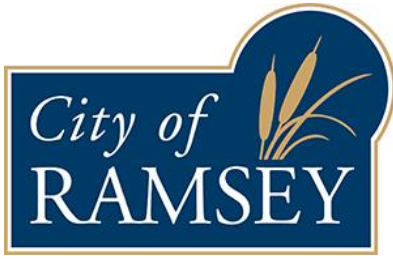




# **PERSONNEL POLICY**

Adopted December 10, 2024  
Effective January 1, 2025



Dear City of Ramsey Employee:

The City of Ramsey is a vibrant, growing community that promotes excellence in everything we do and we are pleased to have you on our team.

As part of our team, you are expected to conduct yourself in a consistent manner with the City's mission and vision, core values, guiding principles, and this personnel policy.

This personnel policy was prepared to generally describe the terms, conditions, benefits, rights, and responsibilities of employment. The application of specific sections of this policy to any particular situation may depend on the specific facts or conduct at issue. It is your responsibility to become familiar with this personnel policy within five (5) business days of receiving it. Upon receipt of the personnel policy, you must sign the last page of the policy, entitled "Acknowledgement of Receipt of the City of Ramsey Personnel Policy," and submit it to the Human Resources Office.

I hope you will find the policy informative and useful in making the most of the many opportunities available to you as a City employee.

Should you have questions regarding the personnel policy or any aspect of your employment relationship with the City, please feel free to contact me, Human Resources, your department head or your supervisor.

Sincerely,

*Brian Hagen*  
City Administrator

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# **SECTION 1 INTRODUCTION**

## **1.1 Purpose**

The purpose of this personnel policy is to serve as a reference and as a summary of the City of Ramsey's policies, work rules, and benefits. It is intended to foster a safe, orderly, and disciplined employment environment and promote employee knowledge of what is expected of employees.

This policy replaces, revokes, and supersedes any previous personnel policies, interpretations, or practices, and is only valid until amended or replaced by the City Council. 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 sole discretion of the City Council. Any applicable 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.

Additional information or clarification as to each section of this personnel policy may be obtained from your Supervisor, Department Head, Human Resources, the Administrative Services Director or the City Administrator. However, the text of this policy, takes precedence over any inconsistent communication from any City employee or elected official.

Nothing in this personnel policy, or in any other City document, nor anything said or done by a City employee or elected official, may be construed as an employment contract between the City and an employee, a guarantee of continued employment, or a term or condition 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 considered 'at-will' employment.

## **1.2 Scope**

This policy applies to all employees of the City. The individuals listed below are not City employees; however, any portion of this policy that applies to listed individuals or groups will be noted as such throughout the policy.

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 this policy 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.

City departments may have special work rules deemed to be necessary and approved by the City Administrator to meet departmental objectives. Each employee will receive a copy of such work rules upon hiring and those rules will be further explained and discussed with the employee by their immediate supervisor.

### **1.3 Employee Responsibility**

It is the employee's responsibility to know and understand thoroughly the policies and topics covered in this personnel policy. Updated material may be added periodically, each employee is responsible for reviewing any new material.

### **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, and for other related purposes.

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.

### **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 Ramsey will not discriminate against any employee or job applicant for any unlawful reason.

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

It is important for City employees to remember that personal communications may reflect on the City, especially if employees are commenting on City business or issues related to City employment. As City representatives, employees share the responsibility of earning and preserving the public's trust in the City. An employee's own personal communications, such as those on social media, can significantly impact the public's perception of all City staff. 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 on a matter of public concern must not disrupt the efficiency of the City's operation, including by negatively affecting morale. In other words, 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 violate this policy, even without waiting for an actual disruption.

- Remember that what you write or post cannot easily be undone, and it may reach a larger audience than you intended. Use common sense when using email or social media. It is a good idea to refrain from sending or posting information or photos you would not want your supervisor or other employees to read, or that you would be embarrassed to see in the newspaper. Keep in mind that 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 also not permissible online, even if 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, such as hair texture and hairstyles like 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 may 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, when not part of your official duties. Even when off duty, this exce
- 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 include: a building inspector could not use the City's logo, email, or working time to promote their 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").

## **1.7 Media Requests**

All City employees have a responsibility to 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 directed to the appropriate department or to the City Clerk.

Any employee who identifies a mistake in reporting should promptly bring it to the attention of 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, and other relevant matters.

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 the City Administrator's designee. Media requests include anything intended to be published or viewable by others in any 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 "routine", 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 possible." Then, ask the media representative for their 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. For example: "The City finished street cleaning on 16 streets in the northwest corner of the City this past week," rather than "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.
- Notify the City Administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for City business. Employees should be aware that data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

## **1.8 Unlawful Acts**

No person shall knowingly make any false statement, certificate, mark, rating, or report regarding any test, certificate, or appointment held or made under the City personnel system, nor commit or attempt to commit any fraud preventing the impartial execution of this policy.

No person seeking employment or promotion within City service shall, either directly or indirectly, give, render, or pay any money, service, or other valuable consideration to any person in connection with their test, appointment, 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 for any unlawful reason. Additionally, no person who is over 18 years of age shall be discriminated against with regard to City employment in any way prohibited by the federal and state law, including actions taken in accordance with the Public Employment Labor Relations Act.

## **1.9 *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 documented, made only on a case-by-case basis, and only after 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 differ from 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, Election Judges, Happy Days staff, 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 8:00 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 employees. Department Heads shall initiate, with the approval of the City Administrator, implement practices, functions, programs and procedures necessary to fulfill the Department Head's responsibilities. All Department Heads 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, implement practices, functions, programs and procedures that are necessary to fulfill their responsibilities.

**Eligible Earned Sick and Safe Time (ESST) Severance Pay:** ESST eligible severance pay shall not exceed 960 hours, is payable at a given percent as per this policy and may be subject to language within the post-employment healthcare savings plan.

**Employee:** An individual who has successfully completed all stages of the selection process, including the probation period.

**Exempt Employee:** Any employee excluded from overtime and compensatory time off provisions under 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 to contribute a percentage for Social Security and 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 required to work forty (40) or more hours per week, year-round, in an ongoing position. In accordance with federal health care reform laws, the City offers 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. To comply with health care reform laws, while avoiding penalties, part-time employees will be scheduled according to business needs in a manner that maintains their intended part-time status.

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

**In Good Standing:** City employees may resign at any time, for any reason. To be considered "in good standing" upon resignation, an employee must submit a written notice to their Department Head, at least 14 days before the resignation date. Department Heads wishing to resign "in good standing" should provide as much notice as possible, with a minimum of 30 days. Failure to comply with the 14-day or 30-day notice requirement may result in denial of future City employment and sick leave termination benefits.

**Non-Exempt Employee:** Employees covered by the federal or state Fair Labor Standards Act (FLSA). Non-exempt employees are generally 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, the City offers health insurance benefits to eligible employees and their dependents who work or are expected to work an average of 30 hours per week or 130 hours per month. In order to comply with the health care reform law, while avoiding penalties, part-time employees will be scheduled with business needs, which ensures positions retain part-time status under which is intended.

**Pay Period:** A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Saturday through 11:59 p.m. on Friday, fourteen (14) days later.

**PERA (Public Employees Retirement Association):** A statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. Both the City and the employee contribute to the employee's retirement account.

**Probationary Employees:** An employee working within 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:** Reassignment of a job from one classification to another because of a significant change in the position's duties and responsibilities.

**Seasonal Employee:** Employees who work part of the year to conduct seasonal work. Seasonal employees may work full-time or part-time hours but, unless required by law, are generally not eligible for benefits or seniority credit. To comply with the health care reform law while avoiding penalties, seasonal employees are scheduled in alignment with business needs to maintain their seasonal status, or may be offered health insurance in rare cases.

**Service Credit:** Time worked for the City. An employee begins accruing service credit on their first workday. Certain levels of absence may interrupt service credit accrual.

**Supervisor:** An individual with authority on behalf of the employer to recommend or take action regarding hiring, transfers, suspensions, promotions, discharges, discipline, rewards, assignments and work direction, grievance adjustments, and performance evaluations.

**Temporary Employee:** Employees who work in temporary positions, either with a specific end date or for the duration of a specific project. Temporary employees may work full-time or part-time schedules but, unless required by law, do not earn benefits or seniority credit. To comply with the health care reform law, temporary employees are scheduled with business needs to maintain their temporary status, or in rare instances, may be offered health insurance.

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

**Weapons:** Defined to include all firearms (whether legal or illegal), switchblade knives, or any other item that has been modified or has the primary serves as a weapon.

**Work Week:** The regular work week for City employees is forty (40) hours, in addition to a lunch period, Monday through Friday, except as otherwise established by the City Administrator or the City Administrator's designee, based on department needs. For payroll purposes, a work week is a consecutive seven-day period from Saturday through the following Friday.

## **SECTION 3     EMPLOYEE RECRUITMENT, SELECTION, EMPLOYMENT, AND TERMINATION**

### **3.1     *Scope***

The City Administrator or the City Administrator’s designee will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to City employment, with the exception of temporary or seasonal employees and interns for which the funding is accounted for in the annual budget. In this case the City Administrator is responsible for hiring temporary or seasonal employees and interns. All regular hires (part-time employees, full-time employees and Paid-on-call Firefighters will be made according to merit and fitness related to the position being filled.

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

The City Administrator or the City Administrator’s designee will determine if a vacancy will be filled and how, whether through an open recruitment, promotion, transfer, or another method. This determination will be made on a case-by-case basis. The majority of vacancies will be filled through an open recruitment process. Position vacancies may be filled on an “acting” basis, as needed.

Application for employment will generally be made via the City’s online application process. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Administrator or the City Administrator’s designee. In most cases, supplemental questionnaires will included as part of the application process. To be considered, all candidates must submit the required application materials by the posted deadline. The deadline may be extended by the City Administrator. Unsolicited applications will not be retained.

### **3.3     *Testing and Examinations***

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

Internal recruitments will be available to any City employee who: (1) has successfully completed the initial probation period; and (2) meets the minimum qualifications for the position.

The City Council or the City Council’s designee will establish minimum qualifications for each position with input from the appropriate Department Head or the Department Heads’ designee. Candidates must meet these minimum qualifications to be eligible to participate in the selection process.

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

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

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

When required, the medical exam will be conducted by a licensed physician designated by the City, with the cost of the exam paid by the City. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist.) The physician will notify the City Administrator or the City Administrator's designee whether a candidate is medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable.

If the candidate requires an accommodation to perform one or more of the essential functions of the job, the City Administrator or the City Administrator's designee will confer with the physician and candidate regarding reasonable and acceptable accommodations.

If a candidate is rejected for employment based on the results of the medical exam, the candidate will be notified of this determination, as required by law.

### **3.5 Selection Process**

The selection process will be a cooperative effort between the City Administrator, Human Resources and the hiring manager, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed.

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

### **3.6 Background Checks**

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

### **3.7 Criminal Background Investigations**

## **Authority**

State law authorizes City police departments to conduct criminal history background investigations on applicants for City positions using Minnesota Computerized Criminal History data.

## **Applications**

This section applies only to applicants who are finalists for regular, temporary, seasonal, casual, and volunteer positions. Before a finalist is eligible to receive a conditional job offer or begins employment with the City, and to the extent permitted by law, the applicant must authorize the Police Department, in writing, to undertake a criminal history background investigation and to release the information to the City Council, City Administrator and/or other City staff as appropriate.

## **Rejection of Applications**

Except in the case of exceptions set forth in Minnesota state law, as amended from time to time, if the City rejects an application for employment, either partly or solely to the applicant's prior conviction of a crime that directly relates to the position sought, the Administrative Services Director will notify the applicant in writing of the following:

- The Grounds and reasons for denial;
- The applicant complaint and grievance procedure set forth in Minnesota State law, as amended from time to time;
- The earliest date the applicant may reapply for employment or a volunteer position; and
- That all competent evidence of rehabilitation will be considered upon re-application.

Only public conviction information related directly to the position sought will be considered in denying employment. In situations where identity is in question, fingerprint verifications will be allowed, to the extent permitted by law. The City reserves the right to consider the applicant's criminal history, including any and all evidence of rehabilitation, to the maximum extent permitted by law.

## **3.8 *Reclassification***

When a position's duties and responsibilities change (increase or decrease), the position is considered a reclassification. It may be automatically filled by the incumbent of the original position, contingent upon the incumbent's ability to meet the position's minimum requirements and possess the necessary knowledge, skills, and abilities, at the City's discretion.

## **3.9 *Nepotism***

The potential for conflicts of interest is increased when personnel who are related are employed by the same employer; and real or implied conflicts of interest can result in distrust and a general lack of harmony among other employees.

Whenever possible, and with due regard for job-relevant qualifications, merit, and fitness, the employer shall avoid appointing any person related to an appointed officer or regular full-time or

regular part-time employee of the City. Appointments or assignments of persons related to an employee in the same department in which the employee works is prohibited.

This provision does not apply to marital or familial status, as protected under the Minnesota Human Rights Act. Employment of the spouse of an elected or appointed officer or employee is not prohibited; however, appointing or assigning of an employee's spouse within the same department is prohibited if the appointment or assignment would result in one employee directly supervising or influencing the recruitment, employment, salary, fees, or performance review of the employee's spouse.

Appointment to a position with the City shall not be construed as an employment contract between the City of Ramsey and an employee. All employees whose positions are covered by this policy are appointed by and serve at the sole discretion of the employer.

### **3.10 Probation**

Subject to the provisions of an applicable collective bargaining agreement, every original and promotional appointment is subject to a probationary period of one (1) year. During this probationary period, a probationary employee may be terminated at the sole discretion of the City. If terminated during the probationary period, the employee shall be notified in writing of the termination and shall have no right to appeal the termination.

Employees may use sick and vacation leave during their probationary period at the discretion of the Department Head.

At the sole discretion of the City Administrator, an employee's probationary period may be extended for an additional 90 calendar days. Completion of the probationary period or any extended probationary period is not, and cannot be construed as, a promise of continued employment or altering the at-will nature of employment.

### **3.11 Punctuality and Attendance**

Every employee has an important role in maintaining a productive workplace. Therefore, it is essential that all employees report to work every day as scheduled. It is unacceptable to be late for work. For example, if an employee's start time is 8:00 a.m., that employee should be at their work location and ready to work at 8:00 a.m. Unsatisfactory attendance, including tardiness and leaving work early, may result in disciplinary action up to and including termination.

If an employee must be absent or late for any reason, other than approved time off, the employee must notify their immediate supervisor at least thirty (30) minutes prior to the start of their shift. An employee unable to make contact with their supervisor must notify another superior within their department or Human Resources, within one-hour, unless the employee is incapable of doing so due to extreme circumstances.

### **3.12 Supplemental Employment**

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

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

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

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of their position.
- The employee must not use City equipment or resources in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which they are also being compensated by the City.
- Work performed for others while on approved vacation or compensatory time is not a violation of policy unless it creates the appearance of a conflict of interest.
- No employee will work for another employer, or for their own business, while using paid Earned Sick and Safe Time (ESST) from the City for those same hour, unless permitted by law.
- Employees may be required to sign an agreement to prohibit outside employment activities within Ramsey.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

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

### **3.13 Performance Evaluations**

Performance evaluations are used to assess employee performance in terms of specific job requirements, provide measures for setting up training and development programs, and open channels of communication. A formal performance evaluation may be completed on the anniversary date of an employee's current position, or in January if determined by the Department Head and the Administrative Services Director. If a formal performance evaluation is completed, it will be reviewed with the employee.

For Department Heads, the City Administrator will make note of any City Council feedback regarding Department Head performance and summarize the Council's comments when preparing the performance evaluation. The City Administrator will review this evaluation with the Department Head. The Department Head will have the opportunity to discuss the evaluation with the City Council at a closed City Council meeting if they choose.

The City will consider each employee's performance evaluation when considering salary increases or potential promotional opportunities. Generally, an employee who receives an overall rating of "Needs Improvement" or "Poor" (or equivalent) will not be eligible for promotions or salary increases, except for any cost-of-living adjustment made by the City. Further, an employee who receives an overall rating of "Needs Improvement" or "Poor" (or equivalent) must follow a performance improvement plan to reach an acceptable performance level. If performance is not improved as outlined in the plan, disciplinary action may be taken, up to and including termination. Conducting performance evaluations or their outcomes does not alter the at-will nature of employment.

### **3.14 Resignations**

As at-will employees, all City employees may resign at any time and for any reason. To be considered "in good standing" at the time of resignation, an employee must submit a written resignation to their Department Head at least 14 days prior to the effective date of resignation. Department Heads wishing to resign "in good standing" should give the City as much advance notice as possible, but must provide at least 30 days' notice.

