

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 [CL18]: 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 the Department Head's 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 31st, unless approved by the City Administrator. Once an employee has banked the maximum amount of vacation hours allowed, all additional hours accrued are forfeited. Employees are responsible for monitoring their own balances. Additional pay in lieu of vacation is not permitted.

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

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

An employee who separates from the City "in good standing, shall be compensated for vacation accrued and unused through the last date of employment, per the 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 [CL19]: 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 th Anniversary	5.54 hours/pay period	18 days
7 th Anniversary	6.15 hours/pay period	20 days
12 th Anniversary	6.46 hours/pay period	21 days
16 th Anniversary	6.77 hours/pay period	22 days
17 th Anniversary	7.08 hours/pay period	23 days
18 th Anniversary	7.38 hours/pay period	24 days
19 th Anniversary	7.69 hours/pay period	25 days

Commented [CL20]: 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 th Anniversary	5.54 hours/pay period	18 days
8 th Anniversary	5.85 hours/pay period	19 days
10 th Anniversary	6.15 hours/pay period	20 days
12 th Anniversary	6.46 hours/pay period	21 days
16 th Anniversary	6.77 hours/pay period	22 days
17 th Anniversary	7.08 hours/pay period	23 days
18 th Anniversary	7.38 hours/pay period	24 days
19 th Anniversary	7.69 hours/pay period	25 days

Commented [CL21]: 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 [CL22]: 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 th Anniversary	4.62 hours/pay period	15 days
12 th Anniversary	6.15 hours/pay period	20 days
16 th Anniversary	6.46 hours/pay period	21 days
17 th Anniversary	6.77 hours/pay period	22 days
18 th Anniversary	7.08 hours/pay period	23 days
19 th Anniversary	7.38 hours/pay period	24 days
20 th 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.

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 st |
| 2. | Martin L King Day | 3 rd Monday in January |
| 3. | President's Day | 3 rd Monday in February |
| 4. | Memorial Day | Last Monday in May |
| 5. | Juneteenth | June 19 th |
| 6. | Independence Day | July 4 th |
| 7. | Labor Day | 1 st Monday in September |
| 8. | Veteran's Day | November 11 th |
| 9. | Thanksgiving Day | 4 th Thursday in November |
| 10. | Friday after Thanksgiving Day | (Non-union, AFSCME and LELS Captains only) |
| 11. | Christmas Eve | December 24 th |
| 12. | Christmas Day | December 25 th |
| 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 1st are not eligible for the floating holiday during the calendar year in which they were hired. Floating holidays may not be carried over.

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

6.4 Family and Medical Leave

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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.

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.

6.4 Family and Medical Leave

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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, City benefits will administered through COBRA and 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 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 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 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 employee's Department Head and the Administrative Services Director. 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 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 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

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~~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. Or take the time unpaid....~~

6.11 Jury Duty or Witness Duty

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. 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-employees~~ 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.

SECTION 7 CONDUCT

7.1 Code of Conduct

Policy Statement

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

Scope

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

Definitions of Prohibited Behaviors

Violent behavior includes the use or threat of physical force or intimidation to cause pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, membership or activity in a local human rights commission, status with regard to public assistance, or other characteristic protected by State or federal anti-discrimination law.

Offensive behavior may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers inappropriately, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

Policies

1) Expected Conduct of City Employees in General

Employees of the City shall conduct themselves at all times while on duty or on the employer's premises, in such a manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include violent behavior, discriminatory behavior, offensive behavior, harassment, and any conduct that tends to bring the City into disrepute or reflects negatively on the City, or that which has an adverse impact on the functioning of one or more City employees or departments, or the City as a whole.

2) Conduct in Dealing with the Public

While representing the City, employees shall be courteous to all members of the public. ~~They~~ Employees shall be tactful in the performance of their duties, control their tempers and exercise patience and professional judgment. ~~They~~ Employees shall not engage in argumentative discussions or behavior prohibited by this policy, even if provoked. ~~They~~ Employees shall not use coarse, violent, profane or disrespectful language or gestures, and shall not express any prejudice concerning race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, membership or activity in a local human rights commission, status with regard to public assistance, other characteristic protected by State or federal anti-discrimination law, lifestyle, or other personal characteristics. Employees shall not engage in violent behavior, discriminatory behavior, or offensive behavior when interacting with any member of the public.

