

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

### **3.1 Scope**

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

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

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

Application for employment will generally be made on application forms provided by the City. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Administrator or designee. Supplemental questionnaires may be required in ~~certain-most~~ situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position. The deadline for applications may be extended by the City Administrator. Unsolicited applications will not be kept on file.

### **3.3 Testing and Examinations**

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

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

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

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

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

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

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist.) The physician will notify the City Administrator or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations and whether the candidate passed a drug test, if applicable.

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

If a candidate is rejected for employment based on the results of the medical exam, ~~they~~ he/she will be notified of this determination, to the extent required by law.

### **3.5 Selection Process**

The selection process will be a cooperative effort between the City Administrator ~~or~~ and designees ~~and the hiring supervisor 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 city of Ramsey needs.

### **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 status positions. Before a finalist is eligible to receive a conditional job offer or begin 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 may be amended from time to time, if the City rejects an application for employment due partly or solely to the applicant's prior conviction of a crime, which relates directly to the position sought, the City's ~~Human Resources Manager~~ Administrative Services Director will notify the applicant in writing of the following:

- 1) The Grounds and reasons for denial;
- 2) The applicant complaint and grievance procedure set forth in Minnesota State law, as may be amended from time to time;
- 3) The earliest date the applicant may reapply for employment or a volunteer position; and
- 4) 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 questioned, 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, ~~when evaluating him or her for employment with the City,~~ to the maximum extent permitted by law.

### **3.8 Reclassification and New Position / Vacant Position**

#### *Reclassification*

When a position's duties and responsibilities change (increase or decrease), the position is considered a reclassification and 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 necessary knowledge, skills, and abilities, at the City's discretion.

#### *New Position*

If the City creates a new position to meet its public service needs the position will be filled according to the City Administrator's direction.

### **3.9 Nepotism**

The potential for conflicts of interest are 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.~~

**Commented [CL11]:** Discuss adding family of the City Council.

Whenever possible, and with due regard for job-relevant qualifications, merit, and fitness, the employer shall avoid the appointment of 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 status 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, appointment or assignment of an employee's spouse in the same department in which the employee works is prohibited if the appointment or assignment would result in an 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 appointment and every promotional appointment, is subject to a probationary period of ~~one (1) six (6) months~~ year, ~~except for patrol officers, paid on call firefighters, and Department Heads who have a one year probationary period.~~ During the 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 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 otherwise altering the at-will nature of employment.

### **3.11 Supplemental Employment**

~~No city of Ramsey patrol officer shall work as a police officer or keeper of the peace directly for any establishment in the City or at any special private functions within the City. Officers needed at special functions shall work as city of Ramsey employees and shall be paid directly by the City. The City, in return, will bill the person or entity requesting the officers' presence at the function from which payment the City will reimburse itself for the officers' services.~~

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

For the purpose of this policy, outside employment refers to any non-city employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government

board or commission compatible with city employment. The following is to be considered when determining if outside employment is acceptable:

- Outside employment must not interfere with a full-time employee’s availability during the city’s regular hours of operation or with a part-time employee’s regular work schedule.
- Outside employment must not interfere with the employee’s ability to fulfill the essential requirements of his/her position.
- The employee must not use city equipment 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 he/she is also being compensated by the city. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for his/her own business, while using paid sick leave from the city for those same hours.
- 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 either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspect of the city.

**Commented [CL12]:** This section addresses the removal of the original text regarding the Police Department.

### **3.12 Performance Evaluations**

Performance evaluations are used to assess employee performance in terms of specific job requirements and provide measures for setting up training and development programs for improvement and opening communication channels. On the anniversary date of an employee’s current position, or in January if so determined by the Department Head and the Administrative Services Director, Human Resources Manager, ~~as well as when an employee is completing their probationary period,~~ a formal performance evaluation may be completed. 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 writing the Department Head’s performance evaluation. The City Administrator will review the performance evaluation with the Department Head. The Department Head will have the opportunity to discuss the performance evaluation with the City Council at a closed City Council meeting if ~~they he/she~~ so choose.

The City will consider each employee’s performance evaluation when considering salary increases or potential promotional opportunities. As a general rule, an employee who receives an overall rating of “Needs Improvement” or “Poor” or the equivalent will not be eligible for promotional opportunities ~~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 the equivalent must follow a performance improvement plan to bring performance to an acceptable level. If performance is not brought to an acceptable level as described in the performance

improvement plan, discipline may be imposed, up to and including termination. Conducting, or the results of, performance evaluations does not alter the at-will nature of employment.

