

RESOLUTION NO. 2023-12

**RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICY
FOR EMPLOYEES OF THE CITY OF LUCAN**

WHEREAS, a personnel policy has been written covering the policies, rules, and regulations in regard to personnel management and;

WHEREAS, it has been deemed necessary to update the current personnel policy which provides guidance in personnel matters and;

WHEREAS, the Lucan Code of Ordinances (1990) Section 15.103 allows the Personnel Policy "Exhibit C" to be amended from time to time by resolution,

NOW, THEREFORE BE IT RESOLVED, the Lucan City Council approves the amended policies, rules, and regulations for city employees to be effective January 1st, 2024; and

BE IT FURTHER RESOLVED, that under the Lucan Code of Ordinances (1990) "Exhibit C" shall be considered amended.

Adopted by the City Council of the City of Lucan, Minnesota on December 5, 2023.



Rindy Filzen, Mayor

ATTEST:



Shawna Allan, City Clerk

City of Lucan

Personnel Policy

Lucan Code of Ordinances (1990)
Amended "Exhibit C" (2024)

JANUARY 2024

CITY OF LUCAN
PERSONNEL POLICY

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1. INTRODUCTION

1.1 PURPOSE. The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Lucan. They should not be construed as contract terms. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City, with or without notice. These policies supersede all previous personnel policies.

Except as otherwise prohibited by law, the City of Lucan has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

1.2 SCOPE. These policies apply to all City of Lucan employees. Except where specifically noted, these policies do not apply to:

1. Elected Officials;
2. City Attorney;
3. Members of City Boards, Commissions and Committees;
4. Consultants and Contractors;
5. Volunteers, except as specifically noted for paid per-call firefighters.

Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

1.3 EEO POLICY STATEMENT. The City of Lucan is committed to providing equal opportunity in all areas of employment, including but not limited to hiring, demotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Lucan will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, or membership on a local human rights commission.

1.4 DATA PRACTICES ADVISORY. Employee records are maintained in a location designated by the City Clerk. Personnel data is kept in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

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

1.5 NEWS RELEASES. Formal news releases concerning municipal affairs are the responsibility of the Mayor. All media interviews must be approved by the City Council before the interview. All contacts with the media should be reported to the Mayor as soon as possible. No city employee is authorized to speak on behalf of the City without prior authorization from the Mayor or City Council designee.

2. CITYWIDE WORK RULES & CODE OF CONDUCT

2.1 CONDUCT AS A CITY EMPLOYEE. In accepting city employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of the City of Lucan. Employees should exhibit conduct that is ethical, professional, responsive and of standards becoming of a city employee. To achieve this goal, employees must adhere to established policies, rules and procedures and follow the instructions of the Lucan City Council.

The following are job requirements for every position at the City of Lucan. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as those of their departments.
- Conduct themselves with decorum toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the Lucan City Council.
- Maintain good attendance.

2.2 ATTENDANCE AND ABSENCE. The operations and standards of service in the City of Lucan require that employees be at work unless valid reasons warrant absence. In order for a team to function efficiently and effectively, employees must be on the job. Attendance is an essential function of every city position.

Employees who are going to be absent from work are required to notify the Mayor, clerk or a City Council member, as soon as possible in advance of the absence. In case of unexpected absence, employees should call the Mayor or a City Council member, before the scheduled starting time. If the Mayor or City Council member is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached. Failure to use established reporting process will be grounds for disciplinary action.

The employee must call the Mayor or a City Council member on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the Mayor or City Council member. Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing. The City may waive this rule if extenuating circumstances warranted such behavior. This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days.

2.3 ACCESS TO AND USE OF CITY PROPERTY. Any employee who has authorized possession of keys, tools, cell phones, pagers, or other city owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with his/her department head (for example, Fire Department and First Responder equipment). All equipment must be turned in and accounted for by any employee leaving employment with the City in order to resign in good

standing. Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the City is prohibited unless authorized by the Mayor. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Employees may not use City property, equipment or buildings for personal use without first obtaining approval from the City Council.

