

Regular City Council Meeting
Mountain Lake City Hall
Tuesday, January 18, 2022
6:30 p.m.
AGENDA

1. Meeting Called to Order *Additional information on agenda item is attached or at City Hall
2. Approval of Agenda and Consent Agenda
 - a. Bills: Checks #25671 – 25737, 770E – 775E (1-8)
 - b. Payroll: Checks #65805 – 65835 (9)
 - c. Approve October 12 Tree Commission Minutes (10)
 - d. Approve December 13 Lake Commission Minutes (11-12)
 - e. Approve December 14 Library Board Minutes, December Report, & December Expenditures (13-15)
 - f. Approve December 13 EDA Board Minutes (16-17)
 - g. Approve December 22 Utilities Commission Minutes (18-19)
 - h. Approve January 3 City Council Minutes (20-22)
 - i. Accept Resignation of Tim Swoboda, Economic Development Authority
 - j. Approve AWAIR*
 - k. Approve DOT-Drug and Alcohol Testing Policy*
 - l. Approve In State & Out of State Travel Policy*
 - m. Approve Non-CDL Drug & Alcohol Policy*
 - n. Approve Sexual-Harassment-Prevention Policy*
 - o. Hire Mark Pankratz, Streets/Public Works II, effective February 22
 - p. Hire Jean Hoberman & Anthony Aragon, Ice Rink & Warming House Attendant, effective January 19
3. Public – A total of ten (10) minutes is allotted for individuals to briefly discuss a topic of concern or provide comments to the Council.
4. Fire Department & Ambulance Rates
 - a. Discussion/Action – Proposed 2023-2027 Rates (23-24)
5. City Attorney
 - a. Discussion – Public Nuisances
6. City Administrator
 - a. Discussion/Action – Approve Personnel Policy (25-76)
 - b. Discussion/Action – Approve Technology Use Policy (77-84)
 - c. Discussion/Action – Hire Assistant Office Manager
7. Adjourn

Mountain Lake Tree Commission

Tuesday, October 12, 2021

Minutes

Attendance, David Bucklin, Tim Rahn, Joey Morrey, Mike Nelson, Joe McCabe.
Absent, Jerry Logue.

1. Call to Order 7:30pm. **Chair David Bucklin**
2. Approval of March 8, 2021 minutes. **M. Tim Rahn 2nd Joey Morrey**
3. 2021 Tree Program Review
 City and Cemetery Tree Planting
4. 2022 Program Planning
 Tree Planting Sites
 Tree Removals/ Utility (Potential removal assistance)
 Corps Crew 2022
 Cost Share Available/Probable Funding (2023 GBERBA Grant \$2,690.) County funds
 Pruning Discussion
 Potted Trees Temp. Storage Location in spring? May 9-20-2022? **Ok to store pots at the Heritage Village again in spring 2022.**
 City Tree SUFR Grant 2022 (43 Trees) **Will need to submit plans.**
 Discussed several new sites for planting, pruning, and removals.
 Possible planting sites, Downtown Park, Cemetery, SE Sed. Basin (near new Substation), Campground Blvd, and the new 4plex housing units.
5. Other
6. Next Meeting 7:30pm Monday January 10, 2022.
7. **Adjourned by Chair Bucklin.**

Lake Commission Meeting**Monday, December 13 , 2021, 6:30 p.m.**

Members Present: Jason Kruser, Janell Bargen, Joey Morey, Dave Bucklin, Tim Rahn, Randy Loewen, Jean Haberman

Guests Present: Mike Nelson (Mayor), Rachel Yoder, Michael Mueller (City Admin.)

Chair Kruser called the meeting to order at 6:30 p.m.

Katie Wigen, DNR Area Hydrologist for Watonwan and Cottonwood County watersheds, met with the Lake Commission to explain the public's right to land use on the State property from the lakeshore to the 105 contour. She also talked about the definition of riparian rights.

M/S/P Bucklin/Bargen to approve the minutes of the November 8, 2021 meeting.

Treasurer's Report (11/4/21)**Income:**

| | |
|--|-----------|
| UPB - Interest | 9.95 |
| Country Pride - Slate gray decking | 371.93 |
| Country Pride - Air compressor gas | 42.81 |
| Country Pride - Gas to take cans to Mankato | 130.02 |
| Bargen - Crack repair and Mastic gap repair on trail | 12,090.54 |

Ending Balance **\$32,090.54**

| | |
|--|--------------------|
| Savings Balance | 22,025.19 |
| Weed Harvester replacement funds from Cot. Co. (2018) | 20,000.00 |
| Weed Harvester replacement funds from Cot. Co. (Jan. 2019) | 10,000.00 |
| Weed Harvester replacement funds from Cot. Co. (Oct. 2019) | 20,000.00 |
| Weed Harvester replacement funds from Cot. Co. (Nov. 2021) | <u>20,000.00</u> |
| Total Savings Balance: | \$92,025.19 |

M/S/P Loewen/Morey to approve Treasurer's Report.