Employees providing three (3) or more months' advance notice of resignation shall receive an additional 10% percent added to their eligible sick leave severance.

Failure to comply with this 14-day or 30-day notice requirement may result in denial of future employment opportunities with the City and denial of termination benefits.

Time-off requests shall not be approved during the period leading up to an employee's retirement or separation from employment. However, pre-approved time off will be honored. Vacation hours may not be used to extend an employee's actual termination date.

At the City Administrator's discretion, separation may occur immediately; while the separation would remain in good standing.

An unauthorized absence from work for a period of three (3) working days may be considered as a resignation "not in good standing" and without benefits.

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

### **3.15 Lay-offs**

With a minimum of two (2) weeks' notice to the employee, the City Administrator may lay off any employee when such action is necessary due to shortage of work or funds, the elimination of a position, or organizational changes.

## **SECTION 4    BENEFITS**

### **4.1    *Group Insurance***

To be eligible for group health, dental, or life insurance benefits with the City, employees must be regular employees scheduled to work at least 30 hours per week. The City provides a contribution toward health insurance, single dental insurance and basic life insurance for full-time employees, as approved annually by the City Council. Members of the City Council are eligible for group health insurance in the City’s group health insurance plan without affecting their total compensation from the City.

The City will also continue to provide basic life insurance for employees participating in PERA’s Phased Retirement program, as permitted by the insurance carrier. Employees wishing to remain on the City benefits, as permitted by the insurance carrier, may do so at their own cost based on the Minnesota Statute 471.61: “A unit of local government must allow a former employee and the employee’s dependents to continue to participate indefinitely in the employer-sponsored hospital, medical, and dental insurance group that the employee participated in immediately before retirement, under the conditions set by state law”.

In accordance with federal health care reform laws and regulations, the City will 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 and avoid penalties, part-time employees will be scheduled based on business needs and in manner that ensures positions retain the intended part-time status.

### **4.2    *Long Term Disability (“LTD”)***

**Mandatory LTD:** Long-term disability is a mandatory, employee-paid benefit, provided to sworn police personnel and other full-time, non-union employees.

**Voluntary LTD:** Long-term disability is available to other employee groups as a voluntary employee-paid benefit.

**Terms of Coverage:** The terms of long-term disability coverage, including the benefit calculation formula and the waiting period before eligibility, are established by the City.

### **4.3    *Public Employment Retirement Association (“PERA”)***

Almost all City employees in the State of Minnesota are covered by a public pension system known as PERA, to which both the City and employees contribute. For specific information on annual contribution rates, employees should contact Human Resources. Vesting time varies depending on membership eligibility date, and the pension is portable among public employers throughout the state. Being vested allows employees to qualify for benefits at the minimum allowable age.

Both the City and the employee contribute a percentage of the employee’s eligible gross salary to PERA. However, Minnesota law provides that some income received by an employee are not

eligible for PERA contributions. For specific questions on contributions, employees should contact Human Resources.

The City offers PERA's Phased Retirement Option on a case-by-case basis, subject to approval by the Administrative Services Director, Department Head, and the City Administrator, if it aligns with the City's strategic goals. This agreement can be terminated at any time. Employees interested in this option should contact Human Resources for more information.

#### **4.4 Employee Savings Plans**

All employees eligible to enroll in PERA are also eligible to place a portion of their earnings in a 457 savings plans; pre-tax and/or post tax programs. For information, contact Human Resources on annual contribution limits and other specific details about these plans, please contact Human Resources.

#### **4.5 Health Savings Account**

Employees must be enrolled in one of the City's qualified high-deductible health plans (HDHP) to contribute to a Health Savings Account (HSA). Both employees and the City may contribute to the HSA. An HSA is a tax-exempt savings account used to accumulate funds for eligible health care expenses. These funds may be used to pay for health care expenses as they occur, contingent upon available funds, or saved for future use. For additional details, employees should contact Human Resources.

#### **4.6 Retiree Benefits**

Minnesota law provides for continuation of health and dental coverage to certain former employees who are receiving a disability benefit or annuity from PERA, or who have met the age and service requirements for PERA. Unless otherwise required by federal or state law, former employees are responsible for paying the full premium. Failure to pay the premium will result in termination of coverage. Employees should contact Human Resources for additional details.

#### **4.7 COBRA**

Employees participating in the City's group health insurance plan who terminate employment or experience another qualifying event that triggers their legal entitlement to insurance continuation will receive a notice of their right to elect continued insurance coverage consistent with state and federal law, including but not limited to the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") as amended). The notice will be provided as required by law, and employees must follow the procedures outlined, including but not limited to paying the full premium for the continuation coverage. Employees should contact Human Resources for additional details.

## **4.8 Non-Union Post-Employment Healthcare Savings Plan**

The PEHCSP is an employer-sponsored program that allows employees to invest in a tax-preferred medical savings account while employed by a Minnesota public employer.

All non-union employees hired after January 1, 1984, will participate in the post-employment healthcare savings plan, contributing as follows:

### ***NON-UNION EMPLOYEES - PERA COORDINATED MEMBERS***

- **GROSS WAGES:** Contribute 2% after 5 years of service and beyond.
- **SICK LEAVE CONVERSION:** At the end of the calendar year, contribute all hours greater than 960 at a conversion rate of 2 to 1).
- **VACATION:** Upon separation of employment, contribute unused accrued vacation time as follows:
  - 50% after 5 years of service through 10 years of service
  - 75% with 11 years of service through 15 years of service
  - 100% after 16 years of service and greater
- **SICK LEAVE SEVERANCE:** Upon separation of employment, contribute 100% of unused eligible accrued sick leave.

### ***NON-UNION EMPLOYEES - PERA POLICE & FIRE MEMBERS***

- **GROSS WAGES:** Contribute 1% for all employees until 5 years prior to normal retirement age (55), at which time ongoing contributions increase to 4%.
- **SICK LEAVE CONVERSION:** At the end of the calendar year, contribute all hours greater than 960 at a conversion rate of 2 to 1).
- **VACATION:** Upon separation of employment, contribute 100% of unused accrued vacation time (regardless of years of service).
- **SICK LEAVE SEVERANCE:** Upon separation of employment, contribute 100% of unused eligible accrued sick leave.

Eligible sick leave severance includes Earned Sick and Safe Time. It will be defined as a lump-sum payment upon termination of employment, contributed to the PEHCSP, based on the following percentages of the employee's unused, accumulated sick leave:

- 33% after 5 years of regular employment
- 45% after 10 years of regular employment
- 50% after 15 years of regular employment

To qualify for eligible ESST severance pay, an employee must leave City employment in "good standing."

## **4.9 Employee Assistance Program**

The City offers an Employee Assistance Program (EAP) at no cost to assist employees and their families with a variety of services, including mental health and substance abuse counseling to child care resources, etc. The EAP provides confidential counseling services by highly trained clinicians

or may suggest other professional resources that could be beneficial to employees and their families.

## **SECTION 5 CLASSIFICATION AND COMPENSATION**

### **5.1 General**

Employees of the City shall be compensated according to the schedule established by the City Council. Any wage, salary, or other monetary benefit so established is the total remuneration for employment, which may be allowed for the conduct of official business. Unless approved by the City Administrator, no employee shall receive pay from the City in addition to the salary authorized for the position or positions to which the employee has been appointed. No employee will be permitted to work overtime without the prior approval of their Department Head.

Non-exempt employees who work for a period less than the regularly scheduled workweek will earn wages based on the actual number of hours worked. Regular part-time employees are eligible to earn vacation and sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Holidays are earned in proportion to those earned by regular full-time employees and are based on the number of hours worked during any given pay period in which the holiday is paid. Vacation, sick leave, and holidays count toward total budgeted work hours for the year. Temporary employees are not eligible for vacation, sick leave, holiday pay, or health or life insurance, unless otherwise required by federal and state laws.

Employees shall be paid biweekly via mandatory direct deposit. When a payday falls on a holiday, employees shall receive their pay on the preceding work day.

### **5.2 Classification Plan / Position Descriptions**

The City will establish and maintain a position classification plan for all positions in accordance with federal and state laws. The Administrative Services Director, under the direction of the City Administrator, and in conjunction with Department Heads, shall be responsible for establishing, periodically revising, and maintaining current position descriptions. The position description shall include the position title, department, supervisor's title, FLSA status (exempt or non-exempt), safety sensitive status, essential duties, examples of performance criteria/responsibilities, and minimum qualification requirements which distinguish a given position from other positions. The position description shall describe the typical types of work which may be assigned to a particular position but shall not be construed to restrict the assignment of other duties related to the position. Supervisors may direct their subordinates to perform tasks not expressly identified in the position description, which are within the ability and resources of the position.

#### **Purpose**

The classification plan/position description is to:

- Establish reasonable compensation relationships between job classifications.
- Establish qualification standards for recruitment and testing purposes.
- Provide the appointing authority with means for analyzing work distribution, areas of responsibility, lines of authority, and other relationships between positions.
- Assist the appointing authority in determining budget requirements.
- Provide the basis for developing standards of work performance.

- Indicate training needs.
- Provide uniform titles to positions.

### **Class**

A class shall be comprised of one or more positions that are substantially similar with respect to the type, difficulty, and responsibility of work performed.

### **Administration of the Classification Plan / Position Descriptions**

The classification plan shall be established and maintained through recommendation of the Department Head and the Administrative Services Director to the City Administrator. The City Administrator may establish a new class, create a new position within a class or reclassify a position upon approval by the City Council.

When a new position is proposed by a Department Head or the Administrative Services Director, a request for the position, along with a description of the duties and responsibilities of the position shall be submitted to the City Administrator. The position shall be analyzed and evaluated based on the duties and responsibilities, without regard to the personal characteristics, abilities, or qualifications of any incumbents. The final approval of the classification shall be by the City Council.

## **5.3 *Reclassification***

When the duties and responsibilities of a position change, the Department Head may initiate a request for a change in classification. This request must be submitted in writing to the Administrative Services Director, accompanied by a proposed updated position description prepared by the Department Head. The Administrative Services Director shall submit the request to the City Administrator for review and approval or denial, at his or her discretion. If the City Administrator denies a request for reclassification, no similar request may be submitted for one year. The Administrative Services Director, acting under the direction of the City Administrator, may also review the classification of existing positions from time to time, regardless of whether a Department Head proposed reclassification within the preceding year.

Factors that could lead to conducting an analysis of existing positions include, but are not limited to, the following:

- Change in the existing organizational or reporting relationship.
- Significant additions, reductions, or changes in the essential functions for which the position is accountable, which affect the level of skill, knowledge, responsibility, or working conditions of the position.
- Change in the supervisory functions assigned to the position.
- Change in the qualifications required of the position.

## **5.4 *Compensation Plan***

The entire compensation plan shall be reviewed simultaneously with renewal of the City's labor agreements. The City Administrator will present suggested changes to the City Council as part of the annual budget process. Contingent upon the provisions of the Public Employment Labor

Relations Act, the City Administrator may modify any or all of the pay ranges or grades as set forth in the plan at any time, subject to approval by the City Council. The City Administrator may also set effective dates for the pay plan. All pay ranges shall be construed as policy declarations and not binding, permanent contractual obligations between the City and its employees. Any amendment to the pay plan shall be based on changes in the responsibility or the duties of the position, recruiting experience, rates of pay and benefits in the public and private sectors, the City's financial status, general economic conditions, federal or state law (including the Minnesota Pay Equity law), or other pertinent factors warranting such action.

In addition, from time to time, the position and pay classification plan may be amended by City Council resolution upon receipt of a recommendation from the City Administrator. In making such recommendations, the City Administrator shall consider the following factors:

- Maintenance of equitable relationship between classes, based on their relative duties and responsibilities.
- Indicators from the appropriate labor market for comparable work under similar conditions.
- Current recruitment and retention experience.
- Comparable worth for all positions within the organization.
- Ability of the City of Ramsey to fund the position.

### **Content of Pay Plan**

The pay plan presented to the City Council for its consideration shall consist of the minimum and maximum rate of pay for each position in the organization. Each position shall be assigned to a pay class, and all positions in the pay class shall be compensated according to the established pay range. A pay range will be assigned to each class according to the responsibilities of the position, the duties and pay for other positions, prevailing rates of pay for comparable positions in public and private employment in the area, fringe benefits received by employees, the financial policy of the City, federal and state statutes, and other pertinent economic factors.

### **Pay Plan Administration**

The City Administrator shall be responsible for administering the Pay Plan according to this section.

### **Beginning Salary Rate**

The beginning rate for a new employee will be the minimum rate in the established class for the position classification. The employer, at its sole discretion, may approve a pay rate above the minimum rate to:

- Mitigate recruiting obstacles.
- Hire a person with superior qualifications.
- Correct salary inequities.
- Give credit for prior service.

### **Method of Progression**

After appointment or promotion and pending satisfactory performance, an employee shall be eligible for advancement through their respective salary range as specified in the collective bargaining agreement or as authorized by the City Council.

### **Market Adjustment Pay**

Occasionally positions within the City may fall behind in pay with regard to the market value. Contingent upon the provisions of the Public Employment Labor Relations Act and Pay Equity compliance, when this becomes apparent, the Administrative Services Director may, in their sole discretion, make a recommendation for the appropriate salary adjustment to the City Administrator. Upon approval by the City Administrator, the employee in said position will receive a salary range adjustment. The employee will retain their original anniversary date for the purposes of step increases and performance evaluations. Any increases that result in more than a five percent increase shall be submitted to the City Council for approval or denial.

### **Extra Duty Pay / Interim Pay**

The City Administrator shall have the authority to grant short-term extra duty pay. Any extra duties that qualify for extra duty pay would be responsibilities that fall well outside of the respective employee's job description and would have a defined end date, but would not exceed six months. Typically, extra duty pay would be tied to a special project or event. At the City's discretion, extra duty pay may be paid via a payroll stipend. Interim pay would include, for example, filling in for a vacancy, FMLA or leave absence. Interim pay shall not exceed 10% over the current base salary. The City Administrator's approval of extra duty pay or interim pay is subject to available funding within the budget.

### **Overtime Compensation for Exempt Employees who also Work in a Non-Exempt Position Within the City**

Federal law allows exempt City employees working two or more positions with the City to agree, in advance, to receive overtime compensation for the secondary position if it is non-exempt, subject to certain restrictions and limitations. Exempt employees holding two or more positions within the City, at least one of which is non-exempt, should consult with Human Resources regarding the possibility of overtime. No overtime will be paid pursuant to this provision without prior written approval from the City Administrator.

Overtime pursuant to this section will be paid for hours worked in a secondary position only if the employee worked at least 40 hours at the primary position during the normal workweek. Sick and vacation leave, holidays, and compensatory time off count as time worked as per the Personnel Policy.

## **5.5 Payroll Deductions**

Certain deductions from earnings, such as federal and state income taxes and social security taxes, are required by law. These deductions will be identified on the direct deposit vouchers. The amount of these required deductions may change since they are affected by changes in the amount earned, and in the case of income tax, by changes in the number of dependents claimed. Monies earned during a two (2)-week pay period cannot be divided into two payroll checks. Employees should contact Human Resources with any specific questions.

## **5.6 Meal Periods and Breaks**

When working under conditions where a break period is practicable, all hourly employees are entitled to two (2) 15-minute breaks with pay per eight (8)-hour shift at times designated by the supervisor. Most employees also receive a thirty (30)-minute unpaid meal period during each

eight-hour work day. Employees working greater than four hours but less than eight hours are entitled to one (1) 20-minute break.

## **5.7 Overtime Compensation / Compensatory Time Off**

Non-exempt, non-union employees will be paid overtime compensation for all hours worked in excess of forty (40) hours per workweek at a rate of one and one-half times the regular rate of pay. Paid holidays, vacation leave, compensatory time off, and sick leave are considered time worked for the purposes of calculating overtime hours. No employee will be permitted to work overtime without the prior approval of the applicable Department Head.

Overtime pay will not be paid for time not worked. Exempt employees, as defined by the Fair Labor Standards Act, are not entitled to overtime pay, except as described in Section 5.4, pertaining to exempt employees who also work in a non-exempt position within the City.

Non-exempt, non-union employees will be allowed to take compensatory time off in lieu of receiving over time compensation. Compensatory time off is computed at a rate of one and one-half times the hours worked in excess of the forty (40) hour work week. Accrued compensatory time off shall not exceed 120 hours at any time. Once an employee has accrued 120 hours of compensatory time off, compensation for additional hours worked must be paid in cash rather than accrued as compensatory time off.