City owned vehicles are to be used only for City business. Only city employees may drive City vehicles, and persons other than City employees are allowed as passengers only when it is necessary for conducting city business. The Mayor may approve employees taking city vehicles home during non-working hours when necessary for City business. Travel beyond the local area must be approved by the Mayor so it is known where the vehicle will be at all times.

2.4 APPEARANCE. Personal appearance should be appropriate to the nature of the work and contact with other people should present a positive image to the public. Clothing, jewelry or other items that could present a safety hazard are not acceptable in the workplace.

2.5 CONFLICT OF INTEREST. City employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be a perceived or actual conflict of interest. If an employee has any question about whether such a conflict exists he/she should consult with the Mayor.

2.6 FALSIFICATION OF RECORDS. Any employee who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

2.7 PERSONAL TELEPHONE CALLS. Personal telephone calls are to be made or received only when truly necessary. They are not to interfere with City work and are to be completed as quickly as possible.

2.8 POLITICAL ACTIVITY. City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City employee will directly or indirectly, during the hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the City to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.

2.9 SMOKING. All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a city facility or vehicle.

Smoking of any kind, including pipes and cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty.

3. DEFINITIONS

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

AUTHORIZED HOURS – The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the City Council.

BENEFITS – Privileges granted to qualified employees in the form of vacation, sick leave and/or insurance coverage.

BENEFIT EARNING EMPLOYEE – Employees who are eligible for at least a pro-rated portion of City provided benefits.

DANGEROUS WEAPON – Any firearm, whether loaded or unloaded, or any device defined as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

EMPLOYEE – An individual who has successfully completed all stages of the selection process including the training period.

EXEMPT EMPLOYEE – Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act.

FICA (Federal Insurance Contributions Act) – FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution for Social Security and for Medicare. The City contributes the matching percentage on behalf of each employee.

FULL-TIME EMPLOYEE – Employees who are required to work forty (40) or more hours per week year-round in an ongoing position. Full-time employees are not eligible to serve in the position of Mayor or Council Member.

IMMEDIATE FAMILY MEMBER – An employee's immediate family members include his/her spouse, child (children), parents/stepparents, father/mother in-law, and siblings.

NON-EXEMPT EMPLOYEE – Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

ON-CALL EMPLOYEE – An employee that works an irregular schedule as needed by their department.

PART-TIME EMPLOYEE – Employees who are required to work less than forty (40) hours per week year-round in an ongoing position.

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

PERA (Public Employees Retirement Association) – Statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee's retirement account.

PERSONNEL COMMITTEE – The Personnel Committee will be responsible for handling employee issues. Members of the committee will consist of the Mayor, one council member and the city clerk.

REGULAR PART-TIME EMPLOYEE. Employees who are required to work less than forty (40) hours per week and meet PERA eligibility requirements.

SEASONAL EMPLOYEE – Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule.

TRAINING PERIOD – A six month period at the start of the employment with the City that is designated as a period within which to learn the job. The training period is the last part of the selection process.

WORKWEEK – A workweek is seven consecutive 24-hour periods. For most employees the workweek will run from Sunday through the following Saturday.

4. EMPLOYEE RECRUITMENT & SELECTION PROCESS

4.1 SCOPE. The City Council will manage the hiring process for vacant positions within the City. They will determine if a position vacancy will be filled through an open recruitment or by some other method. This determination will be made on a case-by-case basis. The majority of the position vacancies will be filled through an open recruitment process.

The City Council will establish minimum qualifications for each position. To be eligible to participate in the selection process a candidate must meet the minimum qualifications.

The City Council will determine if the vacant position is to be filled on a full-time, part-time or seasonal basis, along with the rate of pay.

4.2 APPLICATION FOR EMPLOYMENT. Application for employment will generally be made on an application form provided by the City. All candidates must complete and submit the required written application materials by the posted deadline, in order to be considered for the position. The deadline for the application may be extended by the City Council.

Position vacancies may be filled on an “on-call” basis as needed. The City Council will approve all “on-call” appointments. Pay rate adjustments, if any, will be determined by the City Council.

Applicants will be interviewed and evaluated on their training, experience and other job related qualifications.