In the event a member of the public becomes abusive, employees should refrain from escalating the situation and if possible, employ tactics to defuse the situation. While each employee is expected to use his or her best professional judgment to determine the most appropriate and effective way to interact with members of the public, some potential tactics include, lower the voice or ask the person to sit down. If the situation doesn't improve, the employee can refer the person to a supervisor or request that a police officer be called to the scene, if necessary. Employees are not required to continue conversations that include profanity or threats. In those situations, the employee should refer the individual to a supervisor or inform a caller, as courteously as possible, that the employee is hanging up and will talk with the caller after the caller has calmed down.

3) Conduct between Employees

Employees shall cooperate with and be courteous to co-workers at all levels. Employees shall control their tempers and refrain from engaging in violent behavior, discriminatory behavior, or offensive behaviors. Employees shall act professionally and courteously when interacting with their coworkers. Inappropriate behavior prohibited by this policy includes, but is not limited to: slamming doors, pounding tables, kicking furniture, unwanted and/or unwarranted physical contact of any nature, including "roughhousing" such as punching in the arm, pinching, arm twisting, etc., and other, similar unwanted conduct, making threats, berating or belittling others, speaking in raised voices, using coarse, violent or profane language or gestures, refusing to speak or respond when spoken to, and refusing to provide assistance when requested.

Employees shall treat each other with respect. ~~They~~ Employees shall refrain from making remarks about or using nicknames for other employees that are disparaging or based on a personal characteristic; producing cartoons or other graphics displaying other employees in an unfavorable light; communicating threatening or disparaging remarks via any medium (voice, e-mail, notes, etc.); engaging in unwanted horseplay or practical jokes; failing to relay written, verbal or telephone messages.

4) Reporting Inappropriate Workplace Behaviors

Any employee who believes that another City employee or elected official has engaged in behavior prohibited by this policy is encouraged to address the situation as described in paragraphs (a), (b), and (c) below. However, if the alleged conduct involves violent behavior, discriminatory behavior, or harassment prohibited by City policy, the employee is

responsible for reporting the situation to the appropriate supervisor in accordance with the City's anti-harassment policy and paragraph (c) of this policy.

- a) If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.
- b) Write a memorandum for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.
- c) Report the conduct to your supervisor or department head or the employee's supervisor or department head. If the individual allegedly engaging in behavior is an elected official, report the conduct to the City's Administrative Services Director, City Administrator, the Mayor, or a member of the City Council, as appropriate.
- d) The complaining party should be prepared to provide the following information:
 1. The complainant's name, department and position title.
 2. The name, department, and position title of the offending party, if known.
 3. The specific facts of the alleged inappropriate behavior, how long it has allegedly gone on, and any alleged employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) that was supposedly taken against the employee who is filing the complaint.
 4. Names of witnesses, if any, to the alleged harassment.
 5. Whether the complainant has previously reported the alleged misconduct and, if so, to whom.

5) Investigation of Complaints of Inappropriate Conduct

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

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

6) Consequences of Engaging in Inappropriate Workplace Conduct

Employees who are found to have engaged in conduct prohibited by this policy or to have intentionally filed a false claim of such conduct may be subject to disciplinary action, up to and including immediate termination, subject to the provisions of the Personnel Policy, applicable policies of the Police and Fire Departments, applicable collective bargaining agreements or other contracts, and applicable law.

Supervisors are required to deal swiftly and appropriately with employees who treat others disrespectfully. Any supervisor who condones or allows subordinates to engage in conduct prohibited by this policy or fails or refuses to respond appropriately to complaints of

inappropriate workplace conduct prohibited by this policy, may be subject to disciplinary action as described in the preceding paragraph, whether or not the supervisor actually engaged in inappropriate workplace conduct.

7) Retaliation for Complaints of Inappropriate Workplace Conduct

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

8) Relationship of Code of Conduct to Harassment Policy

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

7.2 Harassment Policy

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

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

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

Sexual Harassment and Other Protected Class Harassment

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

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual's employment;

3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or in creating an intimidating, hostile, or offensive working environment.