The City reserves the right to payout any compensatory time off hours in excess of 80 hours, as it deems necessary.

The City allows employees to cash out up to a maximum 40 hours of compensatory time off annually, to be paid out up to twice annually: January 1 through January 15, and November 1 through November 15 of each year, totaling a maximum payout of 40 hours of compensatory time off. Note: upon terminating employment with the City, all compensatory time off will be paid out at 100% of the accrued balance.

For the purposes of calculating overtime, an employee using paid holidays, vacation leave, sick leave, or compensatory time off is considered to be working.

Accrued compensatory time off may be used with prior approval from the employee's Department Head or the Department Head's designee. Upon an employee's separation from the City, accrued and unused compensatory time off will be paid out at the then-current hourly rate of pay.

For the purposes of computing overtime compensation and compensatory time, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

## **5.8 Severance Pay**

Severance pay, based on eligible unused Earned Sick and Safe Time (ESST) is available to employees who have at least five (5) years of regular service with the City and resign "in good standing". If the employee is terminated because of malfeasance in office, gross misconduct, conviction of a felony, or conviction for an illegal act involving personal gain to the employee, the employer shall have no obligation to pay the aforementioned severance pay.

Eligible ESST includes combined total of both traditional sick leave and earned sick and safe time, based on the percentages shown below:

<b>Years of Regular Employment</b>	<b>Percentage of Unused Accumulated Sick Leave Payable</b>	<b>Additional 10% With 3-Month Notice of Resignation</b>
5 years	33%	43%
10 years	45%	55%
15 years	50%	60%

Eligible severance pay will be processed per the applicable PEHCSP agreement.

After five (5) years of regular employment, EMPLOYEES who submit a letter of resignation at least three (3) months (90 calendar days) in advance of their last day worked, shall receive an additional ten percent (10%) added to the applicable years of service tier, to be deposited into the employee's; Health Care Savings Plan

Receipt of severance pay terminates all seniority rights and ends all City of Ramsey liability with regard to other benefits, except as otherwise provided by law and any applicable collective bargaining agreement.

## **SECTION 6 LEAVE**

### **6.1 Vacation Leave**

The City of Ramsey provides eligible employee vacation benefits to promote rest and relaxation away from work. Requests for scheduled vacation should be made to the Supervisor/Department Head by January 31 of each year. When considering whether to grant conflicting vacation requests submitted during January of each year, seniority by department will prevail; thereafter, vacation leave shall be initiated on forms submitted to the Department Head or the Department Head's designee at least two weeks prior to the requested vacation time off. Exceptions to this policy are granted on a limited basis. To assure efficient functioning of the City, it is necessary to limit the number of employees on vacation at the same time.

An employee's banked vacation leave must be within two times the yearly accrual by December 31, unless approved by the City Administrator. Once an employee has banked the maximum amount of vacation hours allowed, all additional hours accrued are forfeited. Employees are responsible for monitoring their own balances. Additional pay in lieu of vacation is not permitted.

For the purposes of accumulating additional vacation 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 or the Department Heads designee, an employee may use accrued vacation leave during the probationary period. Vacation leave may be taken no sooner than the next pay period after it is earned. Vacation hours may not be used to extend an employee's actual termination date.

An employee who separates from the City "in good standing" after one-year of employment shall be compensated for vacation accrued and unused through the last date of employment. If applicable the compensation will be submitted to the non-union post-employment healthcare savings plan.

New employees will begin employment with a vacation balance of five days, followed by vacation accruals based on one of the following vacation accrual schedules. However, at the discretion of City Administrator, a one-time vacation credit may be negotiated in order to:

- Mitigate recruiting obstacles.
- Hire a person with superior qualifications.
- Give credit for prior service.

The bi-weekly accrual rate will not be accelerated due to any upfront vacation credits.

#### ***VACATION ACCURAL SCHEDULES:***

<b>Department Head Vacation Accrual Schedule</b>		
<b>Years of Service (YOS)</b>	<b>Bi-weekly Accrual Rate</b>	<b>Vacation Days/Year</b>
First Year	Advanced 5 of 15 days 3.08 hours/pay period	15 days
2 <sup>nd</sup> through 5 <sup>th</sup> YOS	4.62 hours/pay period	15 days
6 <sup>th</sup> YOS	5.54 hours/pay period	18 days
7 <sup>th</sup> YOS	6.15 hours/pay period	20 days
12 <sup>th</sup> YOS	6.46 hours/pay period	21 days
16 <sup>th</sup> YOS	6.77 hours/pay period	22 days
17 <sup>th</sup> YOS	7.08 hours/pay period	23 days
18 <sup>th</sup> YOS	7.38 hours/pay period	24 days
19 <sup>th</sup> YOS	7.69 hours/pay period	25 days

<b>Full-Time, Exempt /Management Vacation Accrual Schedule</b>		
<b>Years of Service (YOS)</b>	<b>Bi-weekly Accrual Rate</b>	<b>Vacation Days/Year</b>
First Year	Advanced 5 of 15 days 3.08 hours/pay period	15 days
2 <sup>nd</sup> through 5 <sup>th</sup> YOS	4.62 hours/pay period	15 days
6 <sup>th</sup> YOS	5.54 hours/pay period	18 days
8 <sup>th</sup> YOS	5.85 hours/pay period	19 days
10 <sup>th</sup> YOS	6.15 hours/pay period	20 days
12 <sup>th</sup> YOS	6.46 hours/pay period	21 days
16 <sup>th</sup> YOS	6.77 hours/pay period	22 days
17 <sup>th</sup> YOS	7.08 hours/pay period	23 days
18 <sup>th</sup> YOS	7.38 hours/pay period	24 days
19 <sup>th</sup> YOS	7.69 hours/pay period	25 days

<b>Full-Time, Non-Union Vacation Accrual Schedule</b>
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Years of Service (YOS)	Bi-weekly Accrual Rate	Vacation Days/Year
First Year	Advanced 5 of 10 days 1.54 hours/pay period	10 days
2 <sup>nd</sup> through 5 <sup>th</sup> YOS	3.08 hours/pay period	10 days
6 <sup>th</sup> through 10 <sup>th</sup> YOS	4.62 hours/pay period	15 days
11 <sup>th</sup> through 15 <sup>th</sup> YOS	6.15 hours/pay period	20 days
16 <sup>th</sup> YOS	6.46 hours/pay period	21 days
17 <sup>th</sup> YOS	6.77 hours/pay period	22 days
18 <sup>th</sup> YOS	7.08 hours/pay period	23 days
19 <sup>th</sup> YOS	7.38 hours/pay period	24 days
20 <sup>th</sup> YOS	7.69 hours/pay period	25 days

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

## **6.2 Earned Sick and Safe Time (ESST)**

Effective January 1, 2025, all accrued traditional sick time and accumulated ESST leave shall be designated as Earned Sick and Safe Time (ESST), under Minnesota Statutes §§ 181.9445-181.9448, as amended and shall be administered in accordance with the ESST statutes, subject to one exception listed below.

Every probationary, regular, and part-time employee is entitled to ESST leave with pay. For full-time employee's ESST time shall accrue at the rate of eight (8) hours for each calendar month of full-time service or major fraction thereof. Part-time employees shall accrue ESST leave on a pro-rata basis, but no less than one (1) hour for every thirty (30) hours worked. ESST leave may be accumulated to a maximum of 960 hours and may be granted in units of not less than 15 minutes. Unused ESST leave in excess of 960 hours at the end of a calendar year (January 1st) shall be converted to the post-employment healthcare savings plan at a rate of one hour for each two hours of ESST leave in excess of 960 hours.

ESST leave may be granted by the employee's Department Head when the employee has communicated the request to the supervisor, and is unable to perform work duties due to reasons listed under Minnesota Statute §§ 181.9447, as amended.

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

1) report as soon as possible to the employee's immediate supervisor the need to utilize ESST leave; and

2) keep the employee's immediate supervisor informed of such employee's ability to return to work.

Using or claiming ESST leave for a purpose not authorized Minnesota Statute §§ 181.9447, as amended shall be cause for disciplinary action.

For the purpose of accumulating additional ESST leave, an employee using earned vacation leave, ESST, compensatory time off or paid holidays is considered to be working.

Upon employee's termination of employment with the employer, thirty-three percent (33%) of the employee's unused ESST balance shall be deposited into the employee's Health Care Savings Plan after five (5) years of regular employment. Severance pay shall not be available in any sum to an employee if that employee is discharged for just cause; severance pay shall not be paid if an employee voluntarily terminates his or her employment prior to five (5) years of regular employment service; or the employee voluntarily terminates his or her employment without giving the employee fourteen (14) days written notice. After ten (10) years of regular employment service, the employee will receive forty-five percent (45%) of said employee unused, accumulated ESST leave. After fifteen (15) years of regular employment service, the employee will receive fifty percent (50%) of unused, accumulated ESST leave.

After five (5) years of regular employment, employee who submit a letter of resignation at least three (3) months (90 calendar days) in advance of their last day worked, shall receive an additional ten percent (10%) added to the applicable years of service tier.

Employee's are allowed funeral leave up to 24 hours twice annually per occurrence (a maximum of 48 hours annually) for a death in the immediate family. Immediate family for this section is defined as spouse, parent, step-parent, children, step-children, brother, sister, grandparents, grandchildren or a like member of Employee's spouse's family.

That time is not chargeable against any accrued vacation, sick or compensatory time. Hours must be taken within five (5) calendar days from start to finish per occurrence.

Additional funeral leave, in order to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member may be taken from employees earned sick and safe time accrual as available and as defined under Minnesota Statute §§ 181.9445, as amended. This leave shall be deducted from employees the earned sick and safe accrual.

If the need for funeral leave does not meet either the employer's funeral leave policy or state statute for earned sick and safe time, employees may request vacation or compensatory time off as the employee may choose and have available.

All references to the post-employment healthcare savings plan are contingent upon the plan design in place at the time of disbursement.

### **6.3 Holidays**

The City of Ramsey recognizes thirteen (13) 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 days off were previously approved by the supervisor). Regular employees scheduled to work the holiday will receive another day off with pay.

#### **Paid holidays include:**

- |     |                               |  |
|-----|-------------------------------|--|
| 1.  | New Year's Day                | January 1 <sup>st</sup>                    |
| 2.  | Martin L King Day             | 3 <sup>rd</sup> Monday in January          |
| 3.  | President's Day               | 3 <sup>rd</sup> Monday in February         |
| 4.  | Memorial Day                  | Last Monday in May                         |
| 5.  | Juneteenth                    | June 19 <sup>th</sup>                      |
| 6.  | Independence Day              | July 4 <sup>th</sup>                       |
| 7.  | Labor Day                     | 1 <sup>st</sup> Monday in September        |
| 8.  | Veteran's Day                 | November 11 <sup>th</sup>                  |
| 9.  | Thanksgiving Day              | 4 <sup>th</sup> Thursday in November       |
| 10. | Friday after Thanksgiving Day | (Non-union, AFSCME and LELS Captains only) |
| 11. | Christmas Eve                 | December 24 <sup>th</sup>                  |
| 12. | Christmas Day                 | December 25 <sup>th</sup>                  |
| 13. | *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 designated holidays. The City shall be closed for business on these holidays, though employees may be required to work due to the nature of their duties or other conditions.

Regular part-time employees are eligible for paid holidays in proportion of what full-time employees earn, based on the hours worked during the pay period in which the holiday occurs. If a holiday falls on a non-scheduled workday for a part-time employee, the employee must take the paid holiday within the same period.

Employees may be required to work on paid holidays when the nature of their duties or other conditions. Non-exempt, non-union employees required to work on a holiday shall receive their full pay for the holiday, as well as a minimum of two hours pay at a rate of 1.5 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.

Duty Crew Firefighters assigned to the Duty Crew schedule on a holiday shall be paid at time and a half for holiday hours worked.

When New Year's Day, Juneteenth, Independence Day, Veterans Day, or Christmas Day falls on a Sunday, the following Monday is observed as the holiday. If these days fall on a Saturday, the preceding Friday will be observed as the paid holiday. When Christmas Eve falls on Sunday, the preceding Friday is observed as the holiday.

Each holiday commences at the beginning of the first shift on the holiday date and continues for 24 hours. Eligible employees shall receive pay at their normal rate if they are at work or on paid leave the last regular shift before and the first shift after the holiday.

New employees hired after December 1 are not eligible for the floating holiday in the year they were hired. Floating holidays may not carry over to the next calendar year. If an employee separates from the City without using their Floating Holiday, it will be forfeited.

## **6.4 Family and Medical Leave**

### **Eligibility**

To qualify for FMLA leave under this policy, an employee must meet all the following conditions:

- The employee must have worked for the City for at least 12 months (or 52 weeks) prior to the start date of the leave. The 12 months or 52 weeks do not need to be consecutive; however, the City will not count any service occurring more than seven years before the employee's most recent hire date, unless the break was due to National Guard or Reserves military service obligation.
- The employee must have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee.

### **Types of Leave Covered by FMLA**

Eligible employees may take leave for any of the following reasons:

- The birth of a child (including prenatal care) or for the placement of a child with the employee for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- Due to a serious health condition that makes the employee unable to perform the essential functions of the position.
- A covered military member's active duty or call to duty or to care for a covered military member under Military Caregiver and Qualified Exigency Leave (described below).

### **DEFINITIONS**

- "Spouse" does not include domestic partners or common-law spouses.

- **“Caring for”** a covered family member includes psychological and physical care. It also includes acquiring care and sharing care duties. An eligible **“child,”** with some exceptions, is under 18 years of age. An eligible **“parent”** includes a biological parent or a person who stood in the place of a parent.
- **“Serious Health Condition”** means an illness, injury, impairment, physical, or mental condition that involves one of the following:
  - **Hospital Care:** Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.
  - **Pregnancy:** Any period of incapacity due to pregnancy, prenatal medical care or childbirth.
  - **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
  - **Chronic Conditions Requiring Treatments:** An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity.
  - **Permanent/Long-Term Conditions Requiring Supervision**
  - **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

### **Length and Amount of Leave**

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated on a rolling backward basis.

### **How Leave May be Taken**

FMLA leave may be taken for twelve (12) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks.

Intermittent leave may be taken when medically necessary for the employee’s serious health condition or to care for a seriously ill family member. Intermittent leave must be documented in the medical certification form as medically necessary.

If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City’s business.

In instances when intermittent or reduced-schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits, if the alternative position would better accommodate the intermittent or reduced schedule.

Intermittent/reduced-scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child, only with the City's approval.

### **Procedure for Requesting Leave and Notice**

All employees requesting FMLA leave must provide written or verbal notice of the need for leave to Human Resources. If the need for leave is foreseeable, the employee must give notice to their supervisor at least thirty (30) days prior to the date on which leave is to begin. If thirty (30) days' notice cannot be given, the employee is required to provide as much notice as practicable, including following required call-in procedures. Additionally, the City requires employees on FMLA leave to periodically report their status and intent to return to work. Human Resources

### **Certification and Documentation Requirements**

For leave due to an employee's serious health condition or that of an employee's family member, the City may require the completion of a Medical Certification form by the attending physician or practitioner. The form must be submitted by the employee to Human Resources within fifteen (15) calendar days after the leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the leave.

When leave is due to an employee's own serious health condition, a fitness-for-duty certification (FFD) may be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform their duties, a FFD certificate may be required as frequently as every thirty (30) days during periods when the employee has used intermittent leave.

Recertification of leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

### **Reinstatement**

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment.

### **Group Health Insurance and Other Benefits, Concurrent Leave, and Substitution of Paid Leave**

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.

If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

Rights to additional continued benefits will depend on whether leave is paid or unpaid. Any paid disability leave benefits (Short-Term Disability or Long-Term Disability), sick leave, or compensatory time off available to employees for a covered reason (an employee's serious health condition or a covered family member's serious health condition, including worker's compensation leave and Minnesota State Parenting Leave) will run concurrently with FMLA.

Minnesota Parenting Leave and all forms of paid time off (sick leave, disability leave, workers' comp leave, vacation, and compensatory time off) run concurrently with FMLA.

Minnesota Parental leave will run concurrently with any other applicable leave, such as FMLA, STD, paid parental leave, sick leave, or accrued vacation, and that paid leave cannot be utilized to extend FMLA or parental leave beyond twelve (12) weeks.

### **Failure to Return to Work After FMLA**

Under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least thirty (30) calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee's behalf to maintain benefits other than group health plan benefits.

### **Activities Prohibited During FMLA**

While on leave, an employee may not engage in activities (including employment) that have the same or similar requirements and essential functions of the employee's current position.