4.3 PRE-EMPLOYMENT MEDICAL EXAMS. The City Council may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any City position. The physician conducting the exam shall be provided with a description of the essential duties and responsibilities and other pertinent information on the position to aid in the determination of the ability to perform the job in question.

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

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. The physician will notify the City Clerk that a candidate either is or isn't medically able to perform the essential functions of the job. If the applicant requires accommodation to perform one or more of the essential functions of the job, the City Clerk will confer with the physician and the candidate regarding acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

4.4 BACKGROUND CHECKS. The City reserves the right to undertake any background checks it believes are necessary to provide adequate information on current and future employees; including (but not limited to) reviews of an employee's criminal history and driving records.

All City employees, including members of the Fire Department, who operate city-owned vehicles and other such equipment, may have their driving record reviewed annually.

4.5 TRAINING PERIOD. The training period is an integral part of the selection process and will be used for the purpose of observing the employee's work and for training the employee in work expectations. The training period for employees shall be six months from their date of hire.

An employee may be terminated at any time during the training period, if, in the opinion of the City Council, the employee is unable or unwilling to perform the duties satisfactorily or if the employee's work habits or dependability do not warrant continuation in the position. The employee so terminated will be notified in writing of the reasons for the termination and will not have the right to appeal unless he/she is a veteran, in which case the procedure described in M.S. Section 197.46 shall be followed.

At the end of the training period, the City Council will decide if the employee's performance has been satisfactory or not, and whether the employment relationship should be continued.

5. ORGANIZATION

5.1 JOB DESCRIPTIONS. The City will maintain job descriptions for each regular position. Each job description will include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, and supervisory responsibilities (if any). Good attendance and compliance with work rules and policies are essential functions of all City positions.

Job descriptions will be revised as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the City Council.

6. HOURS OF WORK

6.1 WORK HOURS. A regular work week for full-time employees will consist of a total of 40 hours any time during the period beginning 12:00 A.M. Sunday morning and terminating at 11:59 P.M. Saturday evening. The work schedule for the Public Works/Maintenance department is flexible, however a consistent number of hours each day is desirable (for example, 7:00am-3:30pm). The Public Works/Maintenance employee checks water/sewer readings every weekend. This takes a minimum of ½ hour each day. He/she will be compensated for 2 hours total (to be included in his/her 40 hour work week total).

6.2 REST AND LUNCH PERIODS. A fifteen (15) minute paid break is allowed within each four (4) consecutive hours of work. An unpaid thirty (30) minute lunch period is provided when an employee works eight or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time or lunch time by saving these breaks.

6.3 ADVERSE WEATHER CONDITIONS. City facilities will generally be open during adverse weather conditions. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work or leave early.

Decisions to cancel special events, recreation programs, etc, will be made by the Mayor.

7. COMPENSATION.

7.1 GENERAL. Employees of the City will be compensated according to the wages established annually by the City Council. New employees will normally be paid at the minimum rate applicable to the position. Compensation for seasonal employees will be set by the City Council at the time of hire.

7.2 PAYCHECKS. Paychecks are issued every two weeks. Distribution of paychecks to City employees is to be accomplished in a timely manner using accurate, consistent procedures. When payday falls on a holiday, checks are normally issued the day before the holiday.

Paychecks will not be given to anyone other than the person for whom they were prepared, unless the person has a note signed by the employee authorizing the City to give the other person the check.

Employees are responsible for notifying the City Clerk of any change in status including changes in address, phone number, names of beneficiaries, marital status, number of exemptions, etc.

7.3 TIME REPORTING. Full-time, non-exempt employees are expected to work 40 hours per workweek and will be paid according to the time reported on their time sheets. To comply with the federal and state Fair Labor Standards Act, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. For work comp purposes, the Maintenance/Public Works employees must document on their time sheet the appropriate department classification and job duty performed. Each reporting form must include the signature of the employee and Mayor or Acting Mayor. Reporting false information on a time sheet may be cause for immediate termination.

During snow removal months, employees in the maintenance department will work the required time necessary to remove snow up to 40 hours. If further snow removal is warranted, any overtime must be approved by the Mayor.