Trail:

- Bargen did an excellent job sealing and repairing the cracks on the trail.
- Dave reported that the old boardwalk will be removed when the new boardwalk is completed.

Memorial Benches: Rachel Yoder reported that they will continue to think about putting a memorial bench for Ray Dick on the trail.

Lake & Aeration:

- Brent Hanson finished installing pipe crosses, a union, and a vent in the aeration system. Many thanks to him for donating his time! Randy has serviced the aerator pump and it is ready to go. Jason will order the thin ice decals.
- M/S/P Bucklin/ Loewen to approve putting thin ice ads in the Observer for two consecutive weeks annually. The ads will be in the Dec. 14 & 21 issues of the Observer/Advocate.
- Randy will pick up the oximeter from Marlin Palm.
- Jason will pick up the Freedom Riders tent and Joey Morey will help him cover the harvester on Tuesday.

The Lake Commission terms expiring at the end of the year are Janell Barga, Jason Kruser, and Dave Bucklin. Jason will not be renewing his term. The Lake Commission will need a new member to replace Jason.

Respectfully submitted,
Jean Haberman,
Secretary/Treasurer

Mountain Lake Public Library Board Minutes

December 14, 2021

Members Present: Rachel Simon, Sarah Morey, Vickie Krueger, Rick Herrig

Kari Hanson, Director

Members Absent: Dennis Cords

The meeting was called to order at 4:32 p.m. by chair Vickie Krueger.

Additions to the agenda: \$1,100 was donated to the Friends of the Mountain Lake Public Library from Rabbi Jeff and Mindy Glickman of Windsor, CT.

M/S R. Simon/S. Morey to approve the minutes of the November 9, 2021. Motion carried.

Kari presented the November monthly reports indicating 1780 total circulation and expenditures in the amount of \$2707.90. M/S S. Morey/R. Herrig to accept the November reports as given and to approve the November expenditures. Motion carried.

Elizabeth Hoffmann has been hired as the new Plum Creek Library Director.

New business included: Shelves in adult nonfiction area need to be stabilized.

Internet Use Policy was revised. Minor changes made. M/S R. Simon/S. Morey to approve the revisions.

New officer positions for 2022 are as follows: Chair – R. Herrig, Vice Chair – R. Simon, Secretary – D. Cords.

2022 meetings will be held the second Tuesday of each month at 4:30 PM.

The meeting adjourned at 5:08 p.m.

Respectfully submitted,



Dennis Cords, secretary

Next meeting will be January 11, 2022, at 4:30 PM.

LIBRARY EXPENDITURES - DECEMBER 2021

| | | |
|------------------------------|--|-------------------|
| A & B Business | Office Supplies / Copier Contract | \$54.46 |
| Frontier | Telephone Expense | \$74.26 |
| Dennis Hulzebos | Repairs & Maint. - Janitorial | \$345.00 |
| Indoff | Office Supplies | \$47.41 |
| Ingram | Books | \$259.41 |
| Kari Hanson | Travel Expense | \$135.18 |
| MN Energy Resources | Gas Utilities | \$236.35 |
| Synchrony Bank/Amazon | Books 70.56 /PER \$15.00 MISC 20.99 | \$106.55 |
| | Subtotal | |
| | TOTAL | \$1,258.62 |

MOUNTAIN LAKE
PUBLIC LIBRARY
DECEMBER 2021

| CHILDREN | |
|----------------------------|------|
| Audio | 17 |
| Books | 434 |
| DVDs | 127 |
| Non Print | |
| Multi Media | |
| Periodicals | 3 |
| ADULT | |
| Audio | 7 |
| Books | 618 |
| DVDs | 195 |
| Non Print | 7 |
| Multi Media | |
| Periodicals | 37 |
| Other Physical Media | |
| SUBTOTAL | |
| | 1445 |
| Ebooks | 71 |
| Downloadable Audio | 82 |
| TOTAL CIRCULATION | |
| | 1780 |
| Interlibrary Loan Sent | 146 |
| Interlibrary Loan Received | 126 |
| ILL Non System | 6 |
| | |
| | |