While on leave, an employee may not engage in any activity that conflicts with the best interests of the City. Such conduct will result in disciplinary action, up to and including termination of employment.

### **Seniority**

Unless required by a contract provision, seniority does not accrue during any period of unpaid FMLA, except as allowed when the leave is covered by worker's compensation. However, seniority accrued prior to commencement of FMLA leave will not be lost.

## **FMLA – QUALIFIED EXIGENCY AND MILITARY CAREGIVER LEAVE**

**Qualified Exigency:** Eligible employees (as described above) whose spouse, son, daughter, or parent has been notified of an impending call or order to covered active military duty, or who is already on covered active duty, may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: (1) short-notice deployment; (2) military events and activities; (3) childcare and school activities; (3) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9)

additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

**Military Caregiver Leave:** An employee eligible for FMLA leave (as described above) who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which they are undergoing medical treatment, recuperation, therapy, or otherwise is on outpatient status or on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, or members on the permanent disability retired list.

### ***DEFINITIONS***

- A **“son or daughter of a covered servicemember”** means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A **“parent of a covered servicemember”** means a covered servicemember’s biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- The **“next of kin of a covered servicemember”** is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.
- **“Covered active duty”** means:
  - “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
  - “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.
- **“Covered servicemember”** means:
  - An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy, or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness; or

- A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **“Serious injury or illness”** means:
  - In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
  - In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

**Amount of Leave: Qualified Exigency**

An eligible employee can take up to 12 weeks of leave for a qualified exigency.

**Amount of Leave: Military Caregiver**

An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

Leave taken for any FMLA reason counts towards the 26-week entitlement. If an employee does not take all 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127(e)(1) (2017).

**Certification of Qualifying Exigency for Military Family Leave**

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

**Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave**

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of

continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.

Questions should be directed to Human Resources.

## **6.5 Extended Medical Leave**

When medically necessary and upon receipt of a medical certificate from an employee's treating physician, the City Administrator may, at their sole discretion, approve a request for an unpaid medical leave extension of up to three months due to the employee's serious medical condition or to care for a spouse, parent, or child who has suffered a serious medical condition.

Before using unpaid leave under this section, the employee must exhaust all paid leave.

While on an extended medical leave, City benefits will administered through COBRA and will be offered at employees' cost.

Vacation, sick, and paid holiday leave will not be earned during a period of unpaid extended medical leave. Use of approved extended medical leave will constitute a break in service for purposes of computing years of service. The City of Ramsey does not guarantee job restoration after a period of extended medical leave.

The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Administrative Services Director may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness-for-duty certification is required, the City may deny reinstatement until it is provided.

## **6.6 Bone Marrow Donation Leave**

State law provides for paid leaves of absence for employees who works an average of at least 20 hours per week and with to undergo a medical procedure to donate bone marrow. The length of the leave shall not exceed 40 work hours unless otherwise agreed to by the City. Bone Marrow Leave is not chargeable against accrued vacation, sick leave, or compensatory time off. The City may require certification from the treating physician regarding the purpose and duration of the leave requested by the employee.

## **6.7 Temporary Light Duty**

Consistent with public service needs, the City may assign light duty to employees who are temporarily unable to fully perform all work duties. The City reserves the sole right to determine, on a case-by-case basis, whether light duty will be assigned and, if assigned, what duties the employee will be expected to perform. The duration of the assignment cannot exceed four weeks without the City Administrator's approval. The City does not guarantee that any light duty will be available and is under no obligation to create a new position to accommodate any employee's inability to perform the essential functions of their job. Police Department and Fire Department employees are not eligible for light duty assignments unless approved by the Department Head and the Administrative Services Director.

The procedure for applying for a light duty assignment is as follows:

- When an employee is unable to fully perform all assigned work duties, the employee may request light duty by submitting a written request to the Administrative Services Director. This request must be accompanied by the treating physician's medical certification indicating diagnosis, current treatment, and the extent and duration of any work restrictions.
- The City may require an independent evaluation conducted by a physician selected by the City to verify the diagnosis, current treatment, work restrictions, and expected length of disability.
- Decisions regarding light duty assignments will be made on a department-by-department, case-by-case basis. The Administrative Services Director, in consultation with the Department Head, will consider such factors as public service needs, budgetary consideration, the need for work that can be assigned as light duty, the employee's capability of performing the work, the number of employees unavailable for work due to injury or illness, and other relevant factors. The City does not guarantee the availability of light duty and is under no obligation to create a new position to accommodate an employee's inability to perform the essential functions of their job.
- The City will determine the duties the employee will perform during light duty. These may tasks from the employee's current job classification or any other duties the City deems appropriate. The duration of light duty will be determined at the sole discretion of the City and will not exceed four weeks without the City Administrator's approval.

If the treating physician requires a continuation of light duty beyond four weeks, the employee must submit updated documentation from the treating physician for review by the Administrative Services Director. Final approval or denial for an extension will be made by the City Administrator.

The City reserves the sole right to terminate a light duty assignment at any time.

## **6.8 Military Leave**

State and federal laws regulate military leave for employees who are called to military service, whether in the Reserves or full-time service. Leave from employment to participate in military duty is addressed in federal law in the Uniformed Services Employment & Reemployment Rights Act (USERRA). Public employees in Minnesota engaged in military service have additional benefits under Minnesota statutes. Every City employee, whether in the Reserves or full-time service, will be afforded the benefits to which they are entitled to under federal and state law. Employees should contact Human Resources for additional details.

## **6.9 Pregnancy and Parenting Leave**

All employees are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees may take leave for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. Additionally, biological or adoptive parents may take leave in conjunction with the birth or adoption of a child. Eligible employees are entitled to up to 12 weeks of unpaid leave, which must begin within 12 months of the birth or adoption of the child. If the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

Employees should provide reasonable notice, which is at least 30 days. If the leave must be taken in less than 30 days, the employee should provide as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave) during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave begins, the leave will also count as FMLA leave, and the two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay they received before commencing the leave.

Group insurance coverage will remain available while the employee is on leave under the Pregnancy and Parenting Leave Act; however, the employee will be responsible for the full premium unless otherwise provided in this policy (i.e., if the leave also qualifies under FMLA). For employees on an FMLA absence, the employer contributions toward insurance benefits will continue during the FMLA leave period.

## **6.10 School Conference and Activities Leave**

Employees may take up to 16 hours of unpaid leave during any 12-month period to attend school conferences or classroom activities related to their child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. If the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice and make a reasonable effort to schedule the leave to avoid unduly disrupting City operations. Employees may choose to use vacation leave for this absence but are not required to do so.

## **6.11 Jury Duty or Witness Duty**

Any employee who is required to serve as a juror or subpoenaed as a witness in court for job-related purposes will be granted a leave of absence with pay while serving in such a capacity. However, employees cannot receive more than their normal take-home pay when employer-paid leave supplements jury duty pay. Jury duty pay, excluding transportation reimbursements, must be remitted to the City within 30 days of receipt from the judicial agency.

If employees are excused from jury duty or serving as a witness during their regular working hours, employees are expected to return to work if practicable.

A copy of the summons shall be forwarded to Human Resources.

## **6.12 Funeral Leave**

Employees may take up to 24 hours of funeral leave per occurrence, up to twice annually (a maximum of 48 hours per calendar year), for the death of an immediate family member. Funeral leave is not chargeable against any accrued vacation leave, sick leave, or compensatory time off. All funeral leave for a particular occurrence must be taken within five (5) calendar days from start to finish.

Additional funeral leave may be taken with prior supervisor approval. Such additional leave will be deducted from the employee's sick leave (up to three consecutive days), vacation leave, or compensatory time off, depending on the employee's choice and availability.

For the purposes of this section, immediate family includes as spouse, parent, stepparent, child, step-child, brother, sister, grandparent, grandchild, an individual where the employee is a legal guardian, or a similar member of employee's spouse's family.

## SECTION 7 CONDUCT

### 7.1 Code of Conduct

#### Policy of Statement

It is the policy of the City of Ramsey to maintain a respectful work environment free from violence, discrimination, and offensive or degrading remarks or conduct. Preserving a respectful environment in which to work is the shared responsibility of both management and employees. Inappropriate conduct or communication can interfere with an individual's employment or use of public services or create an intimidating, hostile, or offensive work environment. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, which may include dismissal from employment.

#### Scope

This policy governs the conduct of all City personnel, including elected officials; union, non-union, supervisory, non-supervisory, managerial, full-time, part-time and temporary employees; and members of City boards and commissions.

#### *DEFINITIONS OF PROHIBITED BEHAVIORS*

- **Violent behavior** includes the use or threat of physical force or intimidation to cause pain, fear, or harm.
- **Discriminatory behavior** includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, membership or activity in a local human rights commission, status with regard to public assistance, or other characteristics protected by state or federal anti-discrimination law.
- **Offensive behavior** may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers, angry outbursts, inappropriate joking, vulgar obscenities, name-calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

#### *POLICIES*

##### 1. **Expected Conduct of City Employees in General**

Employees of the City shall conduct themselves at all times, while on duty or on City premises, in a manner that reflects most favorably on the City. Conduct unbecoming a City employee includes violent behavior, discriminatory behavior, offensive behavior, harassment, and any conduct that discredits the City, reflects negatively on it, or adversely impacts the functioning of City employees, departments, or the organization as a whole.

##### 2. **Conduct in Dealing with the Public**

While representing the City, employees shall be courteous to all members of the public. Employees shall be tactful in the performance of their duties, exercise patience, and control their tempers. They must not engage in argumentative discussions or prohibited behavior, even if provoked. Course, violent, profane, or disrespectful language or gestures. As well as prejudicial expressions for any unlawful reason or lifestyle, or personal characteristics.

If a member of the public becomes abusive, employees should attempt to de-escalate the situation. Employees may lower their voice, ask the person to sit down, or, if necessary, refer the person to a supervisor. If the situation persists, employees may request police assistance. Employees are not required to continue conversations that include profanity or threats; in such cases, employees should inform the individual, as courteously as possible, that they are ending the interaction and will resume the conversation after the individual has calmed down.

### **3. Conduct Between Employees**

Employees shall cooperate with and treat co-workers at all levels courteously and respectfully. Employees are expected to refrain from violent, discriminatory, or offensive behaviors and to act professionally and courteously in their interactions. Inappropriate behaviors include, but are not limited to:

- Slamming doors, pounding tables, or kicking furniture.
- Unwanted physical contact, such as “roughhousing” (e.g., punching, pinching, or arm twisting).
- Making threats, berating, belittling others, or refusing to speak or respond when spoken to.
- Producing inappropriate graphics, using disparaging nicknames, or communication threats via any medium (voice, e-mail, notes, etc.).

Employees shall refrain from making disparaging remarks about personal characteristics, engaging in unwanted horseplay or practical jokes, and failing to relay written, verbal or telephone messages.

### **4. Reporting Inappropriate Workplace Behaviors**

Any employee who believes that another City employee or elected official has engaged in behavior prohibited by this policy is encouraged to address the situation as described in paragraphs (a), (b), and (c) below. However, if the alleged conduct involves violent behavior, discriminatory behavior, or harassment prohibited by City policy, the employee is responsible for reporting the situation to the appropriate supervisor in accordance with the City’s anti-harassment policy and paragraph (c) of this policy.

- a) If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.
- b) Write a memorandum for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.

- c) Report the conduct to your supervisor or department head or the employee's supervisor or department head. If the individual allegedly engaging in behavior is an elected official, report the conduct to the City's Administrative Services Director, City Administrator, the Mayor, or a member of the City Council, as appropriate.

When reporting, employees should be prepared to provide the following information:

1. The complainant's name, department, and position title.
2. The name, department, and position title of the offending party (if known).
3. The specific facts of the alleged inappropriate behavior, how long it has allegedly gone on, and any alleged employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) that was supposedly taken against the employee who is filing the complaint.
4. Names of witnesses, if any, to the alleged harassment.
5. Whether the complainant has previously reported the alleged misconduct and, if so, to whom.

#### **5. Investigation of Complaints of Inappropriate Conduct**

All supervisors and Department Heads receiving complaints of behavior prohibited by this policy shall report them to the Administrative Services Director. If the complaint involves alleged conduct by the Administrative Services Director, the supervisor or Department Head shall instead report the complaint to the City Administrator.

The Administrative Services Director, the City Administrator, or the identified designee, shall investigate complaints of inappropriate workplace conduct prohibited by this policy.

#### **6. Consequences of Engaging in Inappropriate Workplace Conduct**

Employees found to have engaged in prohibited conduct or to have intentionally filed a false complaint may face disciplinary action, up to and including termination, consistent with City policies and applicable laws. Supervisors who condone or fail to address prohibited behavior may also face disciplinary action.

#### **7. Retaliation for Complaints of Inappropriate Workplace Conduct**

All employees are prohibited from retaliating or threatening to retaliate against anyone who complains of inappropriate workplace conduct or participates in the investigation or response to such conduct. Any employee found to engage in retaliatory actions is subject to discipline, up to and including immediate termination, subject only to the provisions of this personnel policy, applicable policies of the Police and Fire Departments, applicable collective bargaining agreements or other contracts, and applicable law.

#### **8. Relationship of Code of Conduct to Harassment Policy**

This policy supplements and does not replace the City's policies prohibiting discrimination, harassment in the workplace, and workplace violence.

## **7.2 Harassment Policy**

This policy applies to all City employees, personnel, and volunteers without exception, including elected officials, appointed board and commission members, temporary employees, employees working under contract for the City, and members of the paid-on-call fire department.

It is the policy of the City that all employees should be able to enjoy a respectful workplace and a work atmosphere free from all forms of unlawful harassment, including implied or expressed forms of sexual harassment. Harassment infringes on an employee's right to a comfortable, respectful work environment, is against City policy, and will not be tolerated. All employees are expected to treat their coworkers, subordinates, supervisors, and public contacts with respect at all times. The City does not tolerate any form of sexual harassment in the workplace, including acts committed by non-employees.

Any form of sexual harassment or other protected-class harassment, as defined in this policy, is prohibited and may result in disciplinary action, up to and including immediate termination.

### **Sexual Harassment and Other Protected Class Harassment**

For purposes of this policy, the term “sexual harassment” includes unwelcome physical or verbal conduct relating to an individual’s sex or gender, or conduct directed at an individual because of sex or gender. This includes unwelcomed sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual or gender-related nature, when:

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual;
3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or creating an intimidating, hostile, or offensive working environment.

Violation of this policy by an employee may result in disciplinary action, up to and including termination.

Examples of sexually harassing conduct under this policy may include, but are not limited to, the following:

- Use of offensive or demeaning terms that have a sexual connotation or a negative gender connotation;
- Objectionable physical proximity or physical contact;
- Any unwelcome, sexually motivated touching;
- Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;
- Any indication, express or implied, that an employee's job security, job assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee or supervisor;

- Any action relating to an employee's job status that is taken as a direct result of granting or refusing social or sexual favors;
- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation;
- The deliberate or careless expression of jokes or remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive;
- The deliberate or careless dissemination or display of materials such as cartoons, articles, pictures, other graphics of a sexual nature that are not necessary for work;
- The use of suggestive facial expressions or gestures of a sexual nature.

Other protected class harassment is offensive conduct or communication based on an individual's 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 when:

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual's employment;
3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or creating an intimidating, hostile, or offensive working environment.

All employees should keep in mind that the absence of intent to harass an individual is not a defense to a complaint of harassment. It is the impact and nature of the conduct, not the intent, which determines whether the conduct is harassing.

Any employee who believes they are being subjected to sexual harassment or other protected class harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a supervisor or the Administrative Services Director. If the Administrative Services Director is the person alleged to have engaged in conduct prohibited by this policy, complaints should be made to the City Administrator. While the City encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

1. Date, time, and location of the incident
2. Identification of the offender(s)
3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g., cartoons, articles, pictures)
5. Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable so doing, you may, but are not required to, courteously but firmly tell the individual(s) engaging in the inappropriate behavior to stop, explaining that the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the supervisor, Administrative Services Director, or City Administrator.

Supervisors are responsible for maintaining a work environment that is respectful and free from discrimination in any form. These responsibilities include proactively maintaining the compliance with this policy by all employees.

Any supervisor who receives a formal or informal, oral or written report of harassment, or has personal knowledge or reason to believe that such harassment has occurred, should inform the Administrative Services Director immediately, without screening or investigating the report. If the Administrative Services Director is involved or have a conflict of interest, the report shall be made to the City Administrator pursuant to the reporting procedures. Failure of any supervisory employee to forward such a report to the appropriate party may be grounds for discipline. If appropriate, the Administrative Services Director shall inform the Department Head of the report of harassment.

