

New Auburn Personnel Policy

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I. Purpose of Policy

The purpose of this policies and procedures manual is to establish a uniform and equitable system to govern the relationship between employees and the City of New Auburn. The personnel policies and procedure manual defines how employees are recognized and compensated, and explains what is expected from individual employees.

It is the policy of the City Council to carry out the contents of this policies and procedures manual. The City Council has the right to amend, in whole or in part, any or all of the provisions contained in this personnel policies and procedures manual.

Any employee, or group of employees, has the right to communicate views, grievances, complaints, or opinions on any matter covered in the personnel policy by meeting with the City Council.

It is the intent of the City Council to be in compliance with the laws governing employment as set forth in Minnesota Statutes. If any provision of this policy is in conflict with such laws, the Minnesota Statutes shall prevail.

This personnel policies and procedures manual shall become effective June 10, 2020.

This personnel policies and procedures manual shall supersede and repeal all existing personnel procedures of the City of New Auburn.

II. Affirmative Action/Equal Employment Opportunity

It is the policy and intent of the City of New Auburn to provide equality in employment to all persons. This policy expressly prohibits discrimination because of race, creed, color, religion, national origin, political affiliation, sex, marital status, status with regard to public assistance, disability, or age (except where sex, disability, relationship, or age is a bona fide occupational qualification) in all aspects of its personnel policies, programs, practices, and operations.

This policy applies to all phases of full-time and part-time, temporary, and seasonal employment including, but not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training. This policy also applies to the use of all city facilities and participation in all city sponsored employee activities.

It is the responsibility of the city council and all employees to ensure implementation of this policy. Failure of any employee to perform in a manner consistent with the AA/EEO policy will be construed as grounds for reprimand, suspension, demotion, or dismissal.

The city council is given full authority for the administration of this program.

III. Conduct and Ethics

The City of New Auburn believes that proper operation of government requires that employees be independent, impartial and responsible to the people; that government decisions and policies are made in the proper channels of governmental structure; that public employment not be used for personal gain; and that the public have confidence in the integrity of its government. Accordingly, it is the purpose of this policy to establish ethical standards of conduct for all employees of the city and to set forth those acts which are incompatible with such standards; to require disclosure by employees of private financial or other interests in matters affecting the city and to provide effective means for enforcement thereof. This policy is not to be construed so as to impair the ability of employees to participate in ceremonial representational or information functions pursuant of their official duties.

This policy shall be liberally construed in favor protecting the public interests by a full disclosure of conflicts of interest and a promotion of ethical standards of conduct for city employees.

The following shall be prohibited activities:

1. Disqualification from Acting on City Business:

No employee or member of his/her immediate family shall have a pecuniary interest in or derive a profit from any matter upon which the employee is required to act in the discharge of his/her official duties and fails to disqualify himself/herself from acting or participating.

2. Improperly Using Official Position:

No Employee Shall:

- a. Use or permit the use of any person, funds or property under his/her official control, direction or custody, or any of the City's funds or City property, for a purpose which is, or to a reasonable person would appear to be, for the private benefit of the employee.
- b. Have a material interest, personally or through a member of his/her immediate family, in business entities doing or seeking to do business with the City and influence or attempt to influence the selection of, or the conduct of business with the City.

3. Accept Gifts or Loans

No employee shall solicit or receive anything of monetary value from any persons or entity where it has been solicited, received or given with the intent to give or obtain special consideration or influence as to any action by such employee in his/her official capacity; provided that nothing shall prohibit contributions, including political contributions, which are reported in accordance with applicable law or which are accepted on behalf of the City, or an honorarium, travel or other expenses reimbursed to any employee as a result of a speaking engagement or personal appearance made as a result of that persons' official position.

4. Disclosure of Privileged Information

No employee shall disclose or use any information gained by reasons of his/her official position for the immediate or anticipated personal gain or benefit of the employee of any other person or entity; provided that nothing shall prohibit the disclosure or use of the information which is a matter of public knowledge or which is available to the public on request.

5. Work Product

No employee shall deprive the City or its agencies of their original files. All original work products generated or obtained by a City official on City time shall be the property of the City of New Auburn and shall remain so after an employee leaves City employment. Examples of work product include but are not limited to, research, investigative reports, legal briefs, official letters and memoranda.

6. Sexual Harassment

Complaints regarding sexual harassment should be brought to the attention of the City Council or referred to the Minnesota Department of Human Rights.

STATEMENT OF POLICY

Applicability

This sexual harassment policy applies to all officials and employees of the City of New Auburn, including full and part time employees, elected and appointed officials, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, and employees under contract.

General

Sexual harassment is a form of sex discrimination prohibited by State and Federal Statutes. Employees have the right to a work place free of verbal and/or physical sexual harassment. Sexual harassment demeans individuals, creates unacceptable stress, adversely affects morals, and interferes with effective work performance.

The City will not tolerate sexual harassment of its employees by anyone – supervisors, other employees, officials or citizens. Further, the City will not tolerate sexual harassment of other individuals by its employees or its officials. Persons harassing others will be disciplined promptly and firmly. All personnel must become familiar with this policy and comply with it.

Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or communication of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term of condition of employment, public service, or education.
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions such as promotion, assignment, demotion, discipline, or discharge;
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment; and the City knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Sexual harassment can include but is not limited to the following:

1. Unwelcome or unwanted sexual advances. This means touching, patting, pinching, brushing up against, hugging, cornering, blocking, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
2. Verbal abuse. This means kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes", and making derogatory remarks, or any others tasteless, sexually oriented comments, innuendoes or actions that offend others.

3. 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.
4. Visual forms of harassment. This means posters, letters, poems, graffiti, cartoons, drawings, and pictures or objects of nude, suggestively posed or scantily clothed women or men which are not appropriate to the work place.

Reporting Procedure

Victims of alleged sexual harassment and third persons with knowledge or belief of conduct constituting sexual harassment are encouraged to report it to their supervisor, the City Clerk, or the Mayor. A supervisor or department director, upon receiving such report, must forward the same in confidence to the City Clerk or Mayor within 48 hours. The supervisor or department director is to perform AN investigation. Failure of any supervisor or other staff to forward any report of alleged sexual harassment to the appropriate person will result in discipline consistent with the terms of any applicable agreement, individual contract, statute, or city personnel policies.

Investigation and Recommendation

Upon receiving any report alleging sexual harassment, the City Clerk or Mayor will make a written report within ten (10) working days, if practicable. In determining whether alleged conduct constitutes sexual harassment, the City Clerk or Mayor will look at the nature of the sexual advances and context in which the alleged incidents occurred. An alleged victim(s) may have a person of the same gender present during all contacts with the City Clerk or Mayor.

Consistent with the terms of applicable agreements, statutes, or city personnel policies, the city will discipline any individual who retaliates against any person who testifies, assists or participates in any manner in sexual harassment. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

Pending completion of the investigation, the City Clerk or Mayor may take any action necessary to protect the alleged victim, other employees, or citizens consistent with the requirements of applicable agreements, statutes, and city personnel policies.

Consistent with requirements of applicable agreements, statutes and city personnel policies, the City Clerk or Mayor within ten (10) working days will take such action as he/she deems necessary and make recommendations to the City Council which are appropriate including termination to end Sexual harassment found to exist.

When the Mayor is perceived to be the cause of a sexual harassment incident, the incident shall be reported to the Vice Mayor. The Vice Mayor shall present the incident to the City Council.

If the alleged complaint is against an elected or appointed official, the City Council may discipline the individual in whatever manner it seems appropriate, consistent with its authority under state law, and city ordinances and resolutions.

In cases where sexual harassment is committed by a non-employee against a city employee in the workplace, the City Attorney will take all lawful steps to ensure that the sexual harassment is brought to an immediate end.

7. Drug and Alcohol Free Work Place

Employees are required to report to work on time and in appropriate mental and physical condition for work. No employee shall be under the influence of any drug or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

8. Data Practices

Official employee personnel files shall be maintained in the City Clerk's Office. The employee personnel files shall be locked at all times. The Mayor will be the only one with access to the information. Information shall be made available to the public upon request within a reasonable time and during regular business hours.

Under that law, the following data is automatically public:

- An employee's name;
- Whether an employee is a veteran;
- Relevant test scores;
- An employee's rank on the City's eligible list;
- An employee's job history;
- An employee's education and training;
- An employee's work availability;
- An employee's actual gross salary and salary range;
- An employee's actual gross pension;
- The value and nature of an employee's fringe benefits;
- The basis for the amount of any added enumeration, such as expense or mileage reimbursement, in addition to an employee's salary;
- An employee's job title;

- An employee's job description;
- The dates of an employee's first and last employment with the City;
- The status of any complaints or charges against an employee while employed by the City of New Auburn, whether or not they result in disciplinary action;
- The final outcome of any disciplinary action taken against an employee of the City of New Auburn, and all the supporting documentation about the case;
- An employee's city and county of residence;
- An employee's badge number, if any;
- An employee's work location and work telephone number;
- Honors and awards received; and
- Data which accounts for an employee's work time.

Anything not listed above which is placed in an employee's personnel folder (such as medical information, letters of recommendation, resumes, etc.) is made by this statute private information, and will not be shared with anyone but those members of the City's staff who must use it to file personnel records, or to conduct normal City business. Also, the Federal Equal Employment Opportunity Commission and the Minnesota Department of Human Rights may be authorized by federal or state law to receive private information from an employee's file in order to investigate specific complaints of employment discrimination. Otherwise, no private record will be shared with any outside person or agency without the employee's informed consent or a valid court order. Personnel data may be given to labor organizations to the extent necessary to conduct elections, notify employees of fair share fee assessments, and to implement the Public Employees Labor Relations Act. Personnel data may also be given to the Bureau of Mediation Services, when it so orders.

IV. Employment policies

1. Application for Employment

All individuals seeking employment with the City of New Auburn shall complete and sign the appropriate "Application for Employment" form prior to being given consideration for employment.

