



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Assistant City Administrator Kelly Murtaugh
Date: May 2, 2022
Item: Employee Handbook/Personnel Policy

Council Actions Requested:

Approve revisions to the Employee Handbook/Personnel Policy.

Background Information:

The Employee Handbook/Personnel Policy was due for a full revision and update. Initial review was provided externally through the City's insurance associate, North Risk Partners. Building on the recommendations of the reviewer, a City-wide committee of employees met for several months to further refine the updates. The draft was then reviewed by the Management Team and by a representative from the City Attorney's office.

The version presented to Council with this memo reflects a structural reorganization, language updates, and legal or statutory changes. Specific updated areas include:

- Structural reorganization guided by the League of Minnesota Cities (LMC) model policy
- Inclusive language
- Compliance/statutory updates—equal employment, immigration law compliance, wage disclosure, nursing mothers break time, pregnancy and parental leave, pregnancy accommodation, witness/victim leave, military leave, family military leave, medical information, and ADA
- Updated employee conduct
- Expanded information to reflect current recruitment/hiring practices
- Expanded respectful workplace, harassment and violence prevention
- Updated IT policy
- Updated internal social media policy
- Expanded vacation policy to allow for prior experience to be considered in vacation accrual

- Combined all severance-related language into one chapter; modified sick leave severance to include 5-10 years of service payout (in addition to existing 10 years of service payout)

There were a number of recommendations from the employee committee to expand benefits. Because the City is currently also participating in a Compensation & Classification Study and benefit expansion options are part of the study, employee input on benefits will be combined with the outcomes of the study. Benefit updates to the employee handbook will likely be presented later this year following the study. The benefits that may be under consideration include: expanding longevity, compensatory time accrual limit, option for compensatory time payout, vacation accrual rates, paid parental/family leave, tuition reimbursement limit, and increased safety boot allowance.

Additionally, these policies will be added/updated in the near future:

- Remote and flexible work policy (new)
- Sick leave donation policy

Going forward, some aspects of the handbook will undergo annual review due to the nature of the content, like information technology and social media. The entire handbook will be on a five-year review cycle going forward.

Financial Impact:

NA

Committee Discussion:

The Administration Committee met on Tuesday, April 26 to discuss revisions and recommended the Employee Handbook move forward to Council.

Attachments:

- Employee Handbook/Personnel Policy

City of Hastings Employee Handbook

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Chapter 1 Introduction

The Employee Handbook was written to provide information and guidance to employees of the City of Hastings and to answer questions you may have related to the City and its personnel policies. Please read it carefully and retain it for future reference.

This Handbook is provided for general guidance only. The policies and procedures outlined in this book, as well as those in any other materials which may be issued from time to time, do not constitute a binding contract; this is not an employment contract, unless stated otherwise. The City and the employee both have the right to terminate the employment relationship at any time, except as may be provided for in a collective bargaining agreement. Employees are expected to be familiar and comply with the City's policies.

This Employee Handbook supersedes and replaces any and all written personnel policies, handbooks, guides and Employee Handbooks previously distributed to, made available to, or applied to employees of The City of Hastings, and is the only Employee Handbook with any force or effect. All prior personnel policies and handbooks are hereby rescinded and revoked.

The City of Hastings reserves the right to apply any or all of these policies in whole or in part at its discretion as it deems appropriate depending on individual circumstances. The City of Hastings can deviate from this Employee Handbook as it deems appropriate. The application or non-application of any or all of these policies does not alter or change the City of Hastings' right to apply these policies in whole or in part as it deems appropriate.

The City of Hastings reserves the right to change, withdraw, apply or amend any of our policies or benefits, including those covered in this Employee Handbook, at any time. The City of Hastings may notify you of such changes via email, posting on the City's Intranet or website, or via a printed memo, notice, amendment to or reprinting of this Employee Handbook but may, in its discretion, make such changes at any time, with or without notice. Questions, comments or suggestions should be directed to the Assistant City Administrator.

Purpose

The purpose of this employee handbook is to outline the City's policies, procedures and expectations for both employees and the City. The rules should not be construed as binding contractual agreements, unless stated otherwise, but are applied with the following guidelines:

- Maintaining efficiency and economy in the City's operations;
- Fair administration of these policies;
- Employees covered by these policies are expected to comply with the policies, as well as position and department specific guidelines and expectations;
- Provisions of labor agreement between the City and a collective bargaining unit will prevail if there is a conflict with the provisions in this handbook.

Not an Employment Contract

This Handbook is intended to provide an overview of citywide policies and procedures. No attempt has been made to address all possible work situations or to identify every possible situation.; it is merely meant as a guideline. Departments may also maintain separate department policies and procedures.

Nothing contained in this Employee Handbook should be construed as creating a contract guaranteeing employment for any specific duration. Except as modified by Civil Service Rules or a collective bargaining agreement, your employment with the City is “at will” and may be terminated at any time by either you or the City with or without cause.

Note that no manager, employee or representative of the City of Hastings, other than the City Administrator, is authorized to enter into any oral or written agreements inconsistent with the foregoing and no such agreement shall be enforceable unless it is in writing and signed by the City Administrator and the employee.

Amendments

The City Council will approve all new or revised policies before they become effective. The City Council or City Administrator may from time to time direct the preparation of new or revised policies.

Application

Unless indicated otherwise, this handbook applies to all employees of the City, except:

- Elected Officials
- City Attorney
- Voluntary members of boards, commissions, and committees

Data Practices Advisory

- A. During the course of City employment, an employee will likely be asked to provide information that is classified by state law as either private or confidential. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given either to the public or to the subject of the data.
- B. The requested information will be used to evaluate the employee’s job performance, eligibility, and abilities. The information provided by the employee may be used in performance evaluations, applications for employment, and other matters that involve a review of the employee’s personnel file and past performance. If the employee provides false, incomplete, or misleading information, the employee may be subject to discipline. Unless the employee is told otherwise, they are required to provide this information or may face disciplinary action.
- C. Those authorized by law to receive information in the employee’s personnel file include, but are not limited to, the following persons or entities:
 - a. Employees, agents, and officials of the City who have a need to know about the information in the course of their duties or responsibilities;
 - b. The person who is the subject of the private data;
 - c. People who have permission from the subject of the data;
 - d. The Internal Revenue Service, Minnesota Department of Revenue, Public Employees Retirement Association, or other applicable pension system, and the Immigration and Naturalization Service;
 - e. The Minnesota Department of Economic Security in any claim for re-employment benefits;
 - f. The Workers’ Compensation Court in any claim for workers’ compensation benefits;
 - g. Various insurance companies in any claim for insurance benefits;
 - h. Individuals who have obtained a court order for the information;

- i. Participants in any litigation, mediation, veterans' preference hearing, arbitration, or other administrative proceeding that involves the employee; and
 - j. Labor organizations and the Bureau of Mediation Services.
- D. If litigation arises, the information may be provided in documents filed with the court and are available to any member of the public. If 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 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.

Equal Employment Opportunity

The City of Hastings is fully committed to equal employment opportunities (EEO). All employment decisions will be made without regard to race, color, age, religion, sex, pregnancy, marital status, familial status, disability, genetic information, national origin, sexual orientation, gender identity, veteran status, status with regard to public assistance or activity in a local human rights commission.

Decisions concerning employment are based strictly on an individuals' qualifications and ability to perform the job under consideration, the comparative qualifications and abilities of the other applicants or employees, and the individual's past performance within the organization. Employment decisions include, but are not limited to: recruitment, hiring, promotions, salary or other compensation, benefits, transfers, corrective actions, layoffs, termination and training.

If you believe that an employment decision has been made that does not conform to management's commitment to equal opportunity, the matter should be brought promptly to the attention of Human Resources. Your complaint will be thoroughly investigated. There will be no retaliation against any employee who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

The City of Hastings is committed to complying with the American with Disabilities Act (ADA). In accordance with federal and state law, the City of Hastings provides reasonable accommodation to known physical or mental limitations of an otherwise qualified employee with a disability unless the accommodation would impose an undue hardship on the company. Reasonable accommodation may be, depending on all the circumstances, modification or adjustment to a job, the work environment, or the way things usually are done that enable an employee with a disability to perform the essential functions of a job, and to enjoy equal benefits and privileges of employment.

Employee requests for reasonable accommodations must be done in writing. The City of Hastings may request a physician's statement documenting the need for the requested accommodation. All requests for reasonable accommodation should be submitted to Human Resources.

Immigration Law Compliance

The City of Hastings complies with the Immigration Reform and Control Act of 1986 by employing only United States citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of employment to provide original documents verifying their right to work in the United States and to sign a verification form required by federal law (Form I-9). If an individual

cannot verify their right to work within three (3) days of hire, the City of Hastings must terminate employment.

Personnel Records

Personnel files are maintained for each employee in compliance with the Minnesota Government Data Practices Act and the Minnesota Personnel Record Review and Access Act

The City of Hastings maintains a personnel file on each employee. The purpose of this file is to allow us to make decisions and take actions that are personally important to you, including notifying your family in case of emergency, calculating income tax deductions and withholding, and paying for appropriate insurance coverage. While the types of documentation maintained in your personnel file varies, medical records, work eligibility, and other documentation, as required by law, is kept separately from the personnel file.

Personnel files are the property of the City of Hastings. Generally, only supervisors and management personnel of the City of Hastings who have a legitimate reason to review information in a file are allowed to do so in accordance with state law.

The Minnesota Personnel Record Review and Access Act provides the following rights and remedies to employees regarding their personnel files:

- Employees have a right to review their file, upon a written request with reasonable advance notice, made in good faith, once every six months while employed.
- Within seven (7) working days of receiving an employee's request (or within 14 working days if the employee's personnel records are stored out of state), the City will make available for the employee's review either their original file or an accurate copy of their file.
- Employees will have access to their files during normal operating hours either at the employee's job site or at a nearby location. The City may require that this review take place in the presence of a City representative. After the employee has had an opportunity to review their file, the employee may make a written request for a copy of the record. If an employee makes such a request, the City will provide the employee with a copy of their file at no charge to the employee.
- After termination, employees may review their records once annually for as long as the City maintains the record.
- The City must comply with an employee's written request to review their file within seven work days from date of request.
- If the employee disputes information contained in the record and the City does not agree to remove or revise the disputed information, the employee may submit a written statement of up to five pages explaining the employee's position. This statement will be included in the personnel file for as long as the City maintains it.
- If the City violates the statute, employees may bring a civil action to compel compliance and for actual damages and costs.
- The City may not retaliate against employees for asserting rights or remedies under the statute. If the City unlawfully retaliates against an employee, the employee may bring a civil action to compel compliance and for actual damages, back pay, reinstatement, equitable relief, and attorney fees.

Personnel Data Changes

It is the responsibility of each employee to notify Human Resources of any changes in personnel data or within 30 days of a qualifying event. These changes may include a change in name or address, marriage, divorce, birth/adoption of child. The updated information is necessary to provide for appropriate updates to benefits and personnel files. Related information, including educational achievements, emergency contacts, etc. should be reported in a timely manner for inclusion in personnel files.

Chapter 2 Work Rules and Code of Conduct

Conduct as a City Employee

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving those in the City of Hastings. Employees should exhibit behavior that is ethical, professional, responsive, and of high standards. Any willful violation of the established policies, rules, and procedures shall be considered insubordination and subject to disciplinary action, up to and including dismissal.

While it is not possible to list all of the forms of behavior that are considered unacceptable in the workplace, the following is a nonexclusive list of examples of infractions of rules of conduct that may result in corrective action, up to and including termination:

- Carelessness which results in damage or injury to the City of Hastings property or employees.
- Coercion of, threats against, intimidation of, interference with or abuse of other employees.
- Discourteous treatment of coworkers, management, customers, suppliers or an individual where contact is in the capacity of an employee of the City of Hastings.
- Dishonesty or falsification of records.
- Failure to follow a superior's instructions, defiance, general insubordination or other disrespectful conduct.
- Failure to adhere to policies and procedures as outlined in this Employee Handbook.
- Failure to report for work, being tardy, sleeping, loitering, loafing, excessive visiting, abuse of rest periods, wasting time or failing to expend the necessary effort in the performance of the work assignment.
- Harassment of or discrimination against another employee, customer or any other person where contact is a result of the employment relationship with the City of Hastings.
- Making or publishing false or malicious statement about employees or the City of Hastings.
- Possession or use of weapons while working on City of Hastings property or in any location on behalf of the City (see *Policy Prohibiting Weapons in the Workplace* in this handbook).
- Theft or inappropriate removal or possession of City property.
- Transporting, possessing, transferring, using or being under the influence of illegal, controlled substances at any time, including while in route to work.
- Unauthorized disclosure of confidential information.

Political Activity

No employee of the City will directly or indirectly, during hours of employment solicit or receive campaign funds, or use their authority or official influence to compel any other employee to apply for membership or become a member of any political organization, or pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity.

Any employee elected to public office may be required to resign or take a leave of absence if the duties of elected office interfere with the duties as a City employee.

Conflict of Interest

Employees must avoid any activity which may suggest a conflict of interest between their private interests and City business. Examples may include, but are not necessarily limited to:

- Use or attempted use of official position to secure benefits, privileges, or advantages for themselves, relatives or others associated which are different than those available to the general public.
- Acceptance of other employment that would affect the employee's independence of judgment in the performance of their job duties.
- The use of City time, facilities, equipment, or supplies for financial gain.
- Conducting personal business while working regularly scheduled hours.
- Receipt or acceptance of any money or other thing of value from anyone other than the City for the performance of an act which an employee would be required or expected to perform in the regular course of hours of City employment or as part of the duties of the employee.
- Any financial interest or personally beneficial interest, directly or indirectly, in contracts or purchase orders for goods or services used by, purchased by, or furnished to the City.

