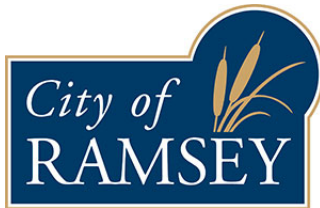


PERSONNEL POLICY

Adopted ~~November 26, 2024~~ ~~March 13, 2018~~
Effective January 1, 2025



Dear City of Ramsey Employee:

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

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

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

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

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

Sincerely,

Brian Hagen
City Administrator

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SECTION 1 INTRODUCTION

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

The purpose of this personnel policy is to serve as a reference and as a summary of the City of Ramsey's ~~personnel~~ policies, work rules, and benefits. ~~It replaces, revokes, and supersedes any previous personnel policies, interpretations, or practices, and is only valid until amended or replaced by the City Council. Accordingly, you will find it to your advantage to read the entire personnel policy promptly so that you will have a complete understanding of the material covered.~~ It is intended to foster a safe, orderly, and disciplined employment environment and. ~~This policy will promote employee knowledge of what is expected of personnel employees, generally, which should result in a greater degree of self assurance in all positions. In relationships between positions, it should be each City employee's individual aim to build mutual respect and confidence which is essential to local government service. Each City employee should strive to build mutual respect and confidence in relationships across positions, as these qualities are essential to effective local government service.~~

~~This policy~~ replaces, revokes, and supersedes any previous personnel policies, interpretations, or practices, and is only valid until amended or replaced by the City Council. Accordingly, you will find it to your advantage to read the entire personnel policy promptly so that you will have a complete understanding of the material covered. The City reserves the right to modify, revoke, suspend, or change this personnel policy, in whole or in part, at any time, with or without notice, at the sole discretion of the City Council.

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

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

~~This personnel policy summarizes the various policies and benefits currently provided by the city~~ City of Ramsey. ~~Nothing~~ contained in this personnel policy, or in any other City ~~City~~ document, nor ~~and nothing anything~~ said or done by a City employee or elected official, may be construed as an employment contract between the City and an employee, -a guarantee of continued employment, or a terms ~~or~~ conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is considered 'at-will' employment.

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

1.2 Scope of Policy

Section 1.02 — Scope

This policy applies to all employees of the cityCity. The following individuals are not City employees:

1. Elected officials
2. CityCity Attorney
3. Members of cityCity boards, commissions, and committees
4. Consultants and contractors
5. Volunteers (e-except as specifically noted for paid-on-call firefighters);

Any portion of this policy that applies to the above listed individuals will be noted as such.

If any specific provisions of this policy conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions.

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

This personnel policy generally applies to all CityCity employees, including probationary employees, and elected officials. Certain provisions of this policy may be inapplicable to the following individuals:

1. Elected officials;
2. Appointed personnel; i.e. CityCity Attorney;
3. Members of CityCity boards, commissions, and committees;
4. (Paid on call fFirefighters) and volunteer personnel;
5. Emergency employees hired for work related to who are employed for emergency work caused by natural disasters;
6. Temporary full-time and temporary part-time employees and those working less than 14 hours per week.

Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act shall be exempt from any provision of this policy that is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota state law is exempt from any provision of this policy that is inconsistent with such statute or rules and regulations adopted hereunder.

Nothing in this Section is intended to modify or supersede any provision of the Minnesota Veterans' Preference Act.

1.3 Employee Responsibility

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

1.4 Data Practices Advisory:

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

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

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

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

information may also be used and disclosed for other purposes consistent with applicable law. The information provided by the employee may be used in performance evaluations, determinations regarding merit pay, applications for different employment positions, and other matters which involve a review of the employee's personnel file and past performance.

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

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

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

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

1.5 Equal Employment Opportunity Statement

The city of Ramsey is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The city of Ramsey will not discriminate against any employee or job applicant for any unlawful reason

on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

Commented [CL1]: Per review by the City Attorney. The sentences below are from LMC template Personnel Policy.

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

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

The city of Ramsey will take affirmative action to ensure that all employment practices are free of discrimination. Such employment practices include, but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

1.6 Personal Communications and Use of Social Media

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

- Do not share any private or confidential information you have access to as a result of your cityCity position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the cityCity's operation, including by negatively affecting morale. In other words/Put another way, such public comments must not undermine any cityCity department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The CityCity can act on the personal communication that violates this policy, even without waiting for an/the actual disruption.
- Remember that what you write or post cannot easily be undone, and -it may reach also be spread to a larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your supervisor/boss or other employees to read, or that you would be embarrassed to see in the newspaper. Keep in mind that harassment, bullying, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that

would not be permissible in the workplace is also not permissible online, even if it is done after hours, from home, and on home computers.

- The cityCity expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the cityCity. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race (including traits associated with race, such as including, but not limited to, hair texture and hairstyles like such as braids, locs and twists) national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance, or membership or activity in a local human rights commission.
- If you publish something related to cityCity business and there is liable to may be confusion whether you are speaking on behalf of the cityCity, it would be best to identify yourself and use a disclaimer such as, "These are my own opinions and do not represent those of the cityCity of Ramsey."
- Individuals must not use CityCity-owned or operated equipment to post to personal sites, including social networking sites, except during break times or before/after work, when not part of your official duties.
- CityCity resources, working time, or official cityCity positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples include: a building inspector could not use the cityCity's logo, email, or working time to promote their side business as a plumber; a parks employee should not access a park after hours even though they may have a key; a clerk, while working at CityCity Hall, should not campaign for a friend who is running for CityCity Council.
- Personal social media account name or email names should not be tied to the cityCity (e.g., "(cityCity name) Cop").

Section 1.7 Media Requests

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

Any employee who identifies a mistake in reporting should promptly bring it to the attention of bring the error to the cityCity Administrator or other appropriate staff. Regardless of whether the communication is in the employee's official cityCity role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, and other relevant matters/etc.

Except for routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the cityCity Administrator. No cityCity employee is authorized to speak on behalf of the cityCity without prior authorization from the cityCity Administrator or the CityCity Administrator's designee. Media requests include

anything intended to be published or viewable by others in any form, to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the City Administrator of the request.
2. If the request is regarding information about cityCity personnel, potential litigation, controversial issues, an opinion on a cityCity matter, or if an employee is unsure if the request is "routine", question, forward the request to the cityCity Administrator. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person, who will get back to you as soon as they possible." Then, ask the media representative for their-s name, questions, deadline, and contact information.

All news releases concerning cityCity personnel will be the responsibility of the cityCity Administrator.

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

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

1.86 Unlawful Acts

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

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

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

1.97 Exceptions

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

SECTION 2 DEFINITIONS

For purposes of these policies, the following definitions will apply:

Authorized Hours:— The number of hours an employee was hired to work.—Actual hours worked during any given pay period may ~~be different than~~differ from authorized hours, depending on workload demands or other factors, and upon approval of the employee’s supervisor.

Benefits:— Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.

Benefit Earning Employees:— Employees who are eligible for at least a pro-rated portion of some City provided benefits. Such employees must be year-round employees who work at least 20 hours per week on a regular basis.

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

Core Hours:

The core hours for all employees (exempt and non—exempt) are ~~expected to work are~~ 8:00 a.m. to 4:30 p.m., Monday through Friday. Police, Fire, and Public Works employees do not have core hours and work the schedules established by their supervisors.

Demotion:— The movement of an employee from one job class to another within the City, where the maximum salary for the new position is lower than that of the employee’s former position.

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

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

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

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Eligible Earned Sick and Safe Time (ESST) Leave Severance Pay: ESST eligible sick leave severance shall not exceed 960 hours, is payable at a given percent as per this policy and may be subject to language within the post-employment healthcare savings plan. ~~be defined as a lump sum payment upon termination of employment based on thirty three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty seven (37) percent of unused accumulated sick leave. After twenty five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. If applicable, sick leave severance pay is subject to the rules of the non-union post-employment healthcare savings plan. In order to obtain eligible sick leave severance pay, an employee must leave City employment in "good standing," as provided defined in Policy 3.13.~~

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

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

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

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

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

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

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In Good Standing: ~~City employees may resign at any time, for any reason. In order to be considered "in good standing" at the time of upon resignation, an employee must file submit a written notice to their with employee's Department Head, at least 14 days before the resignation date, leaving a written resignation stating the effective date of the resignation. Department Heads wishing to resign "in good standing" should provide give as much advance notice as possible, with a minimum of 30 but must provide at least 30 days' notice. Failure to comply with their 14-day or 30-day 30-day notice requirement may result in denial of future City employment and sick leave termination benefits. procedure may be considered cause for denying the employee future employment by the City City and denying sick leave termination benefits.~~

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

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

Pay Period:

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

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

Probationary EmployeesPeriod:

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

Promotion:— Movement of an employee from one job class to another within the CityCity, where the maximum salary for the new position is higher than that of the employee’s former position.

Reclassify:— Movement Reassignment of a job from one classification to another classification because of a significant change in the position’s duties and responsibilities.

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

Seasonal Employee:

Employees who work ~~only~~ part of the year to conduct seasonal work. Seasonal employees may ~~be assigned to~~ work a full-time or part-time hours but, unless schedule. Except as required by law, are generally not eligible for seasonal employees do not earn benefits or credit for seniority credit. TIn order to comply with the health care reform law, while avoiding penalties, part-timeseasonal employees are will be scheduled in alignment with business needs to maintain their seasonal status.

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~~or may be offered health insurance in rare cases, and in a manner that ensures positions retain part-time status as intended or, in some rare instances, may be offered health insurance to comply with federal health care reform laws and regulations while avoiding associated penalties.~~

Service Credit: ~~Time worked for the CityCity. An employee begins accruingearning service credit on their first day worked for the CityCity workday. Certain levels of absence may interrupt service credit accrual. Some forms of leave will create a break in service.~~

Supervisor: ~~An individual with y person having authority on behalf in the interests of the employer to perform or effectively recommend or take action regarding a majority of the following actions: hiringes, transfers, suspensions, promotions, discharges, discipline, rewards, assignments and work direction, adjustment of grievance adjustments,s and performance evaluations.~~

~~**Temporary Employee** Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full time or part time schedule. Temporary employees do not earn benefits or credit for seniority.~~

Temporary Employee: ~~Employees who work in temporary positions, either with a specific : Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedules but, unless. Except as required by law, temporary employees do not earn benefits or credit for seniority credit. In order to comply with the health care reform law, temporary while avoiding penalties, part-time employees are will be scheduled with business needs to maintain their temporary and in a manner that ensures positions retain part time status, or as intended or, in some rare instances, may be offered health insurance.~~

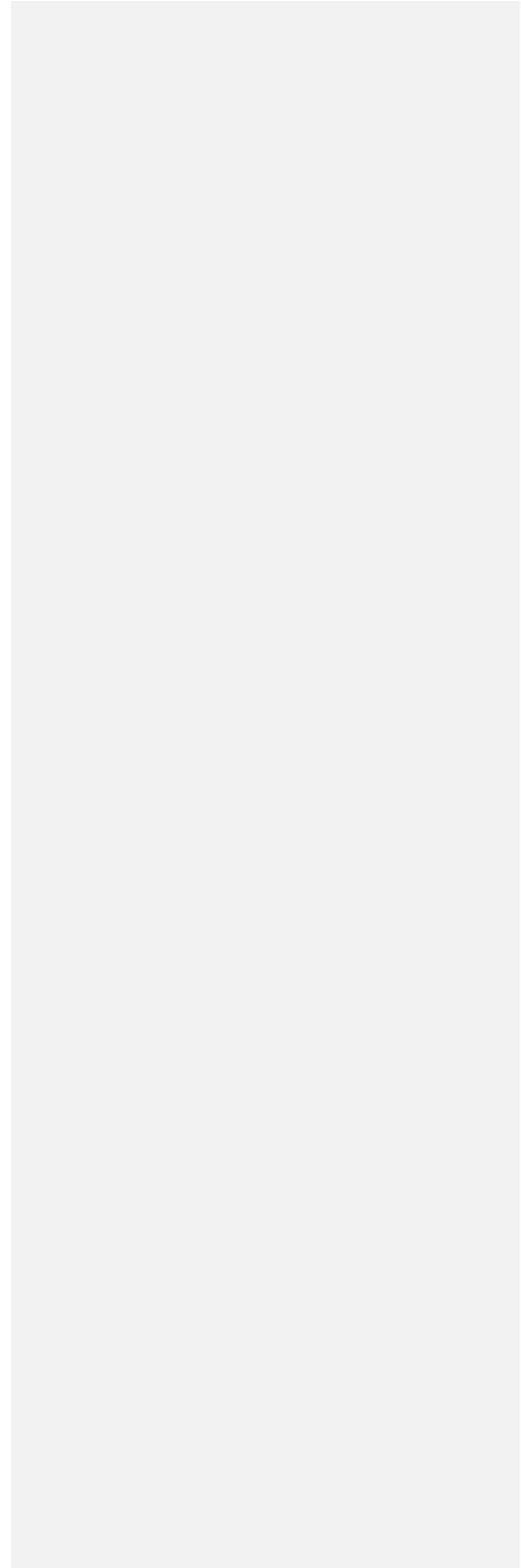
Transfer: Movement of an employee from one City position to another of equivalent pay.

