis: Means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

Reasonable suspicion: Means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-sensitive position: Means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, and/or cannabis usage would threaten the health or safety of any person.

Under the influence: Means (1) the employee tests positive for alcohol drugs, or cannabis or (2) the employee's actions, appearance, speech, and/or bodily odors reasonably cause the city to conclude that the employee is impaired because of illegal drug use or alcohol use.

Drug, Alcohol and Cannabis Testing for Commercial Drivers Policy

Purpose and Objectives

The City of Ramsey ("City") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation ("DOT"), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver's license (CDL) to perform their duties.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the "Certificate of Receipt" portion.

Because changes in applicable law and the City's practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

Persons Subject to Testing & Types of Tests

All employees are subject to testing who job duties include performing "safety-sensitive duties" on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or

3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disable commercial motor vehicle.
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- The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

- **Pre-Employment Testing.**
- All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer ("MRO") indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.
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- An applicant must provide consent to the city, and successfully pass a full query of the Federal Motor Carrier Safety Administration's Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

- **Post-Accident Testing.**

- As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:
- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffics violation from the accident and a vehicle is required to be towed from the accident scene.
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- The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the City
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

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A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

- **Post – Accident Controlled Substance Testing**

Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

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- **Post- Accident Alcohol Testing**

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

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The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.
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Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

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- **Random Testing.**

Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

Federal law requires the City to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

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- **Reasonable Suspicion Testing.**

When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered and will cease attempts to conduct the alcohol test.

- Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

- **Return-to-Duty Testing.**

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

- **Follow-Up Testing.**

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60)

months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

- **Cost of Required Testing.**

The City will pay for the cost of pre-employment, post-accident, random, and reasonable substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

- **Prohibited Conduct**
- The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

- **Under the influence of alcohol when reporting for duty or while on duty.**

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on vacation leave or compensatory time off leave for hours missed from work.

- **On-Duty Use of Alcohol.**

No driver may use alcohol while performing safety-sensitive functions.

- **Pre-Duty Use of Alcohol.**

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

- **Alcohol Use Following an Accident.**

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

- **Refusal to Submit to a Required Alcohol or Controlled Substance Test.**

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from

performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to an including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.
-
- **Altering or attempting to alter a urine sample or breath test.**

A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

- **Controlled Substance Use.**

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.* Employees are

still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

- **Controlled Substance Testing.**

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

- In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the City also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the City's policy for non-DOT related drug and alcohol policy.

- **Collection and Testing Procedures**

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

- **Alcohol Testing.**

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

- **Controlled Substance Testing.**

The City will use a "split urine specimen" collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver's privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or "primary," and B, or "split") with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a "confirmatory retest" will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

- **Review of Test Results**

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO's supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual's medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the

employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.

- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second "B" container) tested at the driver's expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee's failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

• Notification of Test Results

• Employees.

The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

• Right to Confirmatory Retest.

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

- **Dilute Specimens**
- Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

• Consequences for Drivers Engaging in Prohibited Conduct

- **Job Applicants.**

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

- **Employees.**

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- **Removal from Safety-Sensitive Functions**
  - No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home but be escorted to his or her home. The driver will then be placed on vacation leave or compensatory time off leave, for hours missed from work.

- **Notification of Resources Available**
  - The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

- **Discipline**
  - The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

- **Evaluation, and Return to Duty Testing**
  - Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.

- **Follow-Up Testing**
  - If the driver passes the return-to-duty test, he/she will be subject to unannounced
  - follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

- **Refusal to test**
  - All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.

- **Responsibility for Cost of Evaluation and Rehabilitation**
  - Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.

- **Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse**
  - In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, the City will report the following information to the Clearinghouse within three business days:
    - ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
    - ✓ A negative DOT return-to-duty test result;
    - ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
    - ✓ Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121) of:

- On duty alcohol use pursuant to § 382.205;
- Pre-duty alcohol use pursuant to § 382.207;
- Alcohol use following an accident pursuant to § 382.209;
- Controlled substance use pursuant to § 382.213;

✓ Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

• Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

• Maintenance and Disclosure of Records

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the city will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

• Policy Contact for Additional Information

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact the Administrative Services Director or the City Administrator to obtain additional information.

• Definitions

• Accident:

Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

• Alcohol Concentration (or Content):

Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

- **Alcohol Use:**
Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

- **Applicant:**
Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

- **Breath Alcohol Technician or BAT:**
Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

- **City:** Means City of [City Name].