7.4 OVERTIME. All overtime-eligible employees will be compensated at the rate of time and one-half for all hours worked over 40 in one workweek. Vacation, sick leave, and paid holidays do not count toward "hours worked".

The Mayor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

7.5 CALL-BACK TIME. When the Water/Wastewater operator is called back to work (i.e. alarm calls) during scheduled off duty time, the employee shall be guaranteed a minimum of one (1) hour pay for such call back time at a rate of one and one-half times the regular hourly rate of pay. The Water/Wastewater operator shall make a notation on his/her time card of the date and time when he/she responded to the call.

7.6 ATTENDING A FIRE/FIRST RESPONDER CALL. If a City employee is also an active member of the Lucan Fire Department or Lucan First Responders, the employee will be allowed to respond to individual Fire or First Responder calls only if their current job tasks and duties allow for them to leave their post for a period of time without adversely impacting the operations of the City. While on a Fire or First Responder call, any full time or regular part time employee will be allowed up to two (2) hours per call without a reduction in pay. These hours will not be counted toward "hours worked". The employee should make a notation on his/her time card when he/she responded to a call and returned from that call.

8. HOLIDAYS

8.1 PAID HOLIDAYS. The City observes the following official holidays for regular full-time and regular part-time employees:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

Whenever any of the holidays listed above fall on a Saturday, the preceding Friday will be observed as the holiday. Whenever any of the holidays fall on a Sunday, the succeeding Monday will be observed as the holiday.

8.2 COMPENSATION FOR HOLIDAYS. Holiday pay for full-time employees shall be paid at a rate of eight (8) hours per day and at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and the first scheduled day immediately after the holiday. Regular part-time employees will receive pro-rated holiday pay based on the number of hours normally scheduled. Any employee on a leave of absence without pay from the City is not eligible for holiday pay.

Premium pay of 1.5 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the "actual" holiday as opposed to the "observed" holiday.

Employees wanting to observe holidays other than those officially observed by the City may request either vacation leave or unpaid leave for such time off.

9. LEAVES OF ABSENCE.

9.1 GENERAL. Depending upon an employee's situation, more than one form of leave may apply during the same period of time (e.g., The Family and Medical Leave Act is likely to apply during a worker's compensation absence.). An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

Except as otherwise stated, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state and federal statutes, if there are requirements for such time off that are not described in the personnel policy.

Any request for a leave of absence shall be submitted in writing by the employee to the City Council for approval. The request shall state the reason for the leave of absence and the length of time off the employee desires.

9.2 SICK LEAVE. Sick leave is an authorized absence from work with pay, granted all employees. Employees in Minnesota are entitled to earned sick and safe time (*Minnesota Statutes § 181.9413*) Sick leave does not accrue during an unpaid leave of absence.

- Full-time employees will accumulate sick leave at a rate of 8 hours per month.
- All other employees will accrue sick leave on a pro-rated basis of the full time employee schedule, at a rate no less than 1 hour per 30 hours worked.
- Sick leave may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.

Sick leave may be used as follows:

- an employee's mental or physical illness, treatment or preventive care;
- the mental or physical illness, treatment or preventive care of an employee's family member;
- absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- closure of an employee's workplace due to weather or public emergency or closure of their family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that an employee or their family member is at risk of infecting others with a communicable disease.

After sick leave has been exhausted, vacation leave may be used upon approval of the City Council, to the extent the employee is entitled to such leave.

To be eligible for sick leave pay, the employee will:

- Communicate with the Mayor as soon as possible after the scheduled start of the work day, for each and every day absent;
- Keep the Mayor informed of the status of the illness/injury or the condition of the ill family member;
- Submit a physician's statement upon request.

After an absence of more than 3 consecutive days, a physician's statement may be required on the employee's first day back to work, including the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision.

The City has the right to obtain a second medical opinion to determine the validity of an employee's worker's compensation, or to obtain information related to restrictions or an employee's ability to work. The City will arrange and pay for an appropriate medical evaluation when it is required by the City.

Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

Employees must normally use sick leave prior to using paid vacation and prior to an unpaid leave of absence during a medical leave, except where Parenting Leave under Minnesota law and the medical leave overlap.