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

Work Week: The regular work week for City employees is forty (40) hours, in addition to a lunch period, Monday through Friday, except as otherwise established by the City Administrator or the City Administrator's designee, ~~in accordance with needs of the~~based on department needs. For payroll purposes, a work week is a seven consecutive seven-day period 24-hour periods running from Saturday through the following Friday.

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SECTION 3 EMPLOYEE RECRUITMENT, SELECTION, EMPLOYMENT, AND TERMINATION

3.1 Scope

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

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3.2 Features of the Recruitment System

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

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

3.3 Testing and Examinations

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

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

The ~~City~~ Council or the City Council's designee will establish minimum qualifications for each position with input from the appropriate ~~supervisor~~ Department Head or the Department Heads' designee. ~~To be eligible to participate in the selection process a~~ Candidates must meet these minimum qualifications to be eligible to participate in the selection process of the job description.

3.4 Pre-Employment Medical Exams

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

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

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

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

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

3.5 Selection Process

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

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

3.6 Background Checks

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

3.7 Criminal Background Investigations

Authority

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

Applications

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

Rejection of Applications

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

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

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

3.8 ~~Reclassification and New Position / Vacant Position~~

~~Reclassification~~

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

~~New Position~~

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

3.9 Nepotism

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

Whenever possible, and with due regard for job-relevant qualifications, merit, and fitness, the employer shall avoid ~~the appointment appointing of~~ any person related to an appointed officer or regular full-time or regular part-time employee of the ~~City~~City. – Appointments or assignments of persons related to an employee in the same department in which the employee works is prohibited.

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

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

3.10 Probation

Subject to the provisions of an applicable collective bargaining agreement, every original ~~and~~ ~~promotional~~ appointment ~~and every promotional appointment~~, is subject to a probationary period of ~~one (1) six (6) months year, except for patrol officers, paid on call firefighters, and Department~~

~~Heads who have a one-year probationary period.~~ During ~~this~~ probationary period, a probationary employee may be terminated at the sole discretion of the ~~City~~City. If terminated during the probationary period, the employee shall be notified in writing of the termination and shall have no right to appeal the termination.

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

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

~~New #:~~ ~~Punctuality~~3.11 ~~Punctuality and Attendance~~

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

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

3.121 Supplemental Employment

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

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

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

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

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

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

3.132 Performance Evaluations

Performance evaluations are used to assess employee performance in terms of specific job requirements, and provide measures for setting up training and development programs, and open channels of communication. A formal performance evaluation may be complete for improvement and opening communication channels. On the anniversary date of an employee's current position, or in January if so determined by the Department Head and the Administrative Services Director, Human Resources Manager, as well as when an employee is completing their probationary period, a formal performance evaluation may be completed. If a formal performance evaluation is completed, it will be reviewed with the employee.

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

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

3.143 Resignations

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

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

Failure to comply with this 14-day or 30-day notice ~~procedure requirement~~ may ~~result in denial of be considered cause for denying the employee~~ future employment ~~opportunities with~~by the ~~City~~City and ~~deny~~denial of ~~ag~~ termination benefits.

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

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

~~An un~~authorized absence from work for a period of three (3) working days may be considered ~~by the Department Head~~ as a resignation "not in good standing" and without benefits.

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

3.154 Lay-offs

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

SECTION 4 BENEFITS

4.1 Group Insurance

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

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

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

4.2 Long Term Disability ("LTD")

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

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

Terms of Coverage: The terms of ~~the long term~~long-term disability coverage, including the ~~benefit calculation~~ formula ~~used to calculate the benefit~~ and the waiting period before ~~eligibility~~, ~~are an employee may receive long term disability benefits will be~~ established by the ~~City~~City.

4.3 Public Employment Retirement Association ("PERA")

Almost all ~~city~~City employees in the State of Minnesota are covered by a public pension system known as ~~the~~ PERA, ~~to which~~ —~~b~~Both the ~~City~~City and employees contribute ~~to~~ PERA. —For specific information ~~on regarding~~ annual contribution rates, ~~employees should~~ contact ~~Human Resources~~Human Resources. —Vesting time varies depending on membership eligibility date, and

the pension is portable among public employers throughout the state. Being vested allows employees to qualify for benefits at the minimum allowable age.

Both the City and the employee typically contribute a percentage of the employee's eligible gross salary to PERA. However, Minnesota law provides that some income received by an employee are not eligible for PERA contributions. Employees should contact Human Resources with specific questions regarding PERA contributions.

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

4.4 Employee Savings Plans

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

4.5 Health Savings Account Flexible Spending Account

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

4.6 Retiree Benefits

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

4.7 COBRA

Employees participating in the ~~City~~City’s group health insurance plan who terminate employment ~~with the City~~City or experience another qualifying event ~~that~~which triggers their legal entitlement to insurance continuation will receive a notice of their right to elect continued insurance coverage consistent with state and federal law, including, but not limited to, ~~the~~Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) (as amended). ~~The~~notice will be provided ~~in~~accordance with such as required by law, ~~s~~and employees must follow the procedures outlined, including but not limited to, ~~comply with those laws if they wish to continue coverage after separating from the City’s employment, including,~~ ~~but~~not limited to, ~~paying the full~~entire premium for the ~~duration of the~~continuation coverage. ~~Employees should contact Human Resources~~Human Resources for additional details.

4.8 ~~Non-Union Post-Employment Healthcare Savings Plan~~ ~~(PEHCSP)~~

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

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

NON-UNION EMPLOYEES - PERA COORDINATED MEMBERS

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

NON-UNION EMPLOYEES - PERA POLICE & FIRE MEMBERS

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

Commented [CL5]: Future changes may occur on this section. There is no additional cost to the City, regardless of the amounts.

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

- 33% after 5 years of continuous employment
- ~~45~~33% after 10~~5~~ years of continuous employment
- ~~50~~37% after 15~~20~~ years of continuous employment
- ~~40% after 25 years of continuous employment~~

~~thirty three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty seven (37) percent of unused accumulated sick leave. After twenty five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. In order to obtain~~ To qualify for eligible sick leave severance pay, an employee must leave CityCity employment in "good standing," as provided in Policy 3.13.

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4.9 Employee Assistance Program

The ~~City~~City offers an ~~E~~employee ~~A~~assistance ~~P~~program (EAP) at no cost to assist employees and their families with a variety of services, ~~including from~~ including mental health and substance abuse counseling, to child care resources. ~~The EAP will provide~~ The EAP will provide confidential counseling services by highly trained clinicians or ~~may~~ may suggest other professional resources that ~~could may~~ could be ~~useful~~ beneficial to employees and their families.

SECTION 5 CLASSIFICATION AND COMPENSATION

5.1 General

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

Non-exempt employees who work for a period less than the regularly scheduled work-week will earn wages based on the actual number of hours worked. Regular part-time employees are eligible to earn vacation and sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Holidays are earned in proportion to those earned by regular full-time employees and are based on the number of hours worked during any given pay period in which the holiday is paid. ~~budgeted on January 1.~~ Vacation, ~~and~~sick leave, and holidays count toward total budgeted work hours for the year. Temporary employees are not eligible for vacation, ~~or~~ sick leave, holiday pay, or health or life insurance, unless otherwise required by federal and state laws.

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

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

5.2 Classification Plan / Position Descriptions

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

Purpose ~~urpose~~

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

- ~~a.~~—Establish reasonable compensation relationships between job classifications.
- ~~b.~~—Establish qualification standards for recruitment and testing purposes.
- ~~e.~~—Provide the appointing authority with means for analyzing work distribution, areas of responsibility, lines of authority, and other relationships between positions.
- ~~d.~~—Assist the appointing authority in determining budget requirements.
- ~~e.~~—Provide the basis for developing standards of work performance.
- ~~f.~~—Indicate training needs.
- ~~g.~~—Provide uniform titles to positions.

~~Class~~ ~~lass~~

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

~~Administration of the Classification Plan / Position Descriptions~~ ~~Administration of the Classification Plan / Position Descriptions~~

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

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

5.3 Reclassification

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

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

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

5.4 Compensation Plan

The ~~compensating entire compensation~~ plan shall be reviewed ~~-simultaneously annually with renewal of the city's labor agreements. by-~~ The City Administrator ~~will present suggested changes and presented~~ to the City Council as part of the annual budget process. ~~-Contingent upon the provisions of the Public Employment Labor Relations Act, The-the City~~ Administrator may modify any or all of the pay ranges or grades as set forth in the plan at any time, at ~~their~~ ~~his or her~~ discretion, subject to approval by the City Council. ~~-The City~~ Administrator may also set effective dates for the pay plan. All pay ranges shall be construed as policy declarations and not binding, permanent contractual obligations between the City and its employees. ~~-Any~~ amendment to the pay plan shall be based on changes in the responsibility or the duties of the position, recruiting experience, rates of pay and benefits in the public and private sectors, the City's financial status, general economic conditions, federal or state law (including the Minnesota Pay Equity law), or other pertinent factors warranting such action.

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

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

Content of Pay Plan

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

Pay Plan Administration

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

Beginning Salary Rate

—The beginning rate for a new employee will be the minimum rate in the established class for ~~his or her~~ their position classification. The ~~e~~ Employer, at its sole discretion, may approve a pay rate above the minimum rate to:

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

Method of Progression~~n~~

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

Market Adjustment Pay~~—~~

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

Extra Duty Pay ~~—~~ Interim Pay

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

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

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

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

5.5 Payroll Deductions

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

5.6 Meal Periods and Breaks

When working under conditions where a break period is practicable, all hourly employees are entitled to two (2) ~~15-minute~~15-minute breaks with pay per eight (8)-hour shift at times designated by the supervisor. Most employees also receive a thirty (30)-minute unpaid meal period during each ~~eight-hour~~eight-hour work day. ~~Employees working greater than four hours but less than eight hours are entitled to one (1) 20-minute break.~~

5.7 Overtime Compensation / Compensatory Time Off

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

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

Non-exempt, non-union employees will be allowed to take compensatory time off in lieu of receiving over time compensation. Compensatory time off is computed at a rate of one and one-half times the hours worked in excess of the forty (40)-hour work week. Accrued compensatory

time off shall not exceed 120 hours at any time. Once an employee has accrued 120 hours of compensatory time off, compensation for additional hours worked must be paid in cash, rather than accrued as compensatory time off.

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

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

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

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

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

5.8 Severance Pay

Severance pay, based on eligible unused ESST sick leave, is available to employees who have at least five (5) years of continuous-regular service with the City and resign "in good standing". If the employee is terminated because of malfeasance in office, gross misconduct, conviction of a felony, or conviction for an illegal act involving personal gain to the employee, the employer shall have no obligation to pay the aforementioned severance pay. Employees who are discharged are not "in good standing" and may not receive severance pay pursuant to this policy.

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

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

Eligible severance pay will applied per the applicable PEHCSP agreement, as provided in Policy 4.8.

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 processed per the applicable PEHCSP agreement, as provided in Policy 4.8.~~

Replace above with . . .

~~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 ten (10) years of continuous employment, the employee will instead receive thirty five (45) percent of said employee's unused, accumulated sick leave. After fifteen (15) years of continuous employment, the employee will instead receive fifty (50) percent of unused accumulated sick leave. Eligible severance pay will be applied per the applicable PEHCSP agreement as provided in Policy 4.8.~~

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

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

Commented [CL6]: This section to be discussed with the City Council.

SECTION 6 LEAVE

~~– Add language showing what type of leave will accrue vacation and sick time.~~

Commented [NL7]: Add language showing what type of leave will accrue vacation and sick time – this was stated here before I edited.

6.1 Vacation Leave

The ~~city~~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 ~~the~~ requested vacation time off. Exceptions to this policy are granted on a ~~very~~ limited basis. To assure efficient functioning of the ~~City~~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~~City Administrator. Once an employee has banked the maximum amount of vacation hours allowed, all additional hours accrued are forfeited. Employees are responsible for monitoring their own balances. Additional pay in lieu of vacation is not permitted.

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

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

An employee who separates from the ~~City~~City “in good standing” ~~after one-year of; shall employment shall~~ be compensated for vacation accrued and unused through the last date of employment. ~~If applicable, the compensation will be submitted to the non-union post-employment healthcare savings plan. Separation/vacation payouts are can only available to employees be taken after one year of service.~~

Commented [CL8]: This one-year language was not negotiated with the unions and would be awkward to administer.

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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~~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.
- ~~e.~~ Give credit for prior service.