Employees must disclose to their supervisor or Human Resources any possible conflicts so that the City of Hastings may assess and prevent potential conflicts of interest from arising. The determination of whether a conflict of interest exists will be the decision of the City and not of the individual employee. A violation of this policy will result in appropriate corrective action, up to and including termination.

Acceptance of Gifts

Employees are prohibited from requesting, soliciting, or accepting any gift or gratuity of significant value or lavish entertainment with the following exceptions:

- A plaque or similar memento recognizing an individual's services in a field of specialty or to a charitable cause;
- A trinket or memento of insignificant value;
- Informational materials of unexceptional value;
- Food or beverage given at a reception, meal or meeting away from the normal place of work by an organization before whom the employee is appearing to make a speech, or answer questions as part of a program.
- Lawful campaign contributions;
- Gifts given because of the recipient's membership in a group;
- Prizes won of nominal value at a convention, meeting, or sporting event at which the employee is a representative of the City of Hastings.

Employment of Relatives

Employment with the City of Hastings shall be based on merit and no position will be granted to an immediate family member of a current City employee if that person does not meet the requirements of the position. Relatives of persons currently employed by the City may be hired only if they will not be working directly for, or supervising, evaluating, or disciplining a relative. If two (2) employees become related while working for the City of Hastings, and if one of them is in a position of supervision over the

other, only one of the employees will be allowed to keep their position. The other will have to transfer to another position or leave employment.

Under this policy, the term “relatives” encompasses husbands, wives, live-in partners, domestic partners, parents, children, siblings, in-laws, cousins, aunts and uncles. This policy covers biological relationships, marriage relationships and step relationships.

Outside Employment

Employees may hold employment outside of their employment with the City of Hastings so far as it does not conflict with the employee’s ability or perceived ability to effectively and professionally perform their responsibilities as an employee with the City of Hastings. In cases of conflict with an outside activity, the employee’s obligations to the City of Hastings must be given priority. Employees may not use their position as an employee with the City of Hastings to solicit business to any outside employment. Employees may not conduct outside employment during scheduled work hours for the City of Hastings. Outside employment must not present a conflict of interest or have an adverse impact on the City of Hastings.

Intellectual Property Ownership

The City retains legal ownership over all property, including intellectual property developed as a result of an employee’s work for the City of Hastings, and including but not limited to works, ideas, discoveries, and inventions. No work product created while employed by the City of Hastings can be claimed, construed, or presented as property of the individual, even after employment by the City of Hastings has been terminated or the relevant project completed. This includes written and electronic documents, audio and video recordings, system code, and any concepts, ideas, or other intellectual property developed for the City of Hastings, regardless of whether the intellectual property is actually used by the City.

Although it is acceptable for an employee to display and/or discuss a portion or the whole of certain work product as an example in certain situations (e.g., on a resume, in a freelancer's meeting with a prospective client), one must bear in mind that information classified as confidential must remain so even after the end of employment, and that supplying certain other entities with certain types of information may constitute a conflict of interest. In any event, it must always be made clear that work product is the sole and exclusive property of the City of Hastings. Temporary or contract employees must be particularly careful in the course of any work they discuss doing, or actually do, for a competitor of the City of Hastings.

Use of City Equipment or Property

City equipment is to be used for business purposes for the City of Hastings. Personal use of e-mail and phones should be limited to brief, concise messages.

Employees or users may not use City equipment to disseminate, view, or store commercial advertisements, solicitations, or destructive code. Employees may not use city equipment for outside business for personal gain, personal sale of good or services, political activity, illegal and/or questionable transmissions, sexually explicit, harassing, or threatening communication, or any other use deemed questionable, inappropriate, or for an unauthorized purpose by the City.

Long Distance Phone Calls

Employees who make long distance phone calls must use the long-distance code assigned to them. The long-distance code may only be used for City business.

Solicitation and Bulletin Boards

In an effort to ensure a productive and harmonious work environment, persons not employed by the City of Hastings may not solicit or distribute literature in the workplace at any time for any purpose, without approval of the City Administrator or designee.

The City of Hastings recognizes that employees may have interests in events and organizations outside the workplace. Employees may only solicit or distribute literature or information concerning these activities during non-working time. (Non-working time includes lunch periods, work breaks, or any other periods in which employees are not on duty.) The posting of written solicitations on City bulletin boards must be approved in advance by Human Resources. Please use good judgment when approaching your co-workers with offers/opportunities.

Appearance and Dress

Employees of the City of Hastings are expected to project a neat, well-groomed appearance commensurate with the position held by the employee. Employees are responsible for ensuring that they dress in clean, unstained and un-ripped clothing that projects an appropriate appearance for the public. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable. Clothing that is sexually provocative that reveals too much cleavage, your back, your chest, your feet, your stomach or underwear is not appropriate for a place of business. If clothing fails to meet these standards, as determined by the employee's supervisor and Human Resources staff, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes and will receive a verbal warning for the first offense. Progressive corrective action will be applied if dress code violations continue.

Tobacco Use

All City buildings and vehicles have been designated as no smoking areas, meaning that smoking tobacco or other substances are prohibited. All City park areas, including Public Square where City Hall and the Police Station are located, have been designated as tobacco-free areas. This shall include the use of any electronic device used to vaporize substances for ingestion (e.g. e-cigarettes).

Use of Social Media

Social networking in government serves two primary functions: to communicate and deliver messages directly to citizens and to encourage citizen involvement, interaction, and feedback. Information which is distributed via social networking must be accurate, consistent, and timely and meet the information needs of the City's intended audience. Social media is used for social networking, and this policy seeks to ensure proper administration of the City of Hastings' social media sites by its representatives.

The City has limited control of social media accounts with third parties (i.e., Facebook, Twitter, etc.). At the same time, there is a general expectation by the public that this City have a social media presence by which to share information about current city projects and city business. For municipal purposes, the City's social media accounts will be used for incidental, non-vital communication and general information only. It is not the purpose of the city's social media accounts to be a medium for

transactions of city business. The one exception is in the case of a natural or man-made disaster, if it is determined by the City that the best means of communicating with the public is through the social media account(s).

The City of Hastings wishes to establish a positive and informative social media presence. City representatives have the responsibility to use the City's social media resources in an efficient, effective, ethical, and lawful manner pursuant to all existing City policies.

The City of Hastings will determine, at its discretion, how its web-based social media resources will be designed, implemented, and managed as part of its overall communication and information sharing strategy.

City of Hastings social media accounts are considered a City asset and administrator access to these accounts will be securely administered in accordance with the City's Computer Use Policy. The City reserves the right to shut down any of its social media sites or accounts for any reason without notice.

All social media websites created and utilized during the course and scope of an employee's performance of their job duties will be identified as belonging to the City of Hastings, including a link to the City's official website. The City of Hastings does not create or maintain social media accounts for its elected officials.

This policy applies to any existing or proposed social media websites sponsored, established, registered, or authorized by the City of Hastings. The City's social media accounts are exclusively the following:

1. City of Hastings Facebook account at <https://www.facebook.com/cityhastingsmn>
2. City of Hastings Twitter account at <https://twitter.com/CityHastingsMN>
3. City of Hastings Instagram account <https://www.instagram.com/cityhastingsmn/>
4. City of Hastings LinkedIn account <https://www.linkedin.com/company/city-of-hastings-mn>

The City does not create, collect, disseminate, or regulate use of any other social media accounts, including the personal accounts of its elected officials and staff. Questions regarding the scope of this policy should be directed to the Communications Coordinator.

Social media are internet and mobile-based applications, websites, and functions, other than email, for sharing and discussing information, where users can post photos, video, comments, and links to other information to create content on any imaginable topic. This may be referred to as "user-generated content" or "consumer-generated media."

Social media includes, but is not limited to:

- Social networking sites and apps such as Facebook, LinkedIn, Twitter, and Nextdoor
- Blogs
- Social news sites such as Reddit and BuzzFeed
- Video and photo sharing sites and apps such as YouTube, Instagram, SnapChat, and Flickr
- Wikis, or shared encyclopedias, such as Wikipedia
- An ever-emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above

As used in this policy, “employees and agents” means all City representatives, including its employees and other agents of the city, such as independent contractors or councilmembers.

“Social media manager” means any city employee or agent with administrator access who, when posting or responding to a post, appears to be the City social media account owner.

City social media managers are responsible for managing City social media accounts or websites. Facilities or departments wishing to have a new social media presence must initially submit a request to the City Administrator in order to ensure social media accounts are kept to a sustainable number and policies are followed. All approved sites will be clearly marked as the City of Hastings site and will be linked with the official City website ([www. Hastingsmn.gov](http://www.Hastingsmn.gov)). No one may establish social media accounts or websites on behalf of the City unless authorized in accordance with this policy.

The City’s social media page must conspicuously display or link to a public notice that informs the public of the purpose of the social media presence and the terms one agrees to in accessing, using, or posting to the City’s social media page.

Administration of all City social media websites will comply with applicable laws, regulations, and policies as well as proper business etiquette.

City social media accounts covered by this policy will not be used by social media managers for private or personal purposes or for the purpose of expressing private or personal views on personal, political, or policy issues or to express personal views or concerns pertaining to City employment relations matters.

No City social media account may be used by the City or any social media manager to disclose private or confidential information. No social media website should be used to disclose sensitive information; if there is any question as to whether information is private, confidential, or sensitive, contact the Assistant City Administrator/Human Resources Director.

Outside of situations of disaster, no City social media account will be used for transactions of city business. In the event a user initiates a request, application, or question through social media that affects city business or requires another city policy or process to be followed, follow up with that user by phone, email, or other channels. If comments are allowed, in the event of a question of general interest, a response may be given in comments, the initial post may be edited, or a subsequent post may be created to include the information.

City of Hastings’ social media managers will not edit any posted comments. However, comments posted by members of the public may be removed if they fall into at least one of the following categories:

- Obscene or pornographic content
- Direct threats to persons or property
- Material asserted to violate the intellectual property of another person
- Private, personal information about a person published without their consent
- Information that compromises a public safety security system
- Statutorily private, confidential, or nonpublic data
- Commercial promotions or spam
- Hyperlinks to material that falls into one of the foregoing categories

A member of the public whose comment is removed may appeal the removal of the comment and seek reconsideration of its removal by contacting the City in writing and explaining how the comment does not fall into one of the categories for removal. A written response should be provided as soon as reasonably possible.

A member of the public who disputes the legality of any portion of this policy may dispute the particular portion in writing. The City should acknowledge the claim promptly and, upon consultation of the city attorney, respond to the claim concerning legality of the policy portion as soon as reasonably possible under the circumstances.

All communications or messages within social media accounts covered by this policy composed, sent, or received on city or personal equipment are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. As no transactions of city business shall be conducted through social media accounts (outside of disasters), in accordance with the City's records retention schedule, the City shall retain all social media messages only until read.

Chapter 3 Employee Recruitment and Selection

Regular Position Vacancy Announcements

Position vacancies, for regular full- and part-time positions, shall be published by posting announcements on the City's website as well as other sites appropriate for the position. Such postings will normally specify the title and salary of the position, nature of the work to be performed, the minimum requirements of the position, the place to apply, the closing date for receiving applications, and other pertinent information. The objective of the recruitment and selection process is to attract the best qualified applicant available. The City Administrator or designee will determine whether to post the position as open recruitment or internal promotion opportunity.

Positions designated as promotional only will normally be open to any City employee who has successfully completed their initial probationary period. Employees who serve in a part-time or paid on-call status will be eligible to apply. Temporary and seasonal employees are not eligible to apply for promotional-only positions.

Application

The City of Hastings will develop suitable application form(s). All positions, unless noted otherwise, will require the completion of an online employment application for consideration. Supplemental questionnaires may be required in certain situation. The Human Resources Director may extend the application deadline after consultation with the appropriate department head. The Human Resources Director shall establish minimum qualifications for each position with input from the appropriate department head. All candidates must meet the minimum qualifications to be eligible to participate in the selection and testing process. The City may consider alternative experience if it is substantially equivalent to the qualification being required.

Examination

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

Tests for appointment in the City service shall be competitive tests which shall be open only to applicants who meet the minimum qualifications stated on the job posting or qualifications determined to be equivalent by the Human Resources Director.

The examinations and results of examinations are private. Each person taking an examination shall be entitled to obtain their final score and may request an examination review with the Human Resources Director to obtain summary information on the results. Applicants who fail an examination will normally not be eligible to retake the examination within the following six months.

Sound measurement techniques and procedures shall be used in rating test and determining the individual and/or relative ranking of candidates. Candidates are required to attain at least a passing score on each component of the test in order to continue in the selection process. Access to the testing process may be limited to the top candidates based on job-related qualifications.

Upon a conditional hire of employment, the City may require pre-employment testing which may include a physical examination, psychological examination, criminal history background, Federal Motor

Carrier Safety Administration check, and/or drug/alcohol testing. The information obtained during these kinds of exams will be treated as private records. The City will pay the cost of the exam.

Selection and Appointment

Appointments and promotions in the City services shall be made according to merit and fitness related to the position being filled. Vacant positions will be filled on the basis of regular full-time, part-time, paid on-call, seasonal or temporary appointment. Part-time employees may be hired into a benefit-earning (at least 30 hours per week) or non-benefit-earning (fewer than 30 hours per week). Relatives of current employees may be hired only if they are the most qualified and there will be no supervisory reporting relationships between them as a result of the hiring. The City Administrator must approve all such appointments.