Sick leave will normally not be approved after an employee gives notice that he/she will be terminating employment. Exceptions must be approved by the City Council.

Sick leave cannot be transferred from one employee to another. Earned sick leave has no cash value upon termination or retirement. Sick leave may be accumulated up to 36 days.

9.3 VACATION LEAVE.

VACATION LEAVE SCHEDULE

YEARS OF SERVICE	ACCRUAL RATE
0 - 5 Years	4 hours per pay period (13 days)
6 - 8 Years	5 hours per pay period (16.25 days)
9 - 12 Years	7 hours per pay period (22.75 days)
13 - 17 Years	7.5 hours per pay period (24.38 days)
18+ Years	8 hours per pay period (26 days)

- **ELIGIBILITY.** Full-time employees will earn vacation leave using the above schedule. Regular part-time employees who work at least 20 hours per week will accrue vacation leave on a pro-rated basis of the full-time employee schedule. Part-time employees who work less than 20 hours a week on a regular basis, seasonal employees, and on-call employees will not earn vacation leave.
- **ACCRUAL RATE.** For the purpose of determining an employee's vacation accrual rate, years of service will include all continuous time the employee has worked at the City (including authorized unpaid leave). Employees who are rehired after terminating City employment will not receive credit for their prior service unless specifically negotiated at the time of hire.
- **EARNINGS AND USE.** After six months of service, vacation leave may be used as it is earned, subject to the approval of the City Council. An employee will not earn any vacation for any period unless he/she is employed by the City on the last scheduled work day of the pay period. Vacation leave can be requested in increments of four (4) hours up to the total amount of the accrued leave balance. Vacation leave may not be transferred to another employee. Employees may accrue vacation leave up to a maximum of ninety-six (96) hours. Any hours over that come January 1 will be lost. Vacation leave cannot be converted into cash payments except at termination.

9.4 FUNERAL LEAVE. Employees will be permitted to use up to three (3) consecutive working days, with pay, as funeral leave upon the death of an immediate family member. This paid leave will not be deducted from the employee's vacation or sick leave balance. The actual time off, and funeral leave approved, will be determined by the City Council depending on individual circumstances (such as closeness of the relative, arrangements to be made, distance to the funeral, etc.).

Funeral leave that is requested in connection with the death of persons not covered by this section may take up to two (2) days leave without pay or use vacation leave.

9.5 MILITARY LEAVE. State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of fifteen (15) days in any calendar year. The employee is allowed to choose when during the calendar year to take their 15 days of paid military leave. The employee may choose to use all of the fifteen (15) days of paid military leave at one time or, in the alternative, the fifteen (15) days of paid military leave may be divided and taken throughout the calendar year at the discretion of the employee.

The leave of absence applies only in the event the employee returns to employment with the City immediately upon being relieved from military service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military service beyond the fifteen (15) day period allowed for the paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five (5) years.

Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If the employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

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

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

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

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

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

Seasonal and on-call employees are generally not eligible for compensation for absences due to jury duty, but can take a leave without pay subject to the approval of the Mayor.

9.7 COURT APPEARANCES FOR CITY BUSINESS. Employees will be paid their regular wage to testify in court for City related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with City employment, minus mileage reimbursement, must be turned over to the City in order to receive their regular wages for the period.

9.9 ADMINISTRATIVE LEAVE. Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the Mayor with the approval of the City Council.

9.13 VICTIM OR WITNESS LEAVE. An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony is entitled to reasonable time off, without pay, from work to attend criminal proceedings related to the victim's case.

9.14 ELECTIONS / VOTING. An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the City at least ten (10) days written notice.

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote during the morning of election day.

9.15 JOB RELATED INJURY OR ILLNESS. All employees are required to report any job-related illnesses or injuries to the Mayor or City Council designee immediately (no matter how minor). If the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify the Mayor or City Council designee of the action taken. In the case of an emergency, 911 should be called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the Mayor or City Council designee and make arrangements for a medical appointment.