All applicants shall be kept in the "Active" file for a period of six (6) months. If an applicant desires to keep their application active beyond that time, he/she will be required to bring the existing application up-to-date or fill out a new application.

All applicants should indicate specific job titles when applying simultaneously for two or more openings.

The City shall post all full-time job openings for a period of ten (10) days or more. All applications received during this period and all applications in the active file for the open position will be reviewed. Only those applicants who are interviewed will be notified when a position is filled.

Whether an applicant is or is not interviewed, his/her application will continue to be kept active for the six (6) month period and will be again considered, as another position becomes available.

2. Hiring Procedures

No person shall be considered approved for employment nor shall they report for work until:

1. The applicant has completed the employment application and any/all appropriate testing procedures.
2. The applicant has been interviewed by the City Council.
3. The applicant has successfully passed a background investigation and any/all pre-employment physical.
4. City Council, or its designated Council subcommittee, has approved the applicants' application.

All persons entering City employment shall report to the City Clerk's office for the purpose of completing the required employment tax forms.

3. Employment Definitions.

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

1. **Full-time employees** are regular full-time and probationary full-time employees hired to work forty (40) or more hours per week or who have been designated by the City as full-time employees, receiving the benefits of full-time status including holiday pay, vacation, sick time, and health benefit. Full-time employees are appointed by the City Council.
2. **Temporary Employees** and those **Part Time Employees** designated by the City Council to work less than one thousand forty (1040) hours per year do not receive holiday leave, vacation leave, sick leave or insurance.

4. Employee Hours

City Clerk/Treasurer

The City Clerk/Treasurer's hours will be set at forty (40) hours per week, with the office hours being Monday-Thursday as posted at the City Office. City Clerk will work at City Council Meetings, Fire Relief Meetings and Workshops.

Deputy Clerk

The Deputy Clerk hours will be set at thirty-two (32) hours per week, with the office hours being as determined by City Council, Monday through Friday. Deputy Clerk will assist with Council Meetings.

Maintenance/Custodian

The maintenance/custodian position hours will be set at forty (40) hours per week Monday through Friday. The Maintenance/Custodian hours will be flexible as the duties call for.

All Other Employees

In regards to all other employees which may be added, the hours of employment will be decided by the City Council.

5. Employee Evaluations

Appraisals are equally important to management in identifying training, promotional opportunities, identifying future manpower needs, providing additional documentation for disciplinary actions, and providing a basis for judging performance.

Appraisals also help to differentiate between the performances of individual employees, thus forming the cornerstone of success for any compensation system.

Frequency of evaluations Each employee's performance shall be evaluated annually. This evaluation should accomplish two purposes:

1. Advise the employee how he/she is performing and areas that may need strengthening.
2. The merit raise that employee may be receiving that year.

Exceptions to the annual review, as a matter of policy are as follows:

1. The performance of employees on probationary status shall be evaluated at the end of the required probationary period. The purpose of this review is to appraise the progress and performance of new employees.
2. A new evaluation form must be completed each time an employee is given a promotion, or is terminated, unless a previous evaluation has been prepared within sixty (60) days of the status adjustment.
3. An employee's performance may also be evaluated to provide additional documentation for disciplinary actions and be used as a counseling tool with the employee.

The formal performance appraisal shall be conducted by the City Council who should:

1. Review the employee's job description. The employee should be rated on how he/she fulfilled the duties and responsibilities set forth in the job description and also any special assignments not specifically mentioned.
2. Review the employee's accomplishment of goals or objectives previously agreed upon between the employee and City Council.
3. Complete the Performance Evaluation Form.
4. Discuss the appraisal with the employee and ask him/her to sign the evaluation report indicating that the appraisal has been discussed. If the employee refuses to sign or a signature cannot be obtained, the evaluation must indicate such on the form.
5. The employee has the right to disagree and comment on the evaluation form, but the evaluation cannot be the basis for filing a formal grievance.

6. Disciplinary Action

The City Council and Department Heads have the right to impose discipline upon an employee for just cause. Just cause includes, but is not limited to, the following:

- Incompetence in the performance of duties.
- Failure to report or refusal to work when necessary to keep essential services operating to provide service to the public.
- Reporting for work under the influence of alcohol or drugs when not under the supervision of a medical doctor.
- Any use of intoxicating beverages while on duty.
- Repeated tardiness or unauthorized absences.
- Inability or incapacity to perform duties.
- Willful misconduct or insubordination.
- Failure to observe laws, regulations, or policies.
- Discourteous, insulting, or abusive conduct toward the public, municipal officers, supervisors or other City employees.
- Carelessness and/or negligence in the handling or control of municipal property.
- Acceptance of a gift, loan, reward, discount, valuable favor, or any such thing of value under circumstances from which it could be inferred that the giver expected or hoped for preferential treatment in an official matter.
- Deliberately filing or making a false report or official statement.
- Evidence of failure to observe safety rules and regulations.
- Proven dishonesty in the performance of duties.
- Violations of the provisions of this policy.
- Misconduct as determined by the City Council.