Appointments of the City Administrator and department head positions are made by the City Council. Appointment of all other positions are done by the City Administrator, or designee, upon recommendation of the department head.

Position vacancies may be filled on an “acting” or interim basis as needed prior to filling a position through the normal process. The City Administrator will approve all acting appointments for regular positions. If a current employee is appointed to an acting position and is later hired to fill the regular appointment, with no break in service in the new position, the effective date of the regular appointment will be considered to be the date on which the acting appointment was made. Pay rate adjustment for acting appointments will be determined by the City Administrator.

Pre-Employment Medical Exams

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

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

Background Checks

All finalists and/or candidates given a conditional offer of employment with the City will be subject to a background check to confirm information submitted as part of the application materials and to assist in determining the candidate’s suitability for the position.

Denial of Appointment

Per Minnesota Statute 364.05, should the City deny an individual a position as a result, either partially or solely, of the applicant’s prior conviction of a crime, subject to the exception set forth in Minnesota Statute 364.09, the applicant shall be notified in writing of:

- The grounds and reasons for the denial;
- The applicable complaint and grievance procedure set forth in MN Statute 364.06;
- The earliest date the applicant may reapply for employment; and
- That all competent evidence of rehabilitation will be considered upon reapplication.

False Information

Any applicant who gives false or misleading information on an employment application or supplemental material will be eliminated from further consideration of employment. Discovery of false or misleading information regarding an applicant's credentials and ability to perform the job responsibilities after hire may result in termination of employment.

Hiring Seasonal and/or Temporary Employees

The City Administrator or designee may delegate responsibility to the appropriate department for reviewing applications, conducting interviews, and recommending an applicant(s) for hire.

Rehiring Seasonal and/or Temporary Employees

The City Administrator or designee may authorize departments to rehire previous seasonal or temporary employees, provided there are no disqualifying factors associated with that employee returning to work.

Veterans Preference

The City will comply with veteran's preference requirements, as outlined in Minnesota Statutes 43A.11 and 197.455, in its selection procedures.

Probationary Period

All employees are subject to a twelve-month probationary period. If the probationary employee is performing satisfactorily after 6 months, the City Administrator, upon recommendation by the employee's supervisor and department head, may grant a compensation adjustment during the probationary period. The probationary period is a working test period during which the employee may be terminated summarily at the sole discretion by the City.

Transfers/Promotions

Transfers and/or promotions will be based on an employee's performance record, experience, and ability to perform the responsibilities and expectations of the new position. Transfers may be either at employee's request or as a result of a decision by the City of Hastings.

Transfers or promotions may require in a background check, drug/alcohol testing, or a probationary period.

Chapter 4 Organization and Hours of Work

Organizational Structure

The City of Hastings operates with a Council-Administrator form of government. The City Administrator manages the day-to-day operations of the City. Department heads and managers lead their respective departments to assist in carrying out the operations and initiatives of the City. City employees are critical to the successful operation of the City and its service to residents and visitors.

Definitions

- A. Exempt - management supervisory, professional, sales or administrative employees, whose positions meet FLSA standards, are exempt from overtime pay requirements. Exempt employees are expected to work the City's normal operating schedule unless they are using Sick/Vacation or on a leave of absence. Exempt employees are paid a stated weekly salary to achieve results regardless of the number of hours they actually work.
- B. Non-exempt - Employees whose positions do not meet the FLSA exemption standards are paid overtime. Employees classified as non-exempt generally work in non-supervisory, non-professional or non-administrative capacities.
- C. Regular Position—a position that has been approved by the City Council and is reflected in the annual budget.
- D. Full Time Employment—a person filling this position has successfully completed a review period and is regularly scheduled to work 40 or more hours a week.
- E. Part-Time Employment—a person who has completed the review period and is regularly scheduled to work less than 40 hours but at least 10 hours a week.
- F. Temporary/Seasonal Employment—employment required to work for a fixed, yet determined short period of time. Temporary positions may be full or part-time and are eligible for legally mandated benefits such as worker's compensation and social security but are not eligible for other City benefits.

Note: If your status changes from temporary or part-time to full-time, you are considered hired on the date you become a full-time employee for purposes of calculating eligibility for benefits that require full-time employment for eligibility purposes.

Expectations

It's important for each employee to report to work on time and to maintain a good attendance record. Employees are expected to be in attendance and working during all scheduled hours of work. The City of Hastings recognizes that circumstances beyond your control may cause you to be absent from work for all or part of a day. However, unauthorized absence or tardiness may result in corrective action, up to and including termination.

If are unable to report for work, employees are required to notify their immediate supervisor within 15 minutes of the employee's scheduled workday if they will be late or not in to work that day. Leaving a voicemail or a message with another staff member does not qualify as notifying your supervisor – you must communicate directly with your supervisor. If you are absent for more than one day, you must contact your supervisor each day.

When absence is due to illness, the City of Hastings reserves the right to require appropriate medical documentation. Excessive absenteeism or tardiness can result in corrective action, up to and including discharge. (Also see the section on Family and Medical Leave for extended leave situations.)

You are expected to be at your work location at the beginning of each shift/business day. If you are delayed, you must contact your manager directly and state the reason for the delay. Regular delays in reporting to work will result in disciplinary action and/or loss of pay for the time not worked.

Work Week

A workweek begins on Monday at 12:01 a.m. and ends on Sunday at 12 Midnight.

Breaks

Non-exempt, Full-Time Employees—a lunch break of 30 minutes, unpaid, and two 15-minute paid rest breaks per day (unless noted otherwise in collective bargaining agreement).

Part-Time Employees—one paid 15-minute break for each 4 hours worked, and 30 minutes unpaid lunch break per day.

Nursing Mothers Breaks

The City of Hastings complies with state law allowing employees who need to express breast milk for infant children reasonable break time unless it would cause undue business disruption. The paid break time must, if possible, run concurrently with any other break time already provided to the employee. The City of Hastings will make reasonable efforts to provide a room or other location that is shielded from view other than a bathroom or toilet stall, free from intrusion from coworkers and the public and includes access to an electrical outlet for the employee to express her milk in privacy. The City of Hastings will not retaliate against an employee for asserting her rights under this MN statute.

Performance Feedback

Each and every employee contributes to the success of the City of Hastings. We expect everyone to perform to the highest level possible. Poor job performance can lead to corrective action up to and including termination of employment., It is the City's expectation that written performance feedback is given to and discussed with each employee at least one time per year. Because our employees' performance is vital to our success, it is also expected that performance feedback be provided to employees informally throughout the year. Written performance feedback will become part of the employee's personnel file. We require all employees to participate in the review process when it occurs.

Chapter 5 Compensation, Payroll and Time Reporting

Non-Union Employee Compensation Administration

Annually, the City Administrator or designee will prepare and submit to the City Council for its approval a non-union compensation schedule. Any amendments to an adopted pay plan will be based on changes in the position responsibilities, the City's financial status, market comparisons, general economic conditions, federal or state law or other pertinent factors.

Pay Adjustments

Employees are generally given pay adjustments at the following times:

- At the successful completion of a probationary period;
- On January 1 each year as part of a general pay adjustment (cost of living adjustment—may be subject to budget or other conditions)
- At such other times as have been negotiated and/or recommended by the City Administrator.

Working Out of Classification

Employees assigned to temporarily work in a position of a higher classification as a result of an extended absence by a co-worker may qualify for additional compensation. Additional compensation may be warranted if the temporary assignment is for a minimum of 30 consecutive calendar days and upon review of the employee's current wage and the additional duties assigned as part of the temporary classification.

Payroll

Payday is every other Friday, for a total of 26 pay periods in a twelve-month period. When payday occurs on a holiday, wages are issued on the day before the holiday. Employees must submit a timesheet, documenting hours worked and time taken within 15-minute increments to be paid. Timesheets are legal documents and are reviewed for accuracy. Failure to submit timesheets in a timely manner or falsification of a timesheet may result in disciplinary action, up to and including termination. The City requires direct deposit of payroll checks to all regular full- and part-time employees, seasonal and temporary employees, election judges, and elected officials.

Payroll Deductions

All mandatory deductions (and withholdings), such as federal income tax, Social Security, state, city and/or local income tax and disability, as applicable, as well as all authorized voluntary payroll deductions, such as for health insurance, other employee benefits and other deductions, as arranged with Human Resources, will be withheld automatically from your paycheck.

Longevity

Full-time employees and Paid-on-call Firefighter/EMTs earn longevity based upon continuous employment as a regular status full-or part-time employee as follows:

5 years of employment:	1% of salary
10 years of employment:	2% of salary
15 years of employment:	3% of salary

Longevity credit will accrue as long as there is no break in regular employment status.

Time Reporting

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. They will be paid according to the time reported on their timesheet. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked, and any leave time used by non-exempt employees are to be submitted to payroll on a bi-weekly basis. Time shall be accounted for in 15-minute increments. False reporting on a timesheet may be cause for discipline, up to and including termination.

Overtime and Compensatory Time

The City of Hastings will determine whether each position is designated as exempt or non-exempt. Generally, employees in executive, administrative and professional job classes, as defined by Fair Labor Standards Act, are exempt; all others are non-exempt.

A. Non-Exempt Employees

For all non-exempt employees defined by the Fair Labor Standards Act (FLSA), 40 hours constitutes a normal working week. All hours worked in excess of 40 hours in a week will be referred to as overtime. Supervisors are responsible for scheduling work to minimize overtime. All hours worked in excess of 40 hours in a week must be approved prior to being worked.

For purposes of completing timesheets and calculating overtime hours worked shall be defined as those hours actually worked or accounted for by holidays. Use of vacation, sick, or compensatory time does not count towards hours worked for calculating overtime eligibility. The employee's supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

When assigned work by their immediate supervisor in excess of 40 hours in a workweek, non-exempt employees are eligible to accrue compensatory time or be paid overtime at a rate of 1.5 their regular rate of pay. Compensatory time may be accrued up to 80 hours. Compensatory time is to be requested off in the same manner as other leave requests.

B. Exempt Employees

For all employees specifically exempted from the overtime provisions of the FLSA, all hours worked in excess of 80 hours in two-week period shall be eligible for earning compensatory time at straight time. Compensatory time may be accrued up to 120 hours. Compensatory time is to be requested off in the same manner as other leave requests.

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors, and therefore generally need to work 40 or more hours per work. Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed.

Wage Disclosure Protections

The City of Hastings will not prohibit employees from discussing their wages as a condition of employment. Per Minnesota Statute 181.172, the City of Hastings will not require an employee to sign a

waiver or other document that takes away their right to disclose their wages. Nothing in this section shall be construed to:

- Create an obligation for the employer or employee to disclose wages;
- Permit an employee, without the written consent of the employer, to disclose proprietary information, trade secret information, or information that is otherwise subject to a legal privilege or protected by law;
- Diminish any existing rights under the National Labor Relations Act under United States Code, Title 29; or
- Permit the employee to disclose wage information of other employees to a competitor of their employer.

The City will not retaliate against an employee for asserting their rights or remedies under Minnesota Statute.

Chapter 6 Benefits

Eligibility and Enrollment

Employee benefits apply to those employees hired for regular, full-time employment (2080 hours/year). Employees hired for regular employment less than full-time may be eligible for certain benefits. The selection of carrier and determination of benefits for employee group insurance is at the discretion of the City of Hastings. The City will determine any amount of City contribution towards insurance. Any additional cost beyond what is provided by the City shall be payable by employee deductions. Employees will have an opportunity on an annual open enrollment basis to review and change their insurance selections. Employees may also have a qualifying event that sparks a special enrollment period. See Human Resources for details.

Health Insurance

All regular, non-union, full-time employees are provided single health insurance coverage paid by the City. All regular full-time employees may elect family health insurance at the employee's cost.

Life Insurance

All regular, non-union full-time employees are provided a \$50,000 life and AD&D policy paid by the City. Additional coverage may be applied for by an employee at the employee's cost.

Long Term Disability

All regular, non-union, full-time employees are provided with a long-term disability policy paid by the City.

Dental Insurance

All regular full and part-time employees are eligible to purchase dental insurance through the City's group dental policy at the employee's cost.

Vision Insurance

All regular full- and part-time employees are eligible to purchase eye care insurance through the City's group eye care policy at the employee's cost.

Flexible Spending Account

All regular full and part-time employees are eligible to annually direct up to \$5,000 into a Dependent Care Reimbursement Account to pay for day care expenses and/or up to \$3,000 into a Medical Spending Reimbursement Account to pay for eligible health care expenses that would otherwise be paid out of pocket.

Deferred Compensation

Under section 457 of the IRS code, an employee may generally defer a maximum of 25% of pre-tax income, up to an annual maximum, through payroll deduction.

Roth IRA

Employees may participate in a Roth IRA through payroll deduction.

Employee Assistance Program

Employees have confidential access to an Employee Assistance Program (EAP), paid for by the City. An employee having job performance problems may be referred to the EAP provider by their supervisor. In such a situation, it will be the responsibility of the employee to comply with the referrals and recommendations of the EAP provider. If an employee refuses to comply, the matter will be treated in the same way as refusal or failure to comply with other City policies or procedures. Public Safety employees may access mental health professionals through departmental programs.

Public Employee's Retirement Association (PERA)

In accordance with state law, employees are required to participate in the Public Employee's Retirement Association (PERA). See PERA website for eligibility for specific programs.

