



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

<input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> P&F COMMITTEE <input type="checkbox"/> SPW COMMITTEE <input type="checkbox"/> MAIN AGENDA	<b>Action Requested:</b> <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) *provide copy of published hearing notice <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading
<b>Submitted by:</b>	<b>Department:</b>
<b>Presenter (Name &amp; Title):</b>	<b>Estimated Time Needed:</b>
<b>Summary of Issue:</b>	
<b>Alternatives, Options, Effects on Others/Comments:</b>	
<b>Recommended Action/Motion:</b>	
<b>Financial Impact:</b> Is there a cost associated with this request: <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping \$ _____ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Please Explain:</u>	



9/3/2019

# Employee Policy Manual

City of Brainerd



## TABLE OF CONTENTS

	Page No.
SECTION 1 - PURPOSE.....	1
SECTION 2 - SCOPE OF POLICY .....	2
SECTION 3 - INTERPRETATION.....	3
SECTION 4 - IMPLEMENTATION OF POLICY .....	3
SECTION 5 - GENERAL INFORMATION .....	4
SECTION 6 - APPOINTMENTS AND PROMOTION .....	15
SECTION 7 - PROBATIONARY PERIOD .....	18
SECTION 8 - HOURS OF WORK .....	19
SECTION 9 - OVERTIME HOURS.....	21
SECTION 10 - LUNCH AND COFFEE BREAKS .....	23
SECTION 11 - HOLIDAYS .....	23
SECTION 12 - REGULAR VACATION.....	24
SECTION 13 - EMPLOYEE LEAVES.....	26
SECTION 14 - EMPLOYEE INSURANCE .....	37
SECTION 15 – HEALTH CARE SAVINGS PLAN .....	38
SECTION 16 - CAFETERIA PLAN.....	38
SECTION 17 - EDUCATION, TRAINING AND DEVELOPMENT .....	39
SECTION 18 - EMPLOYMENT RELATED REIMBURSEMENTS.....	42
SECTION 19 - DRUG-FREE WORKPLACE/DRUG & ALCOHOL POLICIES.....	46
SECTION 20 - EMPLOYEE SAFETY MANUAL.....	49
SECTION 21 - POLITICAL ACTIVITY .....	49
SECTION 22 - HARASSMENT .....	50
SECTION 23 - GRIEVANCES.....	55
SECTION 24 - DISCIPLINE AND DISCHARGE .....	56
SECTION 25 - PERSONNEL/PAYROLL.....	60
SECTION 26 – SEPARATION FROM EMPLOYMENT .....	61
SECTION 27 - RETIREMENT AND SEVERANCE PAY .....	62
SECTION 28 - ACCIDENT PROCEDURES.....	63
SECTION 29 - SALARY ADMINISTRATION PLAN .....	64
SECTION 30 - STATEMENT OF POLICIES & PROCEDURES RE: REIMBURSEMENT OF ATTORNEY FEES .....	66
SECTION 31 – TECHNOLOGY USE .....	66
SECTION 32 - QUESTIONS OR CONCERNS .....	77
SECTION 33 - ACKNOWLEDGMENT PAGE .....	78
EXHIBIT A – HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS .....	79
EXHIBIT B – LONG-TERM DISABILITY COVERAGE & LIFE INSURANCE .....	81
EXHIBIT C – MN HEALTH CARE SAVINGS PLAN CONTRIBUTIONS .....	82

## **SECTION 1. PURPOSE**

### **Subdivision 1. Policy Statement**

The City Council of the City of Brainerd (“City”) deems it advisable to establish a policy governing the relationship between the employees and the City, and to provide procedures for its administration. In the formation of this policy, the Council recognized that the City is a political subdivision of the State of Minnesota and the Employee Policy Manual must conform to applicable law. Within this framework, the Council can establish governing principles upon which a progressive, comprehensive and efficient program of employee relations may be based.

### **Subdivision 2. General**

The purpose of this manual is to help you to better understand the policies and procedures which affect and guide your employment with the City of Brainerd. These policies should not be construed as contract terms, a guarantee of continued employment, or terms and conditions of employment. This manual replaces, revokes, and supersedes any previous personnel policies, interpretations, and practices. This manual is only valid until amended or replaced by the City Council.

This manual is not intended to cover all circumstances that might arise. Employees should become thoroughly familiar with the provisions of this manual within ten (10) business days of their receipt of this manual. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is “at-will” employment.

### **Subdivision 3. Amendment to Policy**

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

### **Subdivision 4. Equal Opportunity Statement**

The City of Brainerd is an Equal Opportunity Employer. The City provide equal employment and advancement opportunity on the basis of merit within the context of its unique business environment and without regard to race, color, creed, religion, national origin, sex, sexual orientation, marital status, familial status, status with regard to public assistance, membership or activity in a local commission, disability, age, or other characteristic protected by a State or federal law.

## Subdivision 5. Affirmative Action Program

This Employee Policy Manual is established in compliance with provisions of the City's Affirmative Action Program as adopted by the City Council on November 22, 1988. The City will take affirmative action to ensure that all employment practices are free of discrimination on the bases described in subdivision 4. Such employment practices include, but are not limited to the following; hiring, promotion, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

The City fully supports incorporation of non-discrimination and Affirmative Action rules and regulations into contracts. Any employee of this City, or subcontractor to this City, who does not comply with the equal employment opportunity policies and procedures as set forth in this manual will may be subject to disciplinary action, up to and including immediate termination. Any subcontractor not complying with all applicable equal employment opportunity/affirmative action laws, directives and regulations of the federal, State and local governing bodies or agencies thereof, will may be subject to appropriate legal sanctions.

The City has appointed the Human Resources Coordinator to manage the equal employment opportunity activities and reporting the effectiveness of this affirmative action program, as required by federal, State and local laws, rules, and regulations. The City Administrator will receive and review reports on the progress of the program. If any employee, or applicant for employment, believes he/she has been discriminated against, please contact the Human Resources Coordinator at 501 Laurel Street, Brainerd, MN 56401 or call (218) 828-2307.

## **SECTION 2. SCOPE OF POLICY**

### Subdivision 1. Personnel Covered

This manual generally applies to all City and BPU employees, including probationary employees, appointed officials, and elected officials, except to the extent that this manual conflicts with applicable law or collective bargaining agreements. Certain provisions of this manual may be inapplicable to the following individuals:

1. All elected officials;
2. Members of City boards, commissions and committees;
3. Volunteer personnel and emergency employees;
4. Consultants and/or contracted personnel.

## Subdivision 2. Employees Covered by Labor Contracts/Civil Service Rules

All provisions of this policy apply to employees covered by collective bargaining agreements, except when such provisions are in conflict with collective bargaining agreement provisions and/or Civil Service Rules, in which case, such provisions of the collective bargaining agreement and/or Civil Service Rules shall control.

### **SECTION 3. INTERPRETATION**

The purpose of this manual is to provide a basis for the a safe, orderly, and disciplined employment environment. This policy will promote knowledge of what is expected of personnel generally, which should result in a greater degree of self-assurance in all positions. In relationships between positions it should be each City employee's individual aim to build mutual respect and confidence which is essential to local government service.

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

Additional information or clarification as to each section of this personnel policy may be obtained from your supervisor, department head or the Human Resources Department Coordinator. This manual is only a start in our communication network because the City maintains a continuous process of communicating policies and benefits to all staff members. The text of this manual, however, takes precedence over and controls any inconsistent communication from any City employee or elected official.

This manual summarizes the various policies and benefits currently provided by the City. Nothing contained in this personnel policy or in any other City document, and nothing said or done by a City employee, may be construed as an employment contract between the City and an employee, as a guarantee of continued employment, or terms and conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment

### **SECTION 4. IMPLEMENTATION OF THIS POLICY**

It is the responsibility of all City and BPU Department Heads and Supervisors to ensure implementation of this policy. Failure of any employee to perform in a manner consistent with this policy, State or federal Law will be grounds for discipline, up to and including immediate termination.

The City Administrator is hereby given authority for the administration of the policies contained in this manual, as directed by the City Council.

## **SECTION 5. GENERAL INFORMATION**

### **Subdivision 1. Data Practices Advisory**

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

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

Unless the employee is told otherwise, the employee is required to provide this information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding. Even if the employee is not required to provide information, it is generally to the employee's best interest to provide it. Without

the requested information, the City may not be able to determine the employee's eligibility for employment opportunities, compute wages, or grant the employee other benefits. The employee's refusal to provide information during an employment investigation may also necessitate that the investigation be completed without his or her input.

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

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

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

## Subdivision 2. Conduct as a City Employee

### A. Scope of Policy

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

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



## B. Definitions of Prohibited Behaviors

Violent behavior includes the use or threat of physical force, harassment, or intimidation, or abuse of power or authority when the impact is to control others by causing pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance, including behavior specifically prohibited by Section 22 of these policies.

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

## C. Expected Conduct of City Employees

### 1. City Employee Conduct in General

Employees of the City shall conduct themselves at all times while on duty or on the employer's premises, in such a manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include any conduct that tends to bring the City into disrepute or reflects discredit on the person as an employee of the City, or that which tends to impair the functioning of an employee, a department, or the City.

Your conduct as a City employee is an extremely important part of your job. You are a representative of our City, and as such, the way you perform your job and your neat and clean appearance reflects upon our entire organization. Your willingness to assist people, to courteously and accurately respond to their questions or complaints, and to refer them to the proper source when you are unable to solve their problems, are all important facets of your position with the City and impact upon each member of our staff.

### 2. Conduct in Dealing with the Public

While representing the City, employees shall be courteous to all members of the public and City customers. They shall be tactful in the performance of their duties, control their tempers and exercise the utmost patience and discretion. They shall not engage in argumentative discussions, even in the face of extreme provocation. They shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, or other personal characteristics.

In the event a member of the public or City customer becomes abusive on the phone or in person, employees should refrain from escalating the situation and if possible, employ tactics to defuse the situation, e.g. lower the voice, ask the person to sit down. If the situation doesn't improve, the employee can refer the person to a supervisor or request that a police officer be called to the scene. Employees are not required to continue telephone or in-person conversations in which the caller uses profanity or threats. In those situations, the employee should refer the call to a supervisor or inform the caller, as courteously as possible, that the employee is hanging up and will talk with the caller after the caller has calmed down. If a member of the public becomes abusive the employee should refer the person to a supervisor or request that a police officer be called to the scene depending on the level of concern.

### 3. Conduct Between Employees

Employees shall cooperate with and be courteous to co-workers at all levels. While everyone is entitled to their feelings, they are not entitled to act on their feelings inappropriately in the workplace. Employees shall control their tempers and refrain from behaviors that are hostile, offensive, intimidating, degrading, or exploitative. Inappropriate displays include, but are not limited to: slamming doors, pounding tables, kicking furniture, unwanted physical contact of any nature, making threats, berating or belittling others, speaking in raised voices, using coarse, violent or profane language or gestures, refusing to speak or respond when spoken to, and refusing to provide assistance when requested.

Employees shall treat each other with respect. They shall refrain from making remarks about or using nicknames for other employees that are disparaging or based on a personal characteristic; producing cartoons or other graphics displaying other employees in an unfavorable light; communicating threatening or disparaging remarks via any medium (voice, e-mail, notes, etc.); engaging in unwanted horseplay or practical jokes; failing to relay written, verbal or telephone messages; unwanted, unwarranted physical contact of any nature, including "roughhousing" such as punching in the arm, pinching, arm twisting, etc., and other, similar unwanted conduct

#### D. Reporting Inappropriate Workplace Behavior

Any employee who feels he or she is being subjected to intimidating, offensive, or harassing behaviors should take the following steps:

1. If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.

2. Write a memorandum for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.
3. If confronting the offending party is not practical or possible, or if the person refuses to discontinue the inappropriate behavior, the employee should, adhering to the chain of command, contact someone on the list below verbally or in writing:
  - a. The employee's immediate supervisor
  - b. The employee's department head, including, as applicable, a BPU department head (For BPU employees)
  - c. The Human Resources Coordinator
  - d. The City Administrator, for City-side employees

Reports of conduct by the Human Resources Coordinator or the City Administrator may be made to the Mayor or the Personnel Committee of the City Council.

Reports of conduct by a BPU Department Head may be made to the Human Resources Coordinator or the Chair of the BPU Commission.

When making a report, the complaining party should be prepared to provide the following information:

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

#### E. Investigating Complaints of Inappropriate Conduct

The Human Resources Coordinator, the City Administrator, the BPU Department Head (as appropriate), or a designee of the City Administrator or BPU Department Head (as appropriate), shall investigate complaints of inappropriate workplace conduct.

The determination of whether inappropriate workplace conduct has occurred will be made on a case by case basis. Disciplinary action will also be determined on a case by case basis in accordance with these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Employees who are found to have filed bad faith complaints of inappropriate workplace conduct will be subject to disciplinary action as described in the preceding paragraph.

#### F. Consequences of Engaging in Inappropriate Workplace Conduct

Employees who are found to engage in inappropriate workplace conduct may be subject to disciplinary action, up to and including immediate termination, subject only to the provisions of these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Supervisors are required to deal swiftly and vigorously with employees who treat others disrespectfully. Any supervisor who condones or allows inappropriate workplace conduct or fails or refuses to respond appropriately to complaints of inappropriate workplace conduct, may be subject to disciplinary action as described in the preceding paragraph, whether or not the supervisor actually engaged in inappropriate workplace conduct.

#### G. Retaliation for Complaints of Inappropriate Workplace Conduct

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

#### H. Relationship of Code of Conduct to Harassment Policy.

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

#### Subdivision 3. Gifts and Endorsements

No employee shall directly or indirectly solicit, receive, or agree to receive any compensation, "tip," gift, reward, gratuity, payment of expense, or promise of future employment or other future benefit from any source except the City, for any matter or proceeding connected with or related to the duties of the employee. Notwithstanding the above rule, employees may accept the following:

- A. Gifts of nominal value (\$5 or less) that were not solicited;

- B. Plaques or similar mementos recognizing an individual's service in a field of specialty or to a charitable cause;
- C. Reimbursement of actual expenses incurred for lodging, mileage, meals, and other travel expenses that are not reimbursed by the City, but which have been approved in advance by the employee's Department Head (or City Administrator, for costs incurred by Department Heads other than BPU Department Heads) as part of the work assignment. For costs incurred by BPU Department Heads, the costs must be approved in advance by the BPU Commission. This includes food and refreshment provided at a meeting, conference, or other event as a normal courtesy to all attendees incidental to the performance of official duty.

Employees and elected officials qualifying as "local officials" pursuant to M.S. 471.895 (as amended) must comply with the terms of that statute.

#### Subdivision 4. Solicitations

The City does not allow solicitations to take place on City time or property. If you are asked to purchase goods, contribute funds, etc. while on City premises, please notify your supervisor immediately.