Disciplinary action will follow the procedure set forth below.

Warnings. A dated written record of this oral warning will be documented by the City Clerk or Mayor and placed in the employee's personnel file. A reasonable time for correction will be allowed before further disciplinary action is taken. If conduct is not improved after the oral warning, a written warning or reprimand will be issued to the employee by the appropriate Council Committee. A dated copy of the written warning(s) will be given to the City Clerk or Mayor and placed in the employee's personnel file. Copies will also be sent to the City Council.

Suspension. If misconduct persists after the written warning, the appropriate Council Committee may suspend an employee without pay for a period not to exceed ten (10) days. A dated written statement outlining the reason(s) for the suspension will be prepared by the appropriate City Council Committee and provided to the employee. A copy of the statement will be given to the City Clerk or Mayor and placed in the employee's personnel file. An employee so suspended shall be entitled to a hearing before the City Council within five (5) days after the notice of suspension.

In the event an employee is charged in a criminal matter or is involved in civil litigation such that, in the opinion of the City Council, the employee's ability to function as an employee will be seriously impaired, such employee shall be suspended until final judgment of the civil or criminal matter has been rendered. In the event the suspended employee is exonerated from criminal culpability in a criminal matter, such employee will be reinstated and, for purposes of employee seniority, such suspension will be considered not to have taken place. Such employee shall also be entitled to full back pay for the period of suspension.

Dismissal. An employee may be dismissed after the written warning if conduct is not improved. An employee guilty of theft or intentional destruction of City property, assault, or gross misconduct, will be dismissed immediately. Dismissals shall be approved by the majority of the City Council. A dated written statement outlining the reason(s) for the dismissal will be prepared by the appropriate City Council Committee and provided to the employee within five (5) days from the date such action was taken. A copy of the statement will be given to the City Clerk or Mayor and placed in the employee's personnel file. An employee so dismissed shall be entitled, upon request, to a hearing before the Council within ten (10) days after the notice of dismissal by notifying the Mayor. The employee and a representative of the employee shall have the right to appear before the city Council at this hearing. Any dismissal not appealed to the City Council within this period shall be considered final.

V. Compensation

1. Setting of salaries

All city employees will be compensated on an hourly rate by using the pay rate and raise rate schedule established by the city council.

2. Pay Date All regular employees will be paid biweekly. Fire Department employees will be paid the 2nd week in June and December. Mayor and Council will be paid the 2nd week in December.

3. Compensatory Time All overtime must be approved by the city council unless of an emergency situation. Authorized overtime work will usually be compensated for by allowing the employee time off. Compensatory time shall accrue only after the employee has **worked eighty hours** in any two-week pay period. Compensatory time shall be earned at the rate of one and one-half (1-1/2) hours of compensatory time for each full hour of authorized overtime worked. Compensatory time should be used as time off as quickly as work load will permit. No employee may take more than sixteen (16) hours of compensatory time off during any two week pay period, except when an employee who desires to take more than sixteen (16) hours of compensatory time off during any two week pay period, that employee must get prior City Council approval. In a personal emergency the Mayor or Council may approve the time off of more than sixteen (16) hours in any two week pay period. No compensatory time can be carried over from one calendar year to the next calendar year.

Hours Worked definition- Holiday, sick, and vacation time is not considered as time worked and will not put you into overtime.

4. On Call Time Due to the need of maintain essential city services, employees will be required to be available "on call" to work in emergency situations. Employee called for an emergency will receive a 2 hour minimum for the call.

VI. Benefits

1. Vacation Leave

Full-time employees are eligible for vacation leave. Full-time employees, including probationary employees, cannot use vacation leave until successful completion of three (3) continuous months of service with the City, although vacation leave accumulates during this time.

All employees must receive permission from the City Council at least ten (10) working days prior to taking vacation leave when such leave is to extend for a period of more than two consecutive days.

The following chart provides information on vacation leave accumulation. Years of service are calculated from the anniversary date of employment.

Full-time Employees.

| <u>Years of Full-time Service</u> | <u>Vacation Time Accrual</u> | <u>Accumulated Up To</u> |
|-----------------------------------|---------------------------------------|--------------------------|
| 0-5 years | 3.077 hrs per pay period (80 hrs/yr) | 80 hours |
| 6-10 years | 4.615 hrs per pay period (120 hrs/yr) | 120 hours |
| 11-15 years | 6.150 hrs per pay period (140 hr/yr) | 160 hours |
| 16+ | 7.690 hrs per pay period (160 hrs/yr) | 200 hours |

Employees are asked to use their vacation leave on a yearly basis. Employees are permitted to carry over 80 hours of vacation from one calendar year to the next calendar year. No employee will be permitted to waive vacation for the purpose of receiving double pay. Vacation will not be paid out.

Any employee leaving employment in good standing will be compensated for vacation leave accrued to the day of separation, provided said employee has served at least twelve (12) consecutive months prior to separation and has given the City at least two weeks notice prior to the effective date of such separation. Such pay for accumulated vacation leave will be at the same rate as the hourly rate of the employee’s base salary.