- **City Premises:**
Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

- **Collection Site:**
Means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

- **Commercial Motor Vehicle:**
Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whoever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

- **Confirmation (or Confirmatory) Test:**
For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, "Confirmation (or Confirmatory) Test" means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

- **Controlled Substance:**

Means those substances identified in 49 C.F.R. § 40.85. Marijuana, amphetamines, opioids, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 (C.F.R. § 382.107; 49 C.F.R. § 40.85.

- **Department of Transportation or DOT:**
- Means the United States Department of Transportation.

- **DHHS:**

Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

- **Disabling Damage:**

Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

- **Driver:**

Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

- **Drug:** Has the same meaning as "controlled substance."

- **Employee seeking a transfer:**

Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

- **Evidential Breath Testing Device or EBT:**

Means a device approved by the National Highway Traffic Safety Administration ("NHTSA") for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices." 49 C.F.R. § 40.3.

- **Federal Motor Carrier Safety Administration or FMCSA:**

Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

- **Medical Review Officer or MRO:**

Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

- **Performing (a Safety-Sensitive Function):**

Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

- **Positive Test Result:**
- Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

- **Reasonable Suspicion:**

Means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

- **Safety-Sensitive Function:**

Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a city plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

- **Screening Test (also known as Initial Test):**

In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by

utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT"). In controlled substance testing, "Screening Test" means an immunoassay screen to eliminate "negative" urine specimens form further consideration. 49 C.F.R. § 382.107.

- **Substance Abuse Professional" or "SAP":**
- Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 40.281.

~~12.1 Drug Free Workplace Policy Statement (original)~~

~~In accordance with the "Drug-Free Workplace Act of 1988", the city of Ramsey hereby notifies its employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, as defined by law, is prohibited at the city of Ramsey and in the course of any activities performed in conjunction with the employee's work-related responsibilities. It is important to note that not only is the use of illegal drugs unlawful, but also the illegal dispensing of legal (prescription) drugs.~~

~~As a condition of employment with the city of Ramsey, all employees will abide by the terms of this Drug-Free Workplace Policy and will notify the City Human Resources Manager in writing of any criminal drug arrest or conviction no later than five days after such arrest or conviction. Employees who violate this policy may be subject to disciplinary actions which may include suspension or immediate termination.~~

~~Employees who are convicted of a drug related violation in the workplace or while engaged in work-related responsibilities may be required to participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. Appropriate personnel action shall be taken against such convicted employee up to and including termination of employment. The City reserves the right to terminate any employee who has been arrested for, pled guilty to, or convicted of any crime involving the operation of a motor vehicle under the influence of illegal drugs, alcohol, or other controlled substances. This includes all such crimes occurring outside of work hours and all such crimes involving the use of any vehicle owned or leased by the City, the employee's personal vehicle, or any other vehicle.~~

~~Employees are also encouraged to attend one of the drug-free awareness programs which may be offered periodically. Other parts of the drug-free program may include drug counseling and employee assistance programs in the future.~~

~~*12.2 Drug and Alcohol Testing*~~

General Policy: It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 and other applicable state and federal law.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

Employees are required to report to work on time and in appropriate mental and physical condition for work. No employee shall be under the influence of any illegal drug, alcohol, or other controlled substance while the employee is working, while the employee is on the employer's premises, representing the City away from the workplace during work hours, or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription.

Unless specifically authorized as part of the employee's work duties, no employee shall use, possess, manufacture, distribute, dispense, sell, or transfer drugs, alcohol, or drug paraphernalia while the employee is working, while the employee is on the employer's premises, representing the City away from the workplace during work hours, or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription. Off duty employees may use or possess alcohol on City premises such as parks and parking lots when said use and possession is not prohibited to members of the general public. The sale of alcohol which is part of an employee's job duty is an exception to this policy.

Violations of this policy will result in disciplinary action, up to and immediate including termination, and may have legal consequences.

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988. The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state or federal law, rules, or regulations.

As a condition of employment, each and every employee of the City must abide by the terms of this policy and must report in writing any instance of the employee's own conviction under a criminal drug statute. Any such conviction must be reported to the City Human Resources Manager within five (5) days after the conviction. Upon receipt of such notification, the City shall notify the appropriate federal agency of such conviction within the time period required by law.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

Drug and Alcohol Testing:

(a) Purpose: The purpose of this policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota State law.

(b) Scope: This drug and alcohol testing policy applies to all employees of the City and to all job applicants who have received a conditional offer of employment by the City.