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

VACATION ACCURAL SCHEDULES:

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

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Full-Time, <u>Exempt</u> /Management Vacation Accrual Schedule		
Effective Date Service (YOS)	Years of	
	Bi-weekly Accrual Rate	Vacation Days/Year
First Year Start date	Advanced 5 of 15 days 3.08 hours/pay period 4.62 hours/pay period	15 days 15 days
2 nd through 5 th YOS Anniversary	4.62 hours/pay period 5.54 hours/pay period	15 days 18 days
6 th YOS 8 th Anniversary	5.54 hours/pay period 5.85 hours/pay period	18 days 19 days
8 th YOS 10 th Anniversary	5.85 hours/pay period 6.15 hours/pay period	19 days 20 days
10 th YOS 12 th Anniversary	6.15 hours/pay period 6.46 hours/pay period	20 days 21 days

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12 th YOS16 th Anniversary	6.46 hours/pay period hours/pay period	21 days22 days
16 th YOS17 th Anniversary	6.77 hours/pay period7.08 hours/pay period	22 days23 days
17 th YOS18 th Anniversary	7.08 hours/pay period7.38 hours/pay period	23 days24 days
18 th YOS19 th Anniversary	7.38 hours/pay period7.69 hours/pay period	24 days25 days
19 th YOS	7.69 hours/pay period	25 days

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Full-Time, Non-Union Vacation Accrual Schedule		
Effective Date Years of Service (YOS)	Bi-weekly Accrual Rate	Vacation Days/Year
First Year Start date	Advanced 5 of 10 days 1.54 hours/pay period3.08 hours/pay period	10 days10 days
2 nd through 5 th YOS6 th Anniversary	3.08 hours/pay period4.62 hours/pay period	10 days15 days
6 th through 10 th YOS12 th Anniversary	4.62 hours/pay period6.15 hours/pay period	15 days20 days
11 th through 15 th YOS16 th Anniversary	6.15 hours/pay period6.46 hours/pay period	20 days21 days
16 th YOS17 th Anniversary	6.46 hours/pay period6.77 hours/pay period	21 days22 days
17 th YOS18 th Anniversary	6.77 hours/pay period7.08 hours/pay period	22 days23 days
18 th YOS19 th Anniversary	7.08 hours/pay period7.38 hours/pay period	23 days24 days
19 th YOS 20 th Anniversary	7.38 hours/pay period7.69 hours/pay period	24 days25 days
20 th YOS	7.69 hours/pay period	25 days

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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.

~~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 that may where such exposure may endanger the health of others with whom the employee would come into contact while 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. For the purpose of this policy, "immediate family" is for the purposes of this policy, shall be defined as employee's spouse, parent, step parent, children, step children, brother, sister, grandparents, grandchildren, or a similar family member like member of the employee's spouse's family.~~

~~Traditional sick may only be used for the reasons as listed above and does not include the expanded ESST uses and expanded ESST family members covered by as it may differ from ESST. Employees may find it beneficial to benefit employees to first draw upon the traditional sick leave accruals first, provided, 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 must shall:~~

- ~~(1) Report as soon as possible to the EMPLOYEE'S employee's Ddepartment Hhead the need for sick leave and whether the sick leave is for the employee, theiremployee's child, adult child, spouse, sibling, parent, grandparent, or stepparent.~~
- ~~(2) Keep the employee's Ddepartment Hhead 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 CityCity Administrator.~~
- ~~(4) Provide the employer with sufficient information needed in order to comply with the Family and Medical Leave Act.~~

~~Eligible uses of earned sick and safe time include:~~

- ~~The employee's own mental or physical illness, treatment, or preventive care.~~
- ~~A family member's mental or physical illness, treatment, or preventive care.~~
- ~~Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member.~~
- ~~Closure of the employee's workplace due to weather or a public emergency, or closure of a family member's school or care facility for the same reasons.~~

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- ~~— A determination by a health authority or healthcare professional that the employee or a family member is at risk of infecting others with a communicable disease.~~

Eligible family members for earned sick and safe time include:

- ~~— The employee's child, including foster child, adult child, legal ward, a child for whom the employee is the legal guardian, or a child to whom the employee stands (or stood) in loco parentis.~~
- ~~— The employee's spouse or registered domestic partner.~~
- ~~— The employee's sibling, stepsibling, or foster sibling.~~
- ~~— The employee's biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child.~~
- ~~— The employee's grandchild, foster grandchild, or step grandchild.~~
- ~~— The employee's grandparent or step grandparent.~~
- ~~— A child of the employee's sibling.~~
- ~~— A sibling of the employee's parents.~~
- ~~— A child in law or sibling in law.~~
- ~~— Any of the family members listed above (1-9) of the employee's spouse or registered domestic partner.~~
- ~~— Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.~~
- ~~— Up to one individual annually designated by the employee.~~

~~Earned sick and safe time (ESST) eligible uses shall include: 1. the employee's 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 (ESST), an employee shall provide notice of ESST use and documentation as follows:~~

- ~~■ If the need for use of ESST is foreseeable, the employer requires employees to provide seven (7) days' notice.~~

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- ~~• If the need for use of ESST is not foreseeable, employees must provide notice as soon as practicable.~~

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

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~~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 thefor a qualifying reason. Examples of acceptable documentation includes, such as:~~

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- ~~• A signed statement by a health care professional~~
- ~~• A court record~~
- ~~• A signed document from a victim services organization~~
- ~~• A written statement from the employee indicating the employee is using or used ESST for a qualifying purpose~~

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~~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.~~

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

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

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

Every probationary, regular, and part-time EMPLOYEE is entitled to ESST leave with pay. For full-time employee's ESST time shall accrue at the rate of eight (8) hours for each calendar month of full-time service or major fraction thereof. Part-time employees shall accrue ESST leave on a pro-rata basis, but no less than one (1) hour for every thirty (30) hours worked. ESST leave may be accumulated to a maximum of 960 hours and may be granted in units of not less than 15 minutes 2 hours. Unused ESST leave in excess of 960 hours at the end of a calendar year (January 1st) shall be converted to the post-employment healthcare savings plan at a rate of one hour for each two hours of ESST leave in excess of 960 hours.

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

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

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

2) keep the EMPLOYEE'S immediate supervisor informed of such EMPLOYEE'S ability to return to work.

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

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

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

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

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

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

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

If the need for funeral leave does not meet either the EMPLOYERS funeral leave policy or state statute for earned sick and safe time, EMPLOYEES may request vacation or compensatory time off as the EMPLOYEE may choose and have available.

All references to the post-employment healthcare savings plan are contingent upon the plan

design in place at the time of disbursement.

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 calculate sick leave on an hourly basis equivalent to 96 hours per 2,080 hours of compensated time, excluding overtime.~~

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

~~ESST shall be a subset of traditional sick time and 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 are entitled to combined traditional sick leave and ESST, calculated by converting their part-time employment to an equivalent adjusted full-time service basis.~~

6.3 Holidays

The ~~city~~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~~receive 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 |

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| 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 designated holidays. The City shall be closed for business on each such these holidays, though but employees may be required to work due to on paid holidays when the nature of their duties or other conditions requires them to do so.

Regular part-time employees are eligible for to earn paid holidays in proportion of what to that earned by regular full-time employees earn, based on the number of hours worked during any given the pay period in which the holiday occurs is paid. If a holiday falls on a non-scheduled workday for a part-time employee, the employee must take the paid holiday within the same period, 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 employees is required to work on a holiday shall receive their full pay for the holiday, as well as a minimum of two 2-hours pay at a rate of 1.5-1.2 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.

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

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

Each holiday commences at the beginning of the first shift on the holiday date day on which the holiday occurs and continues for 24 hours thereafter. Eligible employees shall receive pay at for official holidays at their normal rate of pay if they are at work or on paid leave the a leave of absence with pay the last regular shift before and the first to which they would have been assigned prior to the holiday and the first regular shift after to which they would have been assigned following the holiday.

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

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

6.4 Family and Medical Leave

Eligibility

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

- The employee must have worked for the City for at least 12 months (or 52 weeks) prior to the start date of the leave is to commence. The 12 months or 52 weeks do not need to be not have been consecutive; however, the City will not count consider any service occurring more than seven 7 years before the prior to the employee's most recent hire date, unless the break was due to National Guard or Reserves military service obligation.
- The employee must have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee.

Types of Leave Covered by FMLA TYPES OF LEAVE COVERED BY FMLA

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

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

DEFINITIONS DEFINITIONS

- "Spouse" does not include domestic partners or common-law spouses.
- "Caring for" a covered family member includes psychological as well as and physical care. It also includes acquiring care and sharing care duties. An eligible "child," with some exceptions, is under 18 years of age.
- An eligible "parent" includes a biological parent or a person who stood in the place of a parent.
- "Serious Health Condition" means an illness, injury, impairment, or physical, or mental condition that involves one of the following:

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- **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 ~~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.

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How Leave May be Taken ~~HOW LEAVE MAY BE TAKEN~~

FMLA leave may be taken for twelve (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 twelve (12) workweeks.

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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~~PROCEDURE FOR REQUESTING LEAVE AND NOTICE~~

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

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

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

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

Recertification of leave may be required if the employee requests an extension of the original length approved by the City~~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~~EINSTATEMENT~~

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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
~~GROUP HEALTH INSURANCE AND OTHER BENEFITS, CONCURRENT LEAVE AND SUBSTITUTION OF PAID LEAVE~~

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

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

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

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

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

Failure to Return to Work After FMLA
~~FAILURE TO RETURN TO WORK AFTER FMLA~~

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

Activities Prohibited During FMLA
~~ACTIVITIES PROHIBITED DURING FMLA~~

While on leave, an employee may not engage in activities (including employment) that have the same or similar requirements and essential functions of the 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
~~ENIORITY~~

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

FMLA – QUALIFIED EXIGENCY AND MILITARY CAREGIVER LEAVE

Qualified Exigency:

Eligible employees (as described above) whose spouse, son, daughter, or parent 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 (as described above) who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which ~~he or she~~they are ~~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~~their nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take

FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

- **“Covered active duty” means:**
 - “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
 - “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.
- **“Covered servicemember” means:**
 - An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy, or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness²²; 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 ~~MOUNT OF LEAVE – QUALIFIED EXIGENCY~~

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

Amount of Leave: Military Caregiver ~~MOUNT 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 ~~ERTIFICATION-OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE~~

~~The City~~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 ~~ERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICEMEMBER FOR MILITARY FAMILY LEAVE~~

~~The City~~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

~~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 CityCity Administrator may, at ~~their~~^{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, CityCity 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 cityCity of Ramsey does not guarantee job restoration after a period of extended medical leave.

The ~~City~~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~~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~~City may deny reinstatement until it is provided.

6.6 Bone Marrow Donation Leave

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

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6.7 Temporary Light Duty

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

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

- When an employee is unable to ~~fully perform~~ ~~provide full performance of~~ all assigned work duties, the employee may request light duty by submitting a written request to the Administrative Services Director. ~~This~~ request ~~shall~~must be accompanied by the treating physician's medical certification indicating diagnosis, current treatment, and the extent and duration of any work restrictions.
-
- The ~~City~~City may require an independent evaluation conducted by a physician selected by the ~~City~~City to verify the diagnosis, current treatment, work restrictions, and expected length of disability.
-
- ~~Determinations~~Decisions regarding light duty ~~assignments~~ will be made on a department-by-department, case-by-case basis. The Administrative Services Director, in consultation with the Department Head, will consider such factors as public service needs, ~~and~~ budgetary consideration, the need for work ~~which may~~that can be assigned as light duty, the

employee's capability of performing the work, the number of employees ~~unnot~~ 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~~City does not guarantee ~~the availability of 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.

- The ~~City~~City will determine ~~the what job~~ duties the employee will perform ~~during light duty~~. These ~~duties may~~ tasks from ~~include those currently assigned to~~ the employee's ~~current~~ job classification or any other duties the ~~City~~City considers to be ~~deems~~ appropriate. ~~The d~~Duration of light duty will be determined at the sole discretion of the ~~City~~City and ~~will, but shall not exceed four weeks without the City~~City Administrator's approval. ~~.~~

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

~~r's approval or denial to~~ in order to determine if the City can grant additional light duty or not. The ~~City~~City reserves ~~the, 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~~section 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 s~~Statutes. ~~Every city~~City of Ramsey employee, whether in the Reserves or full-time service, will be afforded the benefits ~~wo which they are~~ entitled to ~~them~~ under federal and state law. ~~Employees should contact~~ ~~Human Resources~~Human Resources for additional details.

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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 may take leave for prenatal care, or incapacit~~city due to pregnancy, childbirth, or related health conditions. ~~Additionally, as well as a biological or adoptive parents may take leave in conjunction with~~ after the birth or adoption of a child. ~~E~~as eligible employees are entitled to ~~for up to 12 weeks of unpaid leave, which and must begin within twelve~~12 months of the birth or adoption of the child. ~~If 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.~~

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

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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, and the two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay they employee was received before commencing of the leave.

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Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act; however, but the employee will be responsible for the entire full premium unless otherwise provided in this policy (i.e., if the leave is also qualifies under FMLA qualifying).

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For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence period.

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

Employees may take up to 16 hours of unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to their 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. If 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 to avoid so as not to unduly disrupting City the operations of the city 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 ~~subpoenaed, who is under subpoena~~ as a witness in court for job-related purposes ~~will, shall~~ be granted a leave of absence with pay while serving in such a capacity ~~city.~~ ~~However, An employees~~ cannot receive more than their ~~employee's~~ normal take-home pay ~~when employer-paid leave supplements as a result of any employer pay supplemented to jury duty pay.~~ Jury duty pay, excluding transportation reimbursements, must be remitted to the ~~City~~ ~~City~~ within 30 days ~~of after receipt of payment from the~~ judicial agency.