Upon receipt of a report or complaint of sexual harassment or other protected class harassment, the Administrative Services Director or City Administrator shall undertake or authorize an investigation. The investigation may be conducted by City officials or by a third party designated by the City. The City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

The investigation methodology will be determined by the investigator depending on the specifics of each complaint. Investigations typically include, at a minimum, interviews with the reporting employee, the complaining employee (if different from the reporting employee), and alleged offender(s). The investigation methodology may additionally include additional interviews, document review, and other methods deemed pertinent by the investigator.

Every effort will be made to respect the privacy and identity of all parties to a complaint brought under this policy, subject to any applicable law, including the Minnesota Government Data Practices Act (“MGDPA”). In addition, the City has an obligation to investigate, take necessary action to address allegations, and comply with relevant state and federal regulations, and retains the right to disclose the identities of parties to a complaint, including witnesses, and the substance of complaints or witness statements as permitted or required by applicable law, including the MGDPA.

The investigator will forward a summary of the investigation, including the investigator’s findings and conclusions, to the Administrative Services Director or City Administrator, as appropriate. The City will take all appropriate action, including, but not limited to, disciplinary action, to address any confirmed violation of this policy.

The City will not tolerate acts of retaliation against employees who have made a good faith

report of suspected violations of this policy or any person who assists or participates in an investigation or proceeding related to such investigation. The City will discipline or take other appropriate action against any employee, personnel, elected official, or volunteer who engages in acts of retaliation towards such individuals. For purposes of this policy, retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

### **7.3 Workplace Violence Policy**

#### **Purpose and Definitions**

This policy applies to all City employees, personnel, and volunteers without exception, including elected officials, temporary employees, employees working under contract for the City, and members of the paid-on-call fire department. The City of Ramsey is committed to maintaining a safe environment for its employees and customers, free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Accordingly, the City will not tolerate any acts of violence toward employees, customers, or property. Any employee who commits or threatens an act of workplace violence may be subject to investigation and discipline, up to and including immediate termination. It is the goal of the City to provide a workplace that is free of intimidation, threats, and violence. This policy will also seek to provide guidance to employees when they encounter a situation that they believe could result in violence.

For purposes of this policy, the following definitions will be used:

**Workplace Violence:** The term “workplace violence” encompasses a wide range of behaviors that include, but are not limited to, any act of physical, verbal, or written aggression against an employee or customer of the City; threats to inflict physical harm, or damages to property; harm to family members of an employee; or any purposeful or knowing behavior that would cause a reasonable person to feel threatened by an employee or non-employee in the workplace.

Workplace violence does not include reasonable force in the defense of oneself or others. It also does not include the appropriate use of force or weapons by law enforcement officers or others acting lawfully to protect and defend life and property, effectuate an arrest or detainment, or for other lawful purposes.

**Threat:** An expression by word or conduct of intent to commit violence that places the listener or reader in fear of imminent bodily harm, or is of such character that another individual could reasonably be placed in fear of imminent bodily harm. The overall context of statement, including non-verbal communications, will be taken into account to determine if such an expression is a threat covered by this policy.

#### **Employee Responsibilities**

Employees are expected to treat co-workers, citizens, and property with respect. No employee is permitted to commit or threaten violence against another employee or customer of the City. Examples of prohibited conduct include, but are not limited to, physical abuse, verbal threats to inflict physical harm, vandalism, arson, and use of weapons.

Employees are not permitted to bring a weapon into the City workplace or onto City property unless the weapon is required to fulfill the employee's job duties, such as those of a police officer.

City employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If anyone on City premises displays such behavior, regardless of whether they are a City employee, such behavior should be reported immediately to the employee's supervisor. Employees are responsible for making the report, regardless of the relationship between the individual who initiated the threat or threatening behavior and the person(s) who was threatened or who was the focus of the threatening behavior.

Employees should remain alert to and immediately report suspicious or threatening behavior and incidents of workplace violence to their supervisor. Employees should contact 911 in the case of an immediate, serious threat or crime. In the event of imminent danger to persons or property, employees shall always take action to safeguard individuals or property before making a formal report. Except as noted above, reports shall be made as soon as possible after a threat or act of workplace violence – preferably within 4-6 hours, or sooner if reasonable.

Even without an actual threat, employees shall report any behavior they have witnessed that they regard as threatening or violent.

Employees who have identified City work locations as being protected for purposes of restraining or protective orders shall immediately notify their supervisor. The City understands the sensitivity of the information and will endeavor to handle the matter respectfully while also providing necessary notification and advance warning to fellow employees.

### **Supervisory Responsibilities**

Supervisors are expected to appropriately and safely intervene when an employee is subjected to abuse, whether from another employee or a member of the public. Supervisors and Department Heads who witness workplace violence or receive a complaint of workplace violence must notify the Administrative Services Director as soon as possible.

The responding supervisor shall assess whether there is a significant current risk of violence that could result in physical harm to people and/or property. The supervisor should establish command and determine the appropriate level of emergency response. Actions supervisors or Department Heads may take include:

- Ensuring that 911 has been called.
- Alerting other employees in the immediate area about the situation.
- Attempting to move individuals at risk to a safer location.
- Implementing the appropriate evacuation procedures if rapid evacuation of the building seems warranted.
- Controlling staff involved to prevent interference with or hinderance of law enforcement or emergency personnel efforts.
- Ensuring that necessary medical attention and/or emotional support is provided to the employees affected by the incident.

- Contacting the Administrative Services Director to:
  - Arrange for relief from duty of the employee(s) involved in the workplace violence.
  - Coordinate an investigation.
  - Handle disciplinary actions and return-to-work procedures.

The Administrative Services Director may address the situation by:

- Assessing the needs of victims and other employees impacted by the incident.
- Evaluating and implementing additional security measures based on the following considerations:
  - The likelihood of violence.
  - The costs and benefits of security measures.
  - the impact of security measures on the employee(s) involved and the rest of the workforce.
  - the impact of security measures on the City’s ability to meet customer needs.

If a supervisor or Department Head is notified of an employee identifying City work locations as being protected areas due to restraining or protective orders, or in cases involving domestic violence, the Administrative Services Director must be consulted immediately to determine the appropriate course of action.

Due to the need to allow public access to City facilities and services, the City cannot guarantee that violence will not occur on its premises.

The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the consequences for violating this rule, and providing a hierarchy for reporting incidents of violence without fear of reprisal.

Any City employee who violates this policy may be subject to disciplinary action, up to and including immediate termination.

Any customer of the City who violates this policy may be denied access to City business locations. Anyone who engages in violence may be subject to criminal sanctions.

## **7.4 Domestic Violence**

At the request of the employee, the City will attempt to make reasonable accommodations to shield or protect the employee from abuse while at work. These accommodations may include screening telephone calls and visitors or implementing other temporary measures. In accordance with Minnesota law, employees may also use sick leave for “safety leave” related to domestic violence situations.

## **7.5 Appearance and Dress Policy**

The appearance and dress of City employees has a direct reflection on the professionalism of our services. A neat, well-groomed employee presents a positive image of the City and demonstrates the pride of City employees. Appearance and attire significantly influence how community members perceive City staff and the confidence customers have in the City's ability to provide quality services. The standard office attire for employees Monday through Friday will be Business Casual or Formal Business, with some exceptions on Fridays as noted below.

### ***APPROPRIATE CASUAL / FORMAL BUSINESS ATTIRE***

- Suits
- Sport Coats or blazers
- Dress slacks, pants, khakis, colored denim dress jeans (no blue jeans unless working outdoors or in spaces that are not clean; no rips, tears, stains, frayed fabric, etc.)
- Dress shirts, polos, blouses, shirts, or sweaters
- Dresses, skirts or business capris (no more than 3 inches above the knee)
- Any type of business shoes, dress sandals, loafers, clean earth-tone, white or black athletic shoes, but no extreme colors such as violet, indigo, blue, green, yellow, orange and red. (Crocks, flip flops, thongs, or barefoot sandals are not allowed, unless a doctor's note stating the reason for the exception is submitted to Human Resources.)

### ***APPROPRIATE CASUAL FRIDAY ATTIRE***

- Casual sweaters, shirts or polos (slogans or advertising may not exceed 2 inches, other than City logos)
- Hooded sweatshirts with a City of Ramsey logo
- Casual slacks, pants, and denim jeans (no rips, tears, stains, frayed fabric, etc.)
- Periodically, as announced, sport jerseys or team shirts may be worn on casual Friday (in good condition; no sweat pants or wind pants)

Employees who take Friday off may not substitute another day for "casual Friday."

### ***INAPPROPRIATE ATTIRE AND APPEARANCE IN THE WORKPLACE***

- Unkept personal hygiene and an appearance that is not neat and tidy.
- Extreme hair colors and shoes such as violet, indigo, blue, green, yellow, orange and red.
- Tattoos that are deemed offensive, including, but not limited to depicting racial, sexual, discriminatory, or gang-related images or obscene language, or those that undermine City's values. Offensive tattoos must be covered while working.
- Tattoos on the head, face, neck, and hands are prohibited, excluding a tattooed ring.
- Piercings that are loose or dangle, except for earrings or small, snug-fitting nose piercings or studs.
- Piercings that interfere with speaking clearly.

- Facial piercings (e.g., septum, eyelid, eyebrow, cheek, lips, etc.).
- Slogans or advertising exceeding 2 inches, except for City logos.
- T-shirts, halter tops, tank tops, tube tops, muscle shirts, and shirts or dresses with spaghetti straps.
- Garments revealing the midriff or off-the-shoulder.
- Athletic wear (e.g., workout clothes, sweatpants, sweat suits, leggings, and yoga pants unless the upper garment drapes over and down to the mid-thigh).
  - Team jerseys or sweatshirts may be worn during special sporting events on Fridays.
- Shorts and mini-skirts.
- Dirty, ripped, wrinkled, or stained clothing.
- Transparent or overly tight garments.
- Clothing that is overly revealing or outlandish, causing distraction.
- Clothing with offensive or derogatory images or wording.
- Flip flops, thongs, barefoot sandals, and bare-bottom shoes.

### **Employees Who Work Outdoors**

Employees who work outside must follow the dress code established by their Department Head. Clothing must always be neat, clean, and not overly worn, faded, or in disrepair. Work shirts may not be sleeveless, and employees may not go shirtless while on duty. Solid-color shorts and jeans are acceptable when appropriate and with prior approval from the Department Head.

### **Uniformed Personnel**

Uniforms provided to some City employees are expected to be neat, fresh, and clean when reporting for duty. Each department is responsible for ensuring that employees follow regulations regarding uniforms, related accessories, and equipment. Uniforms bearing City identification may not be worn during off-duty hours.

Under certain circumstances, employees may be required, as a condition of employment, to wear clothing identifying them as a City of Ramsey employee. If applicable, a payroll stipend may be provided, and applicable taxes will be withheld according to the IRS regulations.

### **Religious Considerations**

Nothing in the policy is intended to infringe upon an individual's desire to observe and exercise religious practices. The City will make reasonable effort to accommodate religious practices regarding dress to the extent that it can do so without affecting employee or customer health and safety.

### **Enforcement**

The Administrative Services Director, Department Heads or the identified designee are responsible for enforcing this policy. If counseling is ineffective, violations of this policy may result in disciplinary action, up to and including termination. Employees sent home to change clothes shall not be paid as regular duty during that time; they may use vacation time or unpaid leave.

### **Exceptions**

Exceptions to this policy will be made only on a case-by-case basis with a doctor's note stating the reason for the exception.

## **7.6 Off-Duty Conduct**

The City's effectiveness depends upon the respect and confidence of residents, business owners, and employees. Inappropriate off-duty conduct detracts from community or employee respect and confidence. It is the City's policy to investigate circumstances suggesting that a City employee has engaged in inappropriate off-duty conduct that reflects unfavorably on the City. If inappropriate off-duty conduct is determined to have occurred and it affects the City's business or reputation, discipline may be imposed, up to and including termination.

Examples of inappropriate off-duty conduct include, but are not limited to, the following:

- Certain moving violations
- Theft
- Violence
- Use of City position to manipulate or control others
- Conviction of a gross misdemeanor or felony

This policy applies to all City employees (full-time, part-time, paid-on-call, temporary, casual, etc.); to acts that occur within or outside of City limits; and to acts that occur during or outside work hours.

## **7.7 Employee Parking**

To ensure the public has easy access to the entrances of City Hall, employees must park personal vehicles in the Municipal Parking Ramp unless otherwise approved by the Department Head. City vehicles may be temporarily parked on the road or in the south parking lot as needed for City business. Personal vehicles may only be parked on the road for the time necessary to load or unload supplies for a City function.

## **7.8 Conflict of Interest and Divided Allegiance**

This policy applies to all City employees, personnel, and volunteers without exception, including elected officials, appointed board and commissioners, temporary employees, employees working under contract for the City, and members of the paid-on-call fire department.

The City Council and the City Administrator are committed to governing the City organization in a manner that is free of personal conflicts. For the purposes of this policy, the term "conflicts" refers to both "conflicts of interest," as defined under applicable state and federal law, and "divided allegiances," as defined in this policy.

This policy addresses how the City approaches actual or perceived conflicts. The definitions provided encompass more than the specific conflict-of-interest scenarios addressed by the state

or federal laws. A conflict of interest not identified in this policy may still violate those laws. City officials may have a legal conflict of interest even if their conduct does not amount to a conflict under this Policy. Nothing in this policy authorizes, or should be interpreted as authorizing, City officials to have an interest in a transaction prohibited by state or federal law. Employees and elected officials who have a conflict of interest recognized by state or federal law are subject to all applicable legal consequences.

The purpose of this Policy is to inform City elected officials, appointed commission members, and staff of the City's broad definition of conflicts and to establish procedures for declaring and monitoring conflicts as they arise. The City Council requires each elected official, appointed commission member, and staff member to be advised of this policy, and provided with a copy upon assuming their City's duties or relationship. All individuals subject to this policy are responsible for understanding and adhering to it.

This policy recognizes that a conflict of interest may exist whenever the personal or professional interests of an elected official, appointed commissioner, or staff member are potentially at odds with City's interests. Since the City Council is responsible for ensuring that the organization's management serves the City's best interests, over and above the interests of any insider, this policy broadly defines potential conflicts of interest to include all instances when a person within the organization may be able to exert authority, influence, or bias on any issue in which they may have divided allegiances.

The City Council acknowledges that conflicts may exist not only from financial interests in a transaction but also from non-financial interests. In all cases, the City Council is committed to ensuring that whenever a dual interest exists – whether personal, business, organizational, or professional – and it intersects with the position and interests of the City, such conflicts are disclosed, and resulting decisions are managed fairly and appropriately.

Furthermore, the procedures outlined in this policy apply not only when an actual conflict is demonstrated but also when the interests or concerns of another party to which one has allegiance may reasonably be seen as competing with City's interests or concerns. The City Council's decision to apply heightened scrutiny and procedures when a conflict involving elected official, appointed commissioner, or staff member appears to have a conflict acknowledges the public's increasing sensitivity to self-dealing and lax management by public officials.

The three types (or "tiers") of conflicts defined in the policy are not mutually exclusive. An interest that qualifies as a conflict of interest under one tier may also qualify under another tier, depending on the specific circumstances.

### ***CONFLICT OF INTEREST, DIVIDED ALLEGIANCES, AND DEFINITIONS***

**Tier 1 -- Direct conflict:** A direct conflict exists whenever there is any proposed transaction or action of the City in which an elected official, appointed commissioner, or staff member has any direct involvement or interest. Direct conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate, appropriate action to eliminate the

conflict. These transactions are subject to the highest scrutiny.

**Tier 2 -- Indirect conflict:** An elected official, appointed commissioner or staff member has an indirect involvement or interest in a proposed transaction or action of the City whenever:

1. Any other party to the transaction or party affected by the action is a “family member” (i.e., a relative) of the elected official, appointed commissioner, or staff member, or there is a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.
2. Any other party to the transaction or party affected by the action is an entity in which the elected official, appointed commissioner, or staff member has a material financial interest.
3. The elected official, appointed commissioner, or staff member is an officer, director, trustee, staff member, or partner of any other party to the transaction or party affected by the action.

Conflicts involving more immediate relatives should generally be subject to a higher level of scrutiny by the City than those involving relatives who are more distantly related. However, each situation involves individual circumstances to be weighed by the City Council and City Administrator.