Employee Recognition

The City has adopted a program to annually recognize employees' continuous length of service. Recognition awards of a nominal value will be given to employees celebrating years of service as a full or part-time employee in 5-year increments, as adopted by the City Council. The annual recognition program has been approved by the Hastings City Council and is part of the City's compensation plan.

Chapter 7 Holidays

Holidays

All regular full and part-time non-union employees will receive the following holidays off with pay:

New Year's Day
Martin Luther King, Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Two Floating Holidays

Regular, part-time employees receive holiday pay on a prorated basis for all City holidays, regardless of whether they are scheduled to work on the day on which the holiday is recognized. This may result in adjusting schedules to maintain the number of budgeted hours for that position.

A holiday that falls on a Saturday will be observed the preceding Friday. A holiday that falls on a Sunday will be observed the following Monday.

Floating Holidays

New employees who begin employment by June 30 are eligible for two floating holidays. Employees who begin employment after June 30 are eligible for one floating holiday that year.

Regular, part-time employees will receive credit for floating holidays on a pro-rated basis, subject to the budgeted hours scheduled.

Floating holidays must be taken in the full increment earned, and cannot be carried over to the next calendar year.

Chapter 8 Leaves of Absence

Vacation

All regular full-time employees are eligible to accrue vacation according to the following schedule (unless noted differently in the respective collective bargaining agreement):

Years of Service (date of hire)	Annual Accrual	
	Hours	Days
0-1	80	10
Beginning of 2nd year	96	12
Beginning of 6th year	104	13
Beginning of 7th year	112	14
Beginning of 8th year	120	15
Beginning of 9th year	128	16
Beginning of 10th year	136	17
Beginning of 11th year	144	18
Beginning of 12th year	152	19
Beginning of 13th year	160	20
Beginning of 14th year	168	21
Beginning of 15th year	176	22
Beginning of 20th year	200	25

Regular, part-time employees will earn vacation on a prorated basis, up to the maximum accrual equal to a full-time employee accrual rate.

For new hires, the City Administrator may consider other years of experience for vacation accrual rates. All vacation requests are subject to the approval of the supervisor and department head. Unauthorized time off may be considered leave without pay and subject to discipline.

Vacation may be accrued up to the following maximum:

Years of Service	Maximum Accumulation
0-5	120 hours

6-10	180 hours
11+	300 hours

Non-Exempt employees—no vacation will be earned over the maximum allowable hours at any one time.

Exempt Employees—vacation may be earned over the maximum allowable hours during the calendar year. Any hours over that maximum must be used by the employee by December 31 of each year or it will be forfeited by the employee.

Sick Leave

All regular full-time employees are eligible to accrue sick leave at a rate of 96 hours per twelve-month period. Regular part-time employees will earn sick leave on a prorated basis, up to the maximum accrual equal to a full-time employee accrual rate. Sick leave may be accumulated to a maximum of 960 hours.

Sick leave may be granted only for absence from duty because of personal illness, medical appointments, personal accident, job-related accident, legal quarantine, personal medical disability, care for immediate family member with medical disability or serious illness in the immediate family.

Immediate family is defined as the employee's spouse, parent, child(ren)/foster/step child(ren), brother/sister, brother/sister-in-law, mother/father-in-law, grandparents/spouse's grandparents, grandchildren, step parents, and legal guardians.

No advance of sick leave will be allowed. When sick leave is requested for non-emergency and preventative medical appointments, previous approval must be granted by the immediate supervisor.

Employees are required to notify their immediate supervisor within 15 minutes of the employee's scheduled workday if they will be late or not in to work that day for sick leave use. Employees must provide daily updates to their immediate supervisor.

Upon request, the employee shall be required to submit medical certification for any absence. An employee may be required, before being permitted to return to work, to provide medical evidence that s/he is able to perform all significant duties of their job in a competent manner and without hazard.

Sick leave is not a privilege or a vested right, but rather is a type of insurance that is allowed only when the employee is unable to work for permitted medical reasons. Claiming sick leave when physically fit, unsubstantiated excessive sick leave use, or failure to notify as outlined in this policy may be cause for disciplinary action.

Once 960 hours of sick leave has been accumulated, the leave accrual will be as follows:

- ½ of the accrual will be placed in a Prolonged Illness Bank. An employee may only use the prolonged illness bank after all other accumulated sick leave has been used.
- ½ of the accrual will be earned as additional vacation. All vacation is subject to the maximum accrual cap.

Sick Leave Donation

Employees with at least 40 hours of accrued sick leave may donate up to 32 hours annually to be used by employees experiencing a major, life-threatening disease or condition by the employee, the employee's spouse, or minor children. Regular full and part-time employees may receive donated sick leave once their leave balance has been exhausted, up to a maximum of 160 hours. This maximum may be waived by the City Administrator on a case-by-case basis. Participation in the sick leave donation program will be voluntary and confidential. There is no cash value payout of donated sick leave. Any unused donated sick leave will be returned to the donated sick leave pool.

Funeral Leave

Paid time may be used by a regular employee in the case of a death in the immediate family. For full-time employees, up to 40 hours per occurrence may be paid, as actually required and as approved by the department head. Part-time employees are eligible for up to 20 hours per occurrence.

Immediate family is defined as the employee's spouse, parent, child(ren)/step/foster, brother/sister, sister/brother-in-law, mother/father-in-law, grandparents/spouse's grandparents, grandchildren, step parents, legal guardians.

Jury Duty

The City will provide employees with paid leave for jury duty in compliance with state statute and in matters related to the employee's employment with the City. The employee will receive full pay during jury duty, in exchange for submitting any payments received while serving as a juror. Employees retain mileage paid to the employee on jury duty. Jury Duty can last from several days to several months or more. During this time, you will be considered on a leave of absence and will be entitled to continue to participate in insurance and other benefits as if you were working. While serving on Jury Duty, you are expected to call in to your supervisor periodically to keep them apprised of your status. Employees are expected to be at work when their presence is not required in court.

Witness and Victim Leave

The City will provide reasonable time off work to an employee who is a victim or a witness who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony. The City will also provide reasonable time off work for an employee who is the victim of a violent crime, as well as the victim's spouse or immediate family member (parent, spouse, child or sibling of the employee) to attend criminal proceedings related to the victim's case. An employee may also use vacation leave when attending court under this section. An employee must give 48 hours advance notice to the City of their need to be absent under this section unless it is impracticable or an emergency prevents them from doing so. The City may request verification that supports the employee's need for this type of leave

School Conference and Activities Leave

All regular employees are entitled to a maximum of 16 unpaid hours per 12-month period to attend school and pre-kindergarten conferences or school related activities for their child which cannot be scheduled during non-work hours.

Minnesota Pregnancy and Parental Leave

Regular employees who have been employed by the City for at least 12 months and who has worked an average of 20 hours per week are provided with up to twelve (12) unpaid weeks of parental leave upon the birth or adoption of a child, per Minnesota statute. This leave can also be used to cover prenatal care, incapacity due to pregnancy, childbirth, or related conditions for female employees.

The employee must have worked for the City of Hastings for at least twelve (12) months preceding the request; and for an average number of hours per week equal to one-half the full-time equivalent position in the employee's job classification during the 12-month period immediately preceding the leave.

An employee should request a leave in writing and submit it to the appropriate manager and Human Resources at least 30 days prior to the leave. The leave may begin anytime within twelve (12) months after the birth or adoption of a child, or within twelve (12) months after the child leaves the hospital, if the child remains in the hospital longer than the mother.

Prior to the City granting parental leave under this section, benefits eligible to the employee under the Family Medical Leave Act will run concurrently. The maximum allowed unpaid leave under FMLA and Pregnancy and Parental leave is twelve (12) weeks.

Pregnancy Accommodation

The City of Hastings will provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if she so requests, with the advice of her licensed health care provider or certified doula, unless doing so would impose an undue hardship on the company. "Reasonable accommodation" may include, but is not limited to, temporary transfer to a less strenuous or hazardous position, seating, more frequent restroom, food and water breaks, and limits to heavy lifting.

At a minimum, the City of Hastings will offer the following accommodations to the pregnant employee without requiring them to seek advice of her licensed health care provider or certified doula: more frequent restroom, food and water breaks; seating; and limits on lifting over 20 pounds.

The City of Hastings will not retaliate against an employee for requesting or obtaining accommodation under this section. Further, the City of Hastings shall not require an employee to take a leave or accept an accommodation.

Bone Marrow Donation

Regular employees who work an average of 20 hours per week are provided up to 40 hours of paid leave for the purpose to undergo a medical procedure to donate bone marrow. An employee may request leave to serve as a bone marrow donor if the employee is a match to someone needing the donation. The employee must notify Human Resources of the need to take leave at least 30 days before the procedure is scheduled to take place. Written medical certification of the need for leave is also required. Leave will not generally be granted more than once in a 12-month period. The City of Hastings will not retaliate against you for requesting or obtaining a Bone Marrow Donor Leave.

Military Leave

Employees serving in the reserve or National Guard will be entitled to paid and unpaid military leaves of absence as now or hereafter authorized by state and federal statutes. During paid leave to participate in

National Guard or Reserve training, there shall be no loss of seniority, sick leave, or vacation rights. The employee shall be paid their regular pay while on such leave, not to exceed 15 days per year. Leave in excess of this shall be without pay or be deducted from accrued vacation and compensatory balances. Leave from employment to participate in military duty is addressed in federal law in the Uniformed Services Employment & Reemployment Rights Act ([USERRA]38 USC Sections 4301-4333). Public employees in Minnesota engaged in military service have additional benefits under Minnesota Statutes 192.26-192.261.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible.

When an employee returns from Military Leave, they will be reinstated to their previous position or a position of like seniority, status and pay that they would have attained if they had remained continuously employed. For the purpose of determining benefits that are based on length of service, the employee will be treated as if they had been continuously employed.

Any employee who has questions about Military Leave, should contact Human Resources for more information.

Family Military Leave

The City of Hastings will grant an unpaid leave of absence of up to ten (10) working days to qualified employees under the following conditions:

- The employee's immediate family member must be a member of the armed forces and has been injured or killed while engaged in active service, or
- The employee's immediate family member has been ordered into active service in support of a war or other national emergency.

Immediate family member includes parent, child, grandparents, spouse or siblings. The employee should give the City of Hastings as much notice as practicable to take a leave under this policy.

Family and Medical Leave

Employees who have been employed by the City of Hastings for at least twelve months and have worked a minimum of 1250 hours within the previous twelve-month period are eligible for leave under the provisions of the federal Family and Medical Leave Act (FMLA), found under 29 CFR Part 825. The City intends to comply with federal FMLA definitions and regulations, which will be applied if in conflict with City policy.

Eligible Leave

The following constitutes eligible leave: to care for the employee's newborn or newly-placed adopted or foster child; to care for an immediate family member (the employee's parent, child or spouse) with a serious health condition, and the employee's own serious health condition which prevents the employee from performing the essential functions of the position. Federal FMLA law defines eligible leave.

In accordance with the National Defense Authorization Act of 2008, employers must also grant eligible employees FMLA leave for family members called to active military duty and additional leave (up to 26

weeks) to care for family members injured while on active military duty. See Human Resources for additional details on these types of leave.

Notification

Eligible employees must provide written notice at least 30 days in advance if the leave is foreseeable. If a 30-day notice is not possible, as much advance notice as practical must be given. Planned medical treatment should be scheduled so that it will not unduly disrupt the City's operations. The City may place an employee on FMLA leave if leave taken by the employee is more than three days in length and which qualifies as an FMLA-qualifying event.

Length

The length of the leave will not exceed 12-weeks in a 12-month period. The 12-month period is measured forward from the first date eligible leave is used. Leave may be taken on an intermittent schedule only if it does not unduly disrupt the operations of the City or it is medically necessary for a serious medical condition for the employee, the employee's spouse, child, or parent.

Medical Certification

The City may request a certification from a health care provider to support a requested and/or eligible leave under FMLA provisions to care for a serious health condition. The certification will contain the following information:

- The date the condition(s) began and the probable duration;
- Diagnosis and treatment prescribed;
- Appropriate medical facts;
- A statement that the eligible employee is needed to care for the child, spouse, or parent and the estimated time that said employee is needed to care for the family member;
- A statement that the employee is unable to perform the functions of the employee's job;
- In the case of intermittent leave, the dates on which such treatment is expected to be given and the duration of said treatment.

The City may require a second medical opinion at the City's expense. Where there are conflicting medical opinions, a third and deciding opinion may be required by the City, at the City's expense. The third provider will be agreed to jointly by the City and the employee and that provider's opinion shall be considered to be final and binding.

Leave

Employees will be required to use all accrued leave available prior to taking an unpaid leave. The use of paid leave occurs simultaneously with FMLA and does not extend the length of FMLA leave.

Insurance

During FMLA leave, health insurance coverage will be maintained at the same level and under the same conditions as if the employee continued working. Employees will be responsible for payment of the employee's portion of premiums in a timely manner. The employee may choose not to maintain insurance coverage during an unpaid FMLA leave.

Return to Work

The City may require a medical certification attesting to the employee's fitness for duty prior to return to work, which must attest to the employee's ability to perform the essential functions of the position. The City may deny reinstatement until such certification is provided. If an employee fails to return to work, or returns to work for less than 30 days following FMLA-eligible leave, the City may recover the premiums paid by the City for group health benefits.

Medical Information

The City of Hastings has adopted a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by City representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs.

PHI refers to individually identifiable health information received by the City's group health plans and/or received by a health care provider, health plan or health care clearinghouse that relates to past or present health of an individual or for payment of health care claims. PHI information includes medical conditions, health status, claims experience, medical histories, physical examinations, genetic information and evidence of disability.