#### Subdivision 5. Conflicts of Interest

No City employee shall engage in any act which is in conflict, or creates an appearance of impropriety or conflict, with the performance of official duties. When an employee believes the potential for a conflict of interest exists, it is the employee's responsibility to avoid the situation. Employees must notify their supervisor if a conflict of interest or perception of a conflict of interest situation exists or may exist. Employees who knowingly fail to avoid or disclose a potential, perceived or actual conflict of interest situation are subject to disciplinary action in addition to any criminal penalty that may be involved. An employee shall be deemed to have a conflict if the employee:

- A. Has any financial interest in any sale to the City of any goods or services;
- B. Engages in conduct that violates Subdivision 3 (Gifts and Endorsements) of this Section;
- C. Participates in his/her capacity as a City employee in the issuing of a purchase order or contract in which he/she has a private financial interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City; or

- D. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.

An employee should not make a unilateral decision if there is any doubt about his/her private employment. The City Administrator or Human Resources Coordinator should be consulted.

Except as provided in section "B" above, no employee shall, directly or indirectly, give or receive, or agree to give or receive any compensation, gift, reward, commission or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City.

- E. Discloses or uses without authorization from the City Administrator or BPU Department Head (for BPU employees only), private, confidential, or other non-public information to further the employee's private interest, or accepts outside employment or involvement in a business activity that will require the employee to disclose or use such information .
- F. Has a financial interest or personal interest in any legislation or decision coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

#### Subdivision 6. Outside Employment

Employees may not engage in outside employment which might in any way hinder their objective and impartial performance of their public duties, be incompatible with their City employment, or impair their efficiency on the job. Employees must obtain prior authorization from their Department Head, the City Administrator, if the Department Head is seeking outside employment, or the BPU Commission, if a BPU Department Head is seeking outside employment, before accepting outside employment. The Department Head will consult with the City Administrator (or Human Resources Coordinator, for BPU Department Heads) or designee, before granting any employee authorization to engage in outside employment. Outside work shall be regarded as secondary to regular City employment and shall not interfere with the availability of employees for regularly scheduled work, emergency, or on-call duties. The City's Workers Compensation insurance does not cover any individual injured in the course of outside employment.

## Subdivision 7. Incompatible Activities

As a City employee, you have a responsibility to uphold a high standard of honesty and integrity.

You may not engage in any activities which are inconsistent, incompatible or in conflict with the duties of your position. These incompatible activities include activities such as using your position or City resources for personal gain or advantage, accepting money or gifts for performing your duties as a City employee, or engaging in activities which impair your attendance or efficiency in the performance of your duties. If an employee has any question as to whether an activity is “incompatible” with his or her work for the City, the employee must ask his or her department head or, if the employee is a department head, his or her immediate supervisor for clarification.

## Subdivision 7. Use of City Vehicles, Facilities and Equipment (Amended 11/30/09)

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for: unauthorized personal convenience, for profit, for private use, or as part of secondary employment, or any other use not in the interest of the City, except as provided by law. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

Employees are responsible for appropriate use of time, telephones, cellular telephones, computers, printers, paper, pens, stationery, facsimile machines, and pages. They are expected to adhere to the highest ethical standards when conducting City business and to follow these policies.

Management personnel are responsible for ensuring the appropriate use of all City property, including e-mail and internet access through training, supervising, coaching and taking disciplinary action, when necessary.

Employees who are required to take a City vehicle or equipment home due to the nature of their work for the City, shall do so only with the approval of the City Administrator or BPU Commission (for BPU employees only) and in accordance with IRS reporting requirements. City vehicles shall be allowed to leave the City limits (or service area for Fire Department, Police, and BPU vehicles) only while on official City business.

City employees shall have no expectation of privacy in any property or equipment of the City, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voice mail, text messages on City paid cellular telephones, PDAs, computers, laptops, mass storage devices, e-mails, electronic media or devices of any kind, or any other type of equipment, property, or space provided by the City. Except when accessed by the

police department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion.

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

The City Council approved the following policy regarding vehicle use. The intent of this policy is to ensure appropriate use of City vehicles and rolling stock by municipal employees and to ensure a clear understanding thereof.

- A. To the extent feasible, all City employees should use a City-owned vehicle when traveling for City work, including conferences, seminars, and meetings that the employee is attending in his or her role as a City employee.
- B. Conferences, schools, seminars and meetings: For purposes of this policy it is intended that training opportunities during the regular work shift within a 90-mile distance of the work location is considered an acceptable work-related activity in as much as the vehicle will be returned to the work site either during or shortly after the completion of the shift.
- C. Out-of-town and overnight conferences and schools: To the extent feasible, all employees should use an available City-owned vehicle when traveling to overnight conferences, schools, and events. For travel which has a duration of more than one work day in length, the employee may utilize a non-fleet vehicle, if a City-owned vehicle is not available, the use for which will be compensated at the approved rate. Alternatively, upon prior approval of the City Administrator or BPU Commission (for BPU employees only) or designee the employee can receive the use of a vehicle previously determined as an excess vehicle by the City Council.
- D. Lunch hours and authorized breaks: For purposes of this policy when an employee is scheduled to work at a site other than their normal reporting location, and for Police Officers on duty, use of a City vehicle for travel within one mile of the City limits for the purpose of lunch and other authorized breaks shall not be considered personal use.
- E. Overnight use: It is the intent of this policy that all municipal vehicles will have returned to their designated work location by the end of the work shift unless



prior written authorization has been received from the City Administrator or Human Resources Coordinator (for BPU employees only).

- F. Personal use: Personal use of City vehicles by City employees or elected officials is prohibited without the express written consent of the City Administrator or BPU Commission (for BPU employees only).

#### Subdivision 9. Firearms at Work

All employees, except sworn employees of the Police Department, are prohibited from carrying or possessing firearms while acting in the course and scope of employment for the City. The possession or carrying of a firearm by employees other than sworn Police Officers is prohibited while working on City property or while working in any location on behalf of the City. This includes but is not limited to:

- ~Driving on City Business;
- ~Riding as a passenger in a car or any other type of transit on City business;
- ~Working on the City's property, including City Hall or any other City-owned work site;
- ~Working off site on behalf of the City;
- ~Performing emergency or on-call work after normal business hours and on weekends;
- ~Working at private residences and at businesses on behalf of the City;
- ~Attending training or conferences on behalf of the City.

To the extent required by Minnesota Statutes, section 624.714 (as amended), an exception to this policy is that City employees may carry and possess firearms in City-owned parking areas if they have obtained the appropriate permits(s) and/or their carrying and possession of the firearm(s) is otherwise lawful. If a City employee must drive his or her personal vehicle on City business, he or she may check a firearm with the City Police Department during the workday and retrieve it after work. The Police Department will establish procedures to ensure that the firearm is locked up and is not able to be retrieved by anyone other than the owner/employee.

When responding to on-call work from home after regular work hours, an employee is prohibited from bringing a firearm in their private vehicle unless the vehicle remains in a parking lot and is not needed in order to respond to the call.

In addition, the City prohibits the discharge of firearms on City property, except as necessary for the performance of duties by sworn Police Department employees. Any employee in violation of this policy will be subject to disciplinary action, up to and including discharge.

This policy is administered and enforced by the Human Resources department. Anyone with questions or concerns specific to this policy should contact the Human Resource Coordinator.

## **SECTION 6. APPOINTMENTS AND PROMOTION**

### Subdivision 1. Appointment Procedure

It is the intent of the City of Brainerd to recruit and select qualified candidates for available positions, as it deems necessary. The City is committed to recruitment and selection practices that are based on merit. The recruitment and selection processes will be conducted to ensure an open and competitive process. Human Resources staff are responsible for managing the recruitment and selection process including, but not limited to, obtaining authorization to hire, evaluating job descriptions, preparing vacancy announcements, scoring applications, conducting interviews, facilitating background checks, scheduling various assessments and medical examinations, scheduling interviews, and making and withdrawing job offers.

Every appointment to municipal service shall be recommended by the City Administrator to the Personnel and Finance Committee and approved by the City Council. When required by law or by the City Administrator, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

For an existing position that becomes vacant and new positions approved as part of the budget, the City Administrator shall direct the Human Resources Coordinator to inform the City Council of the vacancy to receive the City Council's authorization to begin recruitment and, when complete, to bring a hiring recommendation to the City Council for authorization to hire. Furthermore, when a position has already received approval from the City Council and an offer is made to a candidate who then declines, the Human Resources Coordinator and the department head may use their judgment in reviewing the list of applicants or re-advertising for the same position.

Unless otherwise required by law or applicable collective bargaining agreement, in no event shall the hiring or continued employment of any person be considered a contractual relationship between the employee and the City. Further, unless otherwise provided, such relationship shall be defined as employment "at-will," which allows either party to dissolve the relationship at any time, for any legal reason or no reason at all.

With respect to employees of BPU, the BPU Department Heads will make a recommendation to the BPU Commission, which shall approve all appointments for BPU employees. When required by law or by the BPU Department Heads, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

For an existing BPU position that becomes vacant and new positions approved as part of the budget, the BPU Department Heads shall direct the Human Resources Coordinator to inform the BPU Commission of the vacancy to receive the BPU Commission's authorization to begin recruitment and, when complete, to bring a hiring recommendation to the BPU Commission for authorization to hire. Furthermore, when a position has already received approval from the BPU Commission and an offer is made to a candidate who then declines, the Human Resources Coordinator and the Department head may use their judgment in reviewing the list of applicants or re-advertising for the same position.

#### Subdivision 2. Physical Examination and Background Checks

To the extent authorized by law, the City reserves the right to require applicants to complete a pre-employment physical examination by a physician designated by the City as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require employees to complete physical examinations related to their ability to complete the essential functions of their positions. The cost of any such examination shall be paid by the City.

To the extent required or authorized by law, the City reserves the right to require applicants to submit to a background checks, including a criminal history background check, as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require internal applicants for promotional positions to submit to a background check, including a criminal history background check, as part of the recruitment and appointment process.

#### Subdivision 3. Promotion from Within

To the extent feasible, notice of all new job openings or vacancies shall be posted for at least three (3) working days in an appropriate place. Any employee desiring to apply for such job opening shall do so in writing, which must be submitted to person designated in the job posting, typically the Human Resources Coordinator or BPU Department Head, by 4:30 p.m. on the closing day. If a person other than the Human Resources Coordinator is designated in the job posting, the designated individual shall provide the application to the Human Resources Coordinator within one (1) working day of receipt of the application. The internal recruitment process in no way prohibits the City from seeking and hiring qualified applicants through an external recruitment process. Except as required by the

provisions of a collective bargaining agreement, the City reserves the right to recruit external candidates with or without conducting an internal recruitment process and has no obligation to select an internal candidate over an external candidate.

#### Subdivision 4. Acting Department Head Policy

The following provisions shall be followed for appointment of Acting Department Heads:

- (a) An employee who is designated to act as a Department Head shall be compensated at the rate of pay of the lowest step on the wage grid for the Department Head position that would represent an increase in pay for the employee if appointed to the Department Head position as of the date of such designation consistent with these policies.
- (b) An employee may be appointed to the position of Acting Department Head upon recommendation of the City Administrator through the Personnel and Finance Committee and final approval of the City Council.
- (c) Subject to the provisions of any applicable collective bargaining agreement, upon appointment of a Department Head, the City may return the employee who was Acting Department Head to the position and rate of pay he or she held prior to appointment as Acting Department Head, unless the Acting Department Head is appointed to the Department Head position.
- (d) It is understood that the employee appointed as Acting Department Head is receiving additional compensation as per the terms of this policy and that no additional compensation will be made if or when the employee returns to his/her previous position regardless if this policy is amended at any point in the future.
- (e) With respect to BPU Department Head positions, an employee may be appointed to the position of Acting BPU Department Head upon approval by the BPU Commission. The BPU Commission shall seek the recommendation of the Human Resources Coordinator and any remaining BPU Department Head before reaching a decision to appoint an acting BPU Department Head.
- (f) Nothing in this policy provides, or can be construed as providing, any employee with the right to be selected as Acting Department Head or Department Head. Nothing within this policy alters, or can be construed as altering, the “at-will” nature of employment of Acting Department Heads.

## **SECTION 7. PROBATIONARY PERIOD**

### **Subdivision 1. Duration and Purpose**

Subject to the provisions of an applicable collective bargaining agreement and applicable law, all new, rehired, promoted, or reassigned employees shall serve a twelve (12) month probationary period upon assuming their new positions. This period shall be used to observe the employee's work habits and ability to perform the work that they are required to do. Department Heads shall file with the City Administrator or, for BPU employees only, the BPU Commission, a written summary of the probationary period and include a recommendation for continued employment of the employee.

### **Subdivision 2. Extension**

An employee's probationary period may be extended for an additional period of time not to exceed six (6) months at the sole discretion of the Human Resources Coordinator.

### **Subdivision 3. Termination**

The City Council, upon recommendation of the Personnel and Finance Committee, may terminate without cause a probationary employee anytime during the probationary period if in the City Administrator's opinion, the employee's performance indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal, subject to the provisions of Minnesota Statutes Section 197.46 (as amended), which shall apply to veterans, as defined in Minnesota law.

The BPU Commission, upon recommendation of a BPU Department Head, may terminate without cause a probationary BPU employee anytime during the probationary period if in the BPU Department Head's opinion, the employee's performance indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal, subject to the provisions of Minnesota Statutes Section 197.46 (as amended), which shall apply to veterans, as defined in Minnesota law.

### **Subdivision 4. Completion**

At the end of the probationary period, the Department Head will recommend that the City Administrator (or, for BPU employees only, the BPU Commission), take one (1) of the following actions:

- 1) Extension of Probation;
- 2) Regular Employment; or
- 3) Termination.

If the recommendation is for an extension of probation or termination, the City Administrator will take the recommendation to the Personnel and Finance Committee for consideration, before receiving final approval from the City Council.

An employee's completion of the probationary period does not guarantee employment. All employees, including employees who have successfully completed a probationary period are "at will" employees. Nothing in this personnel policy provides, is intended to provide, or should be construed as providing additional rights to employees who complete the probationary period.

With respect to BPU employees, the BPU Department Head will make the above recommendation to the BPU Commission.

#### Subdivision 5. Vacation and Sick Leave

During a new or rehired employee's probationary period, vacation leave and sick leave shall be earned. Employees may use vacation leave after the first six months of their probationary period at the sole discretion of the City Administrator, BPU Department Head (For BPU employees only), or designee. Sick leave may be taken during the probationary period not to exceed the sick leave time earned.

### **SECTION 8. HOURS OF WORK**

#### Subdivision 1. Work Schedule

Due to the necessity of providing service twenty-four hours per day, seven days per week, it is a reasonable condition of employment to require that employees work a regular schedule of hours as established by the City. Regular schedules shall not be construed as excluding shift rotation and emergency work schedules based on public necessity as determined by the City.

The following are descriptions of the work schedules for the types of employees utilized by the City of Brainerd.