### 3.13 Resignations

As at-will employees, all City employees may resign at any time, for any reason. In order to be considered “in good standing” at the time of resignation, an employee must file with employee’s Department Head, at least 14 days before leaving, a written resignation stating the effective date of the 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 said resignation shall receive an additional ( X ) percent added to their eligible sick leave severance.

Failure to comply with this 14 day or 30-day notice procedure may be considered cause for denying the employee future employment by the City and denying termination benefits.

Time off requests shall not be approved during such time as employees are preparing to retire or separate from employment, however, preapproved time off will be honored. At the City Administrator’s discretion, separation may occur immediately and separation would be considered in good standing.

Unauthorized absence from work for a period of three working days may be considered by the Department Head 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.

### 3.14 Lay-offs

After at least two weeks’ notice to the employee, the City Administrator may lay off any employee when such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization.

**Commented [CL13]:** Average maximum additional cost is approximately \$2000. Percent to be discuss.

**Commented [CL14]:** Important – to be discussed with the City Council. Staff to note comparable cities, Labor Management Committee feedback, pros/cons, etc.

**Commented [CL15]:** To be discussed with the City Council.

## **SECTION 4 BENEFITS**

### **4.1 Group Insurance**

To be eligible for group health, dental, or life insurance benefits with the city of Ramsey employees must be a regular employee scheduled to work at least 30 hours per week. The City provides a contribution to health insurance, single dental insurance and basic life insurance for full-time employees as approved by the City Council annually. Members of the City Council are eligible for group health insurance in the City's group health insurance plan without affecting Councilmembers' total compensation from the City. The City will continue to provide basic life insurance for employees participating in PERA's Phased Retirement program as permitted by the carrier.

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

### **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.

The terms of the long term disability coverage, including the formula used to calculate the benefit and the waiting period before an employee may receive long term disability benefits will be 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 the PERA. Both the City and employees contribute to PERA. For specific information regarding annual contribution rates, contact Human Resources. Vesting time varies depending on membership eligibility date and the pension is portable among public employers throughout the state. Being vested means qualifying for benefits at the minimum allowable age.

In normal situations, employees and employers both 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. Employees should contact Human Resources with specific questions regarding PERA contributions.

The City offers PERA's Phased Retirement Option on a case-by-case basis after approval by the [Administrative Services Director/HR Manager](#), Department Head and the City Administrator, as deemed beneficial to the City in meeting the goals of the strategic plan. The agreement can be

terminated at any time. Employees interested in this option should see 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 457 savings plans; pre-tax and/or post tax programs. Please contact Human Resources regarding maximum annual contribution amounts and for any other specific information regarding these plans.

#### **4.5 Health Savings Account Flexible Spending Account**

Employees must be covered by one of the city's qualified high-deductible health plans (HDHP) in order to contribute to a health savings account. An HSA may be funded by both employees and city contributions. A health savings account (HSA) is a tax-exempt savings vehicle used to accumulate money for eligible health care expenses. HSAs may be used to pay for health care expenses as they occur, contingent upon available funds, or the funds may remain in the account until needed later in life. Employees can establish flexible spending accounts and have pre-tax deductions made from their payroll checks to pay for eligible childcare and eligible medical expenses. The law limits the maximum contributions that employees can make to their flexible spending account and the specific expenses that can be paid out of such accounts. Employees should contact Human Resources for additional details.

#### **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 an annuity from PERA, or who have met PERA age and service requirements. Unless otherwise required by federal or state law, Fformer employees are responsible for paying the entire premium. Failure to do so 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 with the City or experience another event which 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 in accordance with such laws and employees must comply with those laws if they wish to continue coverage after separating from the City's employment, including, but not limited to, paying the entire premium for the duration of the continuation coverage. Employees should contact Human Resources for additional details.

#### **4.8 Non-union Post-employment Healthcare Savings Plan (PEHCSP)**

**Commented [CL16]:** Future changes may occur on this section. There is no additional cost to the City, regardless of the amounts.