Violation of this Policy by an employee may subject that employee to disciplinary action, up to and including ~~immediate discharge~~ termination.

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

1. Use of offensive or demeaning terms, which have a sexual connotation or a negative gender connotation;
2. Objectionable physical proximity or physical contact;
3. Any unwelcome, sexually motivated touching;
4. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;
5. Any indication, express or implied, that an employee's job security, job assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee or, supervisor;
6. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors;
7. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation;
8. The deliberate or careless expression of jokes or remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive;
9. The deliberate or careless dissemination or display of materials such as cartoons, articles, pictures, other graphics of a sexual nature, etc., which have a sexual content and which are not necessary for work;
10. The use of suggestive facial expressions or gestures of a sexual nature.

Other protected class harassment is offensive conduct or communication based on an individual's race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by State or federal law when:

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual's employment;

3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or in creating an intimidating, hostile, or offensive working environment.

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

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

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

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

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

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

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

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

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

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

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

7.3 Workplace Violence Policy

Purpose and Definitions

The city of Ramsey is committed to maintaining a safe environment for its employees and customers, free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Accordingly, the City will not tolerate any acts of violence toward employees or customers of the City, or to property. Any employee who commits or threatens an act of workplace violence may be subject to investigation and discipline, up to and including immediate termination. It is the goal of the City to provide a workplace that is free of intimidation, threats, and violence. This policy will also seek to provide guidance to employees when they encounter a situation that they believe could result in violence.

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

Workplace Violence - The term “workplace violence” encompasses a wide range of behaviors that include, but is not limited to, any act of physical, verbal, or written aggression against an employee

or customer of the City, or threats to inflict physical harm, or damages to property, family members of an employee, or any purposeful or knowing behavior which would cause a reasonable person to feel threatened by an employee or non-employee in the workplace. Workplace violence does not include reasonable force in the defense of oneself or others. Workplace violence also does not include the appropriate use of force or weapons by law enforcement officers or others acting lawfully to protect and defend life and property, effectuate an arrest or detention, or other purposes for which law enforcement officers are authorized to use force.

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

Employee Responsibilities

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

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

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

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

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

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

Supervisory Responsibilities

Supervisors are expected to appropriately and safely intervene when they see an employee on the receiving end of abuse, whether from another employee or a member of the public. Supervisors

and Department Heads who witness workplace violence or receive a complaint of workplace violence must notify the Administrative Services Director of the situation as soon as possible. The responding supervisor shall assess whether there is a current significant risk of violence that could result in physical harm to people and/or property and establish command and determine the appropriate level of emergency response. The supervisor or Department Head's efforts may include the following actions:

- Assuring that 911 has been called.
- Alerting other employees in the immediate area about the situation.
- Attempting to move individuals at risk to a safer location.
- Implementing the appropriate evacuation proceeding if rapid evacuation of the building seems warranted.
- Controlling staff involved so that they do not interfere with or hinder the efforts of law enforcement or other emergency personnel who may respond to the incident.
- Assuring that necessary medical attention and/or emotional support is provided to the employees affected by the incident.
- Contacting the Administrative Services Director to arrange for relief from duty of the employee(s) who committed the workplace violence, coordinate an investigation and to handle disciplinary/return to work issues.
- The Administrative Services Director may, in addressing the situation, consider the following:
 - Assessing the needs of victims and other employees impacted by the incident.
 - Any additional security measures that need to be put into place, taking into consideration:
 - the likelihood of violence
 - the costs and benefits of security measures
 - the impact of security measures on the employee(s) involved and the rest of the workforce
 - the impact of security measures on the City's ability to meet the needs of its customers
- When a supervisor or Department Head is notified of an employee having identified City work locations as being protected areas for purposes of restraining or protective orders, OR of a domestic violence situation, the Administrative Services Director is to be consulted immediately to determine what actions may be appropriate.
- The Administrative Services Director may consult with the Police Department to determine what appropriate security measures need to be taken with regard to any reported or potential workplace violence incident.