1. Subject to the terms of any applicable collective bargaining agreement, regular full-time and probationary full-time employees, included in the annual budget, normally have a work schedule of forty (40) hours per week (five (5) days per week, eight (8) hours per day). The City reserves the right to set employees' schedules and hours of work as required to deliver City services.
2. Regular part-time and probationary part-time employees have a work schedule that is less than forty (40) hours per week. Employees who work less than thirty (30) hours per week shall not be eligible for fringe benefits, except as required by

law. Employees who work thirty (30) hours per week or more shall be eligible for the following fringe benefits on a pro-rata basis:

Holidays - As established in Section 11 of this manual.

Vacation - As established in Section 12 of this manual.

Sick Leave - As established in Section 14, Subdivision 6 of this manual.

Employees who work thirty (30) hours per week or more shall be eligible to participate in the City's group health insurance, cafeteria plan and life and long-term disability ("LTD") insurance provided that the participation of such employees is allowed by the insurance carrier/plan eligibility rules.

The employer's contribution for health insurance and life and LTD insurance for eligible participating employees shall be determined on a pro-rata basis.

3. Temporary or seasonal employees may work a flexible schedule for a period not exceeding 185 consecutive calendar days in each year of employment, or such other amount of time as determined by the City Administrator, BPU Department Head (for BPU employees only), or designee. Full-time students under the age of 23 may also work a flexible schedule as allowed by law. Employees who are temporary, seasonal, and/or full-time students are not eligible for fringe benefits.

Employees should be made aware of their work schedules by a method suitable for the various city departments. Any changes in work schedules usually will be made known to employees affected ahead of time when the schedules take effect, except in the case of emergencies.

#### Subdivision 2. Time Sheets

Each employee of the City shall complete a time sheet or absence report. Time sheets/absence reports shall cover a two (2) week (fourteen (14) day) period. Time sheets for hourly employees shall be signed by each employee and shall show all hours worked and the department said work is to be charged to. Absence reports shall be completed and signed by all salaried employees and shall show total hours absent in each pay period. All overtime, if applicable, shall be approved and initialed by the department head.

#### Subdivision 3. Supervisory Employees

The City Administrator, Department Heads, and non-union supervisory employees who are exempt from the overtime and minimum wage provisions of the Fair Labor Standards



Act may be allowed to maintain limited flexibility in their work schedule from the normal work day to the extent that job performance and service responsibilities of the City to the public remains satisfactory and at the approval of the employee's supervisor.

The regular work week for all regular employees, including Department Heads and non-union supervisors consists of five work days. Even though Department Heads and non-union supervisors may be required to work additional hours for night meetings, City functions and duties, etc., the employee must report to work all five days per week, even if the actual hours worked exceeds 40 hours prior to the fifth day. If an employee does not report to work for an entire day in a work week, the absence report must show which type of appropriate leave is being taken (e.g., eight hours of vacation time).

Department Heads and non-union supervisors are allowed "limited flexibility" in their work schedule. This limited flexibility means that, if a Department Head or non-union supervisor is absent for four or more hours in any normal work day, appropriate leave must be utilized to account for the absence.

If a Department Head or non-union supervisor needs to work a full day on a weekend or holiday, he or she may make a request to the Department Head (for non-union supervisors), City Administrator (for City-side Department Heads), or BPU Commission (for requests made by BPU Department Heads) to have this work day switched to allow for a day off on another day. This request must be approved by the Department Head, City Administrator, or BPU Commission, as appropriate, before the employee switches his or her work schedule.

## **SECTION 9. OVERTIME HOURS**

### Subdivision 1. General

Overtime pay for employees will be in conformance with State and federal law, including Minnesota Statutes, section 177.25 (as amended) and the Federal Fair Labor Standards Act, 29 United States Code, section 201 et seq., ("FLSA") as amended, and all applicable State and federal rules and regulations implementing Section 177.25 and/or the FLSA.

1. For purposes of computing overtime for employees, other than BPU employees, work weeks shall begin at 12:00 a.m. on Saturday. For purposes of computing overtime for BPU employees, work weeks shall begin at 12:00 a.m. on Sunday.
2. Hours worked by non-exempt, non-union employees in excess of forty (40) per week shall be compensated at one and one-half (1 ½) times their hourly wage rate unless a different rate is established by an employment contract.



3. Holiday hours actually worked are calculated as time worked in the computation of overtime pay. For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.
4. No employee may work overtime without the prior approval of his or her Department Head, or designee.
5. Exempt, non-union employees shall not be eligible for overtime compensation or compensatory time, except as provided in Subdivision 4 of this Policy.

#### Subdivision 2. Payment

Department heads are responsible to schedule the work in their departments to minimize overtime. Overtime shall be calculated in 1/4 hour (fifteen minute) increments.

#### Subdivision 3. Compensatory Time

Upon request, non-exempt, non-union employees, other than BPU employees, will be allowed to take compensatory time off in lieu of receiving overtime compensation. In no event, shall accrued compensatory time off exceed the limitations provided in the FLSA . Once an employee has reached maximum accrual, compensation for additional hours must be paid in cash, rather than accrued as compensatory time off.

Compensatory time shall be determined at the rate of one and one-half (1½) hours off for every hour of overtime worked.

The City reserves the right to pay out any compensatory time off in excess of 80 hours, as it deems necessary. Accrued compensatory time off may be used with prior approval from the employee's Department Head, which shall be granted unless use of compensatory time off would unduly disrupt the operations of the City.

Upon separation from the City's employment, employees shall be paid for their accrued, but unused compensatory time off in accordance with the FLSA and other applicable law.

#### Subdivision 4. Overtime for Exempt Employees

Notwithstanding the above, exempt employees may receive overtime compensation to the extent provided in an intergovernmental agreement or other contract between the City and another entity, if the contract requires the other entity to pay the cost of overtime hours.

## **SECTION 10. LUNCH AND COFFEE BREAKS**

All hourly employees shall receive one (1) fifteen (15) minute rest period during each four (4) consecutive hours of work. Rest periods are part of the paid work shift. An employee shall not be compensated additional wages or time off for not taking a scheduled rest period. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunch time, including any standard lunch time designated by a specific Department—or accrue compensatory time—by saving these breaks. Breaks should be scheduled so as to not interfere with work requirements.

In general, City employees working a scheduled full-time shift are entitled to a one (1) hour uncompensated meal period. Meal periods shall be scheduled by the department head or supervisor. Employees will not be permitted to adjust work start time or accrue compensatory time by skipping lunch breaks.

## **SECTION 11. HOLIDAYS**

The following holidays, or days observed as such, shall be considered paid holidays for all regular employees:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Veterans' Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day
- 2 "Floating" holidays

When an official holiday recognized in this policy falls on a Saturday, the preceding Friday shall be declared a holiday for employees whose normal work schedule is Monday through Friday. When an official holiday recognized in this policy falls on a Sunday, the following Monday shall be declared a holiday for employees whose normal work schedule is Monday through Friday.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Union employees shall be compensated according to the terms and conditions of their collective bargaining agreement.

Requests for floating holidays shall require three (3) days' written notice to the Department Head. Such requirement may be waived when absence of the employee will not unduly affect the functioning of the department.

New employees receive the two floating holidays (16 hours) on a pro-rata basis based on their date of hire. After the initial year of employment, one floating holiday should be taken in the first six months of the year, the other one in the remaining six months of the year.

All floating holidays must be taken in one (1) day (or eight (8) hour) increments. Floating holidays are not carried over year-to-year and must be used in the calendar year that they are received. Floating holidays not used by December 31 of the calendar year they were received are forfeited.

## **SECTION 12. REGULAR VACATION**

### Subdivision 1. Responsibility

Vacations are granted under the following rules.

### Subdivision 2. General Vacation Rules

#### 1. When Taken

Vacation leave may be taken after written approval by the Department Head. Vacation leave will be granted in not less than one-quarter hour units. Probationary employees' use of vacation leave is subject to Section 7 of these policies.

#### 2. Length of Service

Length of service for the purpose of determining vacation accrual is calculated from the date of hire with the City. If an employee returns to work at the City after a break in service, the employee's length of service will be calculated from the date of rehire.

#### 3. Scheduling Vacation

Department Heads are responsible for approving the scheduling of vacation leaves for employees under their supervision, and approval is not automatic.

- A. Consideration shall be given to seasonal demands and departmental staffing needs before granting any vacation leave requests.
- B. Preference in scheduling shall be based on the order in which vacation requests are received and/or seniority of employees.

4. Monetary Consideration in Lieu of Vacation

Vacation pay shall be reflected on the paycheck issued for the pay period in which the vacation is taken. No vacation shall be paid in lieu of taking time off, except as authorized under the City's Cafeteria Plan.

5. Accrual of Vacation

Employees may accumulate vacation time equal to a maximum of 240 hours. Vacation accrual will cease if an employee is off of the City's payroll system for any reason whatsoever, except as required by law.

All full-time employees, except the City Administrator and Department Heads, shall earn vacation at the rate of: 6.66 hours per full month worked during the employee's first five years of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

- 5 years of service - 10.00 hours per month
- 10 years of service - 10.67 hours per month
- 11 years of service - 11.33 hours per month
- 12 years of service - 12.00 hours per month
- 13 years of service - 12.67 hours per month
- 14 years of service - 13.33 hours per month
- 15 years of service - 14.00 hours per month
- 16 years of service - 14.67 hours per month
- 17 years of service - 15.33 hours per month
- 18 years of service - 16.00 hours per month
- 19 years of service - 16.67 hours per month
- 20 years of service - 17.33 hours per month
- 21 years of service - 18.00 hours per month
- 22 years of service - 18.67 hours per month
- 23 years of service - 19.33 hours per month
- 24 years of service - 20.00 hours per month

City Administrator and Department Heads shall earn vacation at the rate of:

Ten (10) hours per full month worked during the first year of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

- 1 year of service - 10.67 hours per month
- 2 years of service - 11.33 hours per month
- 3 years of service - 12.00 hours per month
- 4 years of service - 12.67 hours per month
- 5 years of service - 13.33 hours per month
- 6 years of service - 14.00 hours per month
- 7 years of service - 14.67 hours per month
- 8 years of service - 15.33 hours per month
- 9 years of service - 16.00 hours per month
- 10 years of service - 16.67 hours per month
- 11 years of service - 17.33 hours per month
- 12 years of service - 18.00 hours per month
- 13 years of service - 18.67 hours per month
- 14 years of service - 19.33 hours per month
- 15 years of service - 20.00 hours per month

## **SECTION 13. EMPLOYEE LEAVES**

### Subdivision 1. Jury Duty

Any employee who is required to serve as a juror shall be granted a leave of absence with pay while serving in such capacity. An employee cannot receive more than the employee's normal take-home pay as a result of any employer pay supplemented to Jury Duty pay. Jury duty pay must be remitted to the City. When employees are excused from jury duty during their regular working hours, they are expected to return to work if practicable. If a holiday occurs during jury duty, the employee shall be paid for the holiday.

Insurance benefits will remain in effect for the full term of jury duty leave. Employees must continue to make employee contributions for any insurance that requires payment on their part.

Vacation time and sick time shall continue to accrue during the period of leave. Benefits will continue to accrue as though the employee were actively at work.

### Subdivision 2. Military Leave

Employees shall be entitled to leave without pay for military service, including training in the National Guard, consistent with the Uniformed Services Employment and Re-employment Rights Act of 1994 ("USERRA") (as amended) and Minnesota law, including, but not limited to, Minnesota Statutes, chapter 192 (as amended).

Employees may be entitled to leave of absence with pay for military service, including training in the National Guard or Reserves, in accordance with the USERRA or Minnesota law, including, but not limited to, Minnesota Statutes, Chapter 192, as amended.

#### Subdivision 3. Leave for Service in Organizations

The City Council with the recommendation of the City Administrator and Personnel and Finance Committee, may grant a leave of absence without pay for reasonable periods not to exceed one (1) year to any regular employee for the purpose of serving in an elected or appointed position in a professional organization or a governmental commission or committee, provided such leave will not reduce the quality or level of service to the public.

No vacation leave, sick leave, holiday leave or compensatory time off benefits shall be used or accrued during a leave of absence and the City will not contribute to insurance premiums.

With respect to BPU employees, the BPU Commission may approve the above-leave of absence upon the recommendation of the BPU Department Head.

#### Subdivision 4. Parental Leave

Parenting Leave, as provided for in Minnesota Statutes, including section 181.941, as amended, grants qualifying employees unpaid leave of up to twelve (12) weeks for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or a related health condition. Parental Leave is considered to be taken simultaneously with FMLA leave. If leave is taken due to the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption, unless the child remains in the hospital after the mother has been discharged, in which case the leave must begin within twelve (12) months after the child leaves the hospital.

#### Subdivision 5. Funeral Leave

All regular full-time employees shall be permitted paid funeral leave not to exceed three (3) consecutive working days, if necessary, for the death of an immediate family member (employee's spouse, child, step-child, father, mother, brother, sister, father-in-law, mother-in-law) and one (1) working day, if necessary, for the death of an employee's grandparent. Funeral leave for other relatives may be granted at the discretion of the Human Resources Coordinator. Up to twenty-four (24) additional hours of sick leave may be used as additional funeral leave at the discretion of the City Administrator or BPU Department Head (for BPU employees only). For purposes of this policy, the term "working day," means a regularly scheduled shift, excluding any time that an employee

would be considered “on call” unless the employee actually would have been called to perform duties during that period.

#### Subdivision 6. Sick Leave

All full-time employees shall earn sick leave at the rate of one (1) day (8 hours) per month of employment. Sick leave will be granted in not less than one-quarter hour units. Sick leave accumulation shall be a maximum of 120 days (960) hours.

An employee may use sick leave when the employee is unable to attend work or perform work duties due to illness, injury, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact during the course of performing work duties. Employees may also use their accrued sick leave for the following:

1. Illness or injury of the employee’s spouse, child, adult child, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. Sick leave to care for an injury or illness of the employee’s adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent is limited to 160 hours (20 days) in any given twelve (12) month period;
2. “Safety leave,” as provided in Minnesota Statutes, section 181.9413(b). Employees may use up to 160 hours (20 days of an eight-hour shift) of sick leave for “safety leave” during any given twelve (12) month period.
3. Any other purpose for which the City is required to allow an employee to use sick leave by State or federal law, including, but not limited to, Minnesota Statutes, section 181.9413.

When requesting sick leave, employees must notify the supervisor prior to the start of a scheduled shift.

Sick leave accrual will cease if an employee is off of the City's payroll system for any reason whatsoever.

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

- a. report as soon as possible to the employee's immediate supervisor the need to be absent and identify if the absence is due to the employee’s illness or the employee’s immediate family, as listed above;

- b. keep the employee's immediate supervisor informed of such employee's need for continued absence; and
- c. to the extent allowable by law, for any absence that exceeds three days, upon request by the City Administrator or BPU Department Head (for BPU employees only), submit a medical certificate before the employee will be allowed to return to work.

To the extent allowable by law, the City reserves the right to require any employee returning from sick leave to provide a certificate stating that he or she is able to perform the essential functions of his or her position, with or without reasonable accommodation.