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 greater.
- 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 shall include a combined total of both traditional sick leave and earned sick and safe time. It shall be defined as a lump sum payment upon termination of employment, contributed to the PEHCSP, based on thirty-three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. In order to obtain eligible sick leave severance pay, an employee must leave City employment in "good standing," as provided in Policy 3.13.

#### **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 from mental health and substance abuse counseling to child care resources. The EAP will provide confidential counseling services by highly trained clinicians or suggest other professional resources that may be useful 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, ~~or for hours beyond the normal work week without prior approval by the City Administrator or designee.~~ 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 work-week 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 work hours during any given pay period in which the holiday is paid. ~~budgeted on January 1.~~ Vacation and sick leave, and holidays count toward total budgeted work hours for the year. Temporary employees are not eligible for vacation or sick leave, holiday pay, or health or life insurance, unless otherwise required by federal and state laws.

**Commented [CL17]:** This change is necessary to match the union contract.

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

No employee shall be permitted to receive payment from any third party for services and labor performed while such employee is working regular hours or while working additional overtime hours for the City, unless approved in advance by the City Administrator and subject to a written agreement with the third party--such as with Anoka County.

### 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 ~~Human Resources Manager~~ 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), state the 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, as they see fit.

#### *Purpose*

The purpose of the classification plan / position description is to:

- a. Establish reasonable compensation relationships between job classifications.
- b. Establish qualification standards for recruitment and testing purposes.
- c. Provide the appointing authority with means for analyzing work distribution, areas of responsibility, lines of authority, and other relationships between positions.
- d. Assist the appointing authority in determining budget requirements.
- e. Provide the basis for developing standards of work performance.
- f. Indicate training needs.
- g. 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 ~~Human Resources Manager~~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 ~~Human Resources Manager~~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 the incumbent. 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 ~~Human Resources Manager~~Administrative Services Director accompanied by a proposed updated position description prepared by the Department Head. The ~~Human Resources Manager~~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 ~~Human Resources Manager~~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:

- a. Change in the existing organizational or reporting relationship.

- b. 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.
- c. Change in the supervisory functions assigned to the position.
- d. Change in the qualifications required of the position.

## 5.4 Compensation Plan

The ~~compensating entire compensation~~ plan shall be reviewed ~~simultaneously annually with renewal of the city's labor agreements. by~~ The City Administrator ~~will present suggested changes and presented~~ to the City Council as part of the annual budget process. Contingent upon the provisions of the Public Employment Labor Relations Act, The the City Administrator may modify any or all of the pay ranges or grades as set forth in the plan at any time, at his or her discretion, 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 sector, 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:

- a. Maintenance of equitable relationship between classes, based on their relative duties and responsibilities.
- b. Indicators, from the appropriate labor market, for comparable work under similar conditions.
- c. Current recruitment and retention experience.
- d. Comparable worth for all positions within the organization.
- e. 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 his or her position classification. The Employer, at its sole discretion, may approve a pay rate above the minimum rate to:

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

**Method of Progression**

After appointment or promotion and pending satisfactory performance, an employee shall be eligible for advancement through ~~his/her~~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, wWhen this becomes apparent, the ~~Human Resources Manager~~Administrative Services Director may, in his or her 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 her or his original anniversary date for the purposes of step increases and performance evaluations. Any increases that result in more than a ~~five~~ten percent increase shall be submitted to the City Council for approval or denial.

**Commented [CL18]:** To be discussed with the City Council.

**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 Human Resources.

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, they are affected 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.

## **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 work week 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, to total 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 their designee. Upon an employee's separation from the City, there will be a pay-out of accrued and unused compensatory time off 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 sick leave, is available to employees who have at least five (5) years of continuous 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, then employer shall have no obligation to pay the aforementioned severance pay. ~~Employees who are discharged are not “in good standing” and may not receive severance pay pursuant to this policy.~~ Eligible sick leave includes combined total of both traditional sick leave and earned sick and safe time, payable at the percentages shown below.

Qualifying employees who resign “in good standing” shall receive a lump sum payment upon termination of employment with the city of Ramsey based on thirty-three (33) percent of employee’s unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee’s unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee’s unused, accumulated sick leave. Eligible severance pay will be applied per the applicable PEHCSP agreement as- provided in Policy 4.8.

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.