2. Sick Leave

Full-time employees are eligible for sick leave. Sick leave is accumulated at the rate of four (4) hours per pay period. Sick leave may be accumulated from year to year up to a maximum of one hundred eighty (180) hours. Upon separation from City employment, no payment will be made for unused sick leave.

Sick leave will be granted in not less than two-hour increments, which is to mean that if two hours or less is used, two hours will be charged. Sick leave shall be granted only in case of actual sickness, injury, or disability. In cases when an employee misses one day of work due to illness, but still actually works forty hours during the week, he should get paid for forty hours, plus eight hours of sick pay. In cases when an employee actually works over eight hours in a day and has an appointment in mid-day thereby missing some regularly scheduled work hours, he does get sick pay for the appointment time. **Sick time does not accumulate into overtime.**

Sick leave may also be used for dental appointments and physical examinations. In the event that an employee must attend to a member of the employee’s immediate family, up to 24 hours of sick leave may be used for that purpose. Immediate family

is defined as the employee's spouse, child, father, mother, brother, sister, or one living in the same household as a member of the family. Up to three days of sick leave may be used for death in the employee's immediate family, or in the immediate family of the employee's spouse.

When an employee is required to take sick leave, the employee's supervisor or the City Clerk must be notified. Such notice should be given at the earliest possible time, preferably before the start of the scheduled working hours. The City Council may request a doctor's certificate for illness involving more than three (3) consecutive days. Claiming sick leave under false pretense may be cause for disciplinary action, including suspension, demotion, and dismissal.

In case of disability caused by sickness or injury and covered by Worker's Compensation, the City will pay to the employee only such sums, as together with Worker's Compensation payments, equal their base pay but never for a longer period than their accumulated sick leave. In such case, the time deducted from accumulated sick 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.

3. Other Leaves

Military Leave. Military leave will be granted to eligible employees in accordance with Minnesota Statutes, Section 192.26. An employee who is a member of the national guard, or any other component of the militia of the state, or who is a member of the officers' reserve corps, the enlisted reserve corps, the naval reserve, the marine corps reserve, or any other component of the military or naval forces of the United States, is entitled to leave of absence without loss of pay, seniority status, efficiency rating, vacation, sick leave, or other benefits for the time which such employee is engaged in training or active service not exceeding a total of 15 days in any calendar year. Since the statute does not set forth any requirement that the fifteen (15) days be consecutive, the employee may receive a leave of absence with pay for any fifteen (15) days during a given year.

The military leave of absence is allowed only if the employee returns to employment immediately upon being relieved from military or naval service, or is prevented from so 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 or naval service beyond the 15 day period allowed for the military leave of absence.

Notice of intent to take military leave must be given to the City Council at least five (5) working days after receipt of orders by the employee and no less than twenty-four (24) hours prior to the date of leave. If orders are received at a time which would make

compliance with this provision impossible, the employee shall give notice as soon as possible.

Jury Duty. The desires to encourage employees to accept and properly discharge their civic responsibility when called for jury duty or subpoenaed as a witness.

In order to prevent a financial burden resulting from the performance of such duty, the City will pay an employee their regular salary for a maximum period of two weeks or of such required service. Upon completion of jury duty or testifying as a witness, the employee shall present to the City Clerk receipts for all compensation received, excluding mileage and meal allowance. All compensation received, excluding mileage and meal allowances shall be submitted to the City Clerk reimbursement.

Employees receiving a summons for jury duty or subpoenaed as a witness must notify the Mayor as soon as possible after receiving the notice. An employee who fails to make proper notification of their required jury or witness duty will not be paid for the time off.

If an employee is scheduled to report for jury duty or subpoenaed as a witness and the case is delayed, dismissed, re-scheduled, etc. the employee shall be required to report for work on their normal schedule as soon as is possible. If the jury or witness duty is completed or excused during the normal working hours and the amount of normal working hours remaining are less than two (2) hours, the employee may not be required to return to work. An employee excused during the normal working hours is required to notify their immediate supervisor of their status regarding returning to work under all circumstances so that the supervisor may determine whether the employee should return to work for the remainder of the normal schedule.

Parental Leave. Parental leave will be granted to eligible employees in accordance with Minnesota Statutes, Section 181.94.

Sick leave may be utilized by an employee for doctor appointments, illness, and/or disability relating to pregnancy.

Employees working twenty (20) or more hours per week, and who have been employed by the City of New Auburn for at least twelve (12) months, are eligible for a six week-unpaid parental leave of absence in connection with the birth or adoption of a child. The parental leave must begin no later than six weeks after the birth or adoption, and notice of intent to take such leave must be given to the City Council at least one (1) month prior to the commencement of such leave.

Upon request by the employee, the City Council may grant a longer unpaid leave of absence. Leaves longer than six (6) weeks must be agreed upon between the employee and the City Council with the terms stated in writing.

An employee returning from a parental leave of absence of six (6) weeks or less will be entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a parental leave of absence longer than one (1) month must notify the City Council at least two (2) weeks prior to the return from leave.