In case of disability caused by sickness or injury and covered by Workers Compensation, the City will pay to the employee only such sums, as together with Workers Compensation payments, will equal their base pay but never for a longer period than their accumulated sick leave and vacation leave. In such case, to the extent allowable by law, once sick leave is exhausted, the time deducted from accumulated vacation leave shall be in the same amount as the proportion of wages paid by the City bears to the entire base pay of the employee. No sick leave or vacation leave will be paid employees while actually working for others.

#### Subdivision 7. Extended Medical Leave

When medically necessary, and upon receipt of a medical certificate from an employee's treating physician, the City Administrator or BPU Department Head (for BPU employees only) may approve a request for a medical leave extension of up to 90 days due to the employee's serious medical condition or to care for a spouse, parent or child who has suffered a serious medical condition.

Before using unpaid leave under this section, the employee must use all paid leave. Leave granted pursuant to this Subdivision may run concurrently with leave under the Family and Medical Leave Act ("FMLA").

Employees will not earn or accumulate benefits or other compensation while on unpaid leave, except as required by law. A medical certificate attesting to the employee's fitness for duty shall be required prior to any employee returning to work from medical leave. Also, the City may require that the employee submit to an examination by a medical provider selected by the City to determine whether the employee is able to perform the essential functions of his or her job, with or without reasonable accommodation.



The Human Resources Coordinator may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

#### Subdivision 8. Personal Leave

Upon written request of an employee, the City Council or BPU Commission (for BPU employees only) may grant an employee a leave of absence without pay for a period of up to 90 consecutive calendar days.

Employees will not earn or accumulate leave, benefits, or other compensation while on unpaid leave except as required by law.

#### Subdivision 9. School Leave

Employees may take up to a total of sixteen (16) hours per twelve (12) month period of unpaid leave to attend school conferences and school-related activities related to the employee's child, provided the conferences or other school-related activities cannot be scheduled during non-work hours. Employees taking leave for this purpose may, but are not required to, substitute vacation or compensatory time for any part of this unpaid leave.

#### Subdivision 10. Family & Medical Leave

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

##### A. Restrictions on FMLA Leave

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

1. The City has designated a "rolling" twelve (12) month period for purposes of determining employees' entitlement to FMLA leave. The "rolling" twelve (12) month period is measured backward from the date the employee uses any FMLA leave.

2. Spouses employed by the City are permitted to take a combined total of twelve (12) work weeks of FMLA leave during a single twelve (12) month period if the FMLA is: (1) due to the birth of a son or daughter of the employees; (2) due to the placement of a son or daughter with the employees for adoption or foster care; or (3) in order to care for a parent of the eligible employee.
3. Employees who request leave under this policy based on: (1) their own serious health condition; (2) to care for a parent, spouse, or child's serious health condition; or (3) military caregiver leave, are required to submit a completed medical certification that complies with the requirements of the FMLA. Medical certification forms are available from Human Resources. The City reserves the right to request a second opinion, at the expense of the City, to the extent permitted by the FMLA. If the results of the employee's certification differs from the results of the City's certification, the City may obtain a third opinion at the City's expense. The City also reserves the right to require periodic recertification, to the extent allowed by the FMLA and to contact the certifying medical provider to authenticate or clarify the medical certification in lieu of seeking a second opinion. Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency, if leave is requested for that purpose.
4. Except in emergency situations, the employee is required to provide written notice of the need to take leave to his or her immediate Supervisor not less than thirty (30) days before the date the leave is scheduled to begin. If the leave is to begin in less than thirty (30) days, the employee shall provide such written notice as soon as practicable.
5. Employees are required to use all accrued sick leave, vacation leave, and any other accrued paid leave concurrently with leave provided under the FMLA. Employees with both accrued sick and vacation leave are required to use sick leave and compensatory time, if any, before using accrued vacation leave. The combined paid and unpaid leave cannot exceed the applicable twelve (12) week or twenty-six (26) week maximum FMLA leave time. FMLA leave may run concurrently with a worker's compensation absence if the on-the-job injury or illness also qualifies as a serious health condition under the FMLA.
6. Subject to the terms, conditions, and limitations of applicable plans, eligible employees are entitled under the FMLA to the same health insurance benefits provided by the City while on FMLA leave to the same extent as if the employee were not on FMLA leave. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking family or medical

leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health condition of the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.

7. Vacation, sick, and holiday leave will not be earned during a period of unpaid FMLA leave. FMLA leave, whether paid or unpaid, will not constitute a break in service for purposes of computing years of service.
8. The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Human Resources Coordinator or designee may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.
9. Records of FMLA leave will be kept along with normal personnel records except that any medical record(s) will be maintained separately in accordance with applicable laws.

#### B. Effect on Pension:

Employees should contact the Public Employees Retirement Association ("PERA") for information about how FMLA leave may affect their retirement benefits.

#### C. Training:

Employees who have missed training sessions while on FMLA leave will be given a reasonable opportunity to make them up upon returning to work.

#### Subdivision 11. Department Head Absenteeism Notification

Except in the event of an emergency that prevents such notice, Department Heads shall notify the City Administrator prior to any absence from the office.

## Subdivision 12. Catastrophic Leave Bank

### POLICY STATEMENT

The City of Brainerd recognizes that occasions arise when employees may have exhausted their vacation leave, sick leave and compensatory time, due to a non-work related injury or prolonged illness that has not yet qualified for long-term disability insurance benefits. It is the intent of this policy to provide an opportunity for City employees to voluntarily donate vacation leave hours to an emergency medical leave bank for use by other City employees who demonstrate a catastrophic medical emergency. The program is voluntary in nature and does not guarantee any resulting benefit to any employee in need nor does it require participation of any employee. This policy applies to employees of bargaining units upon agreement of their exclusive representative.

#### Eligibility

All non-probationary City employees, including members of collective bargaining units whose exclusive representatives have agreed to this policy, are eligible to participate in this Catastrophic Medical Leave Sharing Bank ("CMLSB"). Donation to the bank is entirely voluntary.

#### Definitions

- A. "Catastrophic Medical Emergency" is a major life-threatening disease or illness or non-work related major injury involving a prolonged absence from work.

Examples may include: heart attack, stroke, organ transplant, cancer or major non-work-related injury.

The medical emergency must result in the incapacitation of the employee, spouse, or child/stepchild for a minimum of 80 consecutive work hours (subsequent intermittent absences involving the same illness or condition shall also qualify) which requires the employee to take time off from work and creates a financial hardship because all of the employee's paid leave has been exhausted.

"Catastrophic medical emergency" is specifically not defined as all "serious health conditions" as defined under the FMLA.

- B. "Verification of catastrophic illness or injury" shall consist of a physician's statement verifying that:
1. The employee is suffering from a major life-threatening disease, illness or non-work related major injury requiring a prolonged absence from work; or

2. That the employee must be present to care for the employee's spouse, child or stepchild who is suffering from a major life-threatening disease or illness or major injury; and
  3. A brief description of the nature of the illness or injury and the anticipated duration of the incapacity.
  4. The Verification of catastrophic illness or injury shall be in addition to the FMLA certification of health care provider.
- C. "Donor" is an employee who donates vacation leave to the Emergency Medical Leave Sharing Bank.
- D. "Applicant" or "Recipient" is a non-probationary City employee who has applied for or received leave from the CMLSB.
- E. "Committee" as referenced in this policy shall consist of the City Administrator, Human Resources Coordinator, and the Chair of the Personnel and Finance Committee.

#### Catastrophic Medical Leave Sharing Bank BENEFITS AND LIMITATIONS

- A. The applicant must have exhausted all of the employee's own accrued vacation, sick leave, and compensatory time in order to receive any Catastrophic Medical Leave ("CML").
- B. The applicant may apply for CML while still in paid status, but no sooner than 80 hours before the exhaustion of all of the applicant's paid leave or CML.
- C. An applicant may be eligible to receive up to a maximum of 160 hours of CML per request, which shall be placed in the recipient's sick leave bank as needed per pay period in increments of no more than 80 hours at a time. Additional requests for CML may be submitted upon the anticipated exhaustion of the initial hours and medical verification of continued need, but the total CML granted to one recipient in relation to one medical emergency shall not exceed 480 hours. Part-time employees shall be eligible to receive CML on a pro-rata basis.
- D. Recipients of CML must use the leave only for the Catastrophic Medical Emergency. Any CML which is not used for the medical emergency shall be returned to the bank and cannot be retained by the recipient.
- E. An applicant shall be required to apply for FMLA leave in conjunction with the application for CML. Catastrophic Medical Leave time will run concurrently with any applicable FMLA leave.

- F. The recipient shall be in a paid status when using CML for the purpose of receiving benefits. When a pay period includes a holiday, a participant using CML shall receive holiday pay provided they are in a pay status the last regular shift prior to, and the first regular shift following the holiday.
- G. A recipient's CML pay will continue to be taxed in accordance with state and federal law, and all authorized deductions will continue to be deducted from the participant's paycheck, provided sufficient wages are available.
- H. All time donated to the pool shall be converted to a dollar amount based upon the donor's hourly rate of pay. All CML shall be used at the recipient's rate of pay.
- I. Leave from the CML may not be used for illness or disability which qualifies the participant for Worker's Compensation, long term disability, PERA disability or Social Security benefits.
- J. An applicant shall be required to apply for long term disability and PERA disability, as applicable, for the employee's own medical condition which results in the employee's absence from work for more than 60 calendar days, whether before or after the employee has exhausted his/her own paid leave. The recipient applicant shall provide verification of such application.
- K. Leave donated to the CML Bank shall remain in the bank from year to year and shall be available to eligible employees. Donation of leave to the CML Bank is irrevocable.

#### Application Process

- A. Applicants shall be required to complete a form setting forth their request for CML, the reason, number of hours requested and the anticipated duration of the medical emergency. A new request form shall accompany each subsequent request. The CML Request form will be turned into the Human Resource Coordinator prior to the start of the leave if possible. Requests will be reviewed by the Committee.
- B. The Applicant shall sign a waiver of liability in connection with the CML request and any subsequent request. The applicant shall provide a "verification of catastrophic illness or injury" with the request form or within (10) calendar days of the request. In the event that the Verification is not submitted in a timely manner, the CML request may be considered by the Committee but no leave will be disbursed to the applicant until the verification is received and reviewed by the committee.
- C. Applicants who are denied CML or whose withdrawal is not renewed or is terminated may, within fifteen (15) calendar days of denial, appeal the denial, non-renewal or termination by providing new or additional information to the Committee and completing a supplemental application

and waiver. The final decision will be reported to the applicant, in writing, within ten (10) working days of the decision. This decision of the Committee is final. Such final authority is not subject to the grievance procedure or litigation and the applicant shall specifically waive any rights to review by any of these options.

- D. All requests for CML, verifications of catastrophic illness or injury and other documentation related to an applicant's medical condition or that of the applicant's family member shall be kept confidential and shall only be disclosed as necessary to administer request for withdrawal.
- E. If the CML bank does not have sufficient hours to fund a withdrawal request, the City is under no obligation to pay the applicant any funds. If a withdrawal request is denied in whole or in part because of insufficient dollars to fund the request, the applicant shall be notified in writing of the reason for the denial.

#### DONATION PROCESS

- A. A regular full or part time employee may donate vacation leave to the Catastrophic Medical Leave Sharing Bank **once annually**, which shall occur with the first pay period in December. In the event that the CML Bank becomes depleted, the City Council may, in its sole discretion, authorize a second open window period for donation to the Bank.
- B. Donors are required to have a minimum of **80** hours of vacation leave available to them in their accrued vacation leave bank after a donation is made.
- C. Donation to the CML bank is irrevocable.

#### TENNESSEN WARNING

Information provided pursuant to the Catastrophic Leave Donation Policy is classified as personnel data pursuant to Minnesota Statutes, section 13.43. You are not legally required to participate in the program and are therefore not required to provide any information. If you choose to participate in this voluntary program, you will be required to provide the information set forth above in order to donate or received donated leave.

The requested and required information regarding leave donation requests, including medical information and the basis for leave donation requests will disclosed to those individuals whose work assignments reasonably require access, including committee members, insurance vendors, consultants and attorneys. The information may also be used to make decisions regarding your eligibility for extended sick leave, family and medical leave, and other leaves; your eligibility for workplace accommodations, including accommodations for disabilities; and other benefits. The information may also be shared



with other agencies authorized by law to receive specific data, including but not limited to: Civil/human rights; Worker's Compensation; Unemployment Compensation; and Labor Contracts

Information regarding the value of donated leave as taxable income will be reported to the Minnesota Department of Revenue, the Internal Revenue Services and security tax programs

## **SECTION 14. EMPLOYEE INSURANCE**

### **Subdivision 1. Benefits - Health Insurance**

The City provides a medical coverage insurance plan for eligible employees, as described in the Summary of Benefits.

The insurance coverage takes effect the first day of the calendar month following date of hire, except as required by applicable law, including, but not limited to, the Affordable Care Act. The City provides contributions to health insurance premiums as approved annually by the City Council.

The City will contribute towards the health insurance premiums of employees and elected officials as described in Exhibit A to this Policy Manual. Information regarding health insurance benefits will be provided by the Human Resources Coordinator for new employees and periodically thereafter. Any further questions pertaining to insurance coverage shall be directed to the Human Resources Coordinator, or designee.

### **Subdivision 2. Benefits - Life and LTD Insurance**

The City provides a term life insurance policy for all eligible employees, as described in Exhibit B. The plan takes effect the first day of the calendar month coincident with or next following completion of six months of employment. The amount of life insurance coverage provided is described in an applicable collective bargaining agreement or determined by the City Council. For elected officials, Department Heads, and non-union Supervisors, the City will provide life insurance in the face amount described in Exhibit B.

The terms of the long-term disability coverage, including the formula used to calculate the benefit and the waiting period before an employee may receive long term disability benefits will be established by the City, as described in Exhibit B to this Policy Manual.

### **Subdivision 3. Benefits - Workers Compensation**

State law requires that an employee report all injuries to his/her supervisor. If necessary, you will be sent to a doctor or to the hospital for treatment.



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

## **SECTION 15. HEALTH CARE SAVINGS PLAN**

The City Administrator, Department Heads, and Non-Contract Supervisors are eligible to participate in the Minnesota Health Care Savings Plan (“HCSP”). This plan is pursuant to the Minnesota Statutes, section 352.98 (as amended). Details regarding employees’ participation in the Minnesota Health Care Savings Plan are included in Exhibit C. Employees should direct any questions about participation in this plan to the Human Resources Coordinator.

## **SECTION 16. CAFETERIA PLAN**

The City of Brainerd offers its employees a cafeteria plan. The plan allows employees to pay for health insurance premiums, and medical and/or dependent care expenses on a before-tax basis.