~~If, 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.

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

6.12 Funeral Leave

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

Additional funeral leave may be taken with prior ~~supervisor~~ approval ~~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, ~~depending on as~~ the employee's ~~choice and availability, may choose and have available.~~

~~Immediate family, F~~ For the purposes of this section, ~~immediate family includes shall be defined as~~ spouse, parent, stepparent, child ~~ren,~~ step-child ~~ren,~~ brother, sister, grandparents, grandchild ~~ren,~~ ~~an individual~~ ~~ts where the employee is a legal guardian,~~ or a ~~similar like~~ member of employee's spouse's family.

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SECTION 7 CONDUCT

7.1 Code of Conduct

Policy of Statement ~~Policy Statement~~

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It is the policy of the ~~city~~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 ~~scope~~

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

DEFINITIONS OF PROHIBITED BEHAVIORS ~~Definitions of Prohibited Behaviors~~

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- ~~Violent behavior~~ includes the use or threat of physical force or intimidation to cause pain, fear, ~~or harm 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 characteristics ~~protected by~~ State or federal anti-discrimination law.
- ~~Offensive behavior~~ may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers ~~inappropriately~~, angry outbursts, inappropriate joking, vulgar obscenities, name-calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

POLICIES ~~Policies~~

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1)-1. ~~Expected~~ Conduct of ~~City~~City Employees in General

Employees of the ~~City~~City shall conduct themselves at all times, while on duty or on ~~City~~ the employer's premises, in ~~such~~ a manner ~~that~~ reflects most favorably on the ~~City~~City. ~~Conduct~~ unbecoming a ~~City~~City employee ~~shall~~ include ~~s~~ violent behavior, discriminatory behavior, offensive behavior, harassment, and any conduct that ~~discredits~~

tends to bring the City/City, into disrepute or reflects negatively on itthe City/City, or that which has an adversely impact on the functioning of one or more City/City employees, or departments, or the organization City/City as a whole.

~~2.~~

~~3. 2)~~ Conduct in Dealing with the Public

~~4.2.~~

While representing the City/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 control their tempers, and professional judgment.~~ ~~They Employees shall~~ They must not engage in argumentative discussions or ~~behavior prohibited by this policy,~~ even if provoked. ~~Course, They Employees shall not use coarse, violent, profane, or disrespectful language or gestures, and shall not express well as any prejudicial expressions~~ 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 sState 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.~~

If a member ~~In the event a member~~ of the public becomes abusive, employees should ~~attempt to de-escalate~~ refrain from escalating the situation. Employees may ~~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 their voice, ~~or ask the person to sit down, or, if necessary,~~ ~~If the situation doesn't improve, the employee can refer the person to a supervisor. If the situation persists, employees may request police assistance, 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 such cases, In those situations, the employees should inform refer the individual, to a supervisor or inform a caller,~~ as courteously as possible, that they are ending the interaction and will resume the conversation after employee is hanging up and will talk with the caller after the individual caller has calmed down.

~~5.3.3)~~ Conduct Between Employees

Employees shall cooperate with and treat co-workers at all levels courteously and respectfully. ~~be courteous to co-workers at all levels.~~ ~~Employees are expected to shall control their tempers and refrain from engaging in violent behavior, discriminatory behavior, or offensive behaviors and to.~~ ~~Employees shall~~ act professionally and courteously when interacting with their coworkers in their interactions. ~~Employees shall~~ ~~Inappropriate behaviors prohibited by this policy includes, but are is not limited to:~~

- ~~o Slamming doors, pounding tables, or kicking furniture.~~
- ~~o Unwanted and/or unwarranted physical contact, such as of any nature, including "roughhousing" (e.g., punching, pinching, or arm such as punching in the arm, pinching, arm twisting).~~
- ~~o , etc., and other, M[similar unwanted conduct, making threats, berating, or belittling others, or speaking in raised voices, using coarse, violent or profane language or gestures,~~ refusing to speak or respond when spoken to.

- o Producing inappropriate graphics, using disparaging nicknames, or communication threats via any medium (voice, e-mail, notes, etc.), and refusing to provide assistance when requested.

~~Employees shall treat each other with respect. They~~ Employees shall refrain from making disparaging remarks about ~~or using nicknames for other employees that are disparaging or based on a personal characteristic,~~ engaging in unwanted, ~~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, and ~~;~~ failing to relay written, verbal or telephone messages.

~~6.4)~~ 4.) **Reporting Inappropriate Workplace Behaviors**
4.

Any employee who believes that another CityCity 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 CityCity policy, the employee is responsible for reporting the situation to the appropriate supervisor in accordance with the CityCity’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 CityCity’s Administrative Services Director, CityCity Administrator, the Mayor, or a member of the CityCity Council, as appropriate.

~~When reporting, employees should be preparedd)~~ – ~~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.

~~7-5.5)~~ **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~~City Administrator.

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

~~8-6.6)~~ **Consequences of Engaging in Inappropriate Workplace Conduct**

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

~~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.~~

~~9-7.7)~~ **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.

~~10-8)~~ **Relationship of Code of Conduct to Harassment Policy**

~~11.~~

~~8.~~

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

7.2 Harassment Policy

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

It is the policy of the ~~CityCity~~ that all employees should be able to enjoy a respectful workplace and a work atmosphere free from all forms of unlawful harassment, including implied or expressed forms of sexual harassment. Harassment infringes on an employee's right to a comfortable, respectful work environment, ~~is~~ against ~~CityCity~~ 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 ~~CityCity~~ does not tolerate any form of sexual harassment in the workplace, including acts ~~committed by~~ non-employees.

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

Sexual Harassment and Other Protected Class Harassment

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

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment-~~decision~~ affecting the individual'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 ~~p~~Policy by an employee may ~~result in 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:

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

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

Other protected class harassment is offensive conduct or communication based on an individual's ~~2-~~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 ~~SS~~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;
- ~~2-1-~~ 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 ~~they are 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 CityCity Administrator. While the CityCity encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

1. Date, time, and location of the incident
2. Identification of the offender(s)
3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g., cartoons, articles, pictures)
- ~~5-~~ Identification of any potential witnesses to the incident
- ~~6-5-~~

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, ~~explaining that 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 CityCity Administrator.

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

Any supervisor who receives a formal or informal, oral or written report of harassment, or has ~~any~~ personal knowledge or reason to believe that such harassment has occurred, ~~should~~ ~~shall~~ inform the Administrative Services Director immediately, without screening or investigating the report. ~~If, unless~~ the Administrative Services Director is involved or have a conflict of interest, ~~in~~ ~~which case~~ the report shall be made to the CityCity 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 CityCity Administrator shall undertake or authorize an investigation. ~~The~~ investigation may be conducted by CityCity officials or by a third party designated by the CityCity. ~~The~~ CityCity 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 CityCity 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 CityCity Administrator, as appropriate. The CityCity will take all appropriate action, including, but not limited to, disciplinary action, to address any confirmed violation of this policy.

The CityCity 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 CityCity

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

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This policy applies to all City employees, personnel, and volunteers without exception, including elected officials, temporary employees, employees working under contract for the City, and members of the paid-on-call fire department. The City of Ramsey is committed to maintaining a safe environment for its employees and customers, free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Accordingly, the City will not tolerate any acts of violence toward employees, 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 are 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; harm to family members of an employee; or any purposeful or knowing behavior that 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 detainment, or for other lawful 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 reasonably be placed in fear of imminent bodily harm. The overall context of statement, including non-verbal communications, will be taken into account to determine if such an expression is a threat covered by this policy.

Employee Responsibilities

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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 CityCity workplace or onto CityCity property unless the weapon is required to fulfill the employee's job duties, such as those of a ppolice officer.

CityCity employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior.—If anyone on the CityCity premises displays such behavior, regardless of whether he/she/they are is a CityCity 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~~ should remain alert to and immediately report suspicious or threatening behavior and incidents of workplace violence to their supervisor. ~~Employees and~~ Employees should contact 911 in the case of an immediate, serious threat or crime.—In the event of imminent danger to persons or property, employees shall always take action to safeguard persons-individuals or property before making a formal report.—Except as noted above, reports shall be made as soon as possible after a threat or act of workplace violence – preferably within 4-6 hours, or sooner if reasonably able to do so.

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

Employees who have identified CityCity work locations as being protected for purposes of restraining or protective orders shall immediately notify their supervisor.—The CityCity 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.

Supervisorv Responsibilities ~~Supervisory Responsibilities~~

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Supervisors are expected to appropriately and safely intervene when they see an employee is subjected to abuse 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 current risk of violence that could result in physical harm to people and/or property. The supervisor should ~~and~~ establish command and determine the appropriate level of emergency response.— Actions ~~The~~ supervisor or Department Head's may take efforts ~~may~~ include ~~the following actions~~:

- ~~Assuring~~ Ensuring that 911 has been called.
- Alerting other employees in the immediate area about the situation.
- Attempting to move individuals at risk to a safer location.
- Implementing the appropriate evacuation ~~proceed~~ procedures ~~ing~~ if rapid evacuation of the building seems warranted.

- Controlling staff involved to prevent interference with or hinderance of law enforcement or emergency personnel efforts, so that they do not interfere with or hinder the efforts of law enforcement or other emergency personnel who may respond to the incident.
- Ensuring/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) involved in who committed the workplace violence.
 - Coordinate an investigation.
 - Handle disciplinary actions and return-to-work procedures/issues.

The Administrative Services Director

may, in addressing the situation, consider the following: The Administrative Services Director may address the situation by:

- Assessing the needs of victims and other employees impacted by the incident.
- Evaluating and implementing Any additional security measures based on the following that need to be put into place, taking into considerations:
 - -The likelihood of violence.
 - -The costs and benefits of security measures.
 - -the impact of security measures on the employee(s) involved and the rest of the workforce.
 - -the impact of security measures on the City's ability to meet customer needs, the needs of its customers

If/When a supervisor or Department Head is notified of an employee having identifying ied City work locations as being protected areas due to for purposes of restraining or protective orders, or in cases involving domestic violence, OR of a domestic violence situation, the Administrative Services Director is to must be consulted immediately to determine the appropriate course of action, 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 for reporting -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 the employee from abuse while at work. These accommodations may include through the screening of telephone calls and visitors or implementing other temporary measures. In accordance with Minnesota law, employees may also use sick leave for “safety leave” related to domestic violence situations.

7.5 Appearance and Dress Policy

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

APPROPRIATE CASUAL / FORMAL BUSINESS ATTIRE

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

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APPROPRIATE CASUAL FRIDAY ATTIRE

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

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

INAPPROPRIATE ATTIRE / APPEARANCE IN THE WORKPLACE

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The following items are never appropriate for the workplace.

- Unkept personal hygiene and an appearance that is not neat and tidy.
- Extreme hair colors such as, ~~but not limited to~~ violet, indigo, blue, green, yellow, orange and red. Discussion needed regarding extreme hair color.
- Tattoos that are deemed ~~to be~~ offensive, ~~including~~ e. ~~Examples of offensive tattoos include,~~ but ~~are~~ not limited to, ~~those that~~ depicting racial, sexual, discriminatory, or gang-related images or obscene language, or ~~those~~ that undermine City's values. Offensive Tattoos deemed offensive must be covered while working.
- Tattoos on the head, face, neck, and hands are prohibited, ~~excluding a ring.~~
- Piercings that are loose or dangle, ~~except for earrings or small, snug-fitting nose piercings or studs.~~ other than earrings or small snug-fitting nose piercings or small nose studs
- Piercings that interfere with speaking clearly.
- Facial piercings (e.g., ~~s~~Septum, ~~e~~Eye-lid, ~~e~~Eye-brow, cheek, lips, etc.).
- Slogans or advertising ~~may not~~ exceeding 2 inches, ~~other than~~except for City logos.
- T-shirts, halter tops, tank tops, tube tops, muscle shirts, and shirts or dresses with spaghetti straps.
- Garments revealing the midriff or off-the-shoulder.
- Athletic wear (e.g., workout clothes, sweatpants, sweat suits, leggings, and yoga pants (unless the upper garment drapes over and down to the mid-thigh-)).
 - Team jerseys or sweatshirts may be worn during special sporting events on Fridays.
~~Athletic wear such as team jerseys or sweatshirts may be worn during special sporting events on a Friday.~~
- Shorts and mini-skirts.
- Dirty, ripped, wrinkled, or stained clothing.
- Transparent or overly tight garments.
- Clothing that is overly revealing or outlandish, ~~so as to cause~~causing distraction.
- Clothing with offensive or derogatory images or wording. ~~Any clothing with images or wording that are offensive or derogatory.~~
- Flip flops, thongs, bare-foot sandals, and bare-bottom shoes.