| REVENUE | |
|---------------------------------|-------------------|
| Cash Income | |
| County Revenue | |
| Donations (Monetary) | |
| Fines | |
| Misc. Revenue | 8.50 |
| Meeting Room Rental | |
| Sale of supplies | |
| TOTAL REVENUE | 8.50 |
| EXPENDITURES | |
| Books | 329.97 |
| Periodicals | \$15.00 |
| Audio/Visual | |
| Gas Utilities | 236.35 |
| Janitorial Supplies | |
| Office Supplies | 101.87 |
| Library Supplies | |
| Postage | |
| Project Expense | |
| Repairs & Maintenance | |
| Repairs & Maint-Janitorial | 345.00 |
| Tech/Automation Expense | |
| Telephone | 74.26 |
| Travel | 135.18 |
| MISC. (Min. wage posters, etc.) | \$20.99 |
| TOTAL EXPENDITURES | \$1,258.62 |

Economic Development Authority
Monday, December 13, 2021
12:00 Noon to 1:00 p.m.
Council Chambers

PRESENT: Vern Peterson, Mike Nelson, Darla Kruser, Chuck Stevensen, Clara Johson and Chad Eken, Advisors.

ABSENT: Jerry Haberman and Steve Syverson

CITY ADMINISTRATOR: Michael Mueller

STAFF: Rob Anderson and Tabitha Garloff

GUEST: Caleb Krienke, Krienke Foods International

1. CALL TO ORDER: Vern called the meeting to order at 12:01 p.m.
2. Motion to Approve Consent Agenda
Consent Agenda:
 - a. Approval of November 15, 2021, Regular Meeting Minutes.
 - b. Approval of Financial Reports and Bills. Tabitha stated there were 3 additional bills and a correction to the summary of bills. Motion made and seconded by Darla and Mike to approve the consent agenda with the additional bills and correction. Carried.
3. Krienke Foods International, Inc. December Lease Payment. Caleb stated Krienke Foods made a \$3,000 payment toward the December lease payment and the December outstanding lease amount due is \$6,200. Caleb gave a brief overview of Krienke Foods past and current sales and a brief update of their current financial position. Caleb was excused and discussion continued. Motion made and seconded by Mike and Vern to allow Krienke Foods until January 10th noon EDA board meeting to make payments current with the remaining December lease and the January lease payment. Carried. January 2022 lease payment will increase to \$9,501.
4. MVTV Wireless Memorandum of Understanding/Steering Committee. Due to schedule conflicts with several people on the committee, the meeting has been rescheduled to January 12th, 2022, at 12 noon.
5. SCDP Housing/Commercial Rehab Application. Rob reported 3 more applications were received increasing the grant funds applied for by \$75,000. More information should be available next week with about submitting the full application.
6. Low Income/Multi-Family Housing Need/Housing Study. Rob met with Southwest Minnesota Housing Partnership. Windom stated they are presently working on a project and won't need a new housing study until current project is completed. Mountain Lake would need to partner with another community to make the project work. SWMHP has shown interest in being the developer for a housing project in Mountain Lake.

7. Little Care Bears Lease Renewal. The current lease amount is \$350 a month and the EDA pay the property taxes and snow removal. Discussion continued. Rob will invite Karen to attend the next EDA meeting in person or via phone to answer questions the EDA board has regarding her daycare business. No action taken on the lease renewal at this time.
8. Jenny's Subdivision Lots 2 and 3 for Potential Fire/Ambulance Hall Location. Darla stated the committee is waiting for drawings and additional information from the architect. The planning is taking longer than expected due to covid and change in city administrator. New updates will be provided as it becomes available.
9. New City Web Page. Move the Website to Wordpress Platform for better Security and Management. EDA's Proposed Cost is \$1,533.33. Motion made and seconded by Mike and Darla to approve \$1,533.33 for the EDA's portion to move the city website to Wordpress. Carried.
10. Mountain Lake Commercial Park:
 - a. Internet/Data Infrastructure. Rob stated that he feels confident fiber will be installed in the commercial park by the end of summer 2022.
 - b. Update City/Commercial Park Video. Rob stated he has the narrative prepared. Mike stated he will be meeting with Ethan to put the narrative and the updated video together. Suggestion was made to add Christmas in the Park, Heritage Village and new downtown decoration to the video. Mike suggested finishing the current video and add the updates later. Mike will discuss with Ethan.
11. GENERAL DISCUSSION:
 - a. Next Regular Board Meeting is January 17, 2022, Martin Luther King Jr. Day, Consider Rescheduling Meeting to January 10th. Motion made and seconded by Darla and Chuck to approve rescheduling the January meeting to January 10th. Carried.
 - b. Other Business.
 - Rob and Tabitha stated there is 1, 1 stall unit available at Midway Estates. Tabitha is working with a perspective tenant for that available unit.
 - Discussed snow removal at the apartments.
12. ADJOURN. Vern adjourned the meeting at 12:50 p.m.