The flexible spending program is divided into 3 separate accounts, which are summarized below:

- A. Insurance Premiums Deducted from Paychecks: The amount of premium which is deducted per pay period for health insurance coverage per settled wage/benefits negotiations. Some voluntary insurance deductions may also be eligible.
- B. Medical Expenses: Out-of-pocket medical, dental & vision expenses not covered by insurance.
- C. Dependent/Childcare Expenses: Dependent care expenses for the care of a child under age 13 and/or a dependent regardless of age who requires care due to an inability to care for himself or herself.

The law limits the maximum contributions that employees can make to their flexible spending account and the specific expenses that can be paid out of such accounts. Employees should contact the Human Resources office for additional details.

Further information on the City’s Cafeteria Plan may be obtained from the Human Resources Coordinator.

## SECTION 17. EDUCATION, TRAINING AND DEVELOPMENT

The City Council has determined that it is in the best interest of the City of Brainerd to support continuing education, training, and development of staff members in order that they may carry out their duties in the most efficient and productive manner possible.

To further this policy the City Council does authorize payment for education, training and/or staff development directly related to an employee's current position in order to increase his/her efficiency and productivity in that position in accordance with the following criteria and procedure.

1. EDUCATION. The City may reimburse a regular employee for tuition expenses and course fees under certain circumstances. There shall be no reimbursement for mileage/parking expense. Qualifying tests (SAT, ACT, GRE, CLEP, etc.), required books, student activity fees, and material costs will not be reimbursed. Courses for which the employee receives another source of funding, such as a grant or scholarship, will not be eligible for reimbursement.
  - a. Pre-Approval. Prior to starting a class or classes, and in any event no later than August 1 of each year, the employee must obtain written approval from the employee's Department Head and the City Administrator or BPU Commission (for BPU employees only) that the class, certificate, or degree is job related and that the request would benefit the City . Specifically, the courses must be from an accredited institution and directly related to the employee's current assignment or has the potential for promotional opportunities for the employee. The Department Head must verify that the Department budget will cover this expense before recommending approval to the City Administrator or BPU Commission. Each approval shall be limited to a single course or academic term. Enrollment in a multiple-year course of study, or approval of reimbursement for any portion of such a course of study does not guarantee that funding will be available in subsequent years or that the City will approve any future course of study, even if related to one that was approved in the past. An employee who is requesting reimbursement for education expenses must have been a regular employee of the City for at least one year before the scheduled course is scheduled to begin.
  - b. Satisfactory Completion. The employee shall provide the Department Head with proof of satisfactory completion with a grade of "B" or better of any course requested for reimbursement, prior to reimbursement.
  - c. Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.
  - d. Reimbursement for classes taken at private institutions shall not exceed the tuition charged by the Minnesota State University system.

- e. Time Off. If class is during the regular workday, an employee must take that time as compensatory time, vacation time, or leave of absence without pay, or the employee can request a flexible scheduling arrangement, subject to approval by the Department Head and City Administrator or BPU Commission (for BPU employees only). Classes or course work taken by the employee must not disrupt or interfere with the normal Departmental operations. Completion of preparatory work and homework are not permitted during scheduled work hours.
- f. Continued Employment. The employee must remain with the City of Brainerd following completion of the course for which the City provided reimbursement pursuant to this policy, or else return to the City the expense amount(s) reimbursed pursuant to this policy. If the employee voluntarily terminates employment with the City after receiving education reimbursement pursuant to this policy, the employee must repay the reimbursed tuition immediately according to the following schedule:
- Up to 1 year after receiving reimbursement – 100 % of the tuition reimbursement
  - 1 year but less than 2 years after receiving reimbursement –66% of tuition reimbursement
  - 2 years but less than 3 years after receiving reimbursement –33% of tuition reimbursement
  - 3 years or longer after receiving reimbursement – 0% of tuition reimbursement
- g. Funding Procedure. Subject to paragraph (d), above, the City will reimburse its employees for tuition expenses up to a maximum of \$1,500 per calendar year with a total lifetime maximum of \$6,000 which will be indexed by the same percentage as employee salaries each year. All reimbursements shall be subject to applicable IRS regulations. The scope, terms and conditions of this reimbursement shall be defined and interpreted by the City Administrator or BPU Commission (for BPU employees only). Reimbursement is further limited based on availability of budgeted funds. Reimbursements are on a first come, first served basis and shall not exceed the department budget. In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator (or BPU Commission, for BPU Employees only) shall have the discretion to apportion the available funds, including the discretion to refuse reimbursement.
- h. The Human Resources Coordinator will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting reimbursement after successful completion of classes.

## 2. TRAINING AND DEVELOPMENT.

- a. The City will pay for job-related, position specific training approved by the Department Head and City Administrator or BPU Commission (for BPU employees only) and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training.
- b. The City will pay for, or reimburse employees for, any and all training required by the City, including training required to attain or maintain job-related certification.
- c. The Department Heads will maintain records on all employee training done at City expense and report annually on the training received and funds expended to the City Council or BPU Commission (for BPU Department Heads only).
- d. The procedure for payment for training and development is as follows:
  - i. A request for payment of fees and course materials must be approved by the Department Head and the City Administrator or BPU Commission (for BPU employees only). Such approval will only be granted when it can be demonstrated that the training directly relates to the employee's present position and that it will potentially enable the employee to perform his/her duties in a more efficient and productive manner.
  - ii. All course materials paid for by the City are the property of the City of Brainerd and shall be brought to the Department Head of the appropriate Department upon completion of the training.

For purposes of this policy, training and development will include seminars, workshops, and training sessions designed to provide specific applications to an employee's present position. Such training must be approved by the Department Head or the City Administrator.

The City Administrator or BPU Department Head (for BPU employees only) may grant a leave of absence with or without pay to an employee for the purpose of attending schools, meetings, conferences, and other functions which are a benefit to the City of Brainerd, if, in the City Administrator's judgment (or that of the BPU Department Head, for BPU employees only), such leave will not cause disruption of service.

All training and education opportunities described in this policy are subject to the availability of funds and the budgets of individual departments as well as the City's overall budget.

## **SECTION 18. EMPLOYMENT RELATED REIMBURSEMENTS**

### **Subdivision 1. Mileage, Meals and Lodging**

If employees are required to travel outside of the area in the performance of their job duties, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. However, the City/BPU will not reimburse employees for meals connected with training or meetings within the Brainerd/Baxter area, unless the training or meeting is held as a breakfast, lunch or dinner meeting.

The City Administrator or applicable BPU Department Head is responsible for determining job-relatedness and approving or disapproving training, conference or meeting attendance. Such authorization must be received by the employee prior to incurring the actual expenses and shall be subject to the availability of funds. Expenses will be reimbursed as follows:

- 1) Mileage for use of personal vehicle when traveling to or from a training or work location other than the employee's regular work location is reimbursed at the rate established by the Internal Revenue Service, based on a statement from the employee as to number of miles traveled. All mileage must be computed from the employee's regular work location, or from home, if the employee's home is closer to the destination. For purposes of this policy, the term "regular work location" means the work location from which the employee departs for the regular performance of official duties.
- 2) Reimbursement for travel by bus, airline, or train will be at the actual rate charged (which must be the lowest rate available for the mode transportation in question). No payment will be made without a receipt accompanying the voucher. All airline and rental car travel arrangements must be approved by the City Administrator or applicable BPU Department Head prior to booking.
- 3) Lodging - Expenses will be paid based upon receipt from the motel or hotel. The City will reimburse for lodging at the lowest rate for a single occupancy room. All hotels or motels must be approved by the City Administrator or applicable BPU Department Head prior to booking.
- 4) Meals. Actual meal cost, inclusive of sales tax and a reasonable gratuity up to 20%, and not to exceed a total \$47.00 per day shall be reimbursed according to the following. No expenses for alcoholic beverages may be reimbursed. Meals eligible for reimbursement are breakfast, lunch, and dinner. Meals are reimbursable to employees absent from their normal place of employment or residence on official business at the customary mealtime. No claim for breakfast

is allowable when departure from home or regular work location occurs after 7:00 a.m. No claim for lunch is allowable if the employee's regular work location could have been reached between the hours of 11:00 a.m. and 1:00 p.m. No claim for dinner is allowable if the employee's residence or regular work location could have been reached before 6:30 p.m. Times of departure and arrival should be listed for all trips where meal expense is claimed.

Claims for meals for employees will be for the actual amount expended and will include tips or gratuities. Claims for meals will not exceed the following maximum allowance, or the maximum allowed by applicable law, if lower than the below amount, and must be accompanied by an itemized receipt. Credit card receipts stating the amount without itemization of the purchase is not sufficient:

Breakfast	\$10.00
Lunch	\$14.00
Dinner	\$23.00

Meals included as part of a conference, convention, or similar program will be paid in full, whether those meals are included in any registration or tuition fees or presented as a separate charge, and regardless of whether the cost exceeds the established maximum. All such expenses must be approved in advance by the applicable Department Head prior to registration. The Department Head will notify the City Administrator (or Human Resources Coordinator, for BPU employees only) upon approval of any such expenses.

- 5) Parking fees will be allowed if a receipt is given.
- 6) Registration fees paid by an employee will be reimbursed upon a receipt for the funds expended.
- 7) Mayor and City Council members, when out of town on intergovernmental business, shall receive a per diem of \$15.00 per day.
- 8) Department Heads are not required to obtain approval for budgeted travel or training activities within the State of Minnesota, including attendance at such training by non-union supervisors who report to them, but must provide a written report of these items to the City Administrator or BPU Commission (for BPU Department Heads only), if requested. All out-of-state travel or training, other than training attended only by the City Administrator or Department Heads, must receive prior approval from the City Administrator or BPU Commission (For BPU employees only).

## Subdivision 2. Prescription and Non-Prescription Safety Glasses

The City will pay the cost of prescription safety glasses for employees required by OSHA regulations to wear same in performing their work functions, up to a maximum of the base cost as stated in the City's agreement with a local vision provider(s). The employee is responsible for all other costs associated with obtaining the prescription, including eye examination.

The City will provide non-prescription safety glasses for employees required by OSHA regulations to wear same in performing their work functions.

## Subdivision 3. Safety Boot Policy

The City will pay up to 50% of the cost for safety boots for employees required by OSHA regulations to wear same in performing their work functions.

## Subdivision 4. Damage to Personal Items

An employee's personal items, such as watches and eyeglasses, which are damaged or destroyed during the course of his/her work shall be reimbursed by the City for the value of the item damaged or the cost of the repair, if possible, up to \$150.00 per employee annually. In order to receive such reimbursement, the employee must submit a detailed statement describing the item, how it was damaged, whether the employee believes it to be repairable, how the employee determined the value of the item, and any estimated costs of repair.

## Subdivision 5. Cold Weather Outerwear

Some employees may be required to work outdoors in cold weather for extended periods of time. The City will furnish each such employee one set of insulated cold weather outerwear at a frequency of no greater than once every 36 months, unless damaged beyond repair, as determined at the discretion of the Department Head. The cold weather outerwear will consist of three pieces - a coat, a vest, and a bib overall, and will be insulated brown duck canvas or ANSI, with a City of Brainerd insignia (or BPU insignia, as appropriate) on the coat. The employee will be responsible to keep his or her cold weather outerwear clean and in good repair at all times. The cold weather outerwear shall be kept at work at all times, except for the purpose of cleaning and/or repair to the outerwear.



## Subdivision 6. Personal Cell Phone Stipend

Employees whose work requires the use of a cell phone and who have been designated to receive a cell phone stipend by the City Council, BPU Commission (for BPU employees only), or designee will receive a monthly stipend in the amount determined by the City Administrator or BPU Commission (for BPU employees only). Employees receiving a stipend are responsible for:

1. Providing proof of purchase/lease of cell service, and other documents prescribed by the City to activate and maintain stipend payments, at intervals to be determined by the City Administrator or BPU Commission (for BPU employees only);
2. Purchase, replacement, repair, or service or operational questions of the phone will be the responsibility of the employee and at the employee's sole expense;
3. Using a secure password, PIN, or gesture to prevent unauthorized access;
4. Procuring and maintaining cellular service from a reliable carrier who provides service in the City service area;
5. Limiting personal use of the cell phone during work hours so as not to interfere with City business or the performance of the employee's job;
6. Agreeing that their cell phone may be physically or remotely wiped based on City security needs.

The cell phone stipend is intended to cover approximate costs of the employee's cell phone expenses related to work duties. Initial purchase of the cell phone, accessory equipment, and activation fees will be the responsibility of the employee, as will maintenance, insurance, and repair costs (if any). The employee will pay any and all costs exceeding the amount of the cell phone stipend. No stipend will be paid when an employee is in an unpaid leave status for more than 30 days or duties change in such a manner which no longer justifies the payment.

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal e-mails, text messages, and social media messages created, received, collected, maintained, or generated on an employee's personal cellular device by virtue of his or her position with the City are subject to those laws.

## Subdivision 7 Approval of Expenses

All claims for reimbursement must be submitted by the end of the month following the month in which the expense was incurred. As discussed above, detailed, itemized receipts shall be submitted with the claim for reimbursement.



Approval of all budgeted travel expenses incurred by employees, other than out of state travel will be subject to review and approval by the Department Head. Out of state travel must receive approval of the City Administrator (or BPU Commission, for BPU employees only) as described above. All travel expenses in excess of a department's budgeted travel or budget must be approved by the City Council (or BPU Commission, for BPU departments only) prior to being incurred.

Signing an expense voucher or request for reimbursement certifies the truth and correctness of the expense incurred. Knowingly submitting a false or inaccurate expense voucher, receipt, request for reimbursement, or other record may result in discipline, up to and including termination.

## **SECTION 19. DRUG-FREE WORKPLACE/ALCOHOL ABUSE POLICIES**

### Subdivision 1. Drug-Free Workplace/Alcohol Abuse

It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 (as amended) and other applicable law. This requires employees abstain from using alcoholic beverages, mood-altering drugs, and drugs that adversely impact performance, prior to the start of their workday, during the work period, during lunch and other work breaks. Any violation of this policy shall result in disciplinary action, up to and including discharge.

1. The misuse of alcohol and the illegal use of drugs by an employee on duty can result in a dangerous work environment by negatively affecting job performance and the ability to function safely at work.
2. The unlawful manufacture, distribution, transfer, possession, or use of drugs while on duty is strictly prohibited. Any such use may justify immediate discharge regardless of job performance.
3. Intoxication, illegal, or unauthorized use of alcohol while on duty is also prohibited and may justify immediate dismissal regardless of job performance.
4. Tolerance may be shown to an employee expressing a desire and willingness to receive treatment for their drug or alcohol use.
5. Human Resources will provide any employee, upon request, information regarding alcohol abuse and drug dependency as well as information on available treatment programs.

6. Confidentiality will be maintained, to the extent permitted by the Minnesota Government Data Practices Act and other applicable laws.

7. It is the responsibility of the employee to correct his or her unsatisfactory behavior or job performance resulting from drug or alcohol use.

8. The Human Resources Coordinator must be notified by the employee no later than five (5) calendar days following any criminal drug statute conviction for a violation occurring in the workplace or any arrest or conviction of any criminal drug offense.