Annually, or as necessary, the City performs enrollment, changes in enrollment and payroll deductions, helps in claims problem resolution and explanation of benefits issues, and assists in coordination of benefits with other providers. Some or all of these activities may require the use or transmission of PHI. Thus, all information related to these processes will be maintained in confidence and employees will not disclose PHI from these processes for employment-related actions.

Personnel record and disclosures of PHI will be maintained for a period of six (6) years as required by federal law, unless a state law requires a longer retention period. Records that have been maintained for the maximum interval will be destroyed in a manner to ensure that such data is not compromised in the future in accordance with the company record destruction policy.

Unpaid Leave of Absence

Employees may be granted an unpaid leave of absence after all accrued leave has been exhausted, based on legal requirements, City operational needs, and the employee's performance record and length of service. Requests for an unpaid leave of absence must be in writing. The City Administrator may approve qualifying unpaid leaves of absence up to the length of FMLA-eligible leave. Unpaid leaves in excess of FMLA and/or leaves which do not qualify for FMLA eligibility may be approved up to 30-days in length by the City Administrator; any leave in excess of 30 days must be approved by the City Council. Leave accruals will be pro-rated based on the number of hours worked, if any.

Severe Weather

When severe weather conditions prohibit employees from reporting to or completing the employee's regular work shift, only those hours actually worked shall be paid. Hours not worked must be accounted through vacation or compensatory time.

Time off to Vote

All eligible employees are encouraged to vote. While many polling facilities are open to accommodate working voters, employees eligible to vote in an election may take time off on Election Day for a

reasonable period to vote without loss of wages or salary. A reasonable period includes the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election.

“Election” for purposes of this section includes a regularly scheduled state primary or general election, an election to fill a vacancy for a US senator or representative, and a presidential primary.

Election Judges

An employee who is selected to serve as an election judge pursuant to section 204B.21, subdivision 2, after giving the City at least 20 days' written notice, may be absent from work for the purpose of serving as an election judge without penalty. The City may reduce the salary or wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment.

Leave Without Approval

Employees must receive prior approval for an absence from work for foreseeable events and as soon as possible for unforeseeable events. Any absence from duty without approval by the employee's supervisor or appropriate designee may be subject to discipline, up to and including discharge. An employee who is absent from work without approval for three working days in a one-year period may be considered to have voluntarily resigned from employment with the City.

Chapter 9 Respectful Workplace

The City of Hastings is committed to creating and maintaining a public service workplace free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws.

In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment. Discriminatory behavior includes inappropriate remarks about, or conduct related to a person's legally protected characteristic such as race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance

This policy statement is intended to make all employees, volunteers, members of boards and commissions, applicants, contractors/vendors, and elected officials and members of the public aware of the matter of harassment, but specifically sexual harassment, to express the City's strong disapproval of harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

Maintaining a work environment free from harassment is a shared responsibility. This policy is applicable to all city employees, volunteers, applicants, contractors/vendors, members of boards and commissions, City Council members, and members of the public both in the workplace and other City-sponsored social events.

It is also the policy of the City of Hastings to maintain a work environment that maintains employee equality, respect, and dignity. In keeping with that commitment, the City of Hastings maintains a strict policy prohibiting any form of unlawful employee harassment based on race, color, creed, religion, national origin, sex, marital status, familial status, sexual orientation or identity, disability, political affiliation, age, status with regard to public assistance or veteran status. Harassment, whether verbal, physical or environmental, and whether in the workplace or in outside workplace sponsored settings, is unacceptable and will not be tolerated.

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City of Hastings acknowledges that this policy cannot possibly predict all situations that may arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs (e.g. police officers).

Examples of conduct that may constitute a violation of the City's policy against harassment may include but are not limited to:

- Conduct or communication that interferes with an employee's well-being or work performance or creates an atmosphere that is intimidating, hostile, or offensive.
- Actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive by a reasonable person.
- The deliberate or careless expression of epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to a protected class characteristic. This includes acts or

statements that purport to be “jokes” or “pranks”, but that are hostile, demeaning or are otherwise found to be offensive by the individual(s) witnessing the act or statement.

Sexual Harassment

One specific kind of disrespectful and illegal behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome sexually directed behavior, has been specifically defined by the Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:

- Submission to such conduct is explicitly or implicitly a term or condition of an individual’s employment; or
- Submission to or rejection of the conduct by an individual is used as the basis for employment decision affecting such individual; or
- The conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes, but is not limited to, such actions as:

- Unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or proposition and sexually-suggestive gestures, body language or facial expressions or abuse;
- Subtle or overt pressure for sexual activity;
- Physical contacts such as patting, pinching, touching, kissing, or constant brushing against another’s body;
- Demands for sexual favors that affect the individual’s employment status or consideration.

Reporting

Any incident of harassment or sexual harassment should promptly be reported to any of the following: the employee’s supervisor, their supervisor’s supervisor, a department head, the Human Resources Director, the City Administrator, or the City Attorney. Sexual harassment by any one City employee against another City employee will not be tolerated and will be grounds for dismissal.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use their discretion to call 911, and/or take other reasonable action, and as soon as feasible, a supervisor.

1. The employee should communicate to the harasser the conduct is unwelcome. The employee should professionally, but firmly, tell whoever is engaging in the disrespectful behavior how the employee feels about their actions, and request the person to stop the behavior because the employee feels intimidated, offended, or uncomfortable. If practical, the employee may want to bring a witness for this discussion.
2. In some situations, such as with an offender from the public, it is preferable to avoid one-on-one interactions. The employee should talk to their supervisor about available options to ensure there are others available to help with transactions with an offender.
3. To reiterate, it’s important that the employee notify a supervisor, the Human Resources Director, the City Administrator of the employee’s concerns promptly. Any employee who

observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it promptly to a supervisor, the Human Resources Director, or the City Administrator. The person to whom the employee speaks is responsible for documenting the issues and for giving the employee a status report on the matter. If, after what is considered to be a reasonable length of time, the complaining employee believes inadequate action is being taken to resolve their complaint/concern, the next step is to report the incident to the next level supervisor, the City Administrator, or the City Attorney.

The City urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. The City takes these complaints seriously and has the obligation to provide an environment free of sexual harassment. The City is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, a supervisor must report the allegations promptly to the City Administrator. If the City Administrator is the subject of the complaint, then the supervisor is to report the complaint to the City Attorney. A supervisor must act upon such a report even if requested otherwise by the victim. The City will take proportionate corrective action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. As noted later in this policy, retaliation is strictly prohibited. All allegations will be investigated. Formal investigations will be prompt, impartial, and thorough. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible. Any investigation process will be handled as confidentially as practical and related information will only be shared on a need-to-know basis and in accordance with the Minnesota Government Data Practices Act and/or any other applicable laws.

To facilitate fostering a respectful work environment, all employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment.

The City is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, subd. 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.

When the supervisor is the alleged harasser, a report will be made to the City Administrator who will assume the responsibility for investigation and discipline. For more information about what to do when allegations involve the City Administrator, the Mayor, or a Councilmember, see below.

If the City Administrator is the alleged harasser, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a Councilmember is the alleged harasser, the report will be made to the City Administrator and referred to the City Attorney who determine the appropriate investigation and action. The City Attorney will report their findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens. The City will take reasonable and timely action, depending on the circumstances of the situation.

If an elected or appointed City official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

In cases such as these, it is common for the City Council to authorize an investigation by an independent investigator (consultant). The City will take reasonable and timely action, depending on the circumstances of the situation.

Retaliation

The City of Hastings will not tolerate retaliation or intimidation directed towards anyone who reports employment discrimination, serves as a witness, participates in an investigation, and/or takes any other actions protected under federal or state discrimination laws, including when requesting religious or disability accommodation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal or harassment. While each situation is very fact dependent, generally speaking retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If any employee feels retaliation is occurring within the workplace, the employee should report their concern immediately to any of the following: the employee's immediate supervisor, the employee's supervisor's supervisor, the City Administrator, the Mayor or City Councilmember. In the event an employee feels retaliation has occurred by the City Administrator or the City Council, then reporting may be made to the City Attorney.

Supervisors who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the City Administrator, or if the complaint is against the City Administrator to the City Attorney, who will decide how to proceed in addressing the complaint.

Consistent with the terms of applicable statutes and City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations.

Abusive Customer Behavior

The City has a strong commitment to customer service; however, it does not expect that employees have to tolerate disrespectful behavior or verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may choose to try to defuse the situation themselves, including terminating the contact with the abusive customer.

Bullying Policy

The purpose of this policy is to communicate to all employees, including supervisors and department heads, that the City of Hastings will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination of employment.

The City of Hastings defines bullying as repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms: verbal abuse, offensive conduct/behaviors (including nonverbal) which are threatening, humiliating or intimidating, work interference – sabotage – which prevents work from getting done. Bullying is also defined as harassing another person (for example, making obscene phone calls or using threatening body language or gestures, such as standing close to someone or shaking your fist at them).

The City of Hastings is committed to enforcing this policy against all forms of workplace bullying. However, the effectiveness of our efforts depends largely on employees telling us about all incidents of workplace bullying, including threats. Employees who feel they have experienced or witnessed any workplace bullying should report it immediately by following reporting recommendations in the earlier section of this chapter. If employees do not report workplace bullying incidents, the City of Hastings may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Violence Prevention

The City of Hastings is committed to preventing workplace violence and to maintaining a safe work environment. Violent behavior includes the use of physical force, harassment, or intimidation. The City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that might occur during business hours or on our premises.

Employees are expected to refrain from fighting, “horseplay,” or other conduct that may be dangerous to others. The City prohibits firearms, weapons, and other dangerous or hazardous devices and substances from City premises without proper authorization.

The City of Hastings will not tolerate conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods. All threats of (or actual) violence, either direct or indirect, should be reported as soon as possible to the employee’s supervisor or Human Resources. This includes threats by employees as well as threats by customers, vendors, solicitors, or anyone else. When reporting a threat of violence, you should be as specific and detailed as possible.

Be sure to report any suspicious person or activities as soon as possible to a supervisor. No employee should place themselves in peril.

The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the person who made the report will be protected to the extent practical. To maintain workplace safety and the integrity of its investigation, the City of Hastings may suspend an employee, either with or without pay, pending investigation.

Any person who violates these guidelines will be subject to corrective action, up to and including termination of employment. Violations include making a threat of violence or committing a violent act. If an employee is having a dispute or difference with another employee, the employee is encouraged to discuss it with their supervisor or Human Resources before the situation escalates into potential violence. The City of Hastings is eager to assist in the resolution of employee disputes and will not discipline an employee for raising these types of concerns.

Policy Prohibiting Weapons in the Workplace

This policy applies to regular full and part-time employees, temporary and seasonal employees, firefighters, independent contractors, and anyone else who is employed and/or contracted by the City of Hastings. Possession, carrying, concealing, using or storing or weapons or ammunition is prohibited on City property, in City vehicles, or in any personal vehicle which is used for City business, other than by licensed sworn police officers. A “weapon” includes, without limitation guns, pistols, clubs and any other item the purpose of which is to threaten or inflict bodily harm upon any person.

This policy applies, without limitation, to concealed weapons for which a valid permit has been issued and to all persons to whom a valid permit to carry a concealed weapon has been issued. An employee who has a valid permit to carry a concealed weapon may, when not acting within the course and scope of their employment, carry or possess that weapon in City-owned parking area, but in no other location on the City of Hastings premises or a client's premises. Weapons other than concealed weapons for which a valid permit has been issued are prohibited in city owned parking areas. Employees who violate this policy are subject to corrective action up to and including termination of employment. Any firearm brought onto City-owned parking areas by an employee must be placed out of sight in the personal vehicle and the vehicle must be locked.

Chapter 10 Separation from Service

Advance Resignation Notice Program

The City's Advance Resignation Notice Program is designed to improve the efficiency and stability of the City's workforce by encouraging employees to give the City advance notice of their intent to resign or retire. The City offers a one-time payment to eligible employees based on years of service and amount of advanced notice. Forms are available on the City Intranet.

Resignation

An employee wishing to resign from City employment in good standing will provide written notice at least fourteen (14) calendar days in advance, stating the effective date and the reason for leaving. Failure to comply with this procedure may be considered cause for denying employee severance pay and future employment with the City. Unauthorized absences for a period of three consecutive work days may be considered as a resignation without notice. Employees must be in good standing and provide proper notice in order to be eligible for the payout of accrued but unused leave. In the case of termination resulting in misconduct, unused leave will not be paid out. If a 14-day notice is not provided, unused leave will be forfeited and will not be paid out upon exit.

An employee is expected to work their regular schedule during the notice period preceding resignation. The last day actually worked will be recorded as the employee's official date of separation from employment. Accrued leave or holidays may not be used on an employee's last day of employment.

Retirement

Retirement is defined as voluntary separation from employment when the employee is immediately eligible, based on age and/or service requirements, for payout from the Public Employee's Retirement Association (PERA). An employee wishing to retire from City employment in good standing will provide written notice at least fourteen (14) days in advance, stating the effective date. Employees eligible for City-paid health insurance must comply with the notification requirements as outlined later in this chapter.

An employee is expected to work their regular schedule during the notice period preceding retirement. The last day actually worked will be recorded as the employee's official date of separation from employment. Accrued leave or holidays may not be used on an employee's last day of employment.