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Exceptions to ~~the above~~this 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 ensuring 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, as a condition of employment, to wear clothing identifying them as a City of Ramsey employee. If applicable, a payroll stipend may be ~~benefited-provided,~~ and applicable taxes will be withheld according to the Internal Revenue Service IRS regulations.

Religious Considerations

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

Enforcement

~~The Administrative Services Director,~~ Department Heads or ~~their designee~~ the identified designees are responsible for enforcing ~~this~~ have the responsibility and the authority to enforce this policy. If counseling is ineffective, violations of this policy may result in disciplinary action, up to and including ~~immediate~~ termination. Employees sent home to change clothes shall not be paid as regular duty ~~during that time; they 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 ~~and it 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 others
- Conviction of a gross misdemeanor or felony

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

7.7 Employee Parking

To ensure ~~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 for the time necessary to load during such time that it takes to load or unload supplies for a City function.

7.8 Conflict of Interest and Divided Allegiance

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

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

This pPolicy addresses how the City approaches actual or perceived conflicts. The definitions provided that apply cover encompass more than the specific conflict ~~of~~ interest scenarios addressed by the state or federal laws. A conflict of interest not identified in this policy may still 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 pPolicy 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 applicable legal 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 cConflicts and to establish procedures for declaring and monitoring to follow to declare and monitor conflicts as they arise. The City Council requires each elected official, appointed commission member, ~~s~~ and staff member to be advised of this pPolicy, and ~~each of said persons are to be~~ provided with a copy upon assuming their of this Policy, immediately upon assuming their City’s duties or relationship. All individuals subject to this pPolicy are responsible for understanding and adhering to it knowing and observing the Policy.

This pPolicy 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 pPolicy 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 they~~ may have divided allegiances.

The City Council acknowledges recognizes that conflicts may exist not only from financial interests in when an individual has a financial interest in a transaction, ~~but also from when his or her~~ non-financial interests, ~~are involved~~. In all cases, the City Council is committed to ensuring that whenever a dual interest exists – whether between an individual’s personal, business,

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organizational, or professional – and it intersects with ~~affiliations and~~ the position and interests of the City ~~exists, such conflicts are disclosed, and disclosure of such conflict is given and the~~ resulting decisions ~~are managed fairly and appropriately.~~

~~making is fairly and appropriately managed.~~ Furthermore, the ~~procedures outlined in this policy is~~ 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's ~~decision to apply~~ ~~highlighted to effect a level of higher~~ scrutiny and procedures when ~~a conflict involving elected~~ ~~official, 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 ~~public officials, elected officials, appointed commissioners, and staff.~~

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

CONFLICT OF INTEREST, DIVIDED ALLEGIANCES, AND DEFINITIONS ~~conflict of~~ ~~Interest and Divided Allegiances, Definitions~~

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

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

1. ~~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 the make a decision or recommendation that would affect one or more of those relationships, ~~affiliations,~~ or interests.
2. ~~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.~~;~~
3. ~~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 ~~more distantly related. However,~~ ~~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 commissioners, and staff members should follow the disclosure procedures outlined in this Policy when the interests or concerns of any elected official, appointed commissioner, or staff member, or of any of these individual's relatives their relatives, or any other individual group or organization to which such person has allegiance, may reasonably be seen by a third party as competing with the interests or concerns of the City, or when 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 repaid, or other liabilities repaid, etc. satisfied. The term is intended to include any and all remunerative expectations.

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

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

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

PROCEDURE WHEN APPOINTED OFFICIALS HAVE A CONFLICT ~~procedure When Appointed Officials have a Conflict~~

When conflicts arise, the interested appointed official must:

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

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PROCEDURE WHEN ELECTED OFFICIALS HAVE A CONFLICT ~~procedure when Elected Officials have a Conflict~~

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When conflicts arise, the interested elected official must:

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

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PROCEDURE WHEN STAFF HAVE A CONFLICT ~~*procedure When Staff have a Conflict*~~

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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 ~~p~~Policy. Staff shall prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest.

~~1.2.~~ The disclosure required under item 1 (above) is to be made immediately, ~~and~~ to the extent possible, before any consideration of such proposed transaction by the City. If a staff member does not recognize the existence of a conflict prior to a decision regarding the transaction, the staff member has a duty to disclose the material facts of the conflict as soon as it is recognized.

~~2.3.~~ A staff member having a conflict shall not participate in the deliberation or decision by the City regarding the transaction under consideration, ~~unless invited by the City Council, City Administrator, Finance Director, and/or Administrative Services Director~~ ~~to do so~~, after ~~consideration~~ considering of the significance ~~to the City~~ of the disclosed conflict to the City. The City Council, City Administrator, Finance Director, and/or Administrative Services Director ~~of the City~~ may also request that the staff member ~~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 ~~any such~~ additional actions necessary ~~as may be required~~ to ensure that the conflict is properly ~~noticed~~ disclosed to management and that appropriate steps are taken ~~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 of the conflict, ~~the~~ procedures employed in managing it, and its resolution ~~of the conflict~~.

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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 ~~p~~Policy, employees may use the grievance procedure under the as per the personnel policy with respect to ~~concerning~~ any disciplinary action. To the extent practicable, the supervisor or Department Head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Nothing in this ~~p~~Policy shall be interpreted 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 disciplinary history.

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

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

~~a)~~ **Oral ~~R~~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.

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~~b)~~ **Written ~~R~~reprimand:** A written reprimand shall state that the employee is being reprimanded for misconduct and describe the misconduct. The employee shall be given a copy of the written reprimand and sign the original, acknowledging receipt of that he/she has received the reprimand. The signature of the employee does not necessarily indicate agreement 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.

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~~c)~~ **Suspension ~~W~~without ~~P~~pay:** ~~Prior to~~ Before the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. The employee shall sign the original suspension notice, acknowledging that he/she has received it receipt. The signature of the employee

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does not necessarily indicate ~~agreement 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 ~~to in order to~~ address disciplinary concerns, ~~or due to~~ performance problems, or other factors related to meeting public service needs. ~~A~~ demotion results in a reduction in pay, classification, or duties.

e) Termination: The City may terminate an employee at any time, for any lawful reason or no reason at all. All employees will be notified in writing of the reason for the termination. The employee shall sign the original dismissal notice, acknowledging ~~that he/she has received the notice~~ receipt. If the employee refuses to sign, such refusal will be noted on the dismissal notice. The signature of the employee does not mean ~~agreement 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.

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

~~In the event~~ If the Council overturns the disciplinary decision ~~pursuant to this provision~~, the employee will be reinstated to ~~the employee's his/her their~~ position with back pay.

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

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

8.2 Grievance Procedure

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

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

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

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 OLICY

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

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

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

9.2 TRANSPORTATION / AIRLINE TRAVEL CREDITS

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

Whenever City funds are used to pay for airline travel by an elected official or City employee, all arrangements must be approved by the City Council or Department Head, respectively, prior to City funds being used. All commercial transportation shall be tourist or coach class. First-class fares will not be reimbursed. Printed detailed receipts ~~for are required~~ airfare must 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 employee's normal mileage to and from work, if not leaving from or returning to the work location, at the current IRS rate per mile. Mileage is not reimbursable through petty cash. Each request for reimbursement must ~~show~~ include the following:

1. Online mapping directions printed showing total miles traveled on City business.
2. If not leaving from employee's work location and/or returning to the work location, ~~then~~ online mapping directions printed, showing the total miles to and from the employee's home and normal work location must be included, in order to subtract from #1 above, with no exceptions.
3. Net miles claimed for the reimbursement.
4. The ~~b~~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 to and approved by the Department Head prior to payment. Actual costs for a single-occupancy room will be reimbursed, but charges shall be reasonable and consistent with the facilities available.

Each employee traveling on City business pursuant to this policy must ~~obtain stay in his or her~~ their 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 the Administrative Services Director his/her ~~their~~ designee. ~~To minimize 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~~ must 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. ~~Alternative language: In the event of severe weather or other situations or~~

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~~conditions that make traveling hazardous, employees may secure lodging in locations that are less than 40 miles away, until 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 ~~must~~ 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 ~~must~~ accompany a request for reimbursement form. The detailed meal receipt must include the food and beverage items ordered. The request for reimbursement form must include an explanation of the public purpose for the meal and a list of the attendees. The receipts and reimbursement request form shall be submitted to the Finance Department for payment.

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

Note: The City will reimburse tips up to 20% of the bill (before, ~~prior to~~ taxes). Employee-s choosing to tip ~~greater~~ more than 20% will not be reimbursed for the difference.

Breakfast: — \$10 18.00	Lunch: \$20.00	Dinner: \$36.00
Lunch — \$16220.00		
Dinner — \$2636.00		

The City Council recognizes the public purpose of the City Administrator’s business meetings with developers, staff, consultants, Council members and others. ~~T~~herefore, the City Council grants discretion to the ~~City~~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~~responsible for delivering services to a broad constituency of residents and organizations. These services are delivered by staff ~~persons~~members, consultants, and outside agencies. The Ramsey City Council, in an effort to ensure ongoing quality service delivery, provides ~~for~~ a program ~~for~~ training its staff.

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

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

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

Training Reimbursement

-Training ~~is shall be~~ defined as short-term, specific course-work ~~designed to develop particular 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 ~~fulfill complete~~ the requirements of the position, provided there is adequate funding in the ~~training budget appropriation for training~~ and at the ~~sole discretion of 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.
- Conferences and seminars ~~training shall provide for may include~~ meals and lodging, if necessary, for ~~both~~ in-state and out-of-state training. Travel expenses for in-state training ~~will shall~~ be provided through the budget process. Travel expenses ~~shall be provided~~ for out-of-state training ~~require with~~ prior approval ~~from of~~ the Department Head and City Administrator.
- Department Heads are responsible for providing the Administrative Services Director with records on all employee training ~~funded by the done at City, expense; Upon request, a report documenting will be prepared which documents~~ training received and funds expended ~~will be prepared~~.

Post-Secondary Tuition Reimbursement

Tuition reimbursement ~~is shall be~~ defined as eligible costs incurred as a result of attending an ~~accredited~~ -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 City employees are eligible to participate in tuition reimbursement. However, it is the expectation of the City of Ramsey that new hires come to the City fully qualified for their position. Therefore, post-secondary tuition reimbursement shall not be provided during an employee's first year of service.

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

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

1. ~~1)~~ Submit a request via a "Pre-Approval for Tuition Reimbursement" form prior to registration ~~for of~~ classes. ~~T;~~ this process should be completed prior to the applicable annual budget process, ~~and~~
- 1.2) ~~2)~~ Submit a reimbursement request form after successful completion of classes. ~~E;~~ employees should be aware of the following key points:

- Employees attending an accredited college or university, or post-secondary classes at accredited colleges, universities, and vocational/technical institutes, can apply for City reimbursement for 50% of the cost of tuition, books, and course-specific fees, including technologies fees. ~~Non-reimbursable fees include fees for supplies, transportation, student activity fees, late registration fees, school entrance fees, and graduation fees.~~
- ~~The maximum annual reimbursement shall not exceed \$3,000.~~
- In order to be eligible for reimbursement, the degree program or classes must be deemed by the Department Head, City Administrator, and Administrative Services Director to be job-related and ~~a beneficial~~ to the employer before the employee registers for the class.
- Reimbursement will only be made upon receipt of a grade of “C” or better for the course.
- 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 (CDL). In order to mitigate staffing challenges, the City may agree to pay for the costs associated with obtaining this 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 CDL.~~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 specifically 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~~ conditions 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 to the attention of their supervisor. ~~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. ~~A, 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 essential ~~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 (OSHA) require that all ~~on-the-~~ job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her/their supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job. First Report of Injury forms must be submitted to ~~Human Resources~~ Human Resources as soon as possible, but no later

than 3 business days from the date of injury. ~~Employees must keep Human Resources and their supervisor updated with regarding 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 ~~are make this~~ desirable for the employee or the City, or whenever the Administrative Services Director, or ~~the Administrative Services Director's~~ designee, determines that the interests of the City ~~and or~~ the employee will be served, ~~thereby~~. Physical examinations administered at the request of Administrative Services Director, or ~~the Administrative Services Director's~~ designee, shall be paid for by the City.

10.5 Smoking Policy

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

10.6 Inclement Weather Policy

On occasions when the severity of the weather may cause City offices to be closed, the City Administrator will make a determination as to whether the offices will be closed. The City Administrator or ~~the City Administrator's designee City 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,~~ ~~if~~ 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 designated Acting City Administrator, 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 ~~N~~ormal ~~B~~usiness ~~H~~ours

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

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

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

Field Employees:

During an actual severe weather incident, ~~city~~City personnel working outside of a ~~City~~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.~~

10.89 Housekeeping

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

SECTION 11 USE OF CITY/CITY PROPERTY

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

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

11.1 Public Information

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

11.2 Telephone Use

The Proper use of telephone communication is required. Always use a answer the telephone with a professional tone of voice pleasant voice and respond politely to the caller. Personal telephone calls must be brief and treat others with a proper level of respect and professionalism. Voicemail messages should be returned as soon as possible or within one business day. In the event that additional response time is needed, a courtesy call should be made to acknowledge the caller's message and timeframe for following up. Frequent personal use of the telephone for other than City business is not permitted and may result in discipline, up to and including immediate termination.