9. Violations of this policy may constitute cause for discipline, up to and including discharge. Each situation will be evaluated on a case-by-case basis depending on the severity and circumstances involved.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

#### Subdivision 2. Drug & Alcohol Testing

The City has adopted a Drug and Alcohol Testing Policy, separate from the Employee Policy Manual, covering employees required to hold a commercial driver's license (CDL) to perform their job duties and other employees. All employees are required to sign a document that states that they have received a copy of this policy. Each employee must review the document and abide by its provisions. Copies can be obtained from the City Administrator's office and the Human Resources Coordinator's office.

#### Subdivision 3. Drug-Free Awareness Program

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug-free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988 (as amended). The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state law.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

#### Subdivision 4. Tobacco Use

##### A. PURPOSE

The City has established this policy regulating tobacco use in City-owned buildings and vehicles:

1. To comply with the Minnesota Clean Air act.
2. To respond to the increasing evidence that tobacco use creates a danger to the health of persons who use tobacco as well as persons who are present in a smoke-filled environment.
3. To promote a safe and healthy environment for staff and citizens and to set an example to the community in limiting tobacco use.

##### B. STATEMENT OF POLICY

1. All City-owned buildings and vehicles shall be tobacco-free which includes smoking, as defined by Minnesota Statutes, section 144.413, as amended, the use of tobacco products, including chewing tobacco, and electronic cigarettes, as defined in Minnesota Statutes, 609.685, as amended. Park shelters are exempt from this policy, to the extent provided by applicable law.
2. Tobacco use is prohibited within all City-owned buildings, this includes employee workstations, employee break areas, reception areas, storage areas, hallways, meeting rooms and all other areas inside buildings not specifically mentioned herein.
3. Within City-owned vehicles, smoking and other tobacco use is prohibited by any and all occupants.
4. All individuals on City premises share in the responsibility for adhering to and enforcing this policy. The responsibility for compliance is shared by employees, Supervisors, and the general public.

5. Employees hosting visitors are expected to inform them of the City's tobacco free policy.
6. Information on approved smoking cessation programs is available to City staff by the Human Resources Coordinator.
7. Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the City's discipline procedures, if the violation is committed by an employee, or may result in the individual being asked to leave the City's premises, if the violation is committed by a member of the public.

## **SECTION 20. EMPLOYEE SAFETY MANUAL**

The City has adopted an Employee Safety Manual, separate from the Employee Policy Manual. All employees are required to sign a document that states that they have received a copy of the manual. Each employee must review the manual and abide by its provisions. Copies can be obtained from the City Administrator's office or the Human Resources Coordinator's office.

## **SECTION 21. POLITICAL ACTIVITY**

City employees have the right to vote as they please, to express their personal opinions on political subjects in their capacity as individuals, and retain membership in political parties

An employee may be a candidate for partisan or non-partisan public office provided that no employee shall campaign for such office during actual hours of work. City employees' political activity may be subject to state and federal laws including, but not limited to, the federal Hatch Act, the Minnesota Fair Campaign Practices Act, and Minnesota Rules part 9575.0080, and all amendments thereto.

No employee will be permitted to express any view on any legislative protocol, candidate for office, elected official, or other topic on behalf of the City unless expressly approved to do so by the City Council or designee. Any and all lobbying activities undertaken, or purportedly undertaken, on behalf of the City must be approved in advance by the City Administrator and comply with the City's expectation and direction for such activities.

The City prohibits employees from participating in political activities on City time or while performing City functions, except as required by law. Employees must not identify themselves as a City employee by either appearance or declaration while expressing personal political opinions.

## **SECTION 22. HARASSMENT**

It is the policy of the City that harassment and inappropriate conduct of employees is prohibited. The City seeks to promote a professional work environment where employees can perform their jobs free from abuse by others. This policy applies to all of the City's employees while performing their duties as employees within or outside the workplace. For purposes of this policy, employees include all individuals who are hired, elected, appointed, or contracted to provide services to the City.

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, or degrading environment, or interferes with or adversely affects a person's work performance based on race, national origin, sex, religion, disability, age, marital status, public assistance status and sexual orientation.

Harassment does not include the conduct or actions of Supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote productive performance.

### **A. STATEMENT OF POLICY**

It is the policy of the City that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences. Employees have a right to a workplace free of verbal and/or physical harassment.

### **B. SEXUAL HARASSMENT**

#### **1. Definition**

For purpose of this policy, sexual Harassment is defined as physical or verbal conduct relating to an individual's gender or directed at an individual because of gender, unwelcome sexual advances, request for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender-related nature when:

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or continuing

- employment or a basis for employment decisions affect that individual; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in any employment decisions affecting the individual or decision related to the individual's access to public services or public accommodations affecting said individual; or
  - c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public service, or public accommodation, or of creating an intimidating, hostile or offensive employment environment.

A single act or communication may constitute sexual harassment.

## 2. Examples of Conduct that can Constitute Unlawful Sexual Harassment

Examples of sexual harassment include, but are not limited to, the following:

- a. Unwelcome subtle or overt pressure for sexual activity.
- b. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
- c. Verbal abuse or innuendo of a sexual nature.
- d. Unwelcome physical contact such as touching, hugging, patting, pinching, pawing, poking, or slapping.
- e. Any unwelcome sexually motivated touching.
- f. Comments of a sexual nature about an individual's body or sexual terms used to describe an individual.
- g. Display or distribution of sexually suggestive or sexually explicit objects or pictures, including cartoons, articles, pictures, and other graphics which have a sexual conduct and which are not necessary for work.
- h. Jokes or remarks of a sexual nature to, or in the presence of, people who may find them offensive.
- i. Prolonged staring or leering at a person.
- j. Use of suggestive facial expressions, gestures of a sexual nature, or sexually suggestive or insulting sounds.
- k. Any demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment or other indication, express or implied, that an employee's job security, assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee, supervisor, elected official, or manager.
- l. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors.
- m. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
- n. Indecent exposure.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between people that are acceptable to both parties are not considered to be sexual harassment.

#### C. OTHER PROTECTED CLASS HARASSMENT

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

1. Submission to such unwelcome conduct or communication is made either explicitly or implicitly as a term or condition of obtaining or retaining employment or access to public services or accommodations;
2. Submission or rejection of such unwelcome conduct or communication by an individual is used as a factor for any employment decision or decision related to the individual's access to public services or public accommodations affecting said individual; or
3. Such unwelcome conduct or communication has the purpose or effect of substantially interfering with any person's employment, public services or public accommodation, or creating an intimidating, hostile, or offensive work environment.

#### D. Department Head/Supervisory Responsibilities

Department Heads and Supervisors are responsible for maintaining a work environment free of sexual harassment and other protected class harassment. It is their responsibility to ensure that all employees comply with the City's Policy. Department Heads and Supervisors must respond promptly and appropriately to both allegations and confirmed reports of harassment.

In the absence of a complaint, Supervisors and Department Heads observing conduct that may constitute prohibited harassment in the workplace are responsible for calling such behavior and this policy to the attention of the participants at the time of the observance. A written summary of the discussion shall immediately be forwarded to the City Administrator.

Supervisors and Department Heads receiving complaints or reports of alleged inappropriate conduct shall immediately forward a report to the City Administrator prior to taking any action on the complaint. The City Administrator or designee will make the determination as to whether, and to what extent, an investigation is warranted, who will investigate, and what methods will be used in the investigation.



Failure of a supervisory employee to immediately forward reports of observances or complaints to the City Administrator shall be grounds for disciplinary action, up to and including termination of employment.

E. Employee Responsibilities

All City employees are expected to treat all other employees and the public with respect and to comply with this policy. Any employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including discharge from employment.

F. Complaint Procedure

Any employee who believes he or she is being subjected to sexual harassment or other protected class harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a Supervisor, the Department Head, or the City Administrator. While the City encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

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

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

Any Department Head or other supervisory employee who receives a formal or informal, oral or written report of harassment shall inform the City Administrator immediately without screening or investigating the report, unless the City Administrator is involved or has a conflict of interest, in which case the report shall be made to the Mayor pursuant to the reporting procedures. Failure of any supervisory employee of the City to forward such a report to the appropriate party shall be grounds for discipline.



By the authority of the City Council, the City Administrator, upon receipt of a report or complaint of sexual harassment or other protected class harassment, shall undertake or authorize an investigation. The investigation may be conducted by City Officials or by a third party designated by the City.

The City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

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

#### G. Confidentiality

Records maintained pursuant to this policy are subject to the Minnesota Government Data Practices Act, the Minnesota Records Retention Act, and other applicable laws. Subject to those laws, every effort shall be made to respect the privacy of the parties to a complaint, without compromising the thoroughness of the investigation.

#### H. No Reprisal for Filing Complaint of Harassment

The City will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists in the investigation of such a complaint regardless of the outcome of such investigation. The City will discipline or take other appropriate action against any employee who engages in acts of retaliation toward these individuals. For purposes of this policy, retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

#### I. Disciplinary Procedure

1. An employee who violates this policy will be subject to disciplinary action up to and including discharge.
2. Any employee who prevents or attempts to prevent an individual from reporting a suspected violation of this policy or who interferes in any way with the investigation of such a report will be subject to disciplinary action, up to and including discharge.

3. Any employee who retaliates or discriminates against an individual who reports a suspected violation of this policy or assists in the investigation of such a report will be subject to disciplinary action, up to and including discharge.
4. Supervisor, managers, or Department Heads who become aware of violations of this policy in their department, even in the absence of a formal complaint, shall take appropriate disciplinary action, in consultation with the City Administrator.
5. Any non-employee found to have violated this policy may be removed from the City property or other appropriate action may be taken.

The Data Practices Act may allow individuals who are not directly involved with the complaint to access records related to the complaint in certain circumstances.

- J. For purposes of BPU employees, the applicable BPU Department Head will perform the duties of the City Administrator.

## **SECTION 23. GRIEVANCES**

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

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

The City Administrator or applicable BPU Department Head shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator or applicable BPU Department Head is final, except that when the City Administrator or applicable BPU Department Head is directly involved in the grievance, appeal may be made to the Personnel and Finance Committee for (City-side employees) or BPU Commission (for BPU employees) for final decision within fourteen (14) calendar days of the City Administrator's decision or that of the applicable BPU Department Head. In such an appeal, the Personnel and Finance Committee's decision, or that of the BPU Commission, is final. In the event that the City Administrator or applicable BPU Department Head does not respond to the grievance within fourteen (14) calendar days of receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

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

Concerns that employees have cannot go directly to individual members of the City Council. The City Council acts as a body and not as individuals and going directly to the City Council with problems is inappropriate. Likewise, for individual Council members to be giving direction to staff without the knowledge of the City Administrator is inappropriate. Again, the City Council gives its direction, as a policy making body, to the staff through the Administrator.

## **SECTION 24. DISCIPLINE AND DISCHARGE**

### Subdivision 1. Just Cause

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including failure to observe proper workplace conduct adopted by the City Council. It is the policy of the City to administer disciplinary penalties without discrimination. Except for probationary employees and as expressly described in this Policy, employees may use the grievance procedure as per the personnel policy with respect to any disciplinary action. To the extent feasible, the supervisor or department head shall gather relevant information before reporting the incident to the Human Resources Coordinator. At the direction of the Human Resources Coordinator, the supervisor or department head may gather additional relevant information and investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

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

Cause for discipline and discharge will include, but is not limited to the following:

- 1) Incompetence, ineffectiveness, or inefficiency in the performance of duties;
- 2) Criminal conduct which would constitute a felony, gross misdemeanor, or misdemeanor except as limited by Minnesota Statutes, Chapter 364;
- 3) Violation of any City policy, procedures, work rule, regulation or City ordinance, including the provisions of this manual and any safety and/or health policies and procedures;

- 4) Being under the influence of alcohol, drugs, or controlled substances while performing duties for the City, while on City premises, or while acting as a representative of the City off premises;
- 5) Discourteous, hostile, insulting, abusive, or inflammatory conduct toward the public, a fellow employee or fellow employees, a supervisor or supervisors, a member of the City Council or members of the City Council, or a member of any City commission, or members of any City commission;
- 6) Theft, misuse, carelessness and/or negligence in the handling or control of City property or property entrusted to the employee by the City, including allowing unauthorized persons to ride in City vehicles, or the unauthorized appropriation of City property for the employee's own use;
- 7) Inducing or attempting to induce a person, officer or employee of the City to commit an unlawful act or to act in violation of any City policy, procedure, regulation, ordinance, or workplace directive or order;
- 8) Dishonesty in the performance of duties;
- 9) Sleeping during work hours.
- 10) Willful misconduct or insubordination;
- 11) Acceptance of a gift under circumstances from which it could be inferred that the giver expected or hoped for preferred or favorable treatment in conduct of City business;
- 12) Unapproved use of paid work time and/or equipment in outside employment or for personal benefit;
- 13) Falsely stating or falsely making claims of injury or illness;
- 14) Gambling while on duty, on City property, or using City equipment or resources;
- 15) Inability to perform the essential functions of the employee's job, whether due to physical or mental impairment, or otherwise;
- 16) Any possession, sale, distribution, possession, or unauthorized use of alcohol or controlled substances, during working hours and/or while representing the City;
- 17) Unexcused absence from work;

- 18) Tardiness in reporting to work;
- 19) Improper reproductions or misuse of copyrighted computer software or other copyrighted materials;
- 20) Theft of City property or personal belongings of others;
- 21) Abuse of official position with the City to achieve personal, political, or financial gain;
- 22) False or inaccurate claims for reimbursement of expenses;
- 23) Disorderly, abusive, or indecent conduct that causes disruption of the work environment, including fighting;
- 24) Unauthorized possession of weapons on City property;
- 25) Allowing unauthorized visitors into unauthorized City offices and locations;
- 26) Unauthorized disclosure of private, confidential, or nonpublic data;
- 27) Failure or refusal to comply with City or department regulations, policies, or procedures; and
- 28) Any other conduct which, in the discretion of the City, constitutes a breach of the standards of behavior which it should reasonably expect of its employees.

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

#### Subdivision 2. Procedures

- 1) Discipline may be in one or more of the following forms, although **The City of Brainerd reserves the right to take any disciplinary action at any time:**
  - a. oral reprimand;
  - b. written reprimand;
  - c. suspension;
  - d. demotion; or
  - e. discharge.
- 2) Suspension, demotion and discharge will be in written form and will state the reasons for such action.

3) Reprimands, notice of suspension, and notice of discharge are to become part of an employee's personnel file. The employee will receive a copy of any reprimands and/or notices.

4) Employees receiving a written reprimand, suspension, demotion, or discharge shall be given a copy of the discipline document and sign the original, acknowledging that he or she has received the written reprimand, suspension, demotion, or discharge. The signature of the employee does not necessarily indicate that he or she agrees with the disciplinary action. If the employee refuses to sign the original written reprimand, suspension, demotion, or discharge, such refusal will be noted on the discipline document. All written discipline will be placed in the employee's personnel file.