**Tier 3 -- Potential conflict or the appearance/perception of conflict:** Elected official, appointed commissioners, and staff members should follow the disclosure procedures outlined in this policy when the interests or concerns of any elected official, appointed commissioner, or staff member, or of any of their relatives, or any other individual group or organization to which such person has allegiance, may reasonably be seen by a third party as competing with the interests or concerns of the City, or when conflicting duties or loyalties exist.

For purposes of this policy, the term “relative” includes all of the following individuals: spouses, parents, children, children’s spouses, siblings, spouses of siblings, aunts, uncles, first cousins, step-parents, and step-children.

For purposes of this policy, a “material financial interest” exists when an individual or their relative has rights (whether or not yet vested) to be paid compensation, employee or retiree benefits, dividends, or profit-sharing, or to have their expenses reimbursed, obligations repaid, or other liabilities satisfied. The term is intended to include any and all remunerative expectations.

The City’s elected officials, appointed commissioners, staff, and consultants shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, donors, grantees, or parties to sub-agreements, with the exception that unsolicited gifts — such as trinkets or mementos costing \$5.00 or less, not given regularly — may be accepted.

When there is any doubt as to whether a conflict exists, either pursuant to this policy or under applicable law, the matter shall be resolved by the City Attorney.

All local officials, as defined in Minnesota law, must comply with Minnesota law regarding the

receipt of gifts.

### ***PROCEDURE WHEN APPOINTED OFFICIALS HAVE A CONFLICT***

#### **When conflicts arise, the interested appointed official must:**

1. Prepare a written statement or make a verbal announcement at the applicable public meeting, describing the matter requiring action or decision and the nature of the potential conflict of interest.
  - a) Deliver a copy of the notice to the chair of that board, commission or committee. If the chair has the conflict, the notice should be delivered to the appointing authority, the City Council.

### ***PROCEDURE WHEN ELECTED OFFICIALS HAVE A CONFLICT***

#### **When conflicts arise, the interested elected official must:**

1. Prepare a written statement or make a verbal announcement at the applicable public meeting, describing the matter requiring action or decision and the nature of the potential conflict of interest.
  - a) Deliver a copy of the notice to the presiding officer (typically the mayor).
  - b) If the mayor has the conflict, the notice should be delivered to the acting presiding officer.

### ***PROCEDURE WHEN STAFF HAVE A CONFLICT***

1. Each staff member has a duty to disclose to the City Administrator, Finance Director and/or Administrative Services Director the material facts of any proposed transaction of the City in which such person has any conflict(s) identified by this policy. Staff shall prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest.
2. The disclosure required under item 1 (above) is to be made immediately and, to the extent possible, before any consideration of such proposed transaction by the City. If a staff member does not recognize the existence of a conflict prior to a decision regarding the transaction, the staff member has a duty to disclose the material facts of the conflict as soon as it is recognized.
3. A staff member having a conflict shall not participate in the deliberation or decision by the City regarding the transaction under consideration unless invited by the City Council, City Administrator, Finance Director, and/or Administrative Services Director, after considering the significance of the disclosed conflict to the City. The City Council, City Administrator, Finance Director, and/or Administrative Services Director may also request that the staff member provide the City with any relevant information regarding the matter.

The City Council, City Administrator, Finance Director and/or Administrative Services Director shall take any additional actions necessary to ensure that the conflict is properly disclosed to management and that appropriate steps are taken as the transaction and its terms are brought forth for decision-making and/or implementation. Furthermore, the City Administrator, Finance Director, and/or Administrative Services Director shall maintain a record of the existence of the conflict, the procedures employed in managing it, and its resolution.

## SECTION 8 DISCIPLINE / GRIEVANCE PROCEDURES

### 8.1 Discipline

City employees are subject to disciplinary action for failing to fulfill their duties and responsibilities, including failure to observe proper workplace conduct adopted by the City Council. Compliance with work rules and policies are essential functions of all City positions; deficiencies in these areas will be addressed through the discipline process listed below.

It is the policy of the City to administer disciplinary penalties without discrimination. Except for probationary employees and as expressly described in this policy, employees may use the grievance procedure under the personnel policy concerning any disciplinary action. To the extent practicable, the supervisor or Department Head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Nothing in this policy shall be interpreted as altering the City employees' status as "at-will" employees or creating any type of "just cause" standard for discipline or termination. When determining whether to impose discipline, including termination, the City may consider all relevant factors, including but not limited to the seriousness and frequency of misconduct and the employee's disciplinary history.

Discipline may be in one or more of the following forms, although the City of Ramsey reserves the right to take any disciplinary action at any time:

- a) Oral Reprimand
- b) Written Reprimand
- c) Suspension
- d) Demotion
- e) Termination

- a) **Oral Reprimand:** A verbal reprimand may be imposed by a Department Head for minor violations or incidents. The Department Head must maintain a record of each verbal reprimand. A verbal reprimand may not be appealed or submitted through the grievance process.
- b) **Written Reprimand:** A written reprimand shall state that the employee is being reprimanded for misconduct and describe the misconduct. The employee shall be given a copy of the written reprimand and sign the original, acknowledging receipt of the reprimand. The signature of the employee does not necessarily indicate agreement with the reprimand. If the employee refuses to sign the original reprimand, such refusal will be noted on the reprimand. The reprimand shall be placed in the employee's personnel file.
- c) **Suspension Without Pay:** Before the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. The employee shall sign the original suspension notice,

acknowledging receipt. The signature of the employee does not necessarily indicate agreement with the suspension. If the employee refuses to sign the suspension notice, such refusal will be noted on the notice. A copy of each written statement shall be placed in the employee's personnel file.

- d) **Demotion:** The City may demote an employee as it deems necessary to address disciplinary concerns, performance problems, or other factors related to meeting public service needs. A demotion results in a reduction in pay, classification, or duties.
- e) **Termination:** The City may terminate an employee at any time, for any lawful reason or no reason at all. All employees will be notified in writing of the reason for the termination. The employee shall sign the original dismissal notice, acknowledging receipt. If the employee refuses to sign, such refusal will be noted on the dismissal notice. The signature of the employee does not mean agreement with the dismissal. For employees subject to the Minnesota Veterans' Preference Act, the City will provide written notice of the charges against the employee and follow all other provisions of Minnesota Statutes, Section 197.46, as amended.

In cases of suspension, demotion or termination, the employee shall be granted a hearing before the City Council if the employee submits a written request for such a hearing to the City Council within five (5) working days of notification of the action taken. At its sole discretion, the Council may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the Council appoints a subcommittee, the subcommittee shall make its recommendation to the Council at the next regularly scheduled meeting following the hearing. The Council's decision is final.

If the Council overturns the disciplinary decision, the employee will be reinstated to the employee's position with back pay.

For purposes of the Minnesota Government Data Practices Act, the initial disciplinary decision constitutes the final disposition of a disciplinary matter unless the employee files a timely appeal with the City Council. In such cases, the Council's decision constitutes the final disposition.

Employment at the City of Ramsey may be terminated at the will of either the employee or the City, at any time, and for any lawful reason or no reason at all.

## **8.2 Grievance Procedure**

It is the policy of the City, whenever possible, to prevent the occurrence of grievances and to deal promptly with those that occur. For purposes of this policy, a grievance is defined as a dispute or disagreement as to the interpretation or application of this personnel policy.

Employees shall have the right to present grievances either individually or as a group. Grievances shall be presented to the City Administrator in writing within five (5) calendar days of the occurrence of the alleged grievance.

The City Administrator shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator is final, except that when the City Administrator is directly involved in the facts giving rise to the grievance, an appeal may be made to the City Council for final decision within fourteen (14) calendar days of the City Administrator's decision. In such an appeal, the City Council's decision is final. If the City Administrator does not respond to the grievance within fourteen (14) calendar days of receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

In compliance with federal or state law, an employee may also grieve any alleged unsafe act or practice, adverse working conditions, violation of civil rights, and alleged hazardous materials management.

## **SECTION 9 TRAVEL, TRAINING, AND EDUCATION**

### **9.1 Travel Policy**

#### **Purpose**

The City of Ramsey recognizes the need for continued training and professional development for its elected officials and City staff. As part of such training, elected officials and staff may be required to travel to attend workshops, conferences, and other assignments. This policy sets forth the conditions under which such travel will be reimbursed by the City.

#### **Policy**

A request by a Council Member for reimbursement for travel expenses must be approved by the full City Council at an open meeting prior to registering for the event. A request by an employee for reimbursement for travel expenses must be approved by the Department Head prior to registering for the event. Requests for travel will be evaluated based on all relevant factors, including but not limited to the following:

- Whether the person traveling will be receiving training on issues relevant to the City or to their job duties.
- Whether the person traveling will be viewing or studying a facility or function that is similar to one being operated by or considered by the City of Ramsey.
- Whether the person has been specifically assigned by the City Council to testify on behalf of the City before federal or state officials.
- Whether the City has sufficient funding available in the budget to pay the cost of the trip.

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

### **9.2 TRANSPORTATION / AIRLINE TRAVEL CREDITS**

The most cost-efficient mode of travel should be used, taking into consideration reasonable time constraints.

Whenever City funds are used to pay for airline travel by an elected official or City employee, all arrangements must be approved by the City Council or Department Head, respectively, prior to City funds being used. All commercial transportation shall be tourist or coach class. First-class fares will not be reimbursed. Printed detailed receipts for airfare must accompany a request for reimbursement form.

Individuals shall not accept or accumulate travel credits; i.e. travel credits shall be declined by the traveler.

### **9.3 MILEAGE REIMBURSEMENT**

A City vehicle should be used whenever one is available. If a City vehicle is not available, and the Department Head approves use of an employee's personal vehicle for City travel, the City will reimburse the employee for miles driven in excess of the employee's normal mileage to and from work, if not leaving from or returning to the work location, at the current IRS rate per mile. Mileage is not reimbursable through petty cash. Each request for reimbursement must include the following:

1. Online mapping directions printed showing total miles traveled on City business.
2. If not leaving from employee's work location and/or returning to the work location, online mapping directions printed, showing the total miles to and from the employee's home and normal work location must be included to subtract from #1 above, with no exceptions.
3. Net miles claimed for the reimbursement.
4. The business purpose of the trip, name of the event, and entity/building location name.
5. Starting and ending addresses for each location to substantiate mileage claim.

This level of detail must be documented and included on the request for reimbursement. Employees should contact the Finance Department for clarification or assistance.

If it is necessary to rent a vehicle to conduct City business, the City will reimburse employees or City Council Members for the cost of renting a vehicle. Care should be taken to rent the least expensive vehicle available.

### **9.4 LODGING**

When on City business 40 miles or more away from City Hall, lodging accommodations may be provided by the City. All requests for lodging must be submitted to and approved by the Department Head prior to payment. Actual costs for a single-occupancy room will be reimbursed, but charges shall be reasonable and consistent with the facilities available.

Each employee traveling on City business pursuant to this policy must stay in a private hotel room. Employees are not allowed to share rooms while traveling on City business unless otherwise approved in advance by the City Administrator or the Administrative Services Director. To minimize costs, the employee or elected official shall stay at a host hotel or motel, or a less expensive hotel, at the discretion of the attendee's Department Head.

Regardless of distance from City Hall, in the event of severe weather or other situations or conditions that make traveling hazardous, employees may secure lodging until it is safe to return. Employees should attempt to contact their department head prior to obtaining lodging. If contact cannot be made, employees should pay for their lodging at their own expense. Employees may request to be reimbursed; however, reimbursement is not guaranteed.

The City will not reimburse costs associated with the attendance of a family member at a workshop, conference, and other assignment. Printed detailed receipts are required for lodging and must accompany a request for reimbursement form.

## **9.5 MEALS**

When on City business, a maximum of three meals per day will be reimbursed by the City. Attendees must take advantage of all meals that are provided and included in the registration fee for workshops, conferences, or other assignments. The City will not reimburse for alcoholic beverages, tobacco products, or costs associated with family members.

Printed detailed meal receipts are required and must accompany a request for reimbursement form. The detailed meal receipt must include the food and beverage items ordered. The request for reimbursement form must include an explanation of the public purpose for the meal and a list of the attendees. The receipts and reimbursement request form shall be submitted to the Finance Department for payment.

The maximum reimbursement rates for meals, including taxes and tips, are as follows:

Note: The City will reimburse tips up to 20% of the bill (before taxes). Employees choosing to tip more than 20% will not be reimbursed for the difference.

**Breakfast:** \$18.00

**Lunch:** \$20.00

**Dinner:** \$36.00

The City Council recognizes the public purpose of the City Administrator’s business meetings with developers, staff, consultants, Council members and others. Therefore, the City Council grants discretion to the City Administrator, or the City Administrator’s designee, on a case-by-case basis, to seek reimbursement from the City for business meals, regardless of where or when those meals occur.

## **9.6 Training, Licensure, and Education Policy**

The City of Ramsey is responsible for delivering services to a broad constituency of residents and organizations. These services are delivered by staff members, consultants, and outside agencies. The Ramsey City Council, in an effort to ensure ongoing quality service delivery, provides a program for training its staff.

It is the primary objective of the training program is to ensure that training funds are allocated to learning activities that address organizational goals and follow a progression of skill development. Annually, each department is responsible for projecting individual staff training needs for the next five years.

Department budget requests and future projections will be evaluated to ensure compliance with organizational goals and budget allocations. The Department Head is responsible for presenting

the annual training budget to the City Administrator. The City Administrator will present the recommendations to the City Council as part of the annual budget process.

All departments will have opportunities to meet their training goals. However, it is understood that different departments and staff members will have varying levels of training needs. The City will not allocate training funds to specific staff members but will address the varying needs of the organization and the public.

### **Training Reimbursement**

Training is defined as short-term, specific coursework designed to develop particular job skills.

- The City will pay for job-related, position-specific training approved by the Department Head and City Administrator and deemed necessary to effectively fulfill the requirements of the position, provided there is adequate funding in the training budget and at the sole discretion of the City Administrator.
- The City will pay for or reimburse employees for any training required by the City to attain or maintain job-related certifications.
- Conferences and seminars may include meals and lodging, if necessary, for both in-state and out-of-state training. Travel expenses for in-state training will be provided through the budget process. Travel expenses for out-of-state training require prior approval from the Department Head and City Administrator.
- Department Heads are responsible for providing Human Resources with records on all employee training funded by the City. Upon request, a report documenting training received and funds expended will be prepared.

### **Post-Secondary Tuition Reimbursement**

Tuition reimbursement is defined as eligible costs incurred as a result of attending an accredited post-secondary educational institution.

With pre-approval, regular City employees are eligible to participate in tuition reimbursement. However, it is the expectation of the City of Ramsey that new hires come to the City fully qualified for their position. Therefore, post-secondary tuition reimbursement shall not be provided during an employee's first year of service.

Completion of additional education is not a basis for requesting a salary increase. Courses should be taken outside of work hours; however, when unavoidable, courses may be taken during the workday with prior approval from the Department Head and the City Administrator.

Employees wishing to utilize the City's tuition reimbursement funds must:

1. Submit a request via a "Pre-Approval for Tuition Reimbursement" form prior to registration for classes. This process should be completed prior to the applicable annual budget process.
2. Submit a reimbursement request form after successful completion of classes. Employees should be aware of the following key points:

- Employees attending an accredited college or university, or post-secondary classes at accredited colleges, universities, and vocational/technical institutes, can apply for City reimbursement for 50% of the cost of tuition, books, and course-specific fees, including technologies fees. Non-reimbursable fees include fees for supplies, transportation, student activity fees, late registration fees, school entrance fees, and graduation fees.
- The maximum annual reimbursement shall not exceed \$3,000.
- In order to be eligible for reimbursement, the degree program or classes must be deemed by the Department Head, City Administrator, and Administrative Services Director to be job-related and beneficial to the employer before the employee registers for the class.
- Reimbursement will only be made upon receipt of a grade of “C” or better for the course and when employees elect to take classes on a Pass/Fail or Credit/No Credit basis, subject to successful completion.
- Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.
- Reimbursements are on a first come, first-served basis and shall not exceed the department budget.
- In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator shall have the discretion to apportion the available funds, including the discretion to refuse reimbursement.
- In the event an employee leaves the City’s employment, any reimbursement for education received during the 12 months prior to leaving must be returned to the City.
- Reimbursements will be made through payroll as either a non-taxable reimbursement or taxable reimbursement, contingent upon current IRS guidelines.

### **Commercial Driver’s License Payment**

There may be situations when a candidate or current employee’s essential job duties require possession of a Commercial Driver’s License (CDL). In order to mitigate staffing challenges, the City may agree to pay for the costs associated with obtaining this licensure. This payment is contingent upon a written agreement by the employee to continue to work for the City for at least one (1) year following the attainment of the CDL.