(c) Application of Law: All drug and alcohol testing shall conform to the requirements of applicable state and federal law. To the extent that any provision of this policy conflicts with such law, the law is controlling.

(d) Employees Subject to Federal Testing Requirements: Federal law imposes specific drug and alcohol testing requirements for employees holding certain types of driver's licenses or engaging in certain duties. All testing for such employees will comply with the federal requirements, which may be more strict, or different than, the procedures described in this policy. The City will also follow all federally required procedures regarding the results of such testing.

Definitions: For purposes of the Policy, the following definitions will apply, unless such definitions are inconsistent with applicable law. In the event of such a conflict, the terms will be given the meaning imposed by law:

- Alcohol: Ethyl alcohol.
- Confirmatory Test and Confirmatory Retest: A drug or alcohol test that uses a method of analysis authorized by Minnesota law for providing specific data as to the drugs, alcohol, or their metabolites detected in an initial screening test.
- Conviction: A finding of guilty (including a plea of guilty or "nolo contenders") or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of state or federal
- Drug: A controlled substance as defined in applicable law.
- Drug and Alcohol Testing, Drug or Alcohol Testing, and Drug or Alcohol Test: Analysis of a body component sample in a manner consistent with Minnesota law for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

- ~~Drug Paraphernalia: An item or items described as drug paraphernalia in Minnesota State law.~~
- ~~Employee: A person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for the City. "Employee" shall also mean a volunteer who provides services to the City for no or nominal compensation.~~
- ~~Employer: The city of Ramsey acting through its designees of the City Council.~~
- ~~Initial Screening Test: A drug or alcohol test which uses a method of analysis authorized by Minnesota law, as being capable of providing data as to general classes of drugs, alcohol, or their metabolites.~~
- ~~Job Applicant: A person, independent contractor, or person working for an independent contractor who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug or alcohol testing.~~
- ~~Premises: All property and locations that the City owns, is operating, or has established a presence.~~
- ~~Positive Test Result: A finding of the presence of drugs, alcohol, or their metabolites in the sample tested by a confirmatory test in levels at or above the threshold detection levels established by Minnesota law. An alcohol test will be considered positive if the testee has an alcohol concentration level of at least .02 or a lesser level if it is accompanied by an odor of an alcoholic beverage or signs of physical impairment.~~
- ~~Reasonable Suspicion: A belief by the Human Resources Manager, City Administrator, or other supervisory personnel trained in reasonable suspicion observation that the appearance, behavior, speech or body odors of an employee are indicative of the use of a controlled substance or alcohol based on the observation of at least one supervisor or official who has received training in the identification of behaviors indicative or drug and alcohol use.~~
- ~~Safety – Sensitive Position: A job, including any supervisory or management positions, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.~~
- ~~Under the Influence: Having the presence of a drug or alcohol at or above the level of a positive test result.~~

~~**Circumstances Under which Testing may Occur**: Any employee or job applicant of the City may be tested under the following circumstances:~~

1) ~~Job Applicant: A job applicant may be requested or required to undergo drug testing after a job offer has been conditionally made and before commencing employment in the position. Alcohol testing will not be a part of a post-offer pre-employment physical examination.~~

2) ~~Treatment Program Testing: The City may test any employee referred by the City for chemical dependency treatment or evaluation at any time and without prior notice during the period of treatment or evaluation and for up to two (2) years following completion of any prescribed chemical dependency treatment or evaluation program in accordance with Minnesota State law.~~

3) Reasonable Suspicion Testing: No employee will be tested for drugs or alcohol under this provision without the person's consent. If, however, the City asks an employee to undergo a drug or alcohol test and the employee refuses, the employee may be subject to disciplinary action, up to and including immediate termination.

The City may request or require an employee to undergo drug or alcohol testing if the employer has a reasonable suspicion that the employee:

Is under the influence of drugs or alcohol; has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment; has sustained or cause another person to sustain a work related personal injury; or has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicle involved in a work related accident.

Random Testing and Testing without Prior Notice: Random testing may be given without prior notice during regularly scheduled work hours to those employees who are in "safety sensitive" positions including any supervisory or management positions in which an impairment caused by drug or alcohol use would threaten the health or safety of any person. Under the random selection process, there is an equal probability that an employee in a safety sensitive position subject to the selection mechanisms will be selected for testing. The City does not have discretion to waive the selection of any employee chosen on a random selection basis.

The City declares that all Fire Department positions (including but not limited to, union, non-union, supervisory and management positions) are hereby designated as "safety sensitive" positions.