**Commented [CL19]:** This section to be discussed with the City Council.

## SECTION 6 LEAVE

### 6.1 Vacation Leave

The city of Ramsey provides eligible employees 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 their designee at least two weeks prior to requested vacation time off. Exceptions to this policy are granted on a very 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<sup>st</sup>, 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 their designee, an employee may use accrued vacation leave during the probationary period.

An employee who separates from the City "in good standing," ~~as that term is defined in Section 4.11 of this policy,~~ shall be compensated for unused accrued vacation ~~accrued and unused~~ through the last date of employment, per section 4.8 non-union post-employment healthcare savings plan.

New employees will begin employment with a vacation balance of ~~zero~~ 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 and in order to:

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

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

#### Vacation Accrual Schedules

Commented [CL20]: To be discussed with the City Council.

Department Head Vacation Accrual Schedule		
Effective Date	Bi-weekly Accrual Rate	Vacation Days/Year
Start date	4.62 hours/pay period	15 days
6 <sup>th</sup> Anniversary	5.54 hours/pay period	18 days
7 <sup>th</sup> Anniversary	6.15 hours/pay period	20 days
12 <sup>th</sup> Anniversary	6.46 hours/pay period	21 days
16 <sup>th</sup> Anniversary	6.77 hours/pay period	22 days
17 <sup>th</sup> Anniversary	7.08 hours/pay period	23 days
18 <sup>th</sup> Anniversary	7.38 hours/pay period	24 days
19 <sup>th</sup> Anniversary	7.69 hours/pay period	25 days

**Commented [CL21]:** In the event that the City Council approves an advance of X number of days, the first year accruals would need to be adjusted to total the same number of days in the year.  
Applicable to all schedules.

Full-Time, Exempt/Management Vacation Accrual Schedule		
Effective Date	Bi-weekly Accrual Rate	Vacation Days/Year
Start date	4.62 hours/pay period	15 days
6 <sup>th</sup> Anniversary	5.54 hours/pay period	18 days
8 <sup>th</sup> Anniversary	5.85 hours/pay period	19 days
10 <sup>th</sup> Anniversary	6.15 hours/pay period	20 days
12 <sup>th</sup> Anniversary	6.46 hours/pay period	21 days
16 <sup>th</sup> Anniversary	6.77 hours/pay period	22 days
17 <sup>th</sup> Anniversary	7.08 hours/pay period	23 days
18 <sup>th</sup> Anniversary	7.38 hours/pay period	24 days
19 <sup>th</sup> Anniversary	7.69 hours/pay period	25 days

**Commented [CL22]:** LMC member suggested: FYI: Other cities start at 12-14 days/yr for new employees (Big Lake, Buffalo, Eden Prairie) and go up after 5 yrs completed.

**Commented [CL23]:** LMC member suggested: It might make some sense to have accruals start after 3 or 5 years rather than 6. This would be a better benefit and might help with recruitment. Same holds for each employee type below. Maybe something like 3, 5, 7, 10, 12 16. 17. 18, 19

Full-Time, Non-Union Vacation Accrual Schedule		
Effective Date	Bi-weekly Accrual Rate	Vacation Days/Year
Start date	3.08 hours/pay period	10 days
6 <sup>th</sup> Anniversary	4.62 hours/pay period	15 days
12 <sup>th</sup> Anniversary	6.15 hours/pay period	20 days
16 <sup>th</sup> Anniversary	6.46 hours/pay period	21 days
17 <sup>th</sup> Anniversary	6.77 hours/pay period	22 days
18 <sup>th</sup> Anniversary	7.08 hours/pay period	23 days
19 <sup>th</sup> Anniversary	7.38 hours/pay period	24 days
20 <sup>th</sup> Anniversary	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 Traditional Sick Leave and Earned Sick and Safe Time (ESST)**

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

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

- (1) report as soon as possible to the EMPLOYEE'S department head the need for sick leave and whether the sick leave is for the employee, employee's child, adult child, spouse, sibling, parent, grandparent or stepparent;
- (2) keep the employee's department head informed of the need for continued sick leave if the absence is of more than three (3) days duration;
- (3) submit a medical certificate for any absence if required by the City Administrator;
- (4) provide the employer with sufficient information needed in order to comply with the Family and Medical Leave Act.

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

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

is the equivalent of a family relationship; and 12. up to one individual annually designated by the employee.