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

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

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

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

7.4 Domestic Violence

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

7.5 Appearance and Dress Policy

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

Appropriate Business Casual or Formal Business Attire

The following information should guide employees on proper dress in the work place. Although it is difficult to develop a policy that will cover all individual variations in dress and style for each work situation or circumstance. The following appearance and dress guidelines have been established based on public perception and job safety, as follows:

- Suits, ~~Pant Suits,~~
- Sport Coats or blazers-
- Dress slacks, pants, khakis, colored denim dress jeans (no blue jeans, no rips, tears, stains, frayed fabric, etc.)-
- Dress shirt with or without a tie, Polos-
- Dresses, ~~and~~ skirts or business capris (no more than 3 inches above the knee and not overly tight-
- Blouses, shirts, or sweaters-
- Any type of business shoes, dress sandals, loafers, clean earth tone or white athletic shoes (Crocks, flip flops, thongs or barefoot sandal are not allowed.)

Appropriate attire for Casual Fridays:

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

- ~~Capris within 3 inches of the knee.~~
- ~~Clean athletic shoes in good condition.~~

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

Inappropriate Attire / Inappropriate Appearance

~~Except as specifically allowed on casual Fridays,~~ the following items are never not appropriate for the office-workplace environment.

- Extreme hair color such as, but not limited to violet, indigo, blue, green, yellow, orange and red
- Tattoos that are deemed to be offensive. Examples of offensive tattoos include, but are not limited to, those that depict racial, sexual, discriminatory, or gang-related images or obscene language, or that undermine city’s values. Tattoos deemed offensive must be covered while working
- Tattoos on the head, face, neck and hands are prohibited
- Piercings that are loose or dangle, other than earrings
- Piercings that interfere with speaking clearly
- Facial piercings (Septum, Eye lid, Eye brow, cheek, lips, etc.)
- Slogans or advertising may not exceed 2 inches, other than city logos
- T-shirts, halter tops, tank tops, tube tops, muscle shirts and shirts or dresses with spaghetti straps
- Garments revealing the midriff or off-the-shoulder
- ~~Flip flop shoes~~
- Athletic wear (sweatpants, sweat suits, yoga pants and workout clothes), ~~tennis shoes~~, except as specifically approved during special sporting events on a Friday
- ~~Denim jeans.~~
- Shorts and mini-skirts.
- ~~Body hugging clothes.~~
- ~~Garments revealing the midriff or off the shoulder.~~
- Dirty, ripped, wrinkled or stained clothing.
- Transparent or overly tight garments.
- ~~Clothing with advertisements or logos larger than 2” (other than City logos).~~
- Any Clothing that is overly revealing or outlandish so as to cause distraction
- Any clothing or visible tattoos with images or wording that are offensive or derogatory.
- ~~Visible body piercings, other than earrings, all other visible body piercings must be removed during work hours.~~
- Flip flops, thongs, bare foot sandals- and bare bottom shoes

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

Employees Who Work Outdoors

Employees who work outside must follow the dress code established by their Department Head. Clothing must always be neat, clean, and not overly worn, faded, or in disrepair. Work shirts may

not be sleeveless and employees may not go shirtless while on duty. Solid color shorts and jeans are acceptable when appropriate and with prior approval from the Department Head.

Uniformed Personnel

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

Under certain circumstances, as a condition of employment, employees may be required to wear clothing identifying them as a city of Ramsey employee. If applicable, a payroll stipend may be benefited and applicable taxes will be withheld according to the Internal Revenue Service.

Religious Considerations

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

Enforcement

Department Heads or ~~their~~ the Department Head's designee have the responsibility and the authority to enforce this policy. If counseling is ineffective, violations of this policy may result disciplinary action, up to and including ~~immediate~~ termination. Employees sent home to change clothes shall not be paid as regular duty pay; the employee may use vacation time or unpaid leave.

7.6 Off-duty Conduct

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

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

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

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

7.7 Employee Parking

To ensure ~~that~~ the public has easy access to the entrances of City Hall front doors, employees ~~parking at the City offices~~ must park personal vehicles in the Municipal Parking Ramp; unless otherwise approved by the Department Head. - City vehicles may be temporarily parked on the road or in the south parking lot as needed for City business. Personal vehicles may only be parked on the road during such time that it takes to load or unload supplies for a City function.