Unpaid Leave of Absence. An employee may request an unpaid leave of absence. Such requests must be made in writing and must include the following information: a) reason for requesting the unpaid leave of absence; b) date the leave of absence would commence; and c) date of return to work. An unpaid leave of absence may be granted at the discretion of the City Council. An employee failing to return to work at the expiration of an unpaid leave of absence will be considered to have resigned. Unpaid leaves of absence may be extended by the City Council based on a written request for an extension by the employee.

The employee will not accrue any vacation and/or sick leave benefits during an unpaid leave of absence. In the event the leave of absence is in excess of three weeks, the employee will be required to make both the employer and the employee contributions to the health insurance plan to maintain insurance coverage during the period of the leave of absence.

Funeral leave A full time employee may be granted three (3) days of leave with pay for deaths in the employee's family. Employee's family is defined as spouse, mother, father, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson and granddaughter or other relative or person who was residing with the employee.

Funeral leave time shall not be deducted from sick leave. All employees taking funeral leave shall give as much notice as possible to the Mayor

School leave All full time employees will also receive up to a total of sixteen (16) hours (during a 12 month period) of unpaid leave to attend school conferences or classroom activities related to an employee's child provided the employee cannot schedule the conference or classroom during non-working hours. This leave also applies to child care services or pre-kindergarten or special education programs.

When the employee cannot schedule the leave during non-working hours and can foresee the need for the leave, the employee must give 48 hours notice prior to the leave and make reasonable efforts to schedule the leave so that it does not unduly disrupt the operation of the employer.

An employee may use any accrued paid vacation leave or other appropriate paid leave for any part of the leave this portion of the manual allows.

Emergency Services Leave City employees will be allowed to serve on local ambulance, fire, and/or other emergency services organization crews with the permission of the City Council. Employees receiving permission from the City Council will be allowed to be

on-call for these services during work hours and will not be penalized or forced to make up time missed while responding to emergency calls, provided that if payment for such services is received by the employee from the emergency service organization, an appropriate adjustment in the employee's wages or hours will be made.

While employees will be allowed to make themselves available for emergency calls during work hours, the employee's first responsibility is their job for the City of New Auburn. It will be up to the employee to determine whether a situation at work requires their attention more so than any emergency call that may arise. Misuse of this privilege, or the use of poor judgment in determining the importance of answering an emergency call vs. performing city work functions may be grounds for discipline, up to and including termination.

Separation of employment other than retirement Employees wishing to leave the Municipal service in good standing shall file with the City Council, at least 14 days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City and denying termination leave benefits. Unauthorized absence from work for a period of three (3) working days may be considered as a resignation without such benefits.

The employee of the City officially separates his/her employment on the last day of work. The employee's accrued leave benefits shall be calculated as of the last day of work. Prior to leaving the City, the employee should verify with the City Clerk a correct address is on file.

All employees will have an opportunity to submit written evaluations to the City as part of the exit interview process. These written evaluations are helpful in identifying existing/future organizational problems.

All City property in the personal possession of the employee (i.e. keys, and original files) must be turned into the City Clerk before receiving a final pay check.

Retirement The City of New Auburn is a member of the Public Employees Retirement Association (PERA). Employees may retire at 65 years of age. Early retirement is possible for employees qualified for such in accordance with PERA regulations.

It is important for retiring employees to contact the PERA office for a suitable annuity plan at least four months prior to retirement.

State of Minnesota
Public Employees Retirement Association
Suite 200, Skyway Street
514 St. Peter Street
St. Paul, MN 55102

(612) 296-7460

Any person terminating employment with the City is entitled to a refund in the amount deducted from the employee's paycheck. This amount may also be left in the retirement fund. All terminating employees should check with the City Clerk concerning application for a refund of PERA contributions. Refunds will take approximately 120 days

4. Holidays

All full-time employees of the City of New Auburn are eligible for the following holidays:

| | |
|------------------------------|---|
| New Year's Day | January 1st |
| Martin Luther King, Jr., Day | Third Monday in January |
| President's Day | Third Monday in February |
| Memorial Day | Last Monday in May |
| Juneteenth Day | June 19 th (starting as of 8-1-23) |
| Independence Day | July 4th |
| Labor Day | First Monday in September |
| Veteran's Day | November 11th |
| Thanksgiving | Fourth Thursday in November |
| Christmas | December 25th |

Full-time employees on the payroll as of January 1st of each year are eligible for a "floating" holiday to be taken at their discretion during the year. This "floating" holiday cannot be transferred from year to year or accumulated.

Full-time employees will receive full pay for eight (8) hours for each of the holidays listed. If an employee is off work because of an injury or other excused absence, said employee will receive pay and benefits for the holiday as normally accrued.

Whenever a holiday falls on a Sunday, the following Monday shall be considered the holiday. Whenever a holiday falls on a Saturday, the preceding Friday shall be considered the holiday.