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

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

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

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

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

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

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

#### **Sick Leave Accrual, Conversion and Carryover**

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

Combined unused sick leave and unused ESST in excess of 960 hours at the end of a calendar year (January 1st) shall be converted to vacation at a rate of one-hour vacation for each two-hours of sick leave in excess of 960. Employees subject to the non-union post-employment healthcare savings plan under section 4.8 of this policy shall contribute all unused sick leave hours in excess of 960 hours, at a rate of one hour for every two hours of sick leave to the post-employment healthcare savings plan.

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

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

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

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

~~*Sick Leave for Wellness (Non-union and AFSCME Employees Only)*~~

Commented [CL24]: To be discussed with the City Council.

~~Use of Sick Leave for Wellness Activities: Employees who have been employed with the city of Ramsey for at least five (5) years and who have accrued a minimum sick leave balance of 300 hours will be allowed to use up to 24 hours of sick leave annually for cash payment for approved wellness activities, described below.~~

~~Sick leave used for wellness activities will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time the request for payment is made. The City's severance schedule at the time of this writing is as follows: 33% after five years of service; 35% after 15 years of service; 37% after 20 years of service; and 40% after 25 years of service. Once the benefit is received it is non-reversible and the employee's sick leave accrual will be reduced by the number of hours claimed and/or approved.~~

~~*Income Taxes and Effect to Sick Leave Accruals*~~

~~Payments other than to deferred compensation will be taxable income to the employee and subject to all applicable taxation requirements.~~

~~*Required Documentation*~~

~~Requests for using sick leave for wellness activities will be accepted twice annually, from June 1-15 and December 1-15. Such requests will be processed in July and December, respectively, unless otherwise indicated. An activity for which payment is requested must have occurred in the same calendar year in which the request for payment is made. All claims shall be submitted to Human Resources via a Sick Leave for Wellness Request Form accompanied by proper documentation for each activity.~~

~~*Approved Medical and Dental Expenses*~~

~~Sick leave may be used to pay employees for the employee's medical and dental expenses not covered by the City's insurance plans. Accumulated sick leave used for this purpose will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time the request for payment is made. To receive the payment, the employee will fill out a Sick Leave for Wellness Request Form and submit proof of the expense to Human Resources.~~

~~*Approved Wellness-Related Activities*~~

- a. Individual employee memberships in approved health clubs and/or a sum equal to an individual membership for those employees holding family memberships which include the employee. An approved health club would be one that provides facilities for aerobic and strength training activities.
- b. Programs designed to improve health such as classes on weight loss, smoking cessation or stress management are also allowed. This includes jazzercise, exercise classes, learning to eat, and weight watchers.
- c. Regular (meaning at least once a week) fitness activities resulting in a moderate to high aerobic benefit and their fees and memberships will also be eligible for payment. This includes activities such as singles tennis, racquetball, handball, court fees associated with these sports, basketball, exercise classes, hockey, soccer, martial arts training, skating, cross country skiing and gymnastics.
- d. Fitness/exercise equipment (e.g., stationary bikes, treadmill, stair stepper, rowing machine, ice/inline skates, skis)

*The following activities are not eligible for payment:*

- a. Activities and equipment with a relatively low aerobic benefit, such as bowling, golf, dancing, horseback riding, archery, and baseball/softball. Also excluded are whirlpools, saunas, and massage therapy.
- b. Any clothing costs, competitive registration fees or costs for food will not qualify for payment.
- c. Membership fees for clubs that are primarily social in nature (i.e., country clubs, golf/tennis clubs).
- d. Accessory items (e.g., book holders, water bottles/holders, bike racks), assembly charges, shipping fees and maintenance contracts.

Employees are advised to have a physical examination by their physician if they are beginning a new program of physical activity. Employee may not participate in any Sick Leave for Wellness eligible program on City time. Sports, activities and equipment not listed will be evaluated on a case by case basis by Human Resources.

*Approved Deferred Compensation Contributions*

Eligible employees will be allowed to convert accumulated sick leave to deferred compensation deposits. Deposits in combination with all other payments to the deferred compensation accounts are subject to maximum deferral regulations. Accumulated sick leave used for deferred compensation contributions will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time that the contribution to deferred compensation is requested. Requests for contributions under this section must be submitted to Human Resources by December 15. Contributions will be made to deferred compensation plans via payroll deduction in December pre-tax. Requests for contributions under this section must be submitted to Human Resources by December 31. Contributions will be made to deferred compensation plans via payroll deduction in January of the following year and will not be taxable.