5) Consistent with applicable law, employees may examine their own individual personnel files at reasonable times under the direct supervision of the City Administrator, BPU Department Head (for BPU employees), or designee.

### Subdivision 3. Supervisory Authority

1) Oral and Written Reprimands. Department Heads have the authority to impose oral and written reprimands without prior approval of the City Administrator. The department head must maintain a record of each verbal reprimand. A verbal reprimand may not be appealed or submitted through the grievance process

2) Suspension. The City Administrator or applicable BPU Department Head (for BPU employees only) may suspend an employee.

3) Demotion and Discharge. An employee may be demoted or discharged by recommendation of the City Administrator or applicable BPU Department Head (for BPU employees only) and final determination by the City Council or BPU Commission (for BPU employees only).

### Subdivision 4. Right of Appeal

An employee may appeal an oral or written reprimand verbally or in writing to the City Administrator or BPU Commission (for BPU employees only) within five (5) work days after disciplinary action has been imposed. The City Administrator or BPU Commission (for BPU employees only) will make the final determination and will inform the employee in writing regarding the decision made.

An employee may appeal a suspension without pay, or recommendation for demotion or discharge to the City Council or BPU Commission (for BPU employees only) by

requesting, in writing, that a hearing be conducted for that purpose. Such request must be made by the employee to the City Administrator or BPU Commission (for BPU employees only) within five (5) days after disciplinary action has been imposed. At its sole discretion, the City Council or BPU Commission may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council or BPU Commission has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the City Council or BPU Commission appoints a subcommittee, the subcommittee shall make its recommendation to the City Council or BPU Commission at the next regularly scheduled meeting of the City Council or BPU Commission following the hearing. The decision of the City Council or BPU Commission will be final.

If the appeal is upheld by the City Council or BPU Commission, the employee shall receive all payments, benefits and service accrual which the employee would have earned during the period of suspension without pay, demotion or discharge and be reinstated to the position.

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

## **SECTION 25. PERSONNEL/PAYROLL**

### Subdivision 1. Personnel Records

An employee must notify the Department Head and the Human Resources Coordinator in case of a change in address, telephone number, marital status, or number of dependents. If at any time an employee's address or telephone number is changed and the change is not reported, it may be difficult or impossible to complete delivery of messages, notices, or other information which should be received. Incomplete information creates problems with payroll deductions and fringe benefits, such as medical coverage. Accordingly, the failure to provide such information may impact the City's ability to provide pay and/or benefits to City employees.

### Subdivision 2. PERA (NOTE: Check PERA's Website to verify contribution rates)

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



In normal situations, employees and employers both contribute a percentage of the employee's gross salary to PERA. However, Minnesota law provides that some income received by an employee are not eligible for PERA contributions. Employees should contact the Human Resources Coordinator with specific questions regarding PERA contributions.

#### Subdivision 3. FICA

All full-time, part-time, temporary and/or seasonal employees are mandatory members of Federal Insurance Contribution Act (commonly known as Social Security). The City is required to deduct certain amounts from such employees' gross salary. Certain employees may be exempt from this deduction. Employee should contact the Human Resources Coordinator with specific questions regarding FICA deductions.

#### Subdivision 4. Medicare

All full-time, part-time, temporary and/or seasonal employees have a mandatory deduction for Medicare tax taken from their paychecks. Employee should contact the Human Resources Coordinator with specific questions regarding Medicare deductions.

#### Subdivision 5. MN Deferred Compensation

The City is a member of the Minnesota Deferred Compensation Plan. An employee may, at their option, defer any part of income, to a maximum amount set by law, of gross salary. The City does not contribute any monetary amount, except as identified in Attachment C:

## **SECTION 26. SEPARATION FROM EMPLOYMENT**

#### Subdivision 1. General Statement

Separation from employment is an inevitable part of personnel activity within any organization, and there are many reasons for separation. The reasons for separation include: (1) resignation; (2) discharge (in accordance with Section 24 of these policies); (3) layoff; and (4) retirement (in accordance with Section 27 of these policies).

An employee leaving the City, for any reason, must turn in his/her identification badge and card, tools, shop coats, keys, books, and other City equipment no later than the last day of work. The employee is expected to go through an exit interview with the Human Resources Coordinator on his/her last day of work. This interview is important for both the City and the employee. Through this interview, information may be provided which can lead to the causes of turnover, absenteeism, poor communication, etc. Oftentimes problems are discovered which appeared non-existent previously. It can be an effective means for gaining insight into potential personnel problems.



## Subdivision 2. Resignation

As at-will employees, all City employees may resign at any time, for any reason. In order to be considered “in good standing” at the time of resignation, an employee must file with employee's department head, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Department Heads and non-union supervisors wishing to resign “in good standing” should give the City as much advance notice as possible, but must provide at least 30 days’ notice. Failure to comply with this 14 day or 30-day notice procedure may be considered cause for denying the employee future employment by the City and denying termination benefits. Unauthorized absence from work for a period of three working days may be considered by the City Administrator (or applicable BPU Department Head, for BPU employees only) as a resignation “not in good standing” and without benefits.

## Subdivision 3. Layoffs

After at least two weeks’ notice to the employee, the City Administrator or applicable BPU Department Head (for BPU employees only) may lay off any employee when such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. If it should become necessary to reduce the City work force, the City may give consideration to the employees’ on-the-job performance, abilities, job knowledge and the potential for other jobs within the City.

## Subdivision 6. Final Pay Following Termination of Employment

Subject to applicable law, employees who terminate employment with the City shall receive their final pay settlement a maximum of two weeks from the date of resignation, coinciding with the next normal payday.

# **SECTION 27. RETIREMENT AND SEVERANCE PAY**

## Subdivision 1. Procedure

Regular employees who retire voluntarily in good standing after giving at least two (2) weeks notice to the City and are eligible to begin receiving monthly retirement benefits under the provisions of PERA as of the date of his or her retirement shall be granted severance pay based on the following conditions and rates:

Conditions:

1. Retirement - voluntary and in good standing
2. Voluntary retirement or termination of employment due to health reasons, service-connected injury, or illness.

Rates:

All regular employees, regardless of the date of hire, shall be entitled to 100 percent of their unused sick leave as severance pay, with a maximum of nine hundred sixty (960) hours, upon retirement in good standing, as defined above, or if they become disabled and must terminate their employment, with written proof by a physician. In the event of death, severance pay shall be paid to the beneficiary. Pay for unused sick leave shall be based on existing annual wage.

## **SECTION 28. ACCIDENT PROCEDURES**

As a City employee, it is important that you are aware of certain procedures to be followed if you are injured on the job or involved in an accident while operating City equipment. These procedures have been established to protect your interests as an employee, as well as protect the City.

Employees shall comply with all federal and state laws and rules concerning vehicles and their safe operation. Safety devices, such as seat belts, lights, horns, etc., shall be utilized.

Compliance with speed limits, safe driving procedures, and proper licensing requirements will be enforced by the City.

Employees are responsible for performing routine checks (i.e., tire pressure, oil, turn signals, lights) before operating a City-owned vehicle.

If you are involved in an accident while operating any City-owned vehicle or piece of equipment, or while engaged in City business with any hired or privately-owned vehicle:

- 1) Notify the police and/or emergency medical services, as appropriate, by dialing 911, and your supervisor IMMEDIATELY.

- 2) Request that all parties and property concerned remain at the scene of the accident, if possible, until a law enforcement representative has released them.

3) Obtain identifying data from the driver of the other vehicle (i.e. name, address and insurance company).

4) Secure names and addresses of injured persons and any witnesses to the accident.

5) Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of his or her own insurance company, if the employee's privately-owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations. A copy of all police reports and any statements attached thereto will be forwarded to City Administration or designee within one day of receipt by the employee(s) involved in the accident.

6) Employees shall refrain from admitting fault or liability and must gather all applicable loss data, witnesses, injured parties, passenger names, vehicle and driver's license numbers.

Employees who sustain personal injury in any work-related accident are REQUIRED to report the injury to their supervisor immediately. Once your supervisor has been notified of an accident, he/she will inform you of the steps to be taken to properly report and record the occurrence. Your supervisor may also direct you to proper medical attention where necessary. If it is necessary for you to complete an "Employee Incident" form, it should immediately be completed and returned to your supervisor. If it is necessary for you to miss work because of a work-related accident, it is your responsibility to keep your supervisor informed of the date you are able to return to work. In most instances, your treating physician will provide you with that information during your initial visit.

Please remember that following these simple procedures not only ensures accurate record keeping of accidents and personal injuries as required by law, but also protects your interests as an employee. For your own protection, be sure to report any accidents and injuries you may have, no matter how small.

Employees using a City-owned vehicle may be held liable for accidents in which he or she is involved. Employees will be personally responsible for paying any citation or other criminal sanction received while operating a City-owned vehicle.

## **SECTION 29. SALARY ADMINISTRATION PLAN**

Non-union supervisory employees and Department Heads shall be compensated in accordance with wage resolutions adopted by the City Council.

New employees will generally start at Step 1. Promoted employees will generally start at the lowest step that is paid at a higher rate than the employee received in his or her previous position with the City. The City retains the sole discretion to start an employee at a higher step depending on qualifications and needs of the City.

Performance evaluations shall be based on job descriptions and result-oriented performance standards. Performance evaluations are intended to assist the employee in reaching maximum potential, enhance services provided by the City, and provide for periodic, formal review by the employee's supervisor and Department Head. The performance evaluation system shall be conducted in the following way:

It shall be the responsibility of each City and BPU Department Head to provide periodic written evaluations of subordinate employees, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

It shall be the responsibility of the City Administrator to provide periodic written evaluations of City Department Heads, the Human Resources Coordinator, and the Information Technology and Geographic Information Systems ("IT/GIS") Coordinator, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

It shall be the responsibility of the City Council to provide periodic written evaluations of the City Administrator, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

It shall be the responsibility of the BPU Commission to provide periodic written evaluations of the BPU Department Heads, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

The decision to provide a merit (step) increase shall be the determination, at the discretion of the Department Head, City Administrator, City Council, or BPU Commission, as applicable. Pay steps through step 6 are based on satisfactory performance.

In order to advance to Step 7 on an applicable wage grid approved by the City Council, an employee must be on Step 6 and obtain two “achieves expectations” and one “exceeds expectations” on their annual performance evaluation in any given three-year cycle beginning January 1, 2019. In order to advance to Step 8, an employee must be on Step 7 and obtain another “exceeds expectations” with two prior “achieves expectations” on their annual performance evaluation in any given three-year cycle.

Except for employees hired or promoted on or after September 30 of any year, any step increases will become effective on January 1 of each year following the employee’s performance review. For employees hired or promoted on or after September 30, any step increase will become effective on June 1 of the following calendar year. Progression through the pay steps will be accomplished by an annual review of employee performance, as described above.

Employees shall have no right under this policy to file a grievance regarding initial placement on the pay table. Denial or delay of a step increment shall be subject to the grievance procedures described in these policies.

### **SECTION 30. STATEMENT OF POLICIES AND PROCEDURES FOR PAYMENT AND/OR REIMBURSEMENT OF COSTS AND ATTORNEY'S FEES FOR MUNICIPAL OFFICERS AND EMPLOYEES**

The City may reimburse its employees or officers for costs and reasonable attorney’s fees incurred by an employee or officer, to the extent permitted by Minnesota Statutes, section 465.76.

### **SECTION 31. TECHNOLOGY USE**

#### General Information

This policy serves to protect the security and integrity of the City of Brainerd and Brainerd Public Utilities ("City") electronic communication and information systems by educating employees about appropriate and safe use of available technology resources. All employees are responsible for reading and following information that may be distributed from time-to-time about appropriate precautions to protect City systems.

City-owned computers, cellular telephones, mass storage devices, and related equipment used by City employees are property of the City. Except when accessed by the police department for law enforcement purposes, the City specifically reserves the right to audit, monitor, and inspect, without notice, without the user’s consent, and for any reason or no

reason, employees' use of its computers and related equipment and 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. An audit may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation.

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

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created, received, collected, maintained, or generated by City employees or using the City's computer and/or related equipment are subject to those laws. In accordance with applicable law, such files and documents may be disclosed in certain circumstances without the permission of the employee or user.

Users should notify IT staff upon learning of violations of this policy. As discussed above, violation of this policy may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation. All violations will be addressed consistent with the City's Personnel Policies or applicable union contract.

#### Data Privacy and Retention

All data stored on computers, related equipment, and media owned, leased or rented by the City is considered to be owned by the City and is subject to the MGDPA, which governs its use and dissemination. As discussed above, all City owned equipment and Information Technology Systems, including e-mail, are City property and subject to inspection by the City at any time, without notice, and for any reason or no reason at all. The City Administrator or Human Resources Coordinator should be contacted with questions regarding the classification of public and private data.

**Data Ownership:** All information developed or introduced to a City computer or related equipment by a user in conjunction with employment with the City is the property of the City.

**Data Storage:** All City data must be saved to a network drive on a City server or City provided resource.

**Data Deletion:** Users are responsible for deleting outdated files that are no longer needed for compliance with of the City Records Retention Schedule; this includes data files and email messages. The City Administrator should be contacted with questions regarding the City Records Retention Schedule.

**Data Back-up:** The IT department backs up all data stored on network servers. Workstation hard drives or any other devices are not backed up.

## Personal Use

The City offers employees the privilege of limited personal use of City-owned computers and related equipment. Personal use is allowed under the following guidelines and only during break times or before/after normal business hours:

- Only City employees may use City-owned equipment. Family member or friends of City employees are not allowed to use City equipment or technology resources.
- Employees shall not connect personal peripheral tools or equipment (such as cell phones, USB drives, flash drives/cards, disks, digital cameras, or printers) to City-owned systems, without prior approval from the IT staff. 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 audio and video files such as mp3 files, wav files, movie files, iTunes files, or any other file created by copying a music CD, DVD, or files downloaded from the Internet. IT staff may delete these types of files if found on City-owned equipment. Exceptions would be recordings for which the City has created, owns, purchased, or has a license.



- City equipment or technology, including City-issued email accounts, shall not be used for: illegal activities, personal business interests, for-profit ventures, political activities, outside employment, any other public office or employment which is incompatible with City employment responsibilities as determined by the City Administrator, wagering, betting, or selling chances, annoying or harassing other individuals, fund-raising except for City-approved activities, religious activities, pornographic, obscene, or indecent images or content, forwarding junk email, advertisements, or chain emails, or other uses deemed by City management to be inconsistent with City activities. If any employee has a question as to whether a use is appropriate, that employee must contact the City Administrator or applicable BPU Department Head (for BPU employees only) for permission before engaging in the conduct in question.
- The City reserves the right to use management software to monitor end user activity. This software may monitor and limit internet activity. As discussed above, the City may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.

## 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 the Department Head, who may consult with IT staff.

Unapproved hardware, including memory sticks, flash drives, and other external storage devices, that has not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited. IT staff may, without notice, remove any unauthorized equipment, other hardware attached to the City's computer system or network.