Worker's compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

10. BENEFITS.

10.1 HEALTH INSURANCE. Group health insurance is not offered at this time. However, all full-time employees and regular part-time employees will be eligible for a monthly health insurance benefit to go towards their personal health insurance premium. The City may request eligible employees to show proof that they carry health insurance. The amount of the benefit will be reviewed annually by the City Council. Eligible employees will be compensated on the first day of the month following 30 days of employment.

10.2 RETIREMENT. The City participates in the Public Employees Retirement Fund (PERA) to provide pension benefits for its eligible employees. The City and the employee contribute to PERA each pay period as determined by state law. For information about PERA's eligibility and contribution requirements contact the city clerk.

Most employees are also required to contribute a portion of each pay check for Social Security and Medicare (the City matches the employee's social security and Medicare withholding).

10.3 CLOTHING ALLOWANCE. The City will reimburse the full-time Public Works/Maintenance employee up to \$250 a year for the purchase of clothing for work related purposes. Receipts for purchases must be turned in as soon as possible to the city clerk as verification of the purchases before reimbursement will be made. Items may not be directly charged to the City.

Clothing which contains the City logo will remain the property of the City regardless of age.

Safety gear – ear plugs, reflective vests, goggles, etc. will be provided by the City.

10.4 CELL PHONE REIMBURSEMENT. The City does not supply any employee with a City-owned cell phone. The full-time Public Works/Maintenance employee, who uses his personal cell phone for city use, will receive a monthly stipend toward his cell phone expense. The reimbursement will be determined annually by the City Council.

11. EMPLOYEE TRAINING AND TRAVEL

11.1 GENERAL. The City may not pay for the education or license required to obtain a position of employment with the City. However, the City will pay for training required to keep licenses and skills up to date, and the cost of the license renewal. Authorization for seminars, conferences, lectures, workshops or other types of schools may be granted by the City Council. Whenever possible, registration fees and hotel room reservations will be sent in as soon as possible after approval is given to take advantage of registration discounts and to insure hotel accommodations.

11.2 TRAVEL REIMBURSEMENT. Only the City Council may authorize travel at City expense for city business. Authorization must be granted prior to incurring the actual expenses. Employees so authorized will receive reimbursement for necessary and incidental expenses according to the terms outlined in this section.

- Automobile Expense – When employees are required to use their own vehicles to conduct City business or to attend approved training, the City will reimburse the employee for mileage at a rate equal to the current rate given by the IRS. Only mileage from city hall to the location and back will be reimbursed. Research meetings, such as visiting another city to learn about an issue, need to be authorized prior to the event.
- Overnight Travel – Employees will be reimbursed for lodging expenses using the following guidelines. If the meeting covers more than one day, and is farther than a 50 mile radius, lodging expenses will normally be made. The amount of reimbursement for an individual attendee of a conference or meeting will be the least expensive single room rate available at the location of the conference, or the actual cost incurred, whichever is less.
- Meal Allowance – Employees will be reimbursed for meals, including tax, when away from the City for approved seminars, training, etc., providing the employee has receipts from the eating establishments to support the reimbursement. Employees will only be reimbursed for meals that are not included in conference registration fees. The maximum amount each employee may be reimbursed for meals will be set annually by the City Council. Alcoholic beverages shall not be included for reimbursement.
- Fees – Registration and conference fees will be paid by the City directly to the organization sponsoring the event.
- Compensation to Attend Training – Compensation for employees to attend training or schooling will be their regular hourly rate of pay. If traveling to attend training, an employee will be in payroll status to allow for travel time from City Hall to the location of the training. If staying overnight for training, payroll status will commence upon the class starting.
- Parking – The City will reimburse the employee for any necessary parking fees incurred, provided the employee provides a receipt to support the expense.

11.3 APPLICABILITY. Travel and expense reimbursement requests must be submitted to the city clerk within one week of the training. Once the reimbursement request is approved at a City Council meeting, payment will be made to the employee.

12. PERFORMANCE REVIEWS

12.1 SCOPE. An objective performance review system will be established by the City Council for the purpose of periodically evaluating the performance of City employees. Performance reviews will be used

to assess accomplishments over the previous year, set goals for the coming year, and to consider hourly increases of employees.