Employees who are in the process of terminating employment are not eligible for payments under this program. All requests for payment under this program must be approved by Human Resources.

### 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 day(s) off were previously approved by the supervisor). Regular employees who are scheduled to work the holiday will be given another day off with pay. Paid holidays include:

- |     |                               |  |
|-----|-------------------------------|--|
| 1.  | New Year's Day                | January 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 holidays. The City shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of their duties or other conditions requires them to do so.

Regular part-time employees are eligible to earn paid holidays in proportion to that earned by regular full-time employees based on the number of hours worked during any given pay period in which the holiday is paid. ~~based on work hours budgeted on January 1.~~ Paid holidays will count toward total budgeted work hours for the year.

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

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

When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Sunday, the following Monday is considered the paid holiday and if any such day falls on Saturday, the preceding Friday is considered the paid holiday. When Christmas Eve falls on Sunday, the preceding Friday is considered the paid holiday. Each holiday commences at the beginning of the first shift on the day on which the holiday occurs and continues for 24 hours thereafter. Eligible

employees shall receive pay for official holidays at their normal rate of pay if they are at work or on a leave of absence with pay the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday.

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

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

## **6.4 Family and Medical Leave**

### **ELIGIBILITY**

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

- Have worked for the City for 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive; however, the City will not consider any service 7 years prior to the employee's most recent hire date, unless the break was due to National Guard or Reserves military service obligation.
- 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**

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or 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 (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 as well as 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, or 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 based on a rolling backward basis.

### **HOW LEAVE MAY BE TAKEN**

FMLA leave may be taken for 12 (or less) 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 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 the leave to Human Resources.

When the need for the leave is foreseeable, the employee must give verbal or written notice to his/her 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 give as much notice as practicable, including following required call-in procedures.

The City requires an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **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 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 his or her duties, a FFD certificate may be required as frequently as every 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.

### **ANNUAL MEDICAL CERTIFICATION AND RECERTIFICATION**

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification and second and third opinions.

### **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 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 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) which have the same or similar requirements and essential functions of an 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 (described above) whose spouse, son, daughter, or parent either 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 (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 he or she is undergoing medical treatment, recuperation, or 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 his or her 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.

Eligible employees may be entitled to take unpaid leave pursuant to the Family and Medical Leave Act (“FMLA”) for the purposes described in 29 U.S.C. § 2612 (as amended). All such leave, including the responsibilities of the City and its employees related to such leave, is subject to the conditions prescribed in the FMLA and the Department of Labor’s regulations implementing the FMLA.

For additional information regarding FMLA leave, including the circumstances in which such leave may be taken, employees should consult the posted notices. In addition, as permitted by the FMLA, the City places the following restrictions on eligible employees’ use of FMLA leave:

The City has designated a “rolling” 12 month period for purposes of determining employees’ entitlement to FMLA leave. The “rolling” 12 month period begins on the date the employee uses “any” FMLA leave.

An eligible husband and wife couple employed by the City are permitted to take a combined total of 12 work weeks of FMLA leave in a single 12 month period if the FMLA leave is: (1) due to the birth of a son or daughter of the employees, (2) due the placement of a son or daughter with the employees for adoption or foster care, or (3) in order to care for a parent of the eligible employee.

Employees may request leave under this policy based on: (1) the birth of a son or daughter of the employee; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) their own serious health condition; (4) to care for a parent, spouse, or child’s serious health condition; (5) military caregiver leave; (6) a qualifying military exigency as defined in the FMLA or, (7) or any another eligible circumstances contingent upon the FMLA. Employees are required to submit a completed medical certification that complies with the requirements of the FMLA. Medical certification forms are available from Human Resources. Employees who request leave under this policy are required to submit medical certificate outlining the dates on which treatment is expected and the expected duration. The City reserves the right to request a second opinion, at the expense of the City, to the extent permitted by the FMLA. If the results of the employee’s certification differs from the results of the City’s certification, the City may obtain a third opinion at the City’s expense. The City also reserves the right to require periodic recertification, to the extent allowed by the FMLA and to contact the certifying medical provider to authenticate or clarify the medical certification in lieu of seeking a second opinion.

Separate certification may also be required regarding the nature of the family member’s military service and/or the existence of a qualifying exigency, if leave is requested for that purpose.