If the employee does not stay employed with the City for at least one (1) year, the employee must agree to reimburse the City for the full amount paid for the licensure. This may be accomplished by the City retaining funds from the employee’s severance pay, and if necessary, the remainder via a personal payment made by the employee payable to the City within 30 days of the last day on the job.

## **SECTION 10 HEALTH AND SAFETY**

### ***10.1 Policy Statement***

The City of Ramsey's Safety Program is based on the premise that each and every one of our employees is entitled to a safe and healthy work environment. The Safety Program is specifically designed for the protection of our employees and visitors. All City of Ramsey employees are directed to make safety and loss control important matters.

The City believes that every employee is concerned for their own safety and that of their co-workers and will recognize that the rules and policies contained herein are for their protection. The goals that we have set for our Safety Program can only be achieved through a cooperative effort between all employees. Safe working habits and an awareness of all safety rules and policies are conditions of employment at the City of Ramsey. All employees are required to familiarize themselves with every rule and policy set forth and to abide by them. These rules and policies will be enforced just as any other City policy, and failure to comply may result in disciplinary action, up to and including termination.

All employees are encouraged to make suggestions which will assist in maintaining safe working conditions and to bring any unsafe working conditions to the attention of their supervisor. It is through our joint participation that accidents can be prevented. Employees can make safe work practices a habit.

This policy toward safety is in no way limited to the rules that follow. Any unsafe practices, whether listed here or not, will be addressed on a case-by-case basis.

The City of Ramsey is committed to providing its employees with a safe and healthy work environment.

### ***10.2 Health and Personal Safety***

Health and personal safety are essential for the successful performance of employees' work. Employees must work safely using the safety devices and equipment provided by the City for their protection. Employees must promptly report safety hazards to their supervisor. Unsafe conditions will be investigated and corrected as necessary.

### ***10.3 Workers' Compensation / Injuries and Illness at Work***

Both Minnesota Worker's Compensation laws and the state and federal Occupational Safety and Health Acts (OSHA) require that all on-the-job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to their supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other

forms that may be necessary related to an injury or illness on the job. First Report of Injury forms must be submitted to Human Resources as soon as possible, but no later than 3 business days from the date of injury. Employees must keep Human Resources and their supervisor updated with regarding changes in their condition and/or return-to-work paperwork.

Pursuant to Minnesota State law, the officials of the City, elected or appointed for a regular term of office or appointed to complete the unexpired portion of a regular term, are included in the coverage of the Minnesota Workers' Compensation Act.

#### **10.4 Medical Procedures**

It is the policy of the City of Ramsey, within the confines of the Minnesota Human Rights Act, to require its employees to be examined by a physician after an injury is sustained, whenever conditions are desirable for the employee or the City, or whenever the Administrative Services Director, or the Administrative Services Director's designee, determines that the interests of the City or the employee will be served. Physical examinations administered at the request of Administrative Services Director, or the Administrative Services Director's designee, shall be paid for by the City.

#### **10.5 Smoking Policy**

The City of Ramsey bans smoking in all municipal buildings, equipment, and City vehicles. Smoking, for the purpose of this policy, means inhaling or exhaling from any lighted cigar, cigarette, pipe, or any other lighted tobacco, plant product, or substance that may be used for smoking in lieu of tobacco intended for inhalation via any of the means listed above. Use of electronic devices that simulate smoking is also prohibited. This includes, but is not limited, to electronic or "e" devices such as e-cigarettes, e-cigars, and e-pipes. Electronic devices are prohibited regardless of whether they provide vapor of liquid nicotine, lobelia, and/or other substances. Non-electronic devices that simulate smoking and smokeless tobacco products (chewing tobacco, snuff, and snus) are also prohibited.

#### **10.6 Inclement Weather Policy**

On occasions when the severity of the weather may cause City offices to be closed, the City Administrator will make a determination as to whether the offices will be closed. The City Administrator or the City Administrator's designee will then notify the IT Manager to post the closure to the City's website. If it is broadcast that City offices are closed prior to the start of core hours, then the employee will be paid as if it were a regular workday. However, if the office is not officially closed, staff will be instructed to take vacation or compensatory time off for any absence from work that occurs. If the office is officially closed after the start of the shift, staff will receive their regular pay for the remainder of the shift. Compensatory time off or vacation will be taken for time absent from work prior to the official closure. This policy will apply to office employees only and does not include Public Works or Public Safety (fire and

police) employees. In circumstances where the City Administrator is out of town, the designated Acting City Administrator will provide the decision on whether or not to keep City offices open due to inclement weather.

## **10.7 Severe Weather Plan / Other Emergency Plan**

In the event that severe weather or another emergency occurs during the course of the day, staff and occupants of the Municipal Center shall seek shelter in designated areas while also maintaining accountability of all persons in building.

### **Requirements**

Anoka County Dispatch (911) may activate the outdoor warning devices when a certified weather spotter witnesses severe weather or the National Weather Service indicates that severe weather will threaten all or part of Anoka County. Although the County has the ability to sound the sirens in zones, its common practice is to alert the entire County. If the outdoor warnings do not activate, or there is a different emergency, a member of Public Safety (Police or Fire) shall have the authority to enact the emergency plan.

### **During Normal Business Hours**

When the outdoor warning sirens sound or as directed by a member of Public Safety (Police or Fire), all employees and visitors will move to the Police Department Locker Rooms as the primary shelter area. If the primary site is full, then the stairwell will be utilized as the secondary location, as determined by a member of Public Safety.

If non-staff members are present in the Municipal Center, staff should direct them to move to the designated area.

A member of Public Safety will notify all areas when the situation has become stable and all persons may return to normal activities.

### **During Non-Business Hours**

A member of Building Maintenance will guide all groups to the Police Locker Rooms and remain with the group until the situation has become stable. When weather has been determined safe, the Building Maintenance person will allow the groups to return to their normal activities.

### **Responsibilities**

If necessary, the Department Head or the Department Head's designee will determine accountability of their respective group and/or other departments. A member of Public Safety will gather names of the individuals at all shelter sites to determine personnel accountability.

A member of Public Safety will make a sweep of the Municipal Center to ensure that all employees and any of the general public have evacuated to the shelter area.

### **Field Employees**

During an actual severe weather incident, City personnel working outside of a City building, should seek shelter based on their respective Department's severe weather plan or in an area that they feel creates the safest environment.

## **10.8      *Housekeeping***

All employees need to assume a share of the responsibility in maintaining a high standard of cleanliness and orderliness, and cooperate in maintaining safe, healthful, and sanitary conditions in all work areas. A clean work area will make your work more pleasant and help maintain the high standards of quality necessary to meet the professional requirements of the City's services.

## **SECTION 11 USE OF CITY PROPERTY**

All staff members are responsible for the safekeeping and proper care of all property used by them and belonging to the City. Property shall only be used for official purposes and in the capacity for which it was designed.

City employees shall have no expectation of privacy in any property or equipment of the City, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voicemail, text messages on City-paid cellular telephones, computers, laptops, tablets, desk phones, e-mails, electronic media/devices of any kind, or any other type of equipment, property, or space provided by the City. Except when accessed by the Police Department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion.

### ***11.1 Public Information***

All staff members shall become familiar with and must comply with all applicable laws dealing with public and non-public information. Misuse and improper disclosure of public or non-public information is prohibited and may result in discipline, up to and including termination.

### ***11.2 Telephone Use***

Proper use of telephone communication is required. Always use a professional tone of voice and treat others with respect and professionalism. Frequent personal use of the telephone is not permitted and may result in discipline, up to and including termination.

### ***11.3 Information Technology Policy***

#### **Purpose**

The purpose of the City of Ramsey IT Policy is to set standards to protect the City's IT systems from business interruption, unauthorized or inappropriate access, and to maintain network security. The policy is to be adhered to by all users who have access to or use any Ramsey IT systems, both on-premise or remote. IT systems include, but are not limited to, computers, e-mail, Internet access, printers, phones, mobile devices, Cloud systems and devices, and various perpetual and subscription software, etc.

#### **Violation of Policy**

Violations of this policy will be addressed consistent with the City's Personnel Policy or union contract and may include revocation of permission to use the City's IT systems, discipline up to and including termination, and/or criminal charges, depending on the nature of the violation.

#### **Exceptions**

Exceptions to the following policy will be made on a case-by-case basis and only after review by the Department Head and IT Manager followed by approval by the City Administrator.

## ***GLOSSARY OF TERMS***

- **Electronic Mail (e-mail):** A network application that allows users to exchange messages over a communications network with other users.
- **Cloud Infrastructure/Services:** Computer systems and software located outside the logical and physical confines of the City's managed network.
- **Information Technology (IT) Systems:** Includes, but not limited to, computers, printers, software applications, e-mail, Internet, telephone, cell phones, Wi-Fi, etc. whether they are local or cloud-based.
- **Pass Phrase:** A longer password that can include all written characters, including spaces. Passphrases are usually easier to remember, and, due to their length, are more secure.
- **Social Networking Sites:** Sites that focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking websites include Facebook, LinkedIn, Snapchat, Twitter, etc.
- **Software:** Software includes the operating system and all utilities that enable the computer to function. Application software includes programs that do real work for users (i.e., word processors, spreadsheets, and database management systems).
- **Users:** Persons that utilize any IT systems, applications, devices, or other City-managed technologies.

## ***INFORMATION TECHNOLOGY USE***

### **Access**

All users must be authorized to use City IT systems by their Department Head, supervisor, and IT Manager. All users must complete annual security training to maintain access to all IT systems. Failure to complete training may put the user in violation of the IT/Personnel Policy (see Violation of Policy section).

### **Auditing**

The City of Ramsey reserves the right to monitor and audit use of its IT systems at any time without the user's consent. An audit may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's IT systems, employee discipline, up to and including termination, and/or criminal charges, depending on the nature of the violation.

### **Reporting**

Users should notify their immediate supervisor, the IT Manager, Human Resources, or the City Administrator upon learning of violations of this policy.

### **Expectation of Privacy**

As addressed above, all City-owned equipment and Information Technology Systems, including e-mail, are City property and subject to inspection by the City at any time, without notice, and for

any reason or no reason at all. Users should have no expectation of privacy. In addition, the City is subject to the Minnesota Government Data Practices Act, the State BCA policy, Federal CJIS policy, and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created, received, collected, or generated by City employees or using the City's Information Technology Systems are subject to those laws and may be disclosed in certain circumstances without the permission of the employee or user.

### **Hardware and Software Acquisition**

The IT Manager must approve all hardware and software prior to acquisition to ensure consistency with the design and architecture of the City's IT network, with absolutely no exceptions. Users are prohibited from installing, downloading, purchasing, subscribing, or acquiring both hardware and software, including product demonstrations, without prior approval from the IT Manager. Software applications not required for official City business are strictly prohibited. Attempts by employees to manipulate City hardware, networking systems, security systems or appliances, or licensed software or apps, outside of approved updates, are in direct violation of this policy.

### **Installation and Downloads**

Installation or download of unapproved programs can potentially damage files, a user's PC, or infect systems City-wide, which could cause cessation of daily operations, and possibly affect constituents and service providers. Users are expected to coordinate with IT when new software is needed so that said software can be vetted, licensed, and maintained. In order to maintain system security, users are encouraged to accept updates pushed out by IT to currently authorized programs such as Adobe Acrobat, Microsoft Office, and other previously installed software.

### **Licensing**

To ensure license compliance, all software must be purchased by and licensed to the City.

- **Development:** Any software programs (i.e., custom-designed Microsoft Access databases, etc.) developed for use by the City become the property of the City. Software programs may not be sold or distributed without prior approval.
- **Home:** City-owned software may not be loaded on non-City owned equipment unless there is prior approval of the Department Head and the IT Manager.
- **Copyright Laws:** City users are required to abide by software and documentation copyright laws and licensing agreements. Questions about the legality of the software and documentation should be directed to the IT Manager. At no time should any users make copies of City-owned software and documentation. The IT Manager will periodically check for software that may be in violation of the above policy.

### **Data Management and Protection**

- **Minnesota Data Practices Act:** Under the provisions of the Minnesota Data Practices Act, all data stored on computer media owned, leased, or rented by the City is considered City property. The data is subject to the Minnesota Data Practices Act, which governs its use, dissemination, and classification. All data is also subject to

review and investigation at the discretion of the City Administrator, Department Heads, IT Manager, and/or law enforcement. The City Clerk should be contacted with questions regarding the classification of public and private data.

- **Data Ownership:** All information developed or introduced to a City technology system by a user in conjunction with employment with the City is the property of the City.
- **Data Storage:** All City data must be saved to a network drive on a City server.
- **Data Deletion:** Users are responsible for deleting outdated files that are no longer needed, in compliance with of the City Records Retention Schedule. This includes data files and e- mail messages. The City Clerk should be contacted with questions regarding the City Records Retention Schedule.
- **Data Backup:** Backups are performed on all data stored on the file servers. Workstation hard drives or any other devices are not backed up. Data stored on local machines are the responsibility of the user.

### **Portable Information Systems**

Laptop computers, cameras, tablets, and other City-owned portable equipment may be used for City business outside of City facilities. When devices such as these are in the hands of employees, they are expected to provide appropriate “common sense” protection against theft, accidental breakage, environmental damage, and other risks. Desktop computers, desk phones, and other attached devices are not to be removed from City buildings. The user is responsible for backing up or any loss of data stored on the standalone or portable computer. Users are expected to contact IT or their supervisor within a reasonable timeframe when any City devices or access cards are lost or stolen.

### **City-Issued Cellular Phones**

Department Heads may acquire cell or smartphones for employee use when the expense and use is justifiable in terms of improved service and responsiveness to citizens or other employees. Department Heads are responsible for that justification, both initially and on an ongoing basis. Cell phones should be provided only when required for the employee to perform essential functions of their job. Simple convenience is not an adequate justification. All cell phones used for City business may be subject to being placed into a Mobile Device Management system (MDM) to be centrally managed, set up, protected, and erased by IT Staff.

A Department Head may authorize employees to voluntarily use their own personal phone for City business at their own expense.

The use of public resources by City employees for personal gain and/or private use, including but not limited to outside employment or political campaign purposes, is prohibited. Incidental and occasional personal use may be permitted with the consent of the direct supervisor, but only when it doesn't interfere with work duties. Personal calls made by employees on a City-provided cellular phone should only occur when absolutely necessary, must not interfere with working operations, and should be completed as quickly as possible. Department Heads may prohibit employees from carrying personal cell phones during working hours if they interfere with the performance of their job duties.

Employees should always use proper safety procedures when using a cell phone, especially while operating equipment, driving on City business, or performing similar duties. City employees should only use a cell phone while operating a motor vehicle as permitted by Minnesota State law.

All Department Heads and supervisors are responsible for enforcing this policy within their departments and divisions.

### **Mobile Hot Spots/Tablets**

Department Heads may provide mobile hotspots or tablets to staff as needed. They are responsible for providing justification for the use of such devices, both initially and on an ongoing basis.

### **Electronic Mail (E-mail)/SMS (Text) Messaging Systems**

E-mail messages and text messages are subject to regulation under the Minnesota Data Practices Act. The content of the message determines whether it is public or non-public/private. Both methods are intended as communication mediums, not for permanent storage or maintenance of official City records or other City information.

Inappropriate non-business use of the City e-mail systems and cell phones include, but is not limited to:

- Transmission of non-business audio, graphic or movie files.
- Games, jokes, and chain emails.
- Content of an offensive, indecent, or pornographic nature.
- Copyrighted material.
- Large data files not directly related to City business.

Such items must not be sent or accepted as e-mail attachments, as they may system performance or pose a security risk. Users should report any inappropriate or unsolicited e-mail messages to the IT department by taking a screenshot or contacting IT by phone.

Users must practice the utmost respect while texting and may not use text messaging, e-mails, or other City-provided communication systems to harass employees, citizens, or other individuals. Such actions constitute harassment and are subject to investigation and disciplinary action under the City's Anti-Harassment Policy.

The City reserves the right to use management software to block or eliminate junk e-mails (SPAM), marketing emails, phishing emails, and emails containing profanity or other inappropriate content without notice.

When utilizing City email, messaging systems, services, or devices, users must adhere to applicable local, state, and federal laws, including the [CAN-SPAM Act](#), to the best of their ability.

### **Internet**

The Internet is available to users for research, education, and communications directly related to the mission, charter, or work tasks of the City. Users must honor copyright laws regarding protected commercial software or intellectual property. Internet use through City IT systems must minimize unnecessary network traffic to ensure effective use of shared resources. Users are expected to adhere to City standards while browsing the Internet. Failure to do so constitutes a violation of this policy and may result in legal and financial liabilities.