5. Insurance

Health Coverage The city will provide a contribution for regular full-time employees and their families. Benefits may be purchased by employee as made available. A set dollar amount will be paid by the city, the rest will be paid by the employee. The city council will set this amount and review the amount on a regular basis. The city will not pay out the employee for not taking the health care coverage offered by the city.

P.E.R.A. Public Employees Retirement Account will be maintained for regular full-time and part-time employees according to the P.E.R.A. specifications, for further information see the PERA manual in city clerk's office.

6. Travel Reimbursements

The City of New Auburn will pay the expenses incurred by employees authorized to travel on official City business. All travel must have prior authorization by the City Council. Cash advances to employees are not permitted. Employees are encouraged to review anticipated expenses with the City Council before departure.

1. Allowable Travel Expenses Include:
 - a. Hotel/motel accommodations for a single or double occupancy room only
 - b. Bus, taxi and airport transportation including gratuity
 - c. Air, rail or bus tickets - coach fare only
 - d. Normal meals and gratuities – up to \$30.00 a day with receipts
 - e. Use of privately owned vehicles reimbursed at the current per mile rate set by the city council on a yearly basis
 - f. Necessary parking and storage fees
 - g. Necessary telephone calls
 - h. An employee receiving and hourly wage shall be paid that hourly wage for any conference, meeting, seminar, in-house training, etc. up to but not exceeding an eight (8) hour day.

2. Expenses Not Allowed:
 - a. Personal entertainment
 - b. Fines for parking, speeding, etc.
 - c. Alcoholic beverages
 - d. Valet services

3. Reimbursement requests for travel expense must be filed immediately upon return. In order for employees to receive travel reimbursements, the appropriate vouchers and/or receipts must accompany the reimbursement request.

VII. Other Policies

1. Prohibiting Firearms at Work

The City of New Auburn hereby establishes a policy prohibiting all employees from carrying or possessing firearms (hand guns) while acting in the course and scope of employment for the City. The possession or carrying of a firearm by employees 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 type of mass transit on City business;
- Working at 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;

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.

Violations of this policy are subject to disciplinary action in accordance with the City's disciplinary procedure policy.

2. Personal Use of Communications

The City of New Auburn uses many means of communications to exchange information and ideas with our customers, vendors, government agencies, community groups, and others. The City of New Auburn provides a variety of equipment to facilitate communications with our business contacts and to enhance job performance. Those means of communication include mail, telephone, fax, cellular phone, pagers, Internet, and e-mail. The City of New Auburn communication facilities, and the files, data and information created, originating from, or stored on those facilities, are the property of The City of New Auburn and are for business purposes. It is recognized that some personal use of communications is necessary, but all personal use should be kept as brief as possible during work time.

This policy applies to all full-time, part-time, and temporary employees, contractors, volunteers, customers, and all other individuals who are provided access to the City of New Auburn communication systems. This policy does not constitute a contract. Revisions may be made from time to time at the discretion of the City of New Auburn City Council.

Mail The City of New Auburn employees may purchase postage at the City office for use on their personal mail items. Personal mail items may be included with the City's daily delivery of mail to the US Post Office.

Telephone Personal telephone calls shall be kept as brief as possible and shall be made during lunch breaks or rest breaks whenever possible. No charge will apply to local calls.

Employees may use their own personal calling cards to make long distance calls. Incoming personal calls may be answered by the employee, but they shall be kept as brief as possible. The City of New Auburn staff will take personal messages for employees. Employees should discourage callers from making personal calls on a regular basis. Employees may check for their messages during lunch breaks, rest breaks, or at the end of the workday. If an incoming message represents an emergency, the City staff will make every effort to contact the employee immediately.

Fax The City of New Auburn employees may use the City's fax machine on lunch breaks, rest breaks, before work hours, or after work hours to fax personal communications. No charge will apply to local faxes.

Cellular Phone If an employee has been issued a cellular phone by the City of New Auburn, that employee may use the cellular phone to make personal calls which are necessary and which enhance the efficiency of the employee's time. Employees are to use their cellular phone in a safe manner at all times. Whenever possible, calls are not to be made by the person driving a vehicle. Personal calls during work time shall be kept as brief as possible.

Internet/E-Mail The City of New Auburn recognizes that the Internet offers a wealth of information that can improve the City's services and the productivity of the City's employees. The City of New Auburn recognizes that e-mail is an efficient and convenient form of communication for both business and personal applications. ***The City of New Auburn encourages employees to use the City's computer resources, including the Internet and e-mail, before or after work hours for their own information and benefit.*** Training in the use of a computer programs, the Internet, and e-mail, is the responsibility of the individual employee.

Confidential information shall not be transmitted via e-mail. E-mail users should be aware the e-mail is easily misdirected or forwarded by the recipient to untold numbers of persons, and the content is easily misconstrued or altered. E-mail and Internet users should also be aware that when they have deleted a message or document from their computer, it may not have been deleted from the entire system and may be stored on the computer's back-up system. E-mail is not a good form of communication with legal counsel when seeking legal advice or transmitting information concerning matters in litigation. Inadvertent disclosure or dissemination of the communication could waive the attorney-client privilege.