Except in emergency situations, the employee is required to provide written notice of the need to take leave to the employee’s supervisor not less than 30 days before the date the leave is to begin. If the leave is to begin in less than 30 days, the employee shall provide such written notice as soon as practicable.

Employees are required to use all accrued sick leave, vacation leave, and any other accrued paid leave, except a combined total of forty hours of accrued paid leave and/or compensatory time off, concurrently with leave provided under the FMLA. The combined paid and unpaid leave cannot exceed the applicable 12 week or 26 week maximum FMLA leave time. FMLA leave may run

concurrently with a worker's compensation absence if the on-the-job injury or illness also qualifies as a serious health condition under the FMLA.

Subject to the terms, conditions, and limitations of applicable plans, eligible employees are entitled under the FMLA to the same health insurance benefits provided by the City while on FMLA leave to the same extent as if the employee were not on FMLA leave. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking family or medical leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health condition of the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.

Vacation, sick, and holiday leave will not be earned during a period of unpaid FMLA leave. FMLA leave—whether paid or unpaid—will not constitute a break in service for purposes of computing years of service.

To the extent provided in the FMLA, employees generally have the right to return to an equivalent position with equivalent benefits, pay and other terms and conditions of employment upon returning to work after a period of FMLA leave. However, employees who fail return to work following, or require additional time away from work after exhausting, their FMLA leave in the designated "12 month period" no longer have FMLA protections of leave or job restoration. In addition, an employee who fails to return to work at the end of FMLA leave, in most cases, will be considered to have voluntarily resigned his/her position with the City. Employees who do not return to work at the end of their FMLA leave may be terminated.

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 Human Resources Manager 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.

Records on family and medical leave will be kept along with normal personnel records except that any medical record will be maintained separately in accordance with applicable laws.

The FMLA is a complex area of law with detailed federal regulation that is impacted by other related issues. 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 his or her 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 ~~use-exhaust~~ all paid leave, ~~except a combined total of forty hours of accrued vacation leave, sick leave, holiday pay, and/or compensatory time off.~~

~~While on an extended medical leave, all City paid benefits will not be funded by the City, rather COBRA will be offered at employees' cost. Health and life insurance benefits will continue to be paid by the City for an employee who is on extended medical leave at the same level as if the employee were working. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking extended medical leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health condition of the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.~~

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 ~~not~~ 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 Human Resources Manager~~ 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 to an employee who works an average of at least 20 hours per week and seeks to undergo a medical procedure to donate bone marrow. The length of the leave shall not exceed 40 work hours, unless agreed to by the City. Bone Marrow Leave is not chargeable against accrued vacation or sick leave or compensatory time off. The City may require certification from the treating physician regarding the purpose and length 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 and the duration of the assignment, which 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 ~~Human Resources Manager~~ Administrative Services Director.

The procedure for applying for a light duty assignment will be as follows:

- A. When an employee is unable to provide full performance of all assigned work duties, the employee may request light duty by submitting a written request to the ~~Human Resources Manager~~ Administrative Services Director. The request shall be accompanied by the treating physician's medical certification indicating diagnosis, current treatment, and the extent and duration of any work restrictions.
- B. 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.
- C. Determinations regarding light duty will be made on a department-by-department, case-by-case basis. The ~~Human Resources Manager~~ Administrative Services Director, in consultation with the Department Head, will consider such factors as public service needs and budgetary consideration, the need for work which may be assigned as light duty, the employee's capability of performing the work, the number of employees not available for work due to injury or illness, and other relevant factors, as determined by the ~~Human Resources Manager~~ employee's Department Head and the Administrative Services Director's sole discretion. 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.
- D. The City will determine what job duties the employee will perform. These duties may include those currently assigned to the employee's job classification or any other duties the City considers to be appropriate. Duration of light duty will be determined at the sole discretion of the City, but shall not exceed four weeks without the City Administrator's approval.
- E. ~~If the treating physician requires a continuation of light duty beyond the initial two weeks~~ four weeks, the employee must submit the treating physician's documentation for the ~~Human Resources Manager~~ Administrative Services Director's review, followed by the City Administrator's approval or denial to ~~in order to determine if the City can grant additional light duty or not.~~ The City, at its sole discretion, reserves the right to terminate a light duty assignment at any time based upon, but not limited to, the factors set forth in sub-item C above.