Mountain Lake Utilities Commission Meeting
Mountain Lake City Hall
Wednesday, December 22, 2021
7 AM

Members Present: Sue Garloff, Todd Johnson, Mark Langland, City Council Liaison Dean Janzen

Members Absent: David Savage, Brian Janzen

Staff Present: Michael Mueller; Clerk/Administrator; Jill Falk; Utilities Office Manager, Dave Watkins; Electric Superintendent; Steve Peters; Lineman; Taylor Nesmoe; Water/Wastewater Superintendent; Scott Pankratz; Water/Wastewater Worker

Others Present:

Call to Order

The meeting was called to order at 7 AM. Nothing added to the agenda.

Approval of Minutes and Bills

Motion by Garloff seconded by Johnson, to approve the December 9th Minutes, and Check Numbers 21385-21417. Motion carried.

Electric Department

During the storm, the power outage was caused from ITC losing power, which caused a portion of the town to be down for about an hour. We did have one line that came down; however, it did not cause any damage. A streetlight pole went down, and a pole went down on Lennard Penner's land. Both have since been repaired and all services were reconnected.

Water/Wastewater Department

Nesmoe provided quotes from Crysteel for the new trucks. The quotes for fiberglass boxes were over \$36,000 and the \$27,000 for steel boxes. Both the Electric and Water/Wastewater departments went through and removed some of the options that weren't necessary. This brought the steel quote down to around \$12,500. Pankratz will check the state website to see if he can find any other companies to acquire quotes.

Nesmoe also mentioned that Flexible Pipe is coming to look at the Jetter to see what repairs are needed and that Bergen Meats was able to get funding for their own septic. They will no longer be needing our services for their waste; however, they may still reach out in the future for pumping assistance.

City Administrator

Resolution #6-21 calling for the redemption of Electric Revenue bonds 2015B and 2012C to pay off these bonds in full. This will cost \$750 in fees to payoff both bonds. The total payoff is around \$276,000 but will save over \$10,000 in interest. Johnson made a motion to accept the resolution, Garloff seconded, motion passed.

The schedule for meeting dates for 2022 has been provided. The Utility Commission meetings in January have been moved up one week, with the next meeting taking place on Thursday, January 6th and the following meeting on Thursday, January 20th.

Adjourn

The meeting was adjourned at 7:20 a.m.

ATTEST:

Jill Falk, Utilities Office Manager

**City of Mountain Lake
Regular City Council Meeting
Mountain Lake City Hall – 930 Third Ave
Monday, January 3, 2022
6:30 p.m.**

Members Present: Dean Janzen, Darla Kruser, Andrew Ysker, Mike Nelson, Dana Kass

City Staff Present: Michael Mueller City Administrator; Maryellen Suhrhoff City Attorney,
Daron Friesen Street Superintendent

Others Present: Doug Regehr

Call to Order

The meeting was called to order by Mayor Nelson at 6:30 p.m.

Approval of Agenda & Consent Agenda

Motion by Kass, seconded by Janzen, to add Ordinance # 2-22 Unsafe Buildings to the consent agenda. Motion carried 5– 0. Motion by Ysker, seconded by Janzen to approve the agenda and consent agenda as amended. Motion carried 5– 0.

Bills: Checks #25640-25671, 766E-769E

Payroll: Checks #66428-66463

Approve November 23 Police Commission Minutes

Approve December 9 Utilities Commission Minutes

Approve December 21 City Council Minutes

Public

No comments

Street Department Report

Daron Friesen, Street Superintendent, reported completed items in the month of December.

2022 Organizational Items

Discussion/Action – Approve 2022 Designations and Appointments

Discussion/Action – Approve Resolution #1-22 Minimum General Fund Balance and Assignment of General Funds

Discussion/Action – Adopt Investment Policy

Discussion/Action – Ordinance #1-22 – Establishing Rates, Fees, and Administrative Fines

Discussion/Action – Approve Data Request Policies
Review – 2021 Building Permit Summary
Review – Seniority List as of 1/1/22

Motion by Janzen, second by Kass to approve 2022 Designations and Appointments. Motion carried 5 – 0. Motion by Kass, second by Kruser to approve Resolution #1-22 Minimum General Fund Balance and Assignment of General Funds. Motion carried 5 – 0. Motion by Ysker, second by Janzen to adopt the Investment Policy. Motion carried 5 – 0. Motion by Kruser, second by Kass, to approve Ordinance #1-22 – Establishing Rates, Fees, and Administrative Fines. Motion carried 5 – 0. Motion by Janzen, second by Kruser to approve the Data Request Policies. Motion carried 5 – 0.