The City will not supply laptop computers based solely on the desire of employees to work offsite. A business need will be required for each laptop deployment and must be approved by the Department Head, at his or her sole discretion. In general, laptops will only be issued to employees who: regularly use their laptop offsite; require a laptop for access to special software or systems; have a documented business need for a laptop; and/or require the use of a full computer while traveling

Employees are responsible for the proper use and care of City-owned computer equipment. City employees are expected to provide reasonable security to all City-owned computers and related equipment. This includes ensuring that passwords comply with this policy. Removable media must be kept in a secured area. Non-public, private, and/or confidential



data must not be displayed in such a manner that unauthorized personnel or others can view or access it. All City-owned computers and related equipment must be secured while off City premises. For instance, employees must not leave computer equipment in an unlocked vehicle or unattended at any offsite facility. Computer equipment must not be exposed to extreme temperature or humidity.

## Software

In general, the City will provide the software required for an employee to perform his or her job duties. Requests for new or different software should be made the Department Head, who may consult with IT staff.

Unapproved software or downloads (free or purchased), games, screen savers, toolbars, clipart, music and movie clips, that have not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited.

Employees shall not download or install any software (whether free or purchased) or add-on (such as toolbars or clipart) on any City computer or related device without the prior approval of the IT staff. The only exceptions to this policy are updates to software previously approved by IT such as anti-virus, anti-malware, etc. IT staff may, without notice, remove any unauthorized programs or software, downloads, or other files on any City computer, related equipment, network, or electronic resource.

## Electronic Mail

The City provides most employees with an email address for work-related use. Minimal personal use of the City email system by employees is allowed, provided it does not interfere with an employee's work and is consistent with all City policies. Using the City's email to participate in any kind of personal listservs or mailing list is prohibited.

Employee emails (including those that are personal in nature) may be considered "public" data for both e-discovery and information requests and may not be protected by privacy laws. Personal e-mail transmitted through or saved on the City's e-mail system, computers, network, or other technological resources, may also be monitored as directed by the City Administrator or BPU Commission (for BPU employees only) and without notice to the employee.

In addition, employees must adhere to these email guidelines:

- Do not open email attachments or links from an unknown sender. Review sender's email address, date/time, subject line, and name and file type of attachments to verify legitimacy/relevance. Delete junk or "spam" email without opening. Do not respond to unknown senders.
- 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 use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.
- Employees' email use must otherwise comply with all applicable provisions of this policy, all other applicable City policies, and all applicable laws.

#### Electronic Calendars

A shared calendar environment is provided as part of the City's email software program. All employees are encouraged to keep their electronic calendar up to date and may grant relevant staff the ability to view their calendar. All employees are encouraged to utilize the out of office automatic replies for known absences.

#### Phone/Voicemail

Voicemail that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage. All other voicemails should be deleted from the voicemail system (and email system) when no longer needed. Voicemail may be considered "public" data or otherwise subject to disclosure in accordance with the MGDPA. Employees should contact the City IT staff with any questions about voicemail storage and/or deletion.

#### Presence/Instant Messaging

Employees who are provided with the City's presence / instant messaging (IM) software should remain logged in and may utilize it for communications between City staff. Instant messaging may be considered "public" data, or otherwise subject to disclosure in

accordance with the MGDPA and must be kept in accordance with the City's records retention requirements if they constitute an official record of City business. Employees are not allowed to download or install any other IM software on their City computer.

## Intranet

Employees must keep the City's Intranet as their web browser home page and are encouraged to utilize the announcements/links/calendars to remain informed and share information with other staff.

## Storing and Transferring Files

If you are unsure whether an email or other file is a government record for purposes of records retention laws or whether it is considered protected or private data under the MGDPA or other law, you must check with the City Administrator or applicable BPU Department Head (for BPU employees only) before deleting or releasing the information or file in question. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact IT staff.

Employees must adhere to these guidelines when transferring and storing electronic files:

- All electronic files should be stored on network drives. IT staff will not back up documents stored on local computer hard drives and hold no responsibility for recovery of documents on local computer hard drives should they fail. Subject to the provisions of this policy, files may be temporarily stored on a laptop hard drive when an employee is offsite; however, the files should be copied to the network as soon as possible.
- Electronic files created on an employee's home or personal computer must not be transferred to the City's network. City-related files should not be created or stored on an employee's personal computer.
- All removable storage media (e.g., CDs, flash or USB drive, or other storage media) must be verified to be virus-free before being connected to City equipment.
- Email that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage.

- Email that is simple correspondence and not an official record of City business should be deleted (from both the "Inbox" and the "Deleted" box) when no longer needed.
- Electronic files or emails that contain nonpublic, private, or confidential data should be stored in a location on the City's network that is properly secured.

Any files containing nonpublic, private, or confidential data should not be stored anywhere other than the City's network. Employees must obtain the prior written approval of the Department Head before taking any file containing nonpublic, private, or confidential data offsite.

### Personal Devices

Employees with prior approval 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.

### 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; a number; and non-alpha-numeric character (e.g., \*, &, %, etc.). (Example: JOyfully!) Password requirements may be changed as necessary as determined by IT staff.
- Passwords should not be shared with anyone including other staff. If it is necessary to access an employee's computer when he or she is absent, contact your supervisor; IT staff will not provide access to staff accounts without prior approval.
- Passwords 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 when prompted or as scheduled by IT staff.

Computers should not be left unattended while a user is logged in - either lock the computer when away (Win+L or Ctrl+Alt+Del) or use a timed screen saver that will require a password to unlock upon return.

## Network Access

Non-City-owned computer equipment used in the City's building should only use the wireless connection to the Internet. Under no circumstances should any non-City-owned equipment be connected to the City's computer network via a network cable.

Exceptions may be granted by IT staff.

Personal computer equipment may not be connected to the City's network without prior approval of the IT staff. Personal equipment may be subject to password requirements or other electronic security measures as determined by IT staff.

Staff shall not attempt to circumvent or disable firewalls, anti-virus/anti-malware software, software updates and patches, network/computer security settings, or any other measures put in place to protect the network. If access to necessary resources is obstructed, notify supervisor and/or IT staff to explore options.

## 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 remotely connected to City computer resources, all aspects of the City's Technology Policy will apply, including the following:

- Remote access to the City's network including Outlook Web Access requires a request from a supervisor. Remote access privileges may be revoked at any time by an employee's supervisor, department head, or IT staff.
- If remote access is from a non-City-owned computer, updated security software (anti-virus and anti-malware) must be installed and operational, and all critical operating system updates must be installed prior to connecting. Failure to comply could result in the termination of remote access privileges.
- Remote access/assistance from third parties is not allowed without prior approval from IT staff. When remote access/assistance from a third party is granted, their activities must be monitored.

- 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 that are not secure could pose a security risk if used to transmit City passwords or private data. Unsecure wireless connections may include cellular networks and wireless access points unless proper security protocols are in place.

## Security Compromise

If a virus or malware is suspected, IT staff must be notified immediately. All other indications of computer/network security compromise must also be reported to IT staff immediately.

## Internet

The internet is available to employees for research, education, and communication directly related to the mission, charter, and tasks of the City. Users must honor copyright laws regarding protected commercial software and intellectual property. Users accessing the internet through the City's computers and related equipment should minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource. Users are also responsible for adhering to City standards when browsing the internet. Failure to adhere to City standards puts the City and the individual at risk or legal or financial liabilities, potential embarrassment, and other consequences, including immediate termination of employment and other disciplinary actions. The following considerations apply to all uses of the Internet:

- Information found on the Internet and used for City work must be verified to be accurate and factually correct.
- Approved web browsers include Microsoft Internet Explorer 11, Microsoft Edge, Mozilla Firefox, and Google Chrome. Usage of other browsers requires prior authorize from IT staff.
- Browsing history including cookies, passwords, and temporary files should be cleared from web browsers frequently or set to automatic.
- Limited personal use of the Internet is permitted. 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.

- City data should not be stored in any cloud-based application without prior authorization from supervisor and IT staff.
- If an employee's use of the Internet is compromising the integrity of the City's network, IT staff may temporarily restrict that employee's access to the Internet. If IT staff does restrict access, they will notify the employee and the employee's supervisor as soon as possible, and work with the employee and supervisor to rectify the situation.
- Social media use on City owned computers should be limited to maintaining the City's social media presence. Personal use of social media on City owned computers is discouraged.
- Peer-to-peer software/applications are not permitted.
- All staff internet use must comply with all applicable provisions of this policy, all other applicable City policies, and all applicable law.

The City may monitor or restrict any employee's use of the Internet without prior notice, as deemed appropriate by the employee's supervisor.

#### Personal Social Networking on City-Owned Computers and Related Equipment

Employees should not use City-owned computers or related equipment to post to personal sites, including social networking sites. Employees' personal use of City-owned computers and related equipment should be minimal and must not interfere with their work duties. All personal social networking and other personal use of the City-owned computers and related equipment must comply with the terms of this policy.

#### Personal Social Networking While Off Duty and the City's Responsibility

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

- Individuals should exercise caution and good judgment when social networking.
- Individuals shall not represent that they are speaking or acting on behalf of the City or presenting any interests of the City.
- Individuals are not permitted to display the City of Brainerd logo on any part of their online profiles.
- Individuals never have the right to post non-public, private, or confidential data, such as information related to coworkers personnel data, medical information, or claims or lawsuits against the City, without obtaining the express written consent of the data subject and/or City Administrator or applicable BPU Department Head (for BPU employees only), as appropriate.
- Individuals who use personal social media accounts are not immune from the law. In general, all users of social networking should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials.
- Individuals need to be aware that they have no reasonable expectation of privacy when social networking and use of personal social media accounts are subject to all pertinent City policies, as well as local, state and federal laws.
- Content that violates existing City policies that exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content will not be tolerated.

## **SECTION 32. QUESTIONS OR CONCERNS**

All employees are required to be familiar with, and abide by, the terms of these policies. Department Heads and the Human Resources Coordinator are ready to answer questions, or to further explain and obtain information about any phase of this manual which is not clear. All employees should feel free to ask questions of their Department Head, the Human Resources Coordinator, and the City Administrator.

Reviewed and adopted by the City Council  
Date:



## ACKNOWLEDGMENT

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

---

Employee Signature

---

Date

---

Employee Printed Name

---

Department

## EXHIBIT A

### HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS

- CITY ADMINISTRATOR, DEPARTMENT HEADS, AND SUPERVISORS:
  - The base City health insurance plan is the embedded High Deductible Health Insurance Plan, as approved by the City Council.
  - The City will pay 80% of the family premium for the embedded High Deductible Health insurance plan for the City Administrator, Department Heads and Supervisors hired or promoted to such a position after May 1, 2010, who choose to receive City sponsored family health insurance coverage. The premium cost for single coverage shall be paid at 95% by the City.
  - The City will pay 100% of the single and family premium for the Department Heads and Supervisors hired or promoted to such a position before May 1, 2010.
  - Employees may choose the \$1,000 Deductible Health Insurance Plan at the same premium splits as noted above at the increased premium cost.
  - The Additional Employer HSA Contribution and Opt-Out Payment shall follow other union contract provisions that offer the City's insurance plans.
- ELECTED OFFICIALS/BRAINERD PUBLIC UTILITIES (BPU) COMMISSIONERS:
  - Health insurance options for this group includes the following City contributions for the City-sponsored base High Deductible Health Insurance plan:
    - 100% of the premium if single health coverage is elected.
    - 80% of the premium if family health coverage is elected.
  - If someone in this group elects the \$1,000 Deductible Health Insurance Plan instead of the City's base health insurance plan, the individual will be responsible for the premium difference.
  - If someone is covered by a different group plan and is eligible to receive the City's Opt-Out payment, individuals in this group can elect to receive \$250 per month as taxable income in lieu of the health insurance benefit.

The City's contribution for all other employees is set in the applicable collective bargaining agreement and/or Council resolutions.

The City continues to provide coverage for City retirees indefinitely on a self-pay basis pursuant to state law. Please refer to your Group Insurance Plan booklet for a complete description of benefits.

## EXHIBIT B

### LONG TERM DISABILITY COVERAGE AND LIFE INSURANCE

- I. **Long Term Disability Coverage.** Should an employee become disabled as a result of a non-occupational injury or illness, the City will provide long term disability coverage in the amount of 50% of an employee's monthly earnings to a maximum of \$2,000 per month. This plan takes effect the 1st day of the month coincident with or next following six months of continuous employment.
  
- II. **Face Amount of Life Insurance for Certain Employees and Elected Officials.** Consistent with the Policy Manual, the City will provide life insurance coverage to elected officials, Department Heads, and non-union supervisors in the following amounts: Mayor, City Council and Public Utilities Commission \$50,000; City Administrator and Department Heads \$100,000; Non-union supervisors \$50,000;

## EXHIBIT C

### MINNESOTA HEALTH CARE SAVINGS PLAN CONTRIBUTIONS

All funds collected by the City on behalf of the employee for purposes of contributing to the Minnesota Health Care Savings Plan will be deposited into the employee's individual health care savings plan account as follows:

1. City Administrator and Department Heads:
  - a) Employees eligible for severance pay as outlined in Section 27 of the City Employee Policy Manual will contribute 100% of their severance pay into the Plan.
  - ~~b) Employees with 0 to 10 years of service will contribute 1% of gross pay each payroll period.  
Employees with 10 to 20 years of service will contribute 2% of gross pay each payroll period.  
Employees with 20 to 30 years of service will contribute 7% of gross pay each payroll period.  
Employees with 30+ years of service will contribute 15% of gross pay each payroll period.~~
  - b) Employees with 0 to 4 years of service will contribute 1% of gross pay each payroll period.  
Employees with 5 to 9 years of service will contribute 1.5% of gross pay each payroll period.  
Employees with 10 to 14 years of service will contribute 2% of gross pay each payroll period.  
Employees with 15 to 19 years of service will contribute 3% of gross pay each payroll period.  
Employees with 20 or more years of service will contribute 5% of gross pay each payroll period
  - c) 50% of sick leave accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Health Care Savings Plan contribution.

~~d) — Employees will contribute 100% of their accumulated vacation at retirement into the Plan.~~ (NOTE: Department Heads clarified they wish to be paid for any accumulated vacation at retirement (paid as taxable income).

2. Non-Contract Supervisors:

- a) Employees eligible for severance pay as outlined in Section 27 of the City Employee Policy Manual and have 25 years or more of service, will contribute 100% of their severance pay into the Plan.
- b) Employees with 0 to 10 years of service will contribute 1% of gross pay each payroll period.  
Employees with 10 to 30 years of service will contribute 2% of gross pay each payroll period.  
Employees with 30+ years of service will contribute 3% of gross pay each payroll period.
- c) 50% of sick leave accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's post-employment health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Post Employment Health Care Plan contribution.
- d) 100% of accumulated vacation at retirement will be paid into the Plan.
- e) 100% of the City of Brainerd's Early Retirement Incentive Program (ERIP) payment will be paid into the Plan.