7.8 Conflict of Interest and Divided Allegiance

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

This Policy addresses how the City approaches actual or perceived conflicts. The definitions that apply cover more than the specific conflict of interest scenarios addressed by state or federal laws. A conflict of interest not identified in this policy may be a violation of those laws. City officials may have a legal conflict of interest even if their conduct does not amount to a conflict of interest under this Policy. Nothing in this Policy authorizes, or should be interpreted as authorizing, City officials to have an interest in a transaction that is prohibited by state or federal law. Employees and elected officials who have a conflict of interest recognized by state or federal law are subject to all of the consequences provided by law.

The purpose of this Policy is to inform City elected officials, appointed commission members, and staff of the City’s broad definition of Conflicts and to establish procedures to follow to declare and monitor conflicts as they arise. The City Council requires each elected official, appointed commission members and staff member to be advised of this Policy, and each of said persons are to be provided a copy of this Policy, immediately upon assuming their City’s duties or relationship. All individuals subject to this Policy are responsible for knowing and observing the Policy.

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

The City Council recognizes that conflicts may exist not only when an individual has a financial interest in a transaction, but also when his or her nonfinancial interests are involved. In all cases, the City Council is committed to ensuring that whenever a dual interest between an individual’s personal, business, organizational or professional affiliations and the position and interests of the City exists, disclosure of such conflict is given and the resulting decision-making is fairly and appropriately managed. Furthermore, this Policy’s procedures apply not only when an actual

conflict is demonstrated, but also when the interests or concerns of another party to which one has allegiance may reasonably be seen as competing with City's interests or concerns. The decision of the City Council to effect a level of higher scrutiny and procedures when an elected official, appointed commissioner, or staff member of the City appears to have a conflict acknowledges the public's increasing sensitivity to self-dealing and/or lax management by elected officials, appointed commissioners, and staff.

The three types (or "Tiers") of conflicts defined in the Policy are not mutually exclusive. An interest that qualifies as a conflict of interest under one Tier may be a conflict of interest under either of the other Tiers as well, depending on the specific facts.

Conflict of Interest and Divided Allegiances, Definitions

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

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

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

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

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

For purposes of this Policy, the term "relative" includes all of the following individuals: spouses, , parents, children, children's spouses, siblings, spouses of siblings, aunts, uncles, first cousins, step-parents and step-children.

For purposes of this Policy, a "material financial interest" exists when an individual or their

relative has rights (whether or not yet vested) to be paid compensation, employee or retiree benefits, dividends, or profit-sharing, or to have their expenses reimbursed or obligations or other liabilities repaid, etc. The term is intended to include any and all remunerative expectations.

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

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

All local officials, as defined in Minnesota law, must comply with Minnesota law regarding the receipt of gifts.

Procedure When Appointed Officials have a Conflict

When conflicts arise, the interested appointed official must:

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

Procedure when Elected Officials have a Conflict

When conflicts arise, the interested elected official must:

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

Procedure When Staff have a Conflict

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

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Director to do so, after consideration of the significance to the City of the disclosed conflict. The City Council, City Administrator, Finance Director, and/or Administrative Services Director of the City may also request that he or she provide the City with any relevant information regarding the matter.

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

SECTION 8 DISCIPLINE/GRIEVANCE PROCEDURES

8.1 Discipline

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

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

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

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

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

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

refusal will be noted on the notice. A copy of each written statement shall be placed in the employee's personnel file.

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

In any case of suspension, demotion or termination, the employee shall be granted a hearing before the City Council if the employee submits a written request for such a hearing to the City Council within five (5) working days of notification of the action taken. At its sole discretion, the Council may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the Council appoints a subcommittee, the subcommittee shall make its recommendation to the Council at the next regularly scheduled meeting of the Council following the hearing. The Council's decision is final. In the event the Council overturns the disciplinary decision pursuant to this provision, the employee will be reinstated to his/her position with back pay.