Discussion regarding returning calls in 1 business day – or a courtesy call – where this should be in the policy.

11.3 Information Technology Policy

Add to this section something about Cloud Infrastructure – storage

Commented [CL14]: Still need to address this with IT

Purpose #rpose

The purpose of the city/City of Ramsey IT Policy is to set standards to protect the City/City's IT systems from business interruption, unauthorized or inappropriate access, and to maintain appropriate network security. The policy is to be adhered to by all users (full-time, part-time, and temporary employees, vendors, consultants, volunteers, interns, and others) who have access to or use the city-of-any Ramsey IT systems, both on-premise or remote and off City property. IT

systems include, but are not limited to, computers, e-mail, Internet access, printers, phones, mobile devices and various softwares, etc. -

~~Violations~~ **Violation of Policy** ~~iolation of Policy~~

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

~~Exceptions~~ **Exceptions**

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

~~GLOSSARY OF TERMS~~ **Glossary of Terms**

Configuration: ~~The way a system is set up or the assortment of components that make up the system. Configuration can refer to either hardware or software or both.~~

Downloads: ~~To copy data from a main source to a computer or mobile device.~~

• **Electronic Mail (e-mail):** A network application that allows users to exchange messages over communications networks with others ~~users.~~

• **File Server:** ~~An enhanced computer with network operating software that is used for file storage, application functionality, and managing network resources.~~

• **Information Technology (IT):** ~~Managing and processing information.~~

• **Information Technology (IT) Systems:** Includes, but not limited to, ~~computers, printers, software applications, e-mail, Internet, telephone, voice mail, cell phones, wifi/Wi-Fi,~~ etc.

• **Pass Pphrase:** ~~A longer password that can include all written characters, including spaces. Passphrases are usually easier to remember, and, due to their length, are more secure.~~

• **Internet:** ~~A global network connecting millions of computers.~~

• **Intranet:** ~~A website or series of sites accessible only within an organization. An intranet 's Web sites look and act just like any other web site, but firewall security restricts unauthorized access.~~

• **Local Area Network (LAN)** ~~A localized computer network.~~

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Licensing: Legal compliancy of assets. **Passphrase:** A longer password that can include all written characters including spaces. Passphrases are usually easier to remember, and, due to their length, are more secure.

- **Social Networking Sites:** Sites ~~that~~^{which} focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking websites include ~~Facebook, Linked-In, Linked In~~^{Facebook, LinkedIn, Snapchat}, Twitter, ~~and sites that allow users to post personal blogs,~~^{etc.}
- **Software:** ~~Software~~^{Software} includes the operating system and all utilities that enable the computer to function. ~~Application software~~^{Application software} includes programs that do real work for users (~~i.e.~~^{i.e.}, word processors, spreadsheets, and database management systems).
- **Portable Equipment:** Hardware that is small and lightweight (i.e. laptop computers, handheld computers, tablets, smart phones, Blackberrys, projectors, digital cameras, etc).
- **Users:** ~~Full-time, part-time, and temporary employees, vendors, consultants, volunteers, interns, and others who have been granted access to the City's Information Technology Systems.~~^{Persons that utilize any IT systems, applications, devices, or other cityCity-managed technologies.}

INFORMATION TECHNOLOGY USE ~~Information Technology Use~~

Purpose ~~Access~~

~~To inform and provide direction to all users regarding appropriate usage and management of the City's IT systems and resources. All users must be authorized to use CityCity IT systems by their Department Head, supervisor, and IT Manager. All users must complete annual security training to maintain access to all IT systems. Failure to complete training may~~^{could put the said user in violation of the IT/Personnel Policy (see Violation of Policy section), could result in revoked access for the user until training is complete, and possibly disciplinary action. All users must be authorized to use City IT systems by their Department Head, supervisor, or IT.}

Auditing

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

Reporting

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

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Expectation of Privacy

As discussed above, all ~~CityCity~~-owned equipment and Information Technology Systems, including e-mail, are ~~CityCity~~ property and subject to inspection by the ~~CityCity~~ at any time, without notice, and for any reason or no reason at all. Users should have no expectation of privacy. In addition, the ~~CityCity~~ is subject to the Minnesota Government Data Practices Act and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created, received, collected, or generated by ~~CityCity~~ employees or using the ~~CityCity~~'s Information Technology Systems are subject to those laws and may be disclosed in certain circumstances without the permission of the employee or user.

~~Violation of Policy~~

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

Hardware and Software Acquisition

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

~~Installation and; Downloads, and Configuration~~

~~No user will be allowed to manipulate hardware and software standard configurations. The IT Manager must be contacted for hardware and software support. No user should change the computer setup or configuration files. Customizing a computer should be limited to items including City-owned software such as wallpaper, screen savers, icons, toolbars and colors. Users are prohibited from downloading, or installing any software including personal, through the Internet, e-mail, and/or vendor demonstrations without prior approval from the IT Department. Installation or download of unapproved programs can potentially damage files, a user's PC, or infect systems cityCity-wide, which could cause cessation of daily operations. Users are expected to coordinate with IT when new software is needed; so that -said software can be vetted, licensed, and maintained. In order to maintain optimal functioningsystem security, users are encouraged to accept updates pushed out by IT to currently authorized programs such as Adobe Acrobat, Microsoft Office, and other previously installed software.~~

Licensing

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

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

Data Management and Protection

- **Minnesota Data Practices Act:** Under the provisions of the Minnesota Data Practices Act, all data stored on computer media owned, leased, or rented by the City is considered to be owned by the City property. The data is subject to the Minnesota Data Practices Act, which governs its use, dissemination, and data classification. All data is also subject to review and investigation at the discretion of the City Administrator, Department Heads, IT Manager, and/or law enforcement. The City Clerk should be contacted with questions regarding the classification of public and private data.
- **Data Ownership:** All information developed or introduced to a City technology system by a user in conjunction with employment with the City is the property of the City.
-
- **Data Storage:** All City data must be saved to a network drive on a City server.
-
- **Data Deletion:** Users are responsible for deleting outdated files that are no longer needed, in compliance with of the City Records Retention Schedule. This includes data files and e-mail messages. The City Clerk should be contacted with questions regarding the City Records Retention Schedule.
-
- **Data Back-up:** The IT department backs up all data stored on the file servers. Workstation hard drives or any other devices are not backed up. Data stored on local machines are the responsibility of the user.

Portable Information Systems

~~Portable personal Laptop computer(s), digital cameras, tabletsprojectors, and other CityCity-- owned portable equipment may be used for CityCity business, outside of CityCity facilities.-- When users check out portable equipment devices such as these, like those mentioned, are in the hands of employees, they are expected to provide appropriate "common sense" protection against theft, accidental breakage, environmental damage, and other risks. Desktop computers, desk phones, and other attached devices are not to be removed from CityCity buildings.-- The user is responsible for the backing up up of or any loss of any data stored on the standalone or portable computer.-- IT staff is available to assist in the development of procedures for disaster recovery of portable units. Users are expected to contact IT or their supervisor with, in a reasonable timeframe, when any cityCity devices or access cards are lost or stolen.~~

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~~CityCity-- Issued Cellular Phones~~

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~~City issued cellular telephones are intended for the use by City employees in the conduct of their official City work to perform services to Ramsey citizens and businesses. Department Heads are responsible for the cellular telephones assigned to their departments, determining service levels for their employees, and exercising discretion in their use. Department Heads may acquire cell or smart phones for employee use when the expense and use of the cell phones is justifiable in terms of improved service and responsiveness to citizens or other employees. Department Heads are responsible for that justification, both initially and on an ongoing basis. Cell phones should be provided only when they are required for the employee to perform essentialrequired functions of their job. Simple convenience is not an adequate justification. All cell phones used for cityCity business may be subject to being placed into a Mobile Device Management system (MDM) --to be centrally managed, set up, protected, and erased by IT Staff. Employees will manage their cell phone use so as not to exceed their service level as approved by their supervisor. Occasional overages will be reviewed by the supervisor on a case by case basis. After a review of the monthly billing statement, employees may be required to reimburse the City for overages in cell use and/or texts, depending on the nature of the calls/texts made during the month. Employees will make an effort to utilize other methods before utilizing cellular minutes. Nothing in this policy will limit Department Head discretion to allow reasonable and prudent use of such telephones or equipment provided that:~~

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~~Its use in no way limits the conduct of work of the employee or other employees
No personal profit is gained or outside employment is served~~

~~A Department Head may authorize an employees to voluntarily use their own personal phone for CityCity business at the employees in own expense, and be reimbursed by the City for those calls. An employee will not be reimbursed for business-related calls without prior authorization from his or her Department Head. Department Heads may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.~~

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~~The uUse of public resources by CityCity employees for personal gain and/or private use, including, but not limited to, outside employment or political campaign purposes, is prohibited. Incidental and occasional personal use may be permitted with the consent of the department director and direct supervisor, but personal calls made and received should be done only when it doesn't interfere with work duties. Personal calls made by employees on a CityCity-provided~~

cellular phone ~~should only occur will be made or received only~~ when absolutely necessary, ~~must not and when they do not~~ interfere with working operations, and should be completed as quickly as possible. ~~Department Heads may prohibit employees from carrying their own personal cell phones during working hours if they# interfere with the performance of their job duties.~~

- b. ~~A concern of the City is the personal safety of employees and the public at large. Therefore, e~~Employees should ~~always~~ use proper safety procedures ~~at all times~~ when using a cell phone, ~~but~~ especially while operating equipment, driving on ~~City~~City business, or performing similar duties. ~~City~~City employees should only use a cell phone while operating a motor vehicle as permitted by Minnesota State law. ~~(Pending feedback from Safety Consultant).~~

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~~The Administrator, or designee, will have primary responsibility for implementation and coordination of this policy.~~ All Department Heads and supervisors ~~will be~~are responsible for enforcing ~~ingement of this policy~~ within their departments and divisions.

~~Smart Phones~~Mobile Hot Spots/Tables

~~Department Heads~~ The city may ~~at its discretion~~ provide ~~mobile hotspots or tablets said devices to members of staff as it deems appropriate needed.~~ They are responsible for providing ~~Department Heads are responsible for justification for the use of such devices, both initially and on an ongoing basis.~~

Electronic Mail (~~E~~-mail)/SMS (~~T~~ext) Messaging ~~Systems~~

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~~The City e-mail system and City owned or issued cellular phones are tools to be used for matters directly related to the business activities of the City and as a means to provide services that are efficient, accurate, timely and complete.~~ E-mail messages and text ~~messages~~ are subject to regulation under the Minnesota Data Practices Act. ~~The content of the message determines whether it is a message is public or non-public/private.~~ ~~E-mail is~~Both methods are intended as ~~communication a mediums, of communication,~~ not for ~~permanent storage or information storage;~~ therefore, ~~e-mail neither should not be used for the permanent storage or~~ maintenance of official ~~City~~City records or other ~~City~~City information. ~~Users may receive inappropriate and unsolicited e-mail messages. Any such messages should be reported immediately to the IT department.~~

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

- ~~T~~he transmission of non-business audio, graphic or movie files.
- ~~G~~ames, jokes, and; ~~instant messaging;~~ chain emails.
- ~~C~~ontent of an offensive, indecent, or pornographic nature.
- ~~C~~opyrighted material.
- ~~L~~arge data files not directly related to ~~City~~City business.

~~Such~~ These items must not be sent or accepted as e-mail attachments, ~~as they may~~ system. These types of files can adversely affect the network or computer performance ~~decrease~~ performance or ~~even~~ pose a security risk. Users ~~should~~ may report any inappropriate or unsolicited e-mail messages to the IT department by taking a screenshot or contacting IT ~~by~~ via phone.

Users must practice the utmost respect while texting and may not use text messaging, e-mails, or other ~~City-provided~~ forms of communication ~~systems provided or authorized by the City~~ City to harass ~~another~~ employees, citizens, or other individuals. ~~Such actions are~~ "Textual harassment" is considered ~~constitute~~ harassment and ~~are~~ is subject to investigation and disciplinary action ~~under the City's as described in the~~ Anti-Harassment Policy.

~~_____~~ The ~~City~~ City reserves the right to use management software to ~~block or eliminate the delivery of~~ junk e-mails (SPAM), ~~including e-mails that contain profanity~~), marketing emails, phishing emails, ~~and~~ emails containing profanity or other inappropriate content, ~~etc.~~, without ~~any~~ notice.

~~_____~~ When utilizing ~~city~~ City email, or other messaging systems, services, or devices, users ~~must~~ are expected to adhere to applicable local, state, and federal laws, including the ~~(i.e. CAN-SPAM Act, etc.)~~ to the best of their ability.