Layoff

The City may layoff an employee due to a work shortage, lack of funds, abolition of a position, any material changes in the duties of a position or the organization, or other reasons. The duties performed by any laid-off employee may be reassigned to other employees who occupy positions in other classes.

No regular full or part-time employees will be laid off while there are temporary or probationary employees serving in the same class of position for which the regular employee is qualified, eligible, and available. No suspension, demotion, or dismissal of an employee will be considered a layoff, nor will separation as a result of reduction or cessation of federal or state funded programs be considered a layoff.

The City will provide written notice of a layoff at least fourteen calendar days in advance of the effective date of the layoff. Laid off employees may be recalled from layoff on the basis of seniority for a period

of up to one year. Employees who are offered their former position and refuse it shall be considered resigned. Laid off employee for a period of longer than one year shall be considered dismissed.

Dismissal

The City may dismiss any employee at any time for misconduct, inefficiency, incompetence, violation of work rules, or other sufficient cause. Dismissal may be grounds for denial of payout of sick, vacation or other applicable leave.

Severance

Employees who separate from employment in good standing may be eligible for payout of sick leave, compensatory time, and vacation leave balances. Eligibility and payout rates are outlined below or defined by the appropriate bargaining agreement.

- A. Vacation – A regular employee who separates employment will receive payment of all accrued vacation time, up to the maximum accumulation allowed, except in circumstances otherwise addressed earlier in this chapter.
- B. Sick Leave – A regular employee who has completed five years of service is eligible for a payout of 25% of the balance of accrued unused sick leave (maximum payout of 320 hours – 25% of 1280 hours). A regular employee who has completed ten years of service is eligible for payout of 50% of the balance of accrued unused sick leave and the prolonged illness bank, except in circumstances otherwise addressed earlier this chapter (maximum payout of 640 hours - 50% of 1280 hours).
- C. Compensatory Time – A regular employee who separates employment will receive payout of all accrued compensatory time, up to the maximum accumulation allowed, except in circumstances otherwise addressed in this chapter.
- D. Any employee in the non-union, PERA Police and Fire positions with 15 or more years of PERA service will have 100% of their eligible sick leave be paid out to a MSRS Health Care Savings Plan upon separation.

City-Paid Health Insurance for Retirees

Employees meeting the following criteria will be entitled to City-paid health insurance for a period of up to ten years or until the employee would reach Medicare age, whichever comes first:

- Was hired prior to January 1, 1993;
- Qualifies for retirement under the City's definition;
- Has at least ten years of service as a regular, full-time employee with the City of Hastings;
- Has provided at least four months written notice of their intent to retire.

Qualified employees must be enrolled in the health plan they want in place during this City-paid continuation period for at least six months prior to their date of retirement.

Regular full-time employees hired after January 1, 1993 are not entitled to City-paid health insurance benefits upon retirement. Full-time employees, who meet the City's definition of retirement, including those employees who have exhausted their City-paid health insurance benefit, may remain on the City's group health insurance plan indefinitely at their own expense, as permitted under Minnesota Statute 471.61.

Insurance Continuation

Federal and state insurance continuation laws (Consolidated Omnibus Budget Reconciliation Act [“COBRA”] and Minnesota Statutes 471.617) require employers to offer employees and covered dependents the opportunity to continue to receive health care coverage upon the occurrence of certain qualifying events that would otherwise result in termination of their group health care coverage. Qualified employees are notified of their rights under this continuation when they reduce their working hours to below benefit-earning levels, disability, termination, divorce, children losing dependent status, death, or Medicare entitlement, they may continue their medical insurance for up to 18, 29, 36 months, or indefinitely, depending on the qualifying event and in accordance with Minnesota Continuation Law. The employee must elect continuation within 60 days of the qualifying event. It is the employee’s responsibility to advise Human Resources if dependent coverage is being lost due to any of the above reasons.

It is the employee’s responsibility to send in the total cost stated in the COBRA forms by the beginning of each month for that following month, or the City of Hastings will terminate coverage if no payment has been received. Per COBRA guidelines, the employee or their dependents will be responsible for the full cost.

Reference Checks

The City will provide reference information on current and former employees within the scope of the Minnesota Government Data Practices Act, unless the current or former employee authorizes the release of a fuller disclosure in writing.

Chapter 11 Drug-Free Workplace

Drug Free Workplace/Drug and Alcohol Testing Policy

The City of Hastings is a drug free workplace and has adopted pre-employment and reasonable suspicion testing in compliance with State and Federal Statutes.

The City of Hastings recognizes that safety problems are created when employees use or abuse illegal drugs and/or alcohol. The City is concerned about providing a safe workplace for its employees with the goal of attaining and maintaining a drug and alcohol-free workplace. The City of Hastings expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is a condition of employment.

The City of Hastings prohibits employees from the possession, use, impairment by, sale, dispensation, distribution, purchase, or unlawful manufacture of un-prescribed drugs and intoxicants on the City of Hastings' premises and from working under the influence of alcohol, illegal drugs or intoxicants during working hours.

Any violator of this substance abuse policy will be subject to appropriate corrective action, up to and including termination of employment. When work is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the City of Hastings.

The City also recognizes the concerns of employees if they are part of drug testing in the workplace. In order to guard against inaccurate test results, the testing policies and procedures will conform to the requirements of state law as set forth in Minnesota Statutes Chapter 181 and the Federal Drug-Free Workplace Act of 1988. Employees are required to adhere to the responsibilities and requirements outlined in this section. Failure to submit to testing is grounds for dismissal.

A. Definitions

Alcohol means ethyl alcohol.

Confirmatory Test and Confirmatory Retest mean a drug or alcohol test that uses a method of analysis allowed under the program listed in Minnesota Statute 181.953 Subd. 1.

Drug means a controlled substance as defined in Minnesota Statute 152.01, Subd. 4.

Drug and Alcohol Testing and "Drug or Alcohol Test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statute 181.953, Subd. 1 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Drug Paraphernalia has the meaning set forth in Minnesota Statute 152.01, Subd. 18.

Employee means a person employed by the City. This definition includes all employees defined in the City Employee Handbook.

Employer means the City of Hastings.

Initial Screening Test means a drug or alcohol test which uses a method of analysis under one of the programs listed in Minnesota Statute 181.953, Subd. 1 or alcohol in a sample.

Job Applicant means a person, who applies to become an employee of the City of Hastings, and includes a person who has received a job offer made contingent on the person passing drug and alcohol testing(s).

Positive Test Result means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in the levels contained in the standards of one of the programs listed in Minnesota Statute 181.953, Subd. 1.

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 or alcohol usage would threaten the health or safety of any person; all sworn and non-sworn personnel, excluding clerical employees, in the Hastings Police Department are safety-sensitive positions.

Under the Influence means having the presence of a drug or alcohol at or above the level of a positive test result.

B. Employees subject to Drug or Alcohol Testing

No person will be tested for drugs or alcohol under this policy without the person's consent. The City will request or require an individual to undergo drug or alcohol testing only under the circumstances described in this policy.

1. Job Applicants—job applicants may be requested or required to undergo drug and alcohol testing after a job offer has been conditionally made and before commencing employment in the position.
2. Reasonable Suspicion Testing—The City may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion that the employee:
 - a. Is under the influence of drugs or alcohol while the employee is working; while the employee is on the City's premises; or operating City vehicles, machinery, or equipment; or
 - b. Used, possessed, sold or transferred drugs, alcohol, or drug paraphernalia while the employee is working; while the employee is on City premises; operating City vehicles, machinery, or equipment; or
 - c. Has sustained a work-related personal injury as that term is defined in Minnesota Statute 176.011, Subd. 16, or has caused another person to die or sustain personal injury; or
 - d. Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident resulting in total property damage exceeding \$1,000; or
 - e. Has discharged a firearm other than:
 - i. on a target range, or
 - ii. while conducting authorized ballistic tests, or
 - iii. as authorized by City of Hastings Police Department General Order concerning dangerous or suffering animals; or
 - f. Has, as determined only by employee's department head, or the City Administrator, engaged in an act or omission related to the performance of the job, whether

committed on or off duty, that logically requires or justifies testing, revealed clear and compelling necessity by the nature of the incident.

3. Required Random Drug and Alcohol Testing for City Employees with Commercial Driver's Licenses—City of Hastings employees who are required to possess a valid commercial driver's license as a condition of their employment position are subject to applicable State or Federal random drug testing requirements as established and adopted by the City of Hastings.
 4. Other Testing—The City may permit an employee who has requested a drug and alcohol test to undergo testing in accordance with the procedures established by the policy or by State or Federal Law.
 5. Treatment Program Testing—The City may request or require an employee to undergo drug and alcohol testing if the employee has been referred by the City for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period of up to two (2) years following completion of any prescribed chemical dependency treatment program.
- C. Refusal to Undergo Testing
1. Job Applicants—If a job applicant refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given, and the job applicant shall be deemed to have withdrawn the application for employment.
 2. Employees—If any employee refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given, and the appointing authority shall recommend that the employee be discharged from employment on the grounds of insubordination.
 3. Refusal on Religious Grounds—No employee or job applicant who refuses to undergo drug or alcohol testing of a blood sample upon religious grounds shall be deemed to have refused unless the employee or job applicant also refuses to undergo drug or alcohol testing of a urine sample.
- D. Procedure for Testing
1. Notification Form—Before requesting an employee or job applicant to undergo drug or alcohol testing, the City shall provide the individual with a form on which to:
 - a. Acknowledge that the individual has seen a copy of the City of Hastings drug and alcohol testing policy, and
 - b. Indicate consent to undergo the drug and alcohol testing.
 2. Test Sample—the test sample shall be obtained in a private setting, and the procedures for taking the sample shall ensure privacy to employees and with job applicant to the extent practicable, consistent with preventing tampering with the sample, and may include a witness. No test sample shall be taken on the City's premises and the test sample shall not be handled by City of Hastings employees.
 3. Identification of Samples—Each sample shall be sealed into a suitable container free of any contamination that could affect test results. The sample shall be identified for processing by the licensed testing laboratory.
 4. Chain of Custody—the City shall use a testing laboratory that has established reliable chain-of-custody procedures to ensure proper recordkeeping, handling, labeling, and identification of the samples to be tested. The procedures must require the following:
 - a. Possession of a sample must be traceable to the employee from whom the sample is collected through the time the sample is delivered to the laboratory;

- b. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
 - c. A sample must be accompanied by a written chain-of-custody record; and
 - d. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain of custody record at the time of transfer.
5. Laboratory—the City shall use the services of a testing laboratory that meets one of the following criteria:
 - a. Drug Testing
 - i. Is certified by the National Institute on Drug Abuse as meeting the mandatory guidelines published at 54 Federal Register 11970 to 11989, April 11, 1988;
 - ii. Is accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program; or
 - iii. Is licensed to test for drugs by the State of New York, Department of Health, under Public Health Law, article 5, title V, and rules adopted under that law.
 - b. Alcohol Testing
 - i. Licensed to test for drugs and alcohol by the state of New York, Department of Health, under Public Health Law, article 5, title V, and the rules adopted under that law; or
 - ii. Accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, in the laboratory accreditation program.
6. Retention and Storage—All samples that produced a positive test result shall be retained and properly stored for at least six (6) months.
7. Test Report—The testing laboratory shall prepare a written report indicating the drugs, alcohol, or their metabolites tested for and whether the test produced negative or positive test results. The testing laboratory shall disclose that report to the City within three (3) working days after obtaining the final test results.
 - a. Notice of Test Results—Within three (3) working days after receipt of the test result from the testing laboratory, the City shall inform an employee or job applicant who has undergone drug or alcohol testing in writing of a negative test result on an initial screening test of a negative test result or of a positive test result on a confirmatory test. The City shall also inform an employee or job applicant to the following rights pursuant to Minnesota Statute 181.953:
 - i. The right to request and receive from the City a copy of the test result report.
 - ii. The right to request within five (5) working days after notice of a positive test result a confirmatory test retest of the original sample at the employee's or applicant's own expense. If a confirmatory retest is conducted in accordance with Minnesota Statute 181.953, Subd. 1 by a licensed laboratory at the same threshold detection levels as used in the confirmatory test, and the confirmatory retest does not result in a positive test result, the City shall reimburse the actual cost of the confirmatory retest in an amount not to exceed \$100.00.
 - iii. The right to submit information to the City within three (3) working days after a notice of a positive test result to explain that result.

- iv. The right of an employee, for whom a positive test result on a confirmatory test was the first such result on a drug or alcohol test requested by the City, not to be discharged unless the City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program. Participation in a counseling or rehabilitation program will be at the employee's own expense or pursuant to coverage under an employee's benefit plan. The City may determine which type of program is more appropriate for the employee after consultation with a certified chemical use counselor or physician trained in the diagnosis of chemical dependency. The employee may be discharged if they have either refused to participate in the counseling or rehabilitation or has failed to successfully complete the program. Withdrawal from the program before its completion or a positive test result on a confirmatory test after completion of the program will be considered evidence that the employee failed to successfully complete the program.
- v. The right to be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative. Employees may be temporarily suspended pending the results of a confirmatory test.
- vi. The right not to be discharged, disciplined, discriminated against, or required to be rehabilitated on the basis of medical history information revealed to the City concerning the reliability of, or explanation of, a positive test result unless the employee or job applicant was under an affirmative duty to provide the information before, upon, or after hire.
- vii. The right to access the information on the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process including conclusions drawn from and actions taken based on the reports or other acquitted information.
- viii. The right of an employee or a job applicant, who has received a job offer made contingent on the applicant passing drug and alcohol testing, to not have the offer withdrawn based on a positive test result from an initial screening test that has not been verified by a confirmatory test.