Performance reviews will be discussed with the employee. Employees do not have the right to change or grieve their performance review, but may submit a written response which will be attached to the performance review.

12.2 SCHEDULE. Performance reviews are to be scheduled on a regular basis, at least annually. The employee and the Personnel Committee will complete a performance evaluation which shall identify an employee's strengths, areas that can be worked on and goals for the employee's next year of employment. The form, with all signatures, will be retained as part of the employee's personnel file.

During the training period, informal performance meetings should occur frequently between the Personnel Committee and the employee.

12.3 SIGNATURE. Signing of the performance review document by the employee acknowledges that the review has been discussed with the Personnel Committee and does not necessarily constitute agreement.

13. DISCIPLINE

13.1 GENERAL. The City Council is responsible for maintaining compliance with City standards of employee conduct. The objective of this section is to establish a standard disciplinary process for employees of the City of Lucan. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedure. The City Council will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

13.2 PROCESS. The City may elect to use progressive discipline with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any City employee has a property right to the job he/she performs.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

Disciplinary actions taken by the City Council may include:

- **Oral Reprimand.** This measure is normally given for the first infraction on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The City Council will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.
- **Written Reprimand.** When the problem is not corrected or the behavior has not consistently improved in a reasonable period of time, the City Council may issue a written reprimand. A written reprimand will (1) state what did happen; (2) state what should have happened; (3) identify the policy or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence. Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean that they agree with the reprimand. Written reprimands will be placed in the employee's personnel file.
- **Suspension.** Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation on a number of factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

- **Dismissal.** The Mayor, with the approval of the City Council, may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with City standards.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

14. GRIEVANCE PROCEDURE.

14.1 PROCEDURE. All grievances which involve a dispute or disagreement as to the interpretation or application of any term of this policy shall be resolved in the following manner.

- (1) The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision(s) of the personnel policies allegedly violated and the

remedy requested, to the Personnel Committee within twenty-one (21) days after the alleged violation or dispute has occurred. The Personnel Committee will respond to the employee in writing within seven (7) calendar days.

- (2) If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision(s) of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the City Council within seven (7) days after the Personnel Committee's response is due. The City Council will respond to the employee in writing within seven (7) days. The decision of the City Council is final.

14.2 WAIVER. If a grievance is not presented within the time limits set forth above, it will be considered "waived". If a grievance is not appealed to the next step in the specific time limit or any agreed extension thereof, it will be considered settled on the basis of the City's last answer. If the City does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the city and the employee without prejudice to either party.

The following actions are not grievable

- (1) Performance evaluations;
- (2) Pay increases or lack thereof.

The above list is not meant to be all inclusive or exhaustive.

15. OUTSIDE EMPLOYMENT.

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

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

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.

- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use city equipment, resources or staff in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the City. Work performed for others while on approved vacation time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for his/her own business, while using paid sick leave from the City for those same hours.

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

16. DRUG, CANNABIS & ALCOHOL FREE WORKPLACE

In accordance with Federal law, the City of Lucan has adopted the following policy on drugs, cannabis & alcohol in the workplace:

- a) Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the City's intent and obligation to provide a drugs, cannabis & alcohol-free, safe and secure environment.
- b) The unlawful manufacturing, distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- c) The City recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
- d) Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug, cannabis or alcohol statute for violations occurring on or off work premises while conducting City business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.
- e) For the safety and welfare of all employees and the general public, should the City Council believe that reasonable suspicion exists that an employee may be under the influence of drugs, cannabis or alcohol, the City Council is required to have the employee submit to testing performed by qualified medical personnel.

- f) Testing is required of any employee who is involved in an accident while operating a City owned vehicle. Failure to submit to a test may result in disciplinary action up to and including discharge.
- g) Employees who operate a city-owned vehicle, or perform duties that require high levels of security and safety may be subject to random drug, cannabis or alcohol testing. All testing will be performed in compliance with Federal standards and City Ordinance. The result of any test will remain confidential.