Internet ~~World Wide Web~~

The Internet is available to users for research, education, and communications directly related to the mission, charter, or work tasks of the ~~City~~ City. Users must honor copyright laws regarding protected commercial software or intellectual property. ~~Users accessing the~~ Internet ~~use~~ through the ~~City~~ City's IT systems ~~must~~ should minimize unnecessary network traffic ~~to ensure that might interfere with the ability of others to make effective~~ use of ~~this~~ shared network resources. Users are ~~expected to adhere~~ responsible for adhering to ~~City~~ City standards ~~while~~ browsing the Internet. ~~Failure to do so constitutes a~~ adhere to ~~City~~ standards ~~puts the City and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences, including immediate termination of employment or other disciplinary actions. the above puts the user in violation of this policy and may result in~~ ~~v.~~ as well as ~~potential legal and financial liabilities.~~

The ~~City~~ City retains the right to use management software to monitor ~~and limit Internet~~ end-user activity. ~~This software may monitor and limit Internet activity~~ by end users.

Prohibited Use

This list includes, but is not limited to ~~engaging in~~ illegal activities, ~~profit or commercial activities,~~ or outside employment, ~~Any~~ other public office or employment ~~that which~~ is incompatible with ~~City~~ City employment responsibilities, as determined by the ~~City~~ City Administrator, ~~is also prohibited. Additional prohibited uses include~~ ~~;~~ wagering, betting, or

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selling chances; annoying or harassing others ~~individuals~~; and participating in fund-raising activities unless explicitly approved by the City. ~~except for CityCity approved activities; Pany political or religious activities;~~ unethical ~~behavior activities;~~ and accessing or distributing pornographic, obscene, or indecent images or content are strictly forbidden. Furthermore, users may not forward ~~ing~~ of junk e-mails, advertisements, and/or chain emails, as these actions violate the policy on appropriate use of its technology systems.

Personal Use

- The ~~cityCity~~ of Ramsey offers users the privilege of personal use of its technology. Personal use is allowed under the following guidelines ~~listed below~~ and only during break times or before/after normal business hours, ~~as follows~~:
 - Users must obtain approval from their immediate supervisor prior to personal use of IT systems.
 - ~~Only CityCity~~ users are to use the computers and computer-related peripherals.
 - ~~U~~ users must use their own media (e.g., flash drives, CD-s) and paper.
 - No personal files or data are to be stored on the ~~CityCity file servers~~ network.
 - ~~U~~ users must not use IT systems for items listed above in **Prohibited Use**.
- ~~E-mail:~~ E-mail may, on a very limited basis, be used for personal correspondence, as long as it does not interfere with the normal duties of the employee and the above-listed guidelines are followed. ~~Using the CityCity Internet e-mail to participate in any kind personal listservs or broadcast mailing list is prohibited.~~
- ~~Inappropriate non-business use of e-mail and the Internet can cause a burden on resources or carry computer viruses. Examples of this includes, but is not limited to: the transmission of non-business audio, graphic or movie files; games; jokes; instant messaging; content of an offensive or pornographic nature; copyrighted material and large data files not directly related to business. These items must not be downloaded from the Internet. These types of files can be large and affect the network or computer performance or carry viruses.~~
- ~~Desk Telephones:~~ Desk telephones may be used for short, infrequent personal use, as long as it does not interfere with the normal duties of the employee and the above guidelines are followed. ~~Employees must pay any costs associated with personal long distance long distance calls within 30 days. Personal long-distance calls from a City land line are prohibited.~~
- Copiers, Fax Machines, and Printers: Users ~~must will~~ reimburse the ~~cityCity~~ of Ramsey for personal copies, faxes, and print requests, ~~at the rate listed in the CityCity fee schedule. Personal use fees must be reimbursed within 24 hours from the date the expense was incurred.~~

Personal Social Networking on ~~CityCity-Owned~~ Equipment

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Individuals must not use CityCity-owned or operated equipment to post to personal sites, including social networking sites, except during break times or before/after work.

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Personal Social Networking while off duty and the CityCity's Responsibility:

the

The CityCity of Ramsey has a duty to protect the reputation of the organization and its employees, as well as guard against any liability and potential legal risks, regardless of when and where social networking activity occurs. With this in mind, employees must use social media in a manner that adheres to follows the following guidelines:

- Individuals should use discretion when engaging exercise caution and good judgment when social networking on social networking sites or apps.
- Individuals shall not imply represent that they are speaking or acting on behalf of the CityCity of Ramsey or presenting itsany interests of the CityCity of Ramsey.
- Individuals are not permitted to display the CityCity of Ramsey logo on any part of their online profiles.
- Individuals must not port non-public or never have the right to post non-public and confidential information, such as information related to coworkers without first obtaining the individuals' express written consent, personnel data, medical information, or claims or lawsuits against the CityCity, or information about coworkers, without obtaining the express written consent of the individuals involved.
- Individuals who use personal social media accounts are not immune from the law.

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

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

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CityCity Facebook Page or Other CityCity Social Networking Sites:

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

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INFORMATION TECHNOLOGY SECURITY~~Information Technology Security~~

Purpose~~urpose~~ To

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

Logins and Passwords~~Logins and Passwords~~

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

- ~~Have a minimum of at least six alphanumeric characters in length. Passphrases of 20 characters or more are exempt from some complexity requirements, and can be renewed once every 365 days.~~
- ~~Must be changed every 90 days~~
- ~~Have at least one numeric digit as well as letters, for example: 1FishTwoFish~~
- ~~Have not been previously used in the last five password rotations~~
- ~~Automatic screen lock is initiated after 15 minutes of inactivity.~~

Appropriate network access shall be assigned by the IT department to each user ~~login ID, and, users may only log into computers and equipment with their assigned login ID.~~ Passwords ~~Login credentials~~ are not to be shared with anyone, ~~and will be forced to change periodically.~~ New passwords should ~~avoid not be~~ easily guessed ~~items; such as for example, birthdays, family names, or pet names, etc.~~ ~~If it is in an employee's best interest that Any employee who if they forgets~~ their password or suspects ~~ss~~ that their password's security has been compromised, ~~they~~ should contact the IT department immediately.

Physical Security~~ysical Security~~

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- ~~City~~ users are expected to provide reasonable security to their computer workstations and related IT equipment. ~~This includes ensuring that passwords are not written down in accessible places, removable media must be kept in a secured area, and that confidential data is not displayed in such a manner that unauthorized personnel can view it.~~
- All IT equipment is ~~City~~ property, and ~~must remain on current premises.~~ Users may not move IT equipment outside of its assigned area without prior approval from the IT department. ~~Designated p~~ Portable equipment, such as projectors, laptop computers, and digital cameras, may be removed from ~~City~~ buildings only for ~~City~~ business by

~~employees only.~~ Portable equipment must be reserved and checked out only to City users. Users are expected to provide appropriate “common sense” protection against theft, breakage, environmental damage, and other risks.

- Users are required to log off computer workstations when absent for an extended time, such as ~~the~~ end of ~~the~~ day. Users may, however, “lock” their workstation instead when absent for a short period of time, such as during a meeting or over lunch. All computers will lock after 15 minutes of inactivity.

Virus Protection ~~irus Protection~~

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—All computer workstations, laptops, and servers must be protected from viruses using up-to-date antivirus software. Users may not alter their system’s configuration or take other steps to defeat ~~virus protection devices~~ security applications, appliances, or systems. All files on removable media must be scanned for viruses ~~before being installed prior to installation~~ onto or accessed from CityCity computer equipment. It is the employees’ responsibility to immediately report Any files suspected or known to contain files, malicious actors, phishing emails, or viruses must be immediately reported to the IT department for proper handling.

Wireless Access ~~ireless Access~~

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

Artificial Intelligence ~~rtificial Intelligence~~

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

11.4 Vehicle Use Policy

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

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

~~Staff members shall operate City vehicles in a careful and prudent manner and shall obey all laws of the state and all City orders pertaining to such operation. Staff members shall set a proper example for others when operating City vehicles. Any City employee who drives a City vehicle regularly or occasionally in order to conduct City business, must promptly report loss or suspension of a driver's license to their Department Head.~~

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

- b. ~~Work-related conferences, schools, seminars, and meetings:— For purposes of this policy it is intended that~~ Training opportunities during the regular work shift within a 40-mile distance of the work location is considered an acceptable work-related activity, provided in as much as the vehicle will be returned to the work site either during or shortly after the completion of the shift.
- c. ~~b.—Out-of-town and overnight conferences and schools:— For travel lasting which has a duration of more than one work-day in length, or for travel beyond the 40-mile radius noted above,~~ the employee is to utilize a non-fleet vehicle, the use for which will be compensated at the approved rate.— Alternatively, upon prior approval of the City Administrator, the employee may use ~~can receive the use of~~ a vehicle previously determined as an excess vehicle by the City Council.
- d. ~~e.—Lunch hours and authorized breaks:— For purposes of this policy when an employee is scheduled to work at a site other than their normal reporting location, and for Police Officers on duty,~~ use of a City vehicle for travel within one-five miles of ~~the City limits said work location; for the purpose of lunch and other authorized breaks~~ shall not be considered personal use.
- e. ~~d.—Overnight use:— It is the intent of this policy that~~ all municipal vehicles must be will have returned to their designated work location by the end of the work shift unless prior written authorization has been received from the City Administrator.

- f. ~~e.~~ ~~Personal use:~~ Personal use of CityCity vehicles by CityCity employees or elected officials is prohibited without the express written consent of the CityCity Administrator or ~~his/her the City Administrator's~~ designee.

11.5 — Telecommuting / Remote Work Policy

Definition

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

PurposeConsideration

Consideration for telecommuting arrangements may be made on a ~~case-by-~~case basis and only in situations where the employee can demonstrate a benefit to the CityCity. Telecommuting is not appropriate for all employees, it is not a CityCity-wide benefit or entitlement, it does not alter in no way changes the terms and conditions of employment with the CityCity, ~~and~~ is not a substitute for dependent care.

Participation

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

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

General Eligibility

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

Application Process

The telecommuting application must be completed, detailing indicating how the telecommuting arrangement will benefit the CityCity. All applications must be signed by the Department Head

and then forwarded to ~~Human Resources~~Human Resources. The Department Head, ~~Human Resources~~Human Resources, and the ~~City~~City Administrator will evaluate the application to determine whether ~~it or not the application~~ will be approved or denied. Approval is at the sole discretion of the ~~City~~City Administrator. The Department Head will then meet with the employee ~~to communicate the decision regarding the determination.~~ The Department Head is responsible for ensuring adequate coverage in the office.

Telecommuting Program

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

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

~~The employee is to be available for telephone, computer and/or fax communication with the City at the times as agreed by the signers on the application. The employee will respond to telephone calls at the telecommuting work location, and will respond to telephone messages left for the employee at the employee's City work location.~~

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

The telecommuting program and associated ~~for~~ projects must have measurable objectives. For example, tasks such as writing a section of a manual, working on a special project, processing regular business, or preparing spreadsheets and financial analyses may benefit from ~~is where~~ being completed outside of the "office environment" for improved efficiency. ~~could lead to its accomplishment in a more timely manner, or more timely manner.~~

Telecommuters may be assigned a different workstation space at the office if it is determined that such a rearrangement better suits office coverage needs arising is better suited by an office rearrangement as a result of the telecommuting agreement.

Employees must adhere to the following requirements and conditions:

- Maintain in-office days as full days in accordance with the as per employee's normal schedule; without ~~not~~ splitting time between their office and ~~the~~ remote location.
- Be available for virtual meetings, including ~~with a webcam~~ participation ~~at the times,~~ as well as impromptu meetings that may arise.

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- Be available for telephone, email, or other communication at all times during scheduled work hours.
- Respond promptly to telephone calls and messages as if working in the office, with a maximum response time of 15 minutes, from the telecommuting work location as if in the office.
- Promptly respond to phone messages and emails from the employee's supervisor or the supervisor's designee immediately or within fifteen minutes, unless the employee is on break or in a virtual meeting.
- Connect their computer to the CityCity network for the entirety of the work-day.
- Maintain an updated Outlook calendar at all times.
- Notify the direct supervisor and direct reports promptly if any unavoidable changes occur to the work schedule. If unavoidable, any changes to an employees work schedule shall be communicated to the employee's direct supervisor and direct reports in a timely manner
- Agree to all costs associated with telecommuting, including such as internet access and ancillary equipment, such as printers, at the employee's cost.
- Telecommuters will take all precautions necessary to secure confidential and/or proprietary information and prevent unauthorized access into any CityCity system.