E. Action After Test

1. Job Applicants—The appointing authority will not withdraw an offer of employment made contingent on the job applicant passing drug and alcohol testing based on a positive test result from an initial screening test that has not been verified by a confirmatory test. When there has been a positive test result in a confirmatory test and in any confirmatory retest, the appointing authority will withdraw the contingent offer of employment if the City determined in accordance with the Minnesota Human Rights Act that alcohol or drug usage or abuse:
 - a. Prevents the job applicant from performing the essential functions of the job in question; or
 - b. Constitutes a direct threat to property or the safety of others; or
 - c. Otherwise constitutes a bona fide occupational qualification.
2. Employees—The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee solely on the basis of a positive test result from an initial screening test. Where there has been a positive test result in a confirmatory test and in any confirmatory retest, the City may do the following:

- a. First Positive Test Result—Give the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate. The City may determine which program is more appropriate after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation in a counseling or rehabilitation program will be at the employee's own expense or pursuant to coverage under an employee's own benefit plan. If the employee either refuses to participate in the counseling or rehabilitation program or fails to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program, and alcohol or drug abuse prevents the employee from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others or otherwise constitutes a bona fide occupational qualification, the appointing authority will recommend that the employee be disciplined; including but not limited to, discharge from employment.
 - b. Suspensions and Transfers—Notwithstanding any other provisions herein, the City may temporarily suspend the tested employee with pay for up to ninety (90) days or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory retest, and, if requested, the confirmatory retest, provided that the City believes that it is necessary to protect the health or safety of the employee, co-employees, or the public.
 - c. Other Misconduct—Nothing in this policy limits the right of the City to discipline or discharge an employee on grounds other than a positive test result in a confirmatory test, including for a violation occurring in the workplace.
- F. Data Privacy—The City of Hastings will not disclose the test result reports and other information acquired in the drug or alcohol testing process to another employee or to a third-party individual, governmental agency, or private organization without the written consent of the employee tested, unless permitted by law or court order.
- G. Rights of Employees—An employee has the right to offer the City a written explanation of a positive test result on a confirmatory test within three (3) working days after notice of the positive test result, and has a right to request within five (5) working days after notice of a positive test result a confirmatory retest of the original sample at another licensed testing laboratory at the employee's or job applicant's own expense.
- H. Appeals Procedure—The appeals procedure concerning disciplinary actions taken pursuant to this drug and alcohol testing policy are as follows:
1. Temporary Employees—Temporary employees shall have no right of appeal.
 2. Non-Veterans on Probation—An employee who has not completed the probationary period and who is not a veteran has no right of appeal.
 3. Non-Veterans After Probation—A regular employee who has completed the review period and who is not a veteran has a right to appeal. Disciplinary actions taken pursuant to his drug and alcohol testing policy are appealable pursuant to the procedures established in the City's Grievance and Discipline policies.
 4. Veterans—An employee who is a veteran has the right to appeal to the City Council a permanent demotion (including salary decreases), or a discharge, if the employee submits a notice of appeal within sixty (60) calendar days of the action, regardless of status with respect to the review period. An employee who is a veteran may have additional rights under the Veterans Preference Act, Minnesota Statute 197.46.

5. Employees Covered under Collective Bargaining Units Contracts—An employee who is covered by a collective bargaining agreement may elect to seek relief under the terms of that agreement by contacting the appropriate union and initiating grievance procedures in lieu of taking up the grievance procedure outlined in the City Employee Handbook. All notices of appeal not covered under a collective bargaining agreement must be submitted in writing to the Hastings City Administrator, 101 4th Street East, Hastings, MN 55033.
- I. Good Faith Effort—The City of Hastings will make a continuing good faith effort to maintain a drug-free workplace through the implementation of its Drug and Alcohol Testing Policy.

Information Technology

General Information

This policy serves to protect the security and integrity of the City's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources.

Computers and related equipment used by City employees are property of the City. The City reserves the right to inspect, without notice, all data, emails, files, settings, or any other aspect of a City-owned computer or related system, including personal information created or maintained by an employee. The City may conduct inspections on an as-needed basis as determined by City Administration.

Beyond this policy, the city's Information Technology department may distribute information regarding precautions and actions needed to protect City systems; all employees are responsible for reading and following the guidance and directives in these communications.

Personal Use

Personal use of City computers and software is allowed but should be limited due to security risks.

Permitted Use

All use of City computers and software, including personal use, must adhere to provisions in this policy, including the following:

- Employees shall not connect personal peripheral tools or equipment (such as printers, digital cameras, disks, USB drives, smart phones, or tablets) to City-owned systems, without prior approval from the Information Technology department. If permission to connect these tools/peripherals is granted, the employee must follow provided directions for protecting the City's computer network.
- Personal files should not be stored on City computer equipment. This also applies to personal media files, including but not limited to mp3 files, wav files, movie files, iTunes files, or any other file created by copying a music CD, DVD, or files from the Internet. Information Technology staff will delete these types of files if found on the network, computers, or other City-owned equipment. Exceptions would be recordings for which the City has created, owns, purchased, or has a license.
- City equipment or technology shall not be used for personal business interests, for-profit ventures, political activities, or other uses deemed by the City Administrator to be inconsistent with City activities. If there is any question about whether a use is appropriate, it should be forwarded to City Administration for a determination.

Hardware

In general, the City will provide the hardware required for an employee to perform his or her job duties. Requests for new or different equipment should be made to your supervisor, who will forward the request to the Information Technology department.

Only City staff may use City technology equipment. Use of City equipment by family members, friends, or others is strictly prohibited.

Employees are responsible for the proper use and care of City-owned computer equipment. City computer equipment must be secured while off City premises; do not leave computer equipment in an unlocked vehicle or unattended at any offsite facility. Computer equipment should not be exposed to extreme temperature or humidity. If a computer is exposed to extreme heat, cold, or humidity, it should be allowed to achieve normal room temperature and humidity before being turned on.

Software

In general, the City will provide the software required for an employee to perform their job duties. Requests for new or different software should be made to your supervisor, who will forward the request to the Information Technology department.

Employees shall not download or install any software on their computer without the prior approval of the Information Technology department. Exceptions to this include updates to software approved by IT such as Microsoft updates, or other productivity software updates. The IT department may, without notice, remove any unauthorized programs or software, equipment, downloads, or other resources.

Electronic Mail

The City provides employees with an email address for work-related use. Personal use of the City email system by employees is not allowed.

Employee emails may be considered public data for both e-discovery and information requests and may not be protected by privacy laws. Email may also be monitored as directed by the City authorized staff and without notice to the employee.

Employees must adhere to these email guidelines:

- Never transmit an email that you would not want your supervisor, other employees, members, city officials, or the media to read or publish (e.g., avoid gossip, personal information, swearing, etc.).
- Use caution or avoid corresponding by email on confidential communications (e.g., letters of reprimand, correspondence with attorneys, medical information).
- Do not open email attachments or links from an unknown sender. Delete junk or “spam” email without opening it if possible. Do not respond to unknown senders.
- Do not use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.

Personal Devices

Employees may choose to use their own equipment to read or compose email or other City data as governed in this policy. Employees understand that by connecting their personal equipment to the City’s email server, their personal devices could be searched during an e-discovery or other court-ordered scenarios, and agree to grant access to their personal devices should such a situation arise.

Security

Passwords

Employees are responsible for maintaining computer/network passwords and must adhere to these guidelines:

- Passwords must be at least eight characters long and include at least three of the following: lowercase character; uppercase character; and a number or non-alpha-numeric character (e.g., *, &, %, etc.). Password requirements may be changed as necessary, as determined by the Information Technology Manager.
- Passwords should not be shared or told to other staff. If it is necessary to access an employee's computer when they are absent, contact your supervisor or the Information Technology department.
- Passwords can be stored in an encrypted password manager provided by the IT department. They should not be stored in any location on or near the computer, or stored electronically such as in a cell phone or other mobile device.
- Employees must change passwords every 90 days when prompted, or on another schedule as determined by the Information Technology Manager.

Network access

Non-City-owned computer equipment used in the City's building should only use the wireless public connection to the Internet. Under no circumstances should any non-City-owned equipment be connected to the City's private network via WIFI or a network cable. Exceptions may be granted by the IT Manager or designee.

Remote Access to the Network

Examples of remote access include, but are not limited to: Outlook Web Access (web mail), virtual private network (VPN), Windows Remote Desktop, and Windows Terminal Server connections. While connected to City computer resources remotely, all aspects of the City's Computer Use Policy will apply, including the following:

- Remote access to the City's network requires a request from the department head. Remote access privileges may be revoked at any time by an employee's supervisor.
- If remote access is from a non-City-owned computer, employee-provided, updated anti-virus software must be installed and operational on the computer equipment, and all critical operating system updates must be installed prior to connecting to the City network remotely. Failure to comply could result in the termination of remote access privileges.
- Recreational use of remote connections to the City's network is strictly forbidden. An example of this would be a family member utilizing the City's cellular connection to visit websites.
- Private or confidential data should not be transmitted over an unsecured wireless connection. Wireless connections are not secure and could pose a security risk if used to transmit City passwords or private data while connecting to City resources. Wireless connections include those over cellular networks and wireless access points, regardless of the technology used to connect.

Internet

The following considerations apply to all uses of the Internet:

- Personal use of the Internet is permitted but should be limited due to security risks. Employees may not at any time access inappropriate sites. Some examples of inappropriate sites include

but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races, or religions. If you are unsure whether a site may include inappropriate information, you should not visit it.

- If an employee's use of the Internet is compromising the integrity of the City's network, Information Technology staff may temporarily restrict that employee's access to the Internet. If IT staff does restrict access, they will notify the employee, HR, and the employee's manager as soon as possible, and work with the employee and manager to rectify the situation.
- The City may monitor or restrict any employee's use of the Internet without prior notice, as deemed appropriate by the employee's manager.

Data Retention

Electronic data should be stored and retained in accordance with the City's Record Retention Policy.

Voicemail Policy

The telephone and voicemail systems are the property of The City of Hastings. They have been provided by The City of Hastings for use in conducting City business. All communications and information transmitted by, received from, or stored in this system are company records and property of The City of Hastings.

Employees have no right or expectation of privacy in any matter stored in, created, received, or sent over the City of Hastings telephone and voicemail systems. The City of Hastings maintains the right to monitor, access, retrieve, and delete any voicemail messages as well as monitor the telephone system for any reason without the permission of any employee and without notice. Supervisors and managers shall have the right to review voicemail messages of any employee supervised by them at any time or for any reason. Voicemail PINs may be requested or reset in order to be accessed by the City in an employee's absence.

Even though The City of Hastings reserves the right to retrieve and listen to any voicemail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or listen to any voicemail messages that are not sent to them. Prior to transferring any voicemail messages, employee must ensure that no confidential or sensitive information is being released.

All usage and communication over the City's telephone and voicemail systems must adhere to the City's policies outlined in the Work Rules and Code of Conduct section as well as the Respectful Workplace section of the Employee Handbook.

Chapter 12 Safety and Health

The City is committed to providing a safe and healthy working environment for its employees. The City shall provide the proper training, tools, and equipment necessary for a reasonably safe working environment.

It is the responsibility of each employee to understand and comply with the safety rules and regulations established both departmentally and City-wide, as well as safely and properly operate all tools and/or equipment. Employees are responsible for promptly reporting any safety concerns to their supervisor.

It is the duty of each supervisor and department head to establish reasonable safety regulations and procedures and instruct employees in accident prevention and safe operation. Supervisors are responsible for acting promptly when any safety concerns are reported.

Safety and Wellness Committee

Employees are encouraged to participate in the City's safety committee, which meets regularly to develop recommendations and coordinate overall accident prevention and employee educational training programs.

Accidents

Whenever an employee has an accident, damages property, or is injured on the job, they must report directly to their supervisor.

Personal Injury/Workers Compensation

In cases of personal injury, appropriate treatment will first be given, and a First Report of Injury and Supervisors Report must be completed and submitted promptly. Workers' Compensation will pay for medical care and lost wages resulting from job related illnesses or injuries. If you are injured or become ill through work please inform your supervisor immediately, regardless of how minor the injury or illness might be.

Employees injured on duty are required to keep the City informed about their medical condition and when they may return to work. In no event will an employee earn more compensation while on a work-related injury. The City may require a fitness for duty report before permitting an employee to return to work following an injury.

Under Minnesota Statutes §176.021, every employer is liable to pay compensation in every case of personal injury or death of an employee arising out of and in the course of employment. Minnesota Statutes §176.181, subd.2, requires employers who have not been approved for self-insurance to provide workers' compensation insurance for their employees. The City of Hastings complies with state workers compensation coverage requirements.

Workers compensation is intended to cover only work-related injuries and illnesses. Because of this, neither The City of Hastings nor our insurance carrier will be liable for the payment of Workers' Compensation benefits for injuries that might occur during employee's voluntary participation in off-duty recreational, social or athletic activities that we may sponsor. If any City of Hastings employee is injured on the job a mandatory drug and/or alcohol test will be required in accordance with City policy.

Fraudulent Claims

Minnesota law makes it a crime for any person who, with intent to defraud, receives workers compensation benefits for which that person is not entitled by knowingly misrepresenting, misstating, or failing to disclose any fact.

Managed Care

The City of Hastings uses managed care for workers compensation claims to better coordinate medical care for injured workers and to control workers compensation costs.