The Internet and e-mail are to be accessed for business purpose only during working hours. Employees may use the City's Internet access to reach sites of personal interest during lunch breaks, rest breaks, before work hours, or after work hours. Employees may receive personal e-mail communications during work hours, but shall not respond to those communications during work-hours, except in the case of an emergency.

Access Rules: Employees shall only use software that is supplied by the City, including but not limited to, web browser and e-mail applications. Employees shall not install hardware or software on the City's system without the express permission of the City

Council or their Department Head. Employees shall not access, intercept, record, read, modify, or delete the files belonging to others. Employees shall only use the user names provided by the City. Employees may not subscribe to receive e-mail from news groups or list services without the permission of their Department Head.

File Transfers: Employees shall not open files received from the Internet without first conducting a virus scan of the file.

Security: Every employee must maintain the security of the City of New Auburn's communication systems. Employees shall not divulge passwords or security protocols to anyone outside of the City of New Auburn. Employees shall not permit unauthorized users to use their password (s) or the City of New Auburn's Internet or e-mail access.

Privacy: All information accessed, transmitted, uploaded, downloaded, received or distributed through the City of New Auburn's Internet and/or e-mail access is the property of the City of New Auburn and may be considered to be part of the City's official record. It may be subject to public viewing and subject to disclosure under state and federal laws. Employees shall have no expectation of privacy related to the use of any of the City's communication system. The City of New Auburn retains the right to access, copy, modify, or delete any and all property. The City of New Auburn will not exercise this right without the consent of either the originator or recipient of data without a legitimate business purpose. The City of New Auburn will access information without consent if there is a reasonable suspicion that the City's communication systems are being used in a manner which violates this policy, or to document employee performance problems or misconduct.

Unacceptable use of the City of New Auburn's Communication Systems:

At no time, during work hours or non-work hours, shall an employee use any of the City of New Auburn's communications system for any of the following purposes:

- 1) To access, transmit, upload, download, receive or distribute pornographic, obscene, abusive, or sexually explicit materials or materials containing unclothed or partially clothed people.
- 2) To transmit or receive obscene, abusive or sexually explicit language or profanity.
- 3) To violate any local, state or federal law or engage in any type of illegal activities.
- 4) To vandalize, damage or disable the property of another person or organization.
- 5) To access the materials, information, files or e-mail of another person or organization without permission or without a legitimate business reason.
- 6) To violate any applicable state, federal, or international copyright, trademark, or intellectual property laws or regulations, or otherwise use another person or organization's property without prior approval or proper attribution consistent with copyright laws, including unauthorized downloading or exchanging of

- pirated or otherwise unlawful software, or copying software to or from any of the City of New Auburn's computer.
- 7) To engage in any form of gambling, wagering, betting, or selling.
 - 8) To engage in any type of harassment or discrimination, including but not limited to; sexual harassment, harassment, or discrimination based upon race, gender, sexual orientation, religion, national origin, marital status, status with respect to public assistance, disability or any other type of harassment or discrimination prohibited by law and by the City of New Auburn policy.
 - 9) To engage in any type of commercial enterprise unrelated to the specific purposes and needs of the City of New Auburn.
 - 10) To engage in any form of solicitation for private purpose that are not relate to the business purpose of the City of New Auburn.
 - 11) To promote any political ore private causes, or other activities, that are not related to the business purpose of the City of New Auburn.
 - 12) To enter into financial or contractual obligations without the prior express consent of the City Council.
 - 13) To advocate or access information advocating any type of unlawful violence, vandalism or illegal activity.
 - 14) To download large files, requiring the City of New Auburn's storage capacity, from the Internet for personal use.

Receipt of Inappropriate E-Mail or access of Inappropriate Internet Sites:

If an inappropriate and unsolicited e-mail message is received, it should be immediately deleted unless the message includes reference to an illegal activity as noted above. Messages referring to illegal activities should be immediately reported to the employee's Department Head or to the City Council. If an employee inadvertently accesses an Internet site which is inappropriate or prohibited, the employee shall immediately escape from such site. Employees should be aware that every transaction on the Internet leaves a trail that can be easily traced and timed.

Enforcement:

Any employee who abuses the provisions of this policy will be subject to discipline, including discharge; for abuse of this policy and/or for any other related applicable policies, rules or state and federal laws. In addition, violations of the policy or misuse of the communication systems which are of a criminal nature may be referred for criminal prosecution.

Disclaimer/User Liability:

While the City of New Auburn has adopted and shall enforce this policy to the extent practicable, it does not have the resources or technical capability to ensure complete compliance by its users, who shall be individually responsible for adhering to the terms

of this policy. The City of New Auburn shall not assume, and hereby expressly disclaims, liability for the misuse of its communication systems, computers, equipment or Internet access, which violates this policy or any law.

Adopted by the City Council this 13th day of March, 2023.

Mandy Grack
Mandy Grack, Mayor

Attest:

Roberta Zaske
Roberta Zaske City Clerk-Treasurer