Equipment

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

~~In the case where an employee owns a personal computer, the employee must provide a copy of the appropriate documents to verify that the software being used is legally licensed and receive is utilizing virus detection, training from This will need to be verified for the IT Division. The City assumes no liability for loss, damage or wear of employee owned equipment. Due to security concerns, the telecommuters are prohibited from using -shall not use a personal computers for purposes of telecommuting purposes. The CityCity assumes no liability for loss, damage or wear of employee-owned equipment. If the IT Division determines that the telecommuter is using a computer with software installed that is not properly licensed and/or does not receive virus protection, the telecommuting agreement may be terminated, and disciplinary action may be followed as outlined in the s-per the Personnel Policy and union contracts.~~

~~Telecommuters will take all precautions necessary to secure confidential and/or proprietary information and prevent unauthorized access into any City system.~~

~~City City supplied sSoftware and hHardware shall include the following:~~

- ~~A cComputer (desktop or laptop)~~
- ~~Virtual Private Network (VPN)~~
- ~~Softphone or Cell Phone software to “twin” with office phone~~
- ~~C and customary software on the desktop software~~

Insurance

The employee will be covered by Worker’s Compensation while working at the designated telecommuting work address during the hours specified in of work as indicated on the Telecommuting Application. The ~~city~~City of Ramsey’s liability is limited to injuries directly resulting ~~directly from the work and occurring only if the injury occurs~~ in the designated work area. ~~Any~~claims will be handled according to standardregular Workers’ Compensation procedures. If injured while telecommuting, the employee ~~should mustshall~~ follow the established appropriate procedures for reporting the injury. ~~Other~~ family members, ~~or~~ visitors, ~~or others present at the telecommuting work address~~ are not covered by the ~~City~~City’s Worker’s Compensation program, ~~and t~~The ~~city~~City assumes no liability for of Ramsey is not liable for any injuries of these individuals, to family members, visitors, or others in the employee’s home. Employees should consider carrying insurance to cover these instances.

Telecommuters working at home are required to will have a designated space maintained a designated workspace, by the employee. With advance notice, the ~~City~~ employer may visit the work site to ensure that that safe working conditions exist. For projects involving extensive computer use, employeesstaff may request a ergonomics evaluation of their workspace work area, to be conducted virtually by one of the City City’s trained ergonomics assessors.

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Expenses

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

Travel time from the employee’s home to the regular workplace is not compensat~~compensable~~ery, even if the employee is schedule to telecommute on the same day, reports to the regular workplace on a day scheduled for telecommuting.

SECTION 12 DRUG-FREE WORKPLACE

Drug Free Workplace Policy

DRUG-FREE WORKPLACE

In accordance with federal law, the cityCity of Ramsey has adopted the following policy on drugs in the workplace:

- a) ~~A.~~ Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the cityCity's intent and obligation to provide a drug-free, safe and secure work environment.
- b) ~~B.~~ The unlawful manufacture, distribution, possession, or use of drugs on cityCity property or while conducting cityCity business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- c) ~~C.~~ The cityCity recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
- d) ~~D.~~ Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting cityCity business. A report of the conviction must be made within five days after the conviction as required by the Drug-Free Workplace Act of 1988.

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

POLICY FOR NON-COMMERCIAL DRIVERS (NON-DOT) Policy for Non-Commercial Drivers (Non-DOT)

Purpose and Objectives

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

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property. The [cityCity](#) of Ramsey 's Drug, Alcohol and Cannabis Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

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

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

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

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

1. Pre-Employment Testing:

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

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

2. Reasonable Suspicion Testing:

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

- Is under the influence of alcohol, drugs or cannabis; or

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

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, drugs or cannabis or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the [cityCity](#)'s policies concerning alcohol, drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

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

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all [cityCity](#) employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify the Administrative Services Director or ~~their~~ ~~the Administrative Services Director's~~ designee ~~in Human Resources~~ of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. If required by law or government contract, the [cityCity](#) will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

2.3 Treatment Program Testing:

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

3.4 Routine Physical Examination Testing:

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

4.5 Random Testing:

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

Right of Refusal:

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

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

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

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

Refusal on Religious Grounds:

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

Cost of Required Testing:

The [cityCity](#) will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion alcohol and drug testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

PROBITION AGAINST DRUGS AND ALCOHOL ~~prohibition against Drugs and Alcohol~~

Use and Possession of Alcohol or Drug(s):

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

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the [cityCity](#) or while “on call” and subject to return to work.

Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine/[oral liquid](#) of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug, alcohol and cannabis testing policy.

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

While Impaired by Alcohol, Drugs or Cannabis:

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Employees are prohibited from being under the influence of alcohol or drugs, including cannabis, or having a detectable amount of an illegal drug in the blood, ~~or urine~~ [or oral liquid](#) when reporting for work; while on duty; while on the [cityCity](#)’s premises; while operating any [cityCity](#) vehicle, machinery, or equipment; or when performing any [CityCity](#) business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter drug used as intended by the manufacturer.

Driving While Impaired:

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A conviction of driving while impaired in a [cityCity](#)-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting [cityCity](#) business, may result in discipline, up to and including discharge.

Criminal Drug Convictions:

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Any employee convicted of any criminal drug statute must notify ~~their his or her~~ supervisor and the Administrative Services Director or ~~the Administrative Services Director’s their~~ designee in Human Resource in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a drug-related conviction, the [cityCity](#) will take appropriate personnel action against the employee up to and including discharge or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In

accordance with the Federal Drug-Free Workplace Act of 1988, if the [cityCity](#) is receiving federal grants or contracts of over \$25,000, the [cityCity](#) will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Drugs:

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

[REVIEW AND NOTIFICATION OF TEST RESULTS](#) *~~review and Notification of Test Results~~*

Notification of Negative Test Results:

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

Notification of Positive Test Results:

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

Right to Provide Information after Receiving Test Results:

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

Right to Confirmatory Retest:

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

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the [city/City](#)'s job offer will be reinstated, and the [city/City](#) will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the [city/City](#) will reimburse the employee for the actual cost of the confirmatory retest.

Access to Reports:

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

Dilute Specimens:

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

CONSEQUENCES FOR EMPLOYEES ENGAGING IN PROHIBITED CONDUCT
*onsequences for Employees Engaging in Prohibited Conduct***Job Applicants:**

The [city/City](#)'s conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees:

- No Adverse Action without Confirmatory Test.—The [city/City](#) will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result.—The [city/City](#) may temporarily suspend a tested employee with or without pay or transfer that employee to another position at the same

rate of pay pending the outcome of the requested confirmatory retest, provided the [cityCity](#) believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public.

The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

DISCIPLINE AND DISCHARGE*Discipline and Discharge:*

Confirmatory Positive Test Result:

The [cityCity](#) will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The [cityCity](#) has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the [cityCity](#) after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and
- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

Other Misconduct:

Nothing in this policy limits the right of the [cityCity](#) to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other [cityCity](#) personnel policies.

Emergency Call Back to Work Provisions:

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

Non-Discrimination

The [cityCity](#) of Ramsey policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., ch. 363, disability does not include

conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property of the safety of individuals. Furthermore, the [cityCity](#) will not retaliate against any employee for asserting his or her rights under this policy.

[CityCity](#)'s Employee Assistance Program

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

Policy Contact for Additional Information

If you have any questions about this policy or the [cityCity](#)'s drug, alcohol and cannabis testing procedures, you may contact the Administrative Services Director or [the Administrative Services Director's](#) designee to obtain additional information.

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

DEFINITIONS

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

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

Applicant: Means a person applying for a job with the [cityCity](#).

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

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

[CityCity](#): Means the [cityCity](#) of Ramsey.

[CityCity](#) premises: Means, but is not limited to, all [cityCity](#) job sites and work areas. For the purposes of this policy, [cityCity](#) premises also includes any other locations or modes of

transportation to and from those locations while in the course and scope of employment of the [cityCity](#).

CityCity vehicle: Means any vehicle which employees are authorized to use solely for [cityCity](#) business when used at any time; or any vehicle owned or leased by the [cityCity](#) when used for [cityCity](#) business.

Collection site: Means a place designated by the [cityCity](#) where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, [oral liquid](#) and/or blood to be analyzed for the presence of drugs and alcohol.

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

Drug: Includes any “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4. Cannabis and its metabolites are considered a “drug” for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving treatment, examination or emergency care for a medical, psychiatric or mental condition; positions requiring a commercial driver’s license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

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

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

Employee: Means a person who performs services for compensation for the [cityCity](#) and includes independent contractors except where specifically noted in this policy.

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

Job applicant: Means a person who applies to become an employee of the [cityCity](#) and includes a person who has received a job offer made contingent on the person passing drug testing.

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

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

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

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

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

~~Drug, Alcohol and Cannabis Testing for Commercial Drivers Policy~~

~~POLICY FOR DRUG, ALCOHAL AND CANNABIS TESTING FOR COMMIRECIAL DRIVERS (DOT)~~

Purpose and Objectives

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

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

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

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

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

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

Persons Subject to Testing and& Types of Tests

All employees are subject to testing who job duties include performing “safety-sensitive duties” on CityCity vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- All time waiting to be dispatched to drive a commercial motor vehicle.
- All time inspecting, servicing, or conditioning a commercial motor vehicle.
- All time driving at the controls of the commercial motor vehicle.
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth).
- All time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle.
- All time repairing, obtaining assistance, or attending to a disable commercial motor vehicle.

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

Pre-Employment Testing

All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to ~~pre-employment-controlled~~pre-employment-controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

An applicant must provide consent to the city, and successfully pass a full query of the Federal Motor Carrier Safety Administration’s Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she

will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

Post-Accident Testing-

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

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The following chart summarizes when DOT post-accident testing needs to be conducted:

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

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

Post-Accident Controlled Substance Testing

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

Post-Accident Alcohol Testing

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

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

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the CityCity.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the CityCity and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Random Testing-

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

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

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

Reasonable Suspicion Testing-

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

The CityCity's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the

appearance, behavior, speech, or body odors of the driver.” In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

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

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

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

Return-To-Duty Testing.

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

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

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

Follow-Up Testing:

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

Should the CityCity reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the CityCity will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver’s return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver’s return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

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

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Cost of Required Testing:

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

PROHIBITED CONDUCT ~~prohibited Conduct~~

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The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of CityCity policy.

Under the influence of Alcohol When Reporting for Duty or While on Duty:

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

On-Duty Use of Alcohol:

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

Pre-Duty Use of Alcohol:

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

Alcohol Use Following an Accident-

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

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

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

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the CityCity will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. – If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

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

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

Altering or ~~A~~attempting to ~~A~~alter a Urine/Oral Liquid ~~S~~sample or Breath Test-

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

Controlled Substance Use-

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

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the CityCity’s workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine, oral liquid-or blood sample of an employee who performs safety-sensitive duties for the CityCity.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

Controlled Substance Testing-

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

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

COLLECTION AND TESTING PROCEDURES ~~ollection and Testing Procedures~~

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

Alcohol Testing-

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally

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

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

Controlled Substance Testing-

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

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

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

make such a determination, the CityCity will consider the driver to have engaged in a refusal to test and will take appropriate disciplinary action under this policy.

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

REVIEW OF TEST RESULTS *review of Test Results*

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

- The individual may be required to speak and/or meet with the MRO, who will review the individual’s medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

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

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

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

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

NOTIFICATION OF TEST RESULTS*Notification of Test Results*

Employees-

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

Right to Confirmatory Retest-

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

Dilute Specimens

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

CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT*Consequences for Drivers Engaging in Prohibited Conduct*

Job Applicants-

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

Employees-

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

• Removal from Safety-Sensitive Functions:

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

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

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

Notification of Resources Available

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

Discipline

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

Evaluation, and Return to Duty Testing

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

Follow-Up Testing

If the driver passes the return-to-duty test, [he/she/there](#) will be subject to unannounced —

follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

Refusal to Test

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

Responsibility for Cost of Evaluation and Rehabilitation

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

Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse

In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, the CityCity will report the following information to the Clearinghouse within three business days:

- A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A negative DOT return-to-duty test result;
- The driver's refusal to submit to a DOT test for drug or alcohol use;
 - Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121) of:
 - On duty alcohol use pursuant to § 382.205;
 - Pre-duty alcohol use pursuant to § 382.207;
 - Alcohol use following an accident pursuant to § 382.209;
 - Controlled substance use pursuant to § 382.213;
- Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

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

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

Maintenance and Disclosure of Records

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

Policy Contact for Additional Information

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

DEFINITIONS*efinitions*

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Accident:

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

Alcohol Concentration (or Content):

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

Alcohol Use:

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

Applicant:

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

Breath Alcohol Technician or BAT:

Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

CityCity: Means CityCity of Ramsey\CityCity Name].

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CityCity Premises:

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

Collection Site:

Means a place designated by the CityCity where drivers present themselves for the purpose of providing a specimen of their urine/oral liquid -or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

Commercial Motor Vehicle:

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

Confirmation (or Confirmatory) Test:

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

Controlled Substance:

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

Department of Transportation or DOT:

Means the United States Department of Transportation.

DHHS:

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

Disabling Damage:

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

Driver:

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

Drug:— Has the same meaning as “controlled substance.”

Employee seeking a transfer:

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

Evidential Breath Testing Device or EBT:

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

Federal Motor Carrier Safety Administration or FMCSA:

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

Medical Review Officer or MRO:

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

Performing (a Safety-Sensitive Function):

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

Positive Test Result:

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

Reasonable Suspicion:

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

Safety-Sensitive Function:

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

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

Screening Test (also known as Initial Test):

In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens from further consideration. 49 C.F.R. § 382.107.

Substance Abuse Professional” or “SAP”:

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

SECTION 13 ACKNOWLEDGEMENT OF RECEIPT OF THE PERSONNEL POLICY

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

Employee's Signature

Date

Employee's Name (typed or printed)

Witness' Signature

Date

Witness' Name (typed or printed)

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