Temporary Alternate Duty

The City of Hastings may have temporary alternate duty available for regular full or part-time employees, and will determine availability based on business needs and individual capability. Temporary alternate duty may not be available, and it is the City's determination whether it is available. Employees who are unable to perform the essential functions of their position due to a permanent medical disability may not qualify for temporary alternate duty. The City retains the right to conduct an independent medical evaluation to determine whether temporary alternate duty is available. The City retains the right to receive updated medical information and determine whether temporary alternate duty may continue. It is the City's policy to keep employees who suffer a work-related injury engaged in the organization through meaningful work in compliance with any physician-imposed limitations.

To qualify for temporary alternate duty, the employee must be physically unable to perform the duties of their position, be qualified and physically able to perform the duties of an alternate position, and be expected to recover and resume the duties of their regular position. If the duties and responsibilities of the temporary alternate duty are outside the framework for the employee's regular position and compensation, the employee's compensation may be adjusted commensurate with the temporary alternate duty. Temporary alternate duty may be permitted for up to 90 days with the approval of the department head; extension of temporary alternate duty beyond 90 days must be approved by the City Administrator.

Right to Know

The City of Hastings has adopted a Right to Know policy as required by the Employee Right-to-Know Act passed by the Minnesota State Legislature in 1983.

Emergency Procedures

Employees are expected to familiarize themselves with the buildings in which they regularly work, and become aware of the location of emergency exits, fire extinguishers, severe weather shelters, and first aid kits. In case of fire or other emergency, employees should use stairs to exit. For small fires, employees are expected to use the fire extinguishers while having a fellow employee call 911 for assistance. The department or division manager should be immediately notified to evacuate the appropriate building. Locations of applicable emergency information will be included in the appendix.

Safety Boots

For those positions determined to need safety boots for safe performance of their job, the City will pay the cost of OSHA-approved footwear, up to an annual cost of \$200 for full-time employees. For seasonal employees or paid on-call firefighters, the annual reimbursement will be for up to 50% of the

actual cost of the boots, not to exceed \$100 annually. Boots will be replaced no more often than once per year. If safety boots are determined necessary, the employee is required to wear them.

Safety Glasses

For those positions determined to need safety glasses for safe performance of their job, the City will pay the cost of prescription and non-prescription safety glasses. The city will pay for basic frames, and basic bifocal/trifocal lenses. The city will not pay for any examination costs. Glasses will be replaced no more often than once every other year, unless they are broken as a result of an employee's job activities.

Use of City Property

Employees may be issued City equipment, including but not limited to keys, pass codes, phones, computers, voicemail, and other equipment deemed necessary to perform job functions. Employees are expected to secure and maintain any City property issued to them, including ensuring that City facilities or vehicles are properly secured. Loss, theft, or damage to City property must be reported immediately to the employee's supervisor. Repeated instances of loss, theft, or damage to property may result in discipline, up to and including dismissal. Employees are expected to use City-issued equipment for business-related purposes. Reconfiguring, tampering, disrupting, or otherwise changing city equipment, including computer files, is strictly prohibited. Employees may be required at any time, and in all cases immediately upon separation of employment, to return any and all City equipment.

Vehicle Use [may want separate robust vehicle policy]

If driving for the City, an employee agrees to obey all traffic laws, safely operate the vehicle, wear seatbelt and ensure all passengers wear seatbelts, and maintain the appropriate driver's license for lawful operation. The City reserves the right to verify motor vehicle records at any time on any employees who are assigned or authorized to drive for the City. An employee who drives in an illegal, careless, unsafe, or negligent manner while on duty may be subject to discipline, up to and including dismissal.

Loss or Suspension of License

Any employee whose position description lists the possession of a valid driver's license as a minimum or essential qualification must report any loss or suspension of a driver's license to their immediate supervisor the first business day following the loss or suspension of the license.

In case of a loss of driving privileges, positions where driving is an essential requirement of the job are normally more difficult to accommodate, particularly for long periods of time. Temporary job accommodations may be made on a case-by-case basis, considering other work that needs to be done, the length of the restriction, the ability of the employee to obtain a work permit, the impact on the department operations, the ability of the employee to perform the vast majority of the rest of the job responsibilities, and the employee's performance, discipline, and length of service. If an employee receives a car allowance or is issued a take-home vehicle and has their driving privileges suspended, the City vehicle will be returned and/or the car allowance will be suspended immediately upon suspension. In no case will the City extend accommodations beyond 60 calendar days for positions where driving is an essential or minimum requirement of the position. In cases where an employee will not be able to legally drive for 60 calendar days or more and cannot obtain a work permit and where driving has been determined to be essential to the job and where provisions of the ADA are complied with, the employee may not be able to retain their job.

Chapter 13 Employee Education and Training

Training, Workshops, Conferences

Costs for City-initiated or required workshops, professional seminars, training programs, courses, continuing education, and/or license/certification maintenance for existing employees will be paid by the City. Departments will be responsible for requesting training and associated expenses as part of the annual budget process and providing documentation as part of the request.

Travel Expenses

Employees who have attended approved training, workshops conferences and/or while conducting City business will be reimbursed for reasonable expenses incurred.

A. Mileage Reimbursement

Employees using their own personal vehicle for City business will be reimbursed for actual mileage at the IRS-established reimbursement rate in excess of regular mileage the employee would normally incur as part of their daily commute to City offices. Employees with take-home vehicles or vehicle allowances are not eligible for mileage reimbursement.

B. Meals & Incidental Expenses

Meal and incidental expenses incurred as a result of overnight business travel, and which are not included in a registration fee will be reimbursed based on the Meal & Incidental Expense (M&IE) table established by the General Services Administration (www.gsa.gov/perdiem) and per diem will be based on the location at which the expense occurred. Meal expenses incurred as a result of a partial day absence in conjunction with overnight travel will be reimbursed by the M&IE rate table established by the GSA. Employees attending day training away from City offices will not be reimbursed for meal costs. The City will not reimburse for the cost of alcoholic beverages.

C. Lodging

The actual cost of lodging is paid by the City. The City will pay for the cost of a single room only, or the next larger size if a single is not available.

D. Transportation

The actual cost of a coach class airline ticket and one bag (if not included in the price of the ticket) is paid by the City. Costs of transportation (taxi, bus, etc.) and parking fees will be reimbursed with a receipt.

Tuition Reimbursement

The City will share in the cost of education which directly relates to the employee's present job classification or which prepares the employee for advancement with the City in the foreseeable future. The City may reimburse eligible regular, full-time employees for the cost of tuition upon presentation of final grade of C or higher or Pass. The employee is responsible for paying the cost of any fees, books, or other associated fees. A maximum of \$3,000 per calendar year may be available, depending on available funding in the department budget. An employee who leaves employment prior to completion of a course will not be reimbursed for the course. No reimbursement will be made unless prior approval has been granted by the department head. No employee may receive assistance from other sources and receive tuition aid from the City for the same courses taken.

An employee who receives reimbursement under this program must remain employed with the City following completion of the course for which they received reimbursement, or will agree to pay the City 100% of the costs if they separate employment less than one year after completion of the course or 50% if they separate employment less than two years after completion of the course.

Chapter 14 Discipline and Grievance

Discipline

City employees will be subject to disciplinary action for failure to fulfill duties and responsibilities of their position, including observance of all work rules. Discipline will be for sufficient cause and the employee may use the grievance process for discipline which is believed to be unjust or disproportionate to the offense alleged.

Discipline will not result in discrimination based on race, color, creed, religion, national origin, sex, marital status, sexual orientation or identity, disability, age, status with regard to public assistance, political affiliation, or veteran status.

Cause for discipline may be, but is not limited to, the following examples:

Incompetency, inefficiency, carelessness, dishonesty or negligence in the employee's job responsibilities or while using or entrusted with City property;

Inability or unwillingness to perform the essential functions of the employee's position, with or without reasonable accommodation

Theft or intentional destruction of City or another's property;

Failure to comply with safety rules and expectations;

Failure to comply with personnel policy rules and regulations;

Conduct impairing the efficiency of the City;

Reporting to work and/or working under the influence of alcohol, drugs, or any other controlled substance;

Offensive or inappropriate language or conduct to members of the public, elected or appointed officials, or employees;

Repeated absenteeism/tardiness and/or falsification of reported time worked;

Conducting business for another job while on City time;

Insubordination;

Conviction of a criminal offense involving moral turpitude;

Conviction of a crime directly related to the employee's occupation;

Any other violations of the Hastings Personnel Policy or department work rules.

Progressive Discipline

The steps taken during discipline need not follow in order if the facts and circumstances warrant differently. Serious offenses may circumvent progressive disciplinary policies. Progressive discipline generally will be as follows:

- A. Verbal Warning
Supervisors or department heads may impose a verbal warning without prior approval of the City Administrator. Documentation will be placed in employee's file.
- B. Written Warning

Supervisors or department heads may impose a written warning without prior approval of the City Administrator. Documentation to the employee will include:

- Notice of written warning;
- Violation that occurred;
- Previous discipline;
- Consequences of additional violation(s), up to and including dismissal

Employees will be given one copy of the written warning to sign, acknowledging receipt.

Documentation will be placed in the employee's file.

C. Suspension

Department heads or the City Administrator may suspend an employee, with or without pay.

Documentation to the employee will include:

- Notice of suspension;
- Violation that occurred;
- Previous discipline;
- Effective time of the suspension;
- That the suspension will be unpaid;
- Consequences of additional violation(s), up to and including dismissal

Employees will be given one copy of the suspension notice to sign, acknowledging receipt.

Documentation will be placed in the employee's file.

D. Demotion

The City Administrator may demote an employee for inefficient performance, for disciplinary actions, or other reasons determined at the discretion of the City Administrator.

Documentation to the employee will include:

- Notice of demotion;
- Violation that occurred;
- Previous discipline;
- Effective date of the demotion;
- Consequences of additional violation(s), up to and including dismissal;
- Expectations for the employee's new position.

Employees will be given one copy of the demotion notice to sign, acknowledging receipt.

Documentation will be placed in the employee's file.

E. Dismissal

The City Administrator may dismiss an employee who has been appointed. The City Council may dismiss department head employees. The City Administrator will hold a meeting with the employee prior to dismissal. Documentation to the employee will include:

- Notice of dismissal;
- Reasons for dismissal;
- Summary of previous discipline;
- Effective date of the dismissal;
- The employee's rights under these rules and any applicable federal or state laws.

Employees will be given one copy of the dismissal notice to sign, acknowledging receipt. Documentation will be placed in the employee's file.

The City of Hastings reserves the right to alter the order described above, to skip corrective steps, to eliminate corrective steps or to create new or additional corrective steps depending on the facts and circumstances of each individual case. In choosing the appropriate corrective action we may consider any number of factors, including the seriousness of your conduct, your history of misconduct, your employment record, your length of employment, the strength of evidence against you, your ability to correct the conduct, your attitude about the conduct, actions we've taken for similar conduct by other employees, how your conduct affects the City, its customers and your coworkers, and other circumstances related to the nature of the misconduct, to your employment with this company and the effect of the misconduct on the business of the City of Hastings.

You should remember that your employment is at the mutual consent of you and the City of Hastings. This policy does not change this fact. This means that you or the City of Hastings can terminate the employment relationship at will at any time, with or without cause and with or without advanced notice. As a result, the City of Hastings reserves its right to terminate your employment at any time for any lawful reason including reasons not listed above. You will also have the right to end your employment at any time.

Grievance

Employees are provided with a uniform grievance procedure consistent with Minnesota Statute 43A.33. When an employee is aggrieved with wage, hours, or condition of employment and such agreements are not controlled by statute, charter, ordinance, resolution, or collective bargaining agreement, the following process shall be used. All grievances must be filed in writing by the employee. The following steps will be used for resolving grievances:

A. Grievance Initiation

The employee will submit their grievance in writing to the employee's supervisor within ten working days of the incident or discovery. The grievance will be dated and will include a statement of the grievance and relevant facts, when the grievance occurred, the alleged policy violation; and identify how the employee feels the grievance can be satisfactorily resolved. Within three working days after the grievance submittal, the supervisor will hold a preliminary meeting with the employee to discuss the grievance. The date of the meeting and a summary will be documented by the supervisor.

B. Step I Decision

Within five working days after the meeting held in Grievance Initiation, a Step I Decision will be issued by the immediate supervisor (or designee) to the employee. Copies of the decision will be forwarded to the department head and to the employee's personnel file.

C. Step I Decision Appeal

The employee may appeal in writing a Step 1 Decision to the City Administrator within five working days after it has been issued.

D. Step II Decision

Within five working days of receiving an appeal to a Step I Decision, a Step II Decision will be issued by the City Administrator in response to the written grievance appeal. Copies of the decision will be forwarded to the department head and to the employee's personnel file.

E. Step II Decision Appeal

The employee may appeal in writing a Step II Decision to the City Council within ten working days after it has been issued. This appeal must be filed with the City Administrator. The City Council will consider the written appeal of the City Administrator's Step II Decision and any other pertinent information developed through the grievance process. The City Council will review interpretation of the Personnel Policy and the facts of the grievance presented. The Council will make a final and binding decision in writing within thirty calendar days following the close of its hearing.

If at any point in this process, the grievance is not taken to the next step by the employee within the specified time frame, it will be deemed waived and satisfactorily resolved. If at any point in the process, the City does not respond to the grievance within the specified timeframe, the employee may elect to treat the grievance as denied and may appeal the grievance to the next step. Each of the above steps will be taken in a timely manner; however, if in the event that one or more parties is physically unavailable to consider the grievance (i.e. on vacation, sick leave, etc.), the grievance will be heard at the earliest practical date.