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

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

8.2 Grievance Procedure

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

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

The City Administrator shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator is final, except that when the City Administrator is directly involved in the facts giving rise to the grievance, appeal may be made to the City Council for final decision within fourteen (14) calendar days of the

City Administrator's decision. In such an appeal, the City Council's decision is final. In the event that the City Administrator does not respond to the grievance within fourteen (14) calendar days of receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

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

SECTION 9 TRAVEL, TRAINING AND EDUCATION

9.1 Travel Policy

PURPOSE

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

POLICY

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

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

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

9.2 TRANSPORTATION/AIRLINE TRAVEL CREDITS

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

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

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

9.3 MILEAGE REIMBURSEMENT

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

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

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

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

9.4 LODGING

When on City business outside the seven-county metropolitan area, (40 miles or more away from City Hall) lodging accommodations may be provided by the City. All requests for lodging must be submitted, and approved by the Department Head prior to payment. Actual costs for a single occupancy room will be reimbursed, but charges shall be reasonable and consistent with the facilities available. Each employee traveling on City business pursuant to this policy must obtain his or her own hotel rooms. Employees are not allowed to share rooms while traveling on City business, unless otherwise approved in advance by the City Administrator or his/her designee. In order to keep costs at a minimum, the employee or elected official shall stay at a host hotel or motel, or a less expensive hotel at the discretion of the attendee's Department Head. The City will not reimburse for costs associated with the attendance of a family member at a workshop, conference, and other assignment. Printed detailed receipts are required for lodging and should accompany a request for reimbursement form. Within the seven-county metropolitan area, in the event of severe weather or other situations or conditions that make traveling hazardous, employees may secure lodging until such time that it is safe to return.

9.5 MEALS

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

Printed detailed meal receipts are required for and should accompany a request for reimbursement form. The detailed meal receipt must include the food and beverage items ordered. The request for

reimbursement form must include an explanation of the public purpose for the meal and a list of the attendees. The receipts and reimbursement request form shall be submitted to the Finance Department for payment.

The maximum reimbursement rates for meals, taxes, and tip are as follows: Note: The City will reimburse tips up to 20% of the bill, prior to taxes. Employee's choosing to tip greater than 20% will not be reimbursed for the ~~difference.~~

~~Breakfast~~ — \$1018.00
~~Lunch~~ — \$1620.00
~~Dinner~~ — \$2636.00

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

9.6 Training, Licensure and Education Policy

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

It is the primary objective of the training program that training dollars are spent on learning which addresses organizational goals and follows a progression of skill development. On an annual basis, each department is charged with projecting individual staff training needs for the next five years.

The department budget requests and future projections are to be evaluated to ensure compliance with organizational goals and budget allocations. The Department Head is charged with presenting the annual training budget to the City Administrator. The City Administrator is to present his/her recommendations to the City Council as part of the annual budget process.

All departments will be afforded opportunities to ensure training goals are met. However, it is understood that each departments/staff will have varying levels of training needs. The City will not allocate training dollars to specific staff given the varying needs of the organization and the public.

Training Reimbursement Training shall be defined as short-term specific course work in order to gain specific job skills, ~~typically attainable in hours, days or a few weeks.~~

- The City will pay for job-related, position specific training approved by the Department Head and City Administrator and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training and at the City Administrator's sole discretion.
- The City will pay for, or reimburse employees for, any and all training required by the City to attain or maintain job-related certification.
- Conference and seminar training shall provide for meals and lodging, if necessary, for in-state and out-of-state training. Travel expenses for in-state training shall be provided through the

budget process. Travel expenses shall be provided for out-of-state training with prior approval of the Department Head and City Administrator.

- Department Heads are responsible for providing the Administrative Services Director with records on all employee training done at City expense; upon request a report will be prepared which documents training received and funds expended.

Post-secondary Tuition Reimbursement

Tuition reimbursement shall be defined as eligible costs incurred as a result of attending a post-secondary accredited educational institution; ~~typically classes or courses are completed during one half of an academic year for up to 18 weeks.~~

With pre-approval, regular non-union City employees are eligible to participate in tuition reimbursement. Employees covered under a collective bargaining agreement are not eligible to receive tuition reimbursement from the City unless otherwise provided for within said agreement. However it is the expectation of the city of Ramsey that new hires come to the City fully qualified for their position. Therefore, post-secondary tuition reimbursement shall not be provided during an employee's first year of service.