The City declares that all Public Works Maintenance Division positions, (including but not limited to, union, non-union, supervisory and management positions) are hereby designated as "safety sensitive" positions.

Testing without prior notice may be conducted on employees who have been referred by the City for chemical dependency treatment or evaluation, or who are participating in a chemical dependency treatment program under an employee benefit plan, or who have participated in such a chemical dependency treatment program in the prior two years.

Criteria for Selecting Testing Laboratories: The City will only use the services of a testing laboratory that meets one or more of the criteria for drug testing or other such applicable criteria as established under Minnesota law, as amended.

Refusal to Undergo Testing:

- Job Applicants: Job applicants may refuse to undergo drug testing. However, if a job applicant refuses to undergo drug or alcohol testing requested or required by the employer, no such test shall be given, and the job applicant shall be deemed to have withdrawn the application for consideration for employment.

- Employees: Employees may refuse to undergo drug testing. However, if an employee refuses to undergo drug and alcohol testing carried out in conjunction with this Policy the employee may be subject to discipline including, but not limited to, immediate termination.

Tampering with the Urine or Blood Sample:
If an employee or job applicant tampers with his or her own urine or blood sample, or in any way deliberately causes a sample to be invalid, the employee may be subject to discipline including, but not limited to, immediate termination.

Confirmatory Testing. If a positive test is obtained, a second test will be performed on the same sample for confirmation before disciplinary action is initiated. If a sample which tests positive in the initial test and is negative in the confirming test, the employee will be reported as negative. Employees whose samples test positive in both tests shall be reported positive. An employee has the right to have a confirmed positive sample retested at the same or another City approved laboratory at the employee's own expense (approved laboratories must be in compliance with the Clinical Laboratory Improvement Act.).

In addition, upon a positive test result, an employee may show that they are he or she is taking a prescription drug under the supervision of a physician, or a nonprescription drug in accordance with its directions, and the positive test result will be reevaluated in light of the drug and dosage used. If such a reevaluation shows that the positive result was caused by such use of prescription or nonprescription drugs, the result will be reported is negative.

Failure to Pass Drug and/or Alcohol Testing: Employees who test positive for drugs or alcohol on a confirmatory test or confirmatory retest may be subject to discipline. Employees may be given the opportunity to go through rehabilitation following a first positive test. All discipline pursuant to this policy will be consistent with applicable law, including but not limited to, Minnesota Statutes, section 181.953 (as amended).

If a job applicant for an affected position tests positive on a confirmatory test for drugs, any offer of employment will be withdrawn and the individual will not be considered for employment by the City. If a positive confirmatory test is caused by the lawful use of a drug prescribed for the job applicant or an over-the-counter substance consumed in accordance with instructions, the City will not withdraw a job offer. However, a job offer will be withdrawn if an applicant is not reasonably able to perform the assigned duties of the position.

Rights of Employee or Job Applicant:
An employee or job applicant who receives a positive test result on a Confirmatory Test has the right to receive a copy of the test result report and, within three (3) working days of notice of the original positive Confirmatory Test result, to submit information to the City in addition to any information already submitted to explain that result, or within five (5) working days to notify the City in writing of the employee's intention to obtain a Confirmatory Retest of the original sample at the employee's or job applicant's own expense.

If the Confirmatory Retest is conducted in accordance with rules established by the Commissioner of the Minnesota Department of Health by a qualified laboratory, and if it is not positive, the City

shall reimburse the employee or job applicant for the actual cost of the Confirmatory Retest in an amount not to exceed $100.00 and no adverse personnel action shall be taken against the employee or job applicant based on the original Confirmatory Test.

General Testing Procedures:
All testing will be performed by a licensed laboratory that certifies its compliance with the requirements of Minnesota State law. When the City decides to test for drug or alcohol use on any of the grounds enumerated in Section 4 the following procedures will apply:

Initial Screening Test: Acknowledgement. Before the Initial Screening Test, the employee or job applicant shall be informed of the City's testing policy and given a form on which the employee or job applicant can acknowledge being so informed.

If the Initial Screening Test produces a negative result, written notice of such result will be given to the individual who took the test within three (3) working days after the City receives the test result report. The employee or applicant will also be notified that they have the right to request and receive a copy of the test report.

The testing laboratory will perform a Confirmatory Test on all samples that produce a positive test result on the Initial Screening Test.

Confirmatory Test. If the Initial Screening Test produces a positive test result, a second test (known as the Confirmatory Test) will be conducted by the laboratory. If the Confirmatory Test is not positive, the City will send written notice of this fact to the employee or job applicant within three (3) working days after receiving the result.