17. CITY DRIVING POLICY

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

Employees who lose their driver's license or receive restrictions on their licenses are required to notify the Personnel Committee on the first day after any temporary, pending or permanent action is taken on their license and to keep the Personnel Committee informed of any changes thereafter.

The City will determine appropriate action on a case-by case basis.

18. SAFETY

The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of the City Council.

18.1 REPORTING ACCIDENTS and ILLNESSES. Both Worker's Compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The city clerk is required to complete a "First Report of Injury" form and any other forms that may be necessary related to an injury or illness on the job.

18.2 SAFETY EQUIPMENT/GEAR. Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

18.3 UNSAFE BEHAVIOR. The Mayor or any City Council member is authorized to send an employee home immediately when the employee's behavior violates the City's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

19. RESPECTFUL WORKPLACE POLICY (includes sexual harassment prevention)

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

19.1 APPLICABILITY. Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, firefighters, and City Council members.

19.2 ABUSIVE CUSTOMER BEHAVIOR. While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. An employee may request that a City Council member intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

If there is a concern over the possibility of physical violence, a City Council member should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify a City Council member about the incident as soon as possible.

19.3 TYPES OF DISRESPECTFUL BEHAVIOR. The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

- Violent behavior includes the use of physical force, harassment, or intimidation.
- Discriminatory behavior includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.
- Offensive behavior may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and City Council members what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from a Personnel Committee member or a City Council member.
- Sexual harassment can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and the verbal or physical conduct of a sexual nature when:
 - Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or

- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, the following:

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

19.4 POSSESSION AND USE OF DANGEROUS WEAPONS. Possession or use of a dangerous weapon (see definitions) is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

19.5 EMPLOYEE RESPONSE TO DISRESPECTFUL WORKPLACE BEHAVIOR.

Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a violation of this policy, they are encouraged to follow these steps below.

Step 1 (a). Politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

Step 1 (b). If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to a Personnel Committee member. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

Step 1 (c). In the case of violent behavior, all employees are required to report the incident immediately to the Personnel Committee, a City Council member or the police. An employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to the Personnel Committee or a City Council member.

Step 2. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Council or the Mayor.

19.6 PERSONNEL COMMITTEE/CITY COUNCIL'S RESPONSE TO ALLEGATIONS OF DISRESPECTFUL WORKPLACE BEHAVIOR. Employees who have a complaint of disrespectful workplace behavior will be taken seriously.

In the case sexual harassment or discriminatory behavior, the Personnel Committee must report the allegations within two business days to the Mayor, who will determine whether an investigation is warranted. The Personnel Committee must act upon such report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, the Personnel Committee will use the following guidelines when an allegation is reported:

Step 1. If the nature of the allegations and the wishes of the victim warrant a simple intervention, the Personnel Committee may choose to handle the matter informally. The Personnel Committee may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 2. If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. The investigator will obtain the following description of the incident, including the date, time and place:

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

Step 3. The Personnel Committee must notify the Mayor about the allegations.

Step 4. As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

Step 5. After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

Step 6. The alleged violator and complainant will be advised of the findings and conclusions as soon as practical.

19.7 SPECIAL REPORTING REQUIREMENTS. When the supervisor is perceived to be the cause of a disrespectful workplace incident, a report will be made to the Mayor who will assume the responsibility for investigation and discipline.

If the Mayor is perceived to be the cause of a disrespectful workplace incident, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a City Council member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the Mayor and referred to the City Attorney who will undertake the necessary investigation. The City Attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the Mayor may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

19.8 CONFIDENTIALITY. A person reporting a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employee's personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

19.9 RETALIATION. Consistent with the terms of applicable statutes and City personnel policies the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City may also discipline an individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

20. SEPARATION FROM SERVICE.

20.1 RESIGNATIONS. Employees wishing to leave the City service in good standing must provide a written resignation notice to the City Council, at least ten (10) working days before leaving. The written resignation must state the effective date of the employee's resignation.

Failure to comply with this procedure may be cause for denying the employee's severance pay and any future employment with the City.

20.2 SEVERANCE PAY. Employees who leave the City in good standing by retirement or resignation will receive pay for one week of unused accrued vacation leave.