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

Employees wishing to utilize the City's tuition reimbursement funds must: 1) submit a request via a "Pre-Approval for Tuition Reimbursement" form prior to registration of classes; this process should be completed prior to the applicable annual budget process, and 2) submit a reimbursement request form after successful completion of classes; employees should be aware of the following key points

- Employees attending an accredited college or university or post-secondary classes at accredited colleges, universities, and vocational/technical institutes can apply for City reimbursement for 50% of the cost of tuition, books and course specific fees, including technologies fees; non-reimbursable fees include fees for supplies, transportation, student activity fees, late registration fees, school entrance fees, and graduation fees.
- The maximum annual reimbursement shall not exceed \$3000.
- In order to be eligible for reimbursement, the degree program or classes must be deemed by the Department Head, City Administrator, and Administrative Services Director to be job-related and a benefit to the employer before the employee registers for the class.
- Reimbursement will only be made upon receipt of a "C" or better for the course.
- Reimbursement will also be made when employees elect to take classes on a Pass / Fail or Credit / No Credit basis, subject to receipt of successful completion.
- Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.
- ~~Reimbursement for classes taken at private institutions shall not exceed the tuition charged by Minnesota State Colleges and Universities.~~
- Reimbursements are on a first come, first served basis and shall not exceed the department budget.
- In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator shall have the

discretion to apportion the available funds, including the discretion to refuse reimbursement.

- In the event an employee leaves the City's employment, any reimbursement for education received during the 12 months prior to leaving must be returned to the City.
- Reimbursements will be made through payroll as either a non-taxable reimbursement or taxable reimbursement; contingent upon current IRS guidelines.

Commercial Driver's License Payment

There may be situations when a candidate or current employee's essential job duties require possession of a Commercial Driver's License. In order to mitigate staffing challenges, the City may agree to pay for said licensure costs. This payment is contingent upon a written agreement by the employee to continue to work for the City for at least one (1) year following the attainment of the Commercial Driver's License. In the event the employee does not stay employed with the City for at least one (1) year, the employee must agree to reimburse the City for the full amount paid for the licensure. This may be accomplished by the City retaining funds from the employee's severance pay, and if necessary, the remainder via a personal payment made by the employee payable to the City within 30 days of the last day on the job

SECTION 10 HEALTH AND SAFETY

10.1 Policy Statement

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

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

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

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

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

10.2 Health and Personal Safety

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

10.3 Workers' Compensation / Injuries and Illness at Work

Both Minnesota Worker's Compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job. First Report of Injury forms must be submitted to Human Resources as soon as possible, but no later than 3 business days from the date of injury. Employees must keep Human Resources and their supervisor updated with regard to changes in their condition and/or return to work paperwork.

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

10.4 Medical Procedures

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

10.5 Smoking Policy

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

10.6 Inclement Weather Policy

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

10.7 ~~Municipal Center~~ Severe Weather Plan/Other Emergency Plan

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

Requirements:

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

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

~~Police Locker Rooms (Men and Women) — Primary.~~

~~If necessary, the stairwell will be utilized as determined by a member of Public Safety and employees and visitors will move to that area as directed.~~

If non-staff members are present in the Municipal Center, staff should direct them to move to the designated arcprimary site. If the primary site is full, then the secondary sites will be used. If any members of the public or visitors are within the Municipal Center at the time when a weather emergency, it is the responsibility of the Department Heads to get them to the shelter location.

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

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

Responsibilities:

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

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

Field Employees:

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

~~10.8 Hepatitis-B Vaccine Policy~~

~~Hepatitis B is a viral liver infection which can be debilitating and in some cases, fatal. Because Hepatitis B is transmitted through body fluids such as blood, certain groups of people are at a greater risk of infection than others.~~

~~The Federal Occupational Safety and Health Administration (OSHA) has stated that all employers must evaluate their employees to assess the risk of Hepatitis B infection, as it relates to their jobs. If a substantial exposure risk is assessed, the employer must offer the vaccine to those employees at no cost to the employee.~~

~~The employees within the city of Ramsey who have been identified at substantial risk of Hepatitis B infection are Public Works Maintenance staff, Engineering Technicians, Police Officers, Community Service Officers, Reserve Officers, and Fire Fighters.~~

~~Any employee who, while on the job, is exposed to blood, body fluids or a needle stick is required to: 1) Contact their supervisor as soon as possible, and 2) Complete a First Report of Injury form to be submitted to Human Resources immediately. The supervisor will initiate appropriate action or contact their Department Head for guidance.~~

10.9 Housekeeping

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