If the Confirmatory Test produces a positive test result, the City will take the following four steps: (1) The City will send written notice of the positive test result within three working days after receiving it to the employee or job applicant. (2) The employee or job applicant will be informed of the right to receive a copy of the test result. (3) The employee or job applicant will be told of the right to explain the positive result by indicating any medication (prescription, signed for, or over-the-counter) that the individual is currently taking or has recently taken and other information relevant to the reliability of or explanation for a confirmatory positive test result. (4) The employee or job applicant will be informed of the right to request a Confirmatory Retest of the original sample at the employee's or job applicant's expense. The employee or job applicant has five working days in which to notify the City of this request in writing.

Confirmatory Retests: After an employee or job applicant chooses to request a Confirmatory Retest, the employee or job applicant has five (5) working days within which to notify the City of this request in writing. Within three (3) days of the receipt of such request, the City will notify the original testing laboratory that it is to conduct a Confirmatory Retest or transfer the sample to another certified laboratory for retesting. If the Confirmatory Retest does not confirm the original positive test result, no adverse personnel action will be taken by the City. If the Confirmatory Retest is positive, the City may withdraw its conditional offer of employment to a job applicant or terminate an employee if such employee chooses not to participate in a chemical dependency treatment or evaluation program.

Data Privacy:

Test result reports and other information acquired in the drug and alcohol testing process are private data on individuals as defined in Minnesota law, and may not be disclosed to another employer or to a third party individual, governmental agency, or private organization without the written consent of the employee or applicant tested, unless otherwise permitted by law or required by court order.

Other Misconduct:

Nothing in this Policy limits the right of the City to discipline or discharge an employee on grounds other than a positive test result in a Confirmatory Test. For example, possession, observed consumption of a controlled substance, the sale of a controlled substance on City premises, or conviction under any criminal drug statute for a violation occurring in the workplace, may by themselves, be grounds for discipline or discharge. Any City employee may be subject to discipline up to and including termination for violation of this Policy or any rules adopted by the City with respect to the manufacture, use, sale, or transfer of drugs and alcohol.

Administrative Responsibility:

The City Administrator, or his or her designees, shall be responsible for implementing this Policy. Each Department Head and supervisor shall be responsible for informing their employees of this Policy. Each employee of the City shall be notified of this Policy. Employees shall acknowledge, in writing, receipt of this Policy.

Collective Bargaining Unit Conflict:

Nothing set forth in this Drug Free Workplace Policy is intended to conflict or interfere with the terms of a collective bargaining agreement, if any, between the City and its employees.

Employee Assistance Program: The City contracts with an outside Employee Assistance Program (E.A.P.) to provide free, confidential assessment and referral services for any number of personal problems including drug and alcohol abuse and misuse. Employees are encouraged to use this service to obtain assistance for themselves or family members. To obtain more information, contact Human Resources.

CC Work Session

Meeting Date: 12/12/2023

Primary Strategic Plan Initiative: Enhance City’s communication through transparency and accountability.

Information

Title:

Review Future Topics/Calendar

Purpose/Background:

Attached is the current list of future topics for work session discussions. Items are drawn from Council requests at meetings, or are related to topics that have been identified in the City's strategic plan. Tentative dates have been assigned.

Timeframe:

Funding Source:

Responsible Party(ies):

Outcome:

For Council review - no formal action necessary.

Attachments

Future Topics List

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	12/06/2023 12:17 PM
Form Started By: Katie Schmidt		Started On: 12/05/2023 11:28 AM
Final Approval Date: 12/06/2023		

Row #		***Tentative City Council Future Work Session Topics***	
	Proposed Date	Topic	Minutes (Estimate)
	2024		
	01/09	Council Organization	15
	01/09	Legislative Priorities	20
	01/09	Nuisance Code Discussion	
	01/09	Further Personnel Policy Discussion	
	TBD	Discuss Recycling Program	45
	TBD	Discuss Solicitor License approval process	15
	TBD	Continue Policy Project Discussion – continue Park Policy discussion – Riverblood	30
	TBD	Draft Trail Maintenance Policy – Riverblood	30
	TBD	Draft Stormwater Pond Maintenance Policy – Westby	30
	TBD	Review procedure/policy/best practice for introduction of resolutions/proclamations – Staff	20
	TBD	Discuss Council and B/C Remote Meetings Policy - Staff	15
	TBD	Development Interest Info to Council	
	TBD	Decorum of Council Towards Meeting Attendees	