## **6.8 Military Leave—**

State and federal laws provide protection and benefits to city employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 workdays in any calendar year. City compensation is in addition to the military pay for these 15 days, as per MN Attorney General's Opinion.

The leave of absence is only in the event the employee returns to employment with the city as required upon being relieved from service or is prevented from returning by physical or mental

disability or other cause not the fault of the employee or is required by the proper authority to continue in military or naval service beyond the fifteen-day paid leave of absence. Employees on extended unpaid military leave will receive fifteen days paid leave of absence in each calendar year, not to exceed five years. Where possible, notice is to be provided to the city at least ten working days in advance of the requested leave. A training notice, signed orders, or battle assembly schedule are examples of typical written notification to share with the city.

If an employee has not yet used their fifteen days of paid leave when called to active duty, any unused paid time will be allowed for the active-duty time, prior to the unpaid leave of absence.

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

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

### **Military Leave for Family Members**

The city will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States or Minnesota.

Nor will the city discharge from employment or take adverse employment action against an employee because they attend departure or homecoming ceremonies for deploying or returning personnel, family training or readiness events or events held as part of official military reintegration programs. Employees may substitute paid leave if they choose to do so.

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

### **Military Leave for Family Member Injured or Killed in Active Service**

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

### **Civil Air Patrol**

The city will grant employees an unpaid leave of absence for time spent serving as a member of the Civil Air Patrol upon request and authority of the State or any of its political subdivisions, unless the absence would unduly disrupt the operations of the city. Employees may choose to use vacation leave while on Civil Air Patrol Leave but are not required to do so.

State and federal laws provide for and 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 & Re-employment Rights Act (USERRA). Public employees in Minnesota engaged in military service have additional benefits under Minnesota Statutes. Every city of Ramsey employee, whether in the Reserves or full time service, will be afforded the benefits entitled to them under federal and state law. Employees should contact Human Resources for additional details.

## **6.9 Parenting Leave- 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 for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child as eligible for up to 12 weeks of unpaid leave and must begin within twelve months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice, which is at least 30 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

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

Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

Parenting Leave, as provided for in Minnesota Statutes, grants qualifying employees unpaid leave of up to twelve (12) weeks for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or a related health condition. Parental Leave is considered to be taken simultaneously with FMLA leave. If leave is taken due to the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption, unless the child remains in the hospital after the mother has been discharged, in which case the leave must begin within twelve (12) months after the child leaves the hospital.

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

Any employee may take unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work

hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use vacation leave hours for this absence but are not required to do so.

Any qualifying employee may take leave of up to 16 hours during any rolling 12-month period to attend school-related activities related to the employee's child attending school, provided the school-related activities cannot be scheduled during non-work hours.

When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. Employees may use accrued vacation leave or compensatory time off concurrently with leave granted pursuant to this section.

### **6.11 Jury Duty / Subpoena**

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

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

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

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

Any employee who is required to serve as a juror or who is under subpoena as a witness in court for job-related purposes, shall be granted a leave of absence with pay while serving in such capacity. Once the employee has received notice from a court system they should notify both Human Resources and their supervisor. An employee cannot receive more than the employee's normal take-home pay as a result of any employer pay supplemented to Jury Duty pay. Jury duty pay excluding transportation reimbursement, must be remitted to the City within 30 days after receipt of payment from judicial agency. When employees are excused from jury duty or serving as a witness during their regular working hours, they are expected to return to work if practicable.

### **6.12 Funeral Leave**

Employees are allowed funeral leave up to 24 hours twice annually per occurrence (a maximum of 48 hours during any calendar year) for a death in the immediate family. 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 approval from the employee's supervisor. Such additional leave will be deducted from the employee's sick leave (up to three (3) consecutive days), vacation leave or compensatory time off as the employee may choose and have available.

Immediate family, for the purposes of this section, shall be defined as spouse, parent, stepparent, children, step-children, brother, sister, grandparents, grandchildren, individuals where employee is a legal guardian, or a like member of employee's spouse's family.

**Commented [CL25]:** Comment from LMC member: Consider adding the term Ward to this section as the Guardian will be legally responsible for handling all those affairs similar to a child or spouse passing. Same for any instances of sick as well as the Guardian is legally required to provide for the care and well being of the ward.

**Commented [CL26]:** To be discussed with the City Council.