The City retains the right to use management software to monitor and limit Internet activity by end users.

### **Prohibited Use**

This list includes, but is not limited to engaging in illegal activities, profit or commercial activities, or outside employment. Any other public office or employment that is incompatible with City employment responsibilities, as determined by the City Administrator, is also prohibited. Additional prohibited uses include wagering, betting, or selling chances; annoying or harassing others; and participating in fundraising activities unless explicitly approved by the City. Political or religious activities, unethical behavior, and accessing or distributing pornographic, obscene, or indecent images or content are strictly forbidden. Furthermore, users may not forward junk emails, advertisements, or chain emails, as these actions violate the policy on appropriate use of its technology systems.

### **Personal Use**

Personal use of City equipment is strongly discouraged. Although the City of Ramsey offers users the privilege of occasional personal use of its technology; it is strongly discouraged.

- Personal use is allowed under the following guidelines and only during break times or before/after normal business hours:
  - Users must obtain approval from their immediate supervisor prior to personal use of IT systems.
  - Only City users are to use the computers and computer-related peripherals.
  - Users must use their own media (e.g., flash drives, CDs) and paper.
  - No personal files or data are to be stored on the City network.
  - Users must not use IT systems for items listed above in Prohibited Use.
- E-mail: E-mail may, on a very limited basis, be used for personal correspondence, as long as it does not interfere with the normal duties of the employee and the above-listed guidelines are followed. Using the City Internet e-mail to participate in any kind personal listservs or broadcast mailing list is prohibited.
- Desk Telephones: Desk telephones may be used for short, infrequent personal use, as long as it does not interfere with the normal duties of the employee and the above guidelines are followed. Personal long-distance calls from a City land line are prohibited.
- Copiers, Fax Machines, and Printers: Users must reimburse the City of Ramsey for personal copies, faxes, and print requests at the rate listed in the City fee schedule. Personal use fees must be reimbursed within 24 hours from the date the expense was incurred.

### **Personal Social Networking on City-Owned Equipment**

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. Using City-owned or operated equipment is highly discouraged.

### **Personal Social Networking while off duty and the City's Responsibility**

The City of Ramsey has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risks, regardless of when and where social networking activity occurs. The use of City-owned or operated equipment is highly discouraged, even when off duty. However, if necessary employees must use social media in a manner that adheres to the following guidelines:

Individuals should use discretion when engaging on social networking sites or apps.

- Individuals shall not imply they are speaking or acting on behalf of the City of Ramsey or presenting its interests.
- Individuals are not permitted to display the City of Ramsey logo on any part of their online profiles.
- Individuals must not port non-public or confidential information, such as personnel data, medical information, claims or lawsuits against the City, or information about coworkers, without obtaining the express written consent of the individuals involved.
- Individuals who use personal social media accounts are not immune from the law.

All users of social networking should be aware that the content of these sites can be subpoenaed and used in criminal and civil trials. Individuals have no reasonable expectation of privacy when social networking, and personal social media accounts are subject to all pertinent City of Ramsey policies, as well as local, state and federal laws.

Content that violates existing City policies – such as hate speech, bias, discrimination, pornography, libelous, or otherwise defamatory content - will not be tolerated. Individuals are prohibited from using social networking sites to harass or attack others, including coworkers or those associated with the City of Ramsey.

### **City Facebook Page or Other City Social Networking Sites**

- Authorized City staff responsible for updating social media sites must exercise the greatest care to portray the City in the best light possible.
- If the author of a given post is quoting another individual's comments, the comments must be explicitly identified as a quote using quotation marks.
- In general, all posts should be reviewed by a supervisor and communications staff. If there is any doubt regarding the appearance, tone, or interpretation of a post, staff shall have the post reviewed by the City Administrator before proceeding.
- All posts to the City's social media sites and other official City publications must comply with these policies.

## ***INFORMATION TECHNOLOGY SECURITY***

### **Purpose**

To ensure the security of, protect, and allow only appropriate access to City of Ramsey IT systems and resources.

### **Logins and Passwords**

All users must use and maintain login credentials for computer and network-related access. These credentials are not to be shared with others. Multi-user or generic login IDs are permissible only in special circumstances approved and maintained by IT. User login credentials must adhere to the requirements set forth by the Logis Member Security Policy. Password requirements are displayed on computer login screens. Longer passphrases can be used to increase the change interval.

Passphrases of 20 characters or more are exempt from some complexity requirements and can be renewed once every 365 days.

Appropriate network access shall be assigned by the IT department to each user. Login credentials are not to be shared with anyone. New passwords should avoid easily guessed items; for example, birthdays, family names, or pet names. If an employee forgets their password or suspects that their password's security has been compromised, they should contact the IT department immediately.

### **Physical Security**

- City users are expected to provide reasonable security to their computer workstations and related IT equipment. This includes ensuring that passwords are not written down in accessible places, removable media must be kept in a secured area, and confidential data is not displayed in a manner that unauthorized personnel can view it.
- All IT equipment is City property, and users may not move IT equipment outside of its assigned area without prior approval from the IT department. Portable equipment, such as projectors, laptop computers, and digital cameras, may be removed from City buildings only for City business by employees. Users are expected to provide appropriate "common sense" protection against theft, breakage, environmental damage, and other risks.
- Users are required to log off computer workstations when absent for an extended time, such as the end of the day. Users may, however, "lock" their workstation instead when absent for a short period of time, such as during a meeting or over lunch. All computers will lock after 15 minutes of inactivity.

### **Virus Protection**

All computer workstations, laptops, and servers must be protected from viruses using up-to-date antivirus software. Users may not alter their system's configuration or take other steps to defeat security applications, appliances, or systems. All files on removable media must be scanned for viruses before being installed onto or accessed from City computer equipment. It is the employees' responsibility to immediately report any suspect files, malicious actors, phishing emails, or viruses to the IT department for proper handling.

### **Wireless Access**

Unauthorized wireless access into the City's computer network is strictly prohibited.

Wireless access is defined as, but not limited to, 802.11 (Wi-Fi), Bluetooth, and cellular technologies. Users may not attempt to scan, connect to, or install any wireless computing device on City equipment or property. Wireless access must be authorized and configured by the City's IT department. Any authorized wireless access must utilize standards-based encryption and conform to adopted security practices as governed by LOGIS and/or state and federal government guidelines.

### **Artificial Intelligence**

Approved use of Artificial Intelligence (AI) tools within the City of Ramsey must be authorized by the IT Manager and City Administrator. Upon approval, employees may use low-risk data with AI technology tools to perform work-related tasks. Low-risk data is defined by Minnesota Statutes Chapter 13 as "Public" and is intended to be available to the public. Employees should assume that developers of AI tools will retain all data entered into the tool. Sharing of medium or high-risk data could be considered a data breach and may be subject to disciplinary action. Employees who are unsure whether the data you enter into AI applications is classified as public data should consult the City Clerk or IT Manager. All data created with the use of AI must be retained in accordance with the City's records retention schedule.

## **11.4 Vehicle Use Policy**

This policy applies to all employees who drive a vehicle on City business, whether driving a City-owned vehicle or their own personal vehicle. The City expects all employees who are required to drive as part of their job to drive safely and legally while on City business and to maintain a good driving record.

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

The intent of this policy is to ensure appropriate use of City vehicles by municipal employees and to ensure a clear understanding of this policy.

- b. Work-related conferences, schools, seminars, and meetings: Training opportunities during the regular work shift within a 40-mile distance of the work location is considered an acceptable work-related activity, provided the vehicle will be returned to the work site either during or shortly after the completion of the shift.
- c. Out-of-town and overnight conferences and schools: For travel lasting more than one workday, the employee is to utilize a non-fleet vehicle, the use for which will be compensated at the approved rate. Alternatively, upon prior approval of the City Administrator, the employee may use a vehicle previously determined as an excess vehicle by the City Council.

- d. Lunch hours and authorized breaks: When an employee is scheduled to work at a site other than their normal reporting location, use of a City vehicle for travel within five miles of the said work location shall not be considered personal use.
- e. Overnight use: All municipal vehicles must be returned to their designated work location by the end of the work shift unless prior written authorization has been received from the City Administrator.
- f. Personal use: Personal use of City vehicles by City employees or elected officials is prohibited without the express written consent of the City Administrator or the City Administrator's designee.

## **11.5 Telecommuting / Remote Work Policy**

### **Definition**

Telecommuting is a work arrangement where an employee works from home or another remote work site away from the primary, traditional work place.

### **Consideration**

Consideration for telecommuting arrangements may be made on a case-by-case basis and only in situations where the employee can demonstrate a benefit to the City. Telecommuting is not appropriate for all employees, it is not a citywide benefit or entitlement, it does not alter the terms and conditions of employment with the City, and is not a substitute for dependent care.

### **Participation**

Full-time and part-time employees may apply to participate. To be considered, employees must have successfully completed probation, received a satisfactory rating on their last performance evaluation, and have not had disciplinary action taken against them during the past year. Seniority will not be a determining factor in selecting employees to participate in this program. The City Administrator and Department Head must agree to all telecommuting arrangements, and the arrangement may be revoked at any time for any reason.

Part-time employees must have a regular schedule in which they would otherwise work five days per week in the office for at least 28 hours per week. If approved, part-time employees may not work more than one day per week remotely.

### **General Eligibility**

- **Eligible Employees:** Employees working in the office at least 28 hours per week, five days per week, as their primary role.
- **Ineligible Employees:** Employees working in the office less than 28 hours per week, or those working primary role involves fieldwork.
- All requests meeting the eligibility requirements of this policy will be considered based on individual circumstances; there is no guarantee of approval based on job class.

### **Application Process**

The telecommuting application must be completed, detailing how the telecommuting arrangement will benefit the City. All applications must be signed by the Department Head and then forwarded to Human Resources. The Department Head, Human Resources, and the City Administrator will evaluate the application to determine whether it will be approved or denied. Approval is at the sole discretion of the City Administrator. The Department Head will then meet with the employee to communicate the decision. The Department Head is responsible for ensuring adequate coverage in the office.

### **Telecommuting Program**

It is recommended that employees who telecommute do so for a maximum of two days per week or on a short-term project basis. The telecommuter and the Department Head should agree upon a regular schedule of work hours and work location. Following the agreed-upon work schedule is necessary to ensure maximum accessibility. If needed, the employee must be willing and able to return to the primary workplace at the request of the Department Head, with minimal notice, ideally later that day, but typically not exceeding 48 hours' notice.

An employee's salary, benefits, and job responsibilities will not be affected by participating in telecommuting. Overtime must have prior approval. A remote work site is considered a City workspace; therefore, the employee continues to be governed by applicable City policies, procedures, and practices.

The Department Head and telecommuter must establish an agreed-upon schedule for the telecommuter to contact the office to report progress.

The telecommuting program and associated projects must have measurable objectives. For example, tasks such as writing a section of a manual, working on a special project, processing regular business, or preparing spreadsheets and financial analyses may benefit from being completed outside of the "office environment" for improved efficiency.

Telecommuters may be assigned a different workstation space at the office if it is determined that such a rearrangement better suits office coverage needs arising from the telecommuting agreement.

Employees must adhere to the following requirements and conditions:

- Maintain in-office days as full days in accordance with the employee's normal schedule; without splitting time between the office and remote location.
- Be available for virtual meetings, including webcam participation, as well as impromptu meetings that may arise.
- Be available for telephone, email, or other communication at all times during scheduled work hours.
- Respond promptly to telephone calls and messages as if working in the office, with a maximum response time of 15 minutes, unless the employee is on break or in a virtual meeting.
- Connect their computer to the City network for the entirety of the workday.
- Maintain an updated Outlook calendar at all times.

- Notify the direct supervisor and direct reports promptly if any unavoidable changes occur to the work schedule.
- Agree to all costs associated with telecommuting, including internet access and ancillary equipment, such as printers.
- Take all precautions necessary to secure confidential and proprietary information and prevent unauthorized access to any City system.

### **Equipment**

If an employee is approved for telecommuting the City shall provide the telecommuter a City-issued computer equipped with Virtual Private Network (VPN) and softphone software that allows the telecommuter to make and receive phone calls from their City-assigned office phone number. The telecommuter must have access to any required technology to complete their tasks, such as virtual meeting software and hardware, financial software, agenda software, and other necessary tools. If the telecommuter desires a printer or other computer equipment, the cost of the equipment, maintenance, repair, insurance, electricity, and/or phone lines will be the employee's responsibility unless otherwise approved by the City Administrator. The cost of installing and licensing software will be covered by the City, provided a software license already exists for that particular user.

Due to security concerns, telecommuters are prohibited from using personal computers for telecommuting purposes. The City assumes no liability for loss, damage or wear of employee-owned equipment. If the IT Division determines that the telecommuter is using a computer with software installed that is not properly licensed and/or does not receive virus protection, the telecommuting agreement may be terminated, and disciplinary action may be followed as outlined in the Personnel Policy and union contracts.

City supplied software and hardware shall include the following:

- A computer (desktop or laptop)
- Virtual Private Network (VPN)
- Softphone or Cell Phone software to "twin" with office phone
- Customary desktop software

### **Insurance**

The employee will be covered by Worker's Compensation while working at the designated telecommuting address during the hours specified in the Telecommuting Application. The City of Ramsey's liability is limited to injuries directly resulting from work and occurring in the designated work area. Claims will be handled according to standard Workers' Compensation procedures. If injured while telecommuting, the employee must follow the established procedures for reporting the injury. Family members, visitors, or others present at the telecommuting address are not covered by the City's Workers' Compensation program, and the City assumes no liability for injuries of these individuals.

Telecommuters working at home are required to maintain a designated workspace. With advance notice, the City may visit the work site to ensure that safe working conditions exist. For projects involving extensive computer use, employees may request a ergonomics evaluation of their workspace by one of the City's trained ergonomics assessors.

**Expenses**

The City will not reimburse the employee for expenses incurred to participate in telecommuting. This includes costs related to equipment, utilities, supplies, and furniture. However, the City will provide a reasonable supply of basic office items, such as pens, paper, post-it notes, and paper clips, for use by the telecommuter.

Travel time from the employee's home to the regular workplace is not compensable, even if the employee is schedule to telecommute on the same day.

## **SECTION 12 DRUG-FREE WORKPLACE**

### ***12.1 Drug Free Workplace Policy Statement***

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.

### ***12.2 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 (CDL) 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 they understand 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 tests, 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, blood or oral liquid testing 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 the Administrative Services Director’s designee of any criminal drug statute conviction for a violation occurring in the workplace no 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 or 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 or oral liquid sample.

### **Cost of Required Testing**

The City will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion alcohol and drug 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.

## ***PROBITION 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 or

oral liquid 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, urine or oral liquid when reporting for work; while on duty; 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 their supervisor and the Administrative Services Director or the Administrative Services Director's 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 their physician or pharmacist regarding medication and any job performance impairment and relay that information to their 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, urine or oral liquid 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 the Administrative Services Director's 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, oral liquid 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.

## **12.3 Policy for Drug, Alcohol and Cannabis Testing for Commercial Drivers (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 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 and 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 26,000 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 disabled commercial motor vehicle.

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.

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 traffic violation from the accident and a vehicle is required to be towed from the accident scene.

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

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 or oral liquid 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.

**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.

The City may accept the results of a blood or breath test in place of an alcohol test and urine/oral liquid 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.

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.

### **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.

### **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 and 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 or oral liquid 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 or oral liquid 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/Oral Liquid Sample or Breath Test**

A driver altering or attempting to alter a urine/oral liquid oral sample or controlled substance test, or substituting or attempting to substitute a urine/oral liquid 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, oral liquid or blood sample 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/oral liquid 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 their 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, their 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 or oral liquid 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/oral liquid 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/oral liquid 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/oral liquid, 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, there 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;
- The City 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 Ramsey.

**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/oral liquid 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, 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) 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 from 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.

## **SECTION 13 ACKNOWLEDGEMENT OF RECEIPT OF THE PERSONNEL POLICY**

I acknowledge that I have received a copy of the City of Ramsey Personnel Policy. I understand that this document contains important information regarding the City's general personnel policies and my privileges and obligations as an employee. I will familiarize myself with the personnel policy within five (5) business days. I understand that I am governed by the contents of the policy. I further understand that the personnel policy is not an employment contract and that the City may change, rescind or add to any policies, benefits, or practices at its sole discretion with or without advance notice.

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Employee's Signature

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Date

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Employee's Name (typed or printed)

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Witness' Signature

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Date

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Witness' Name (typed or printed)