Utilities

Motion by Kruser, seconded by Kass to approve the 2022 Utilities Budget. Motion carried 5 – 0.

City Attorney

An update was given to the council regarding civil processes on various properties, public nuisances, current processes, court procedures, agreements, and plans. There was a third and final reading regarding a proposed ordinance regarding unsafe buildings.

Motion by Kass, second by Kruser to approve Ordinance # 2-22 Unsafe Buildings. Motion carried 5-0.

City Administrator

- Discussion/Action – Pay Equity Report
- Discussion/Action – Resolution #2-22 EDA Housing Grant
- Discussion/Action – Employee Updates
- Discussion – Upcoming Events

Motion by Janzen, second by Kruser, to approve the Pay Equity Report. Motion carried 5 – 0.
Motion by Janzen, second by Ysker to approve Resolution #2-22 EDA Housing Grant. Motion carried 5 – 0.

Adjourn

The meeting was adjourned at 7:08 p.m.

ATTEST:

Michael Mueller, Administrator/Clerk

SECTION RATES FOR FIRE DEPT

| <u>Year</u> | <u>Total</u> |
|-------------|--------------|
| 2014 | \$135 |
| 2015 | \$145 |
| 2016 | \$155 |
| 2017 | \$165 |
| 2018 | \$175 |

Council Approved on February 4, 2013, Meeting

| <u>Year</u> | <u>Operation & Maintenance</u> | <u>Equipment Fee</u> |
|-------------|------------------------------------|----------------------|
| 2018 | \$175 | \$155 |
| 2019 | \$175 | \$155 |
| 2020 | \$175 | \$155 |
| 2021 | \$175 | \$155 |
| 2022 | \$175 | \$155 |

Council Approved on February 5, 2018, Meeting

PROPOSED:

| <u>Year</u> | <u>Operation & Maintenance</u> | <u>Equipment Fee</u> |
|-------------|------------------------------------|----------------------|
| 2023 | \$210 | \$165 |
| 2024 | \$220 | \$170 |
| 2025 | \$230 | \$175 |
| 2026 | \$240 | \$180 |
| 2027 | \$250 | \$185 |

| | | | |
|-----------------|-----------------|-----------------|-----------------|
| 2021- Actual | 2021- Actual | 2022- Proposed | 2022-Proposed |
| 221-42200-35250 | 221-42200-34210 | 221-42200-35250 | 221-42200-34210 |

FIRE DEPARTMENT

| | <u>Contract</u> @ \$175 per section | Township Equipment @ \$155 per section | <u>Contract</u> @ \$210 per section | Township Equipment @ \$165 per section |
|-----------------------------|---|--|--|--|
| Kimball Township (14) | \$2,450.00 | \$2,170.00 | \$2,940.00 | \$2,310.00 |
| Carson Township (18) | \$3,150.00 | \$2,790.00 | \$3,780.00 | \$2,970.00 |
| Mountain Lake Township (36) | \$6,300.00 | \$5,580.00 | \$7,560.00 | \$5,940.00 |
| Midway Township (35) | \$6,125.00 | \$5,425.00 | \$7,350.00 | \$5,775.00 |
| Selma Township (5) | \$875.00 | \$775.00 | \$1,050.00 | \$825.00 |
| Lakeside Township (11) | \$1,925.00 | \$1,705.00 | \$2,310.00 | \$1,815.00 |
| Total of 119 sections | \$20,825.00 | \$18,445.00 | \$24,990.00 | \$19,635.00 |

Ambulance

| | \$3 per capita | Amount | \$3 per capita charge | Amount |
|-------------------------------|---------------------------|-------------------|----------------------------------|-------------------|
| Mountain Lake Township | 442 | \$1,326.00 | 442 | \$1,326.00 |
| Delton Township | 53 | \$159.00 | 53 | \$159.00 |
| Carson Township | 145 | \$435.00 | 145 | \$435.00 |
| Midway Township | 208 | \$603.00 | 208 | \$603.00 |
| Selma Township | 150 | \$450.00 | 150 | \$450.00 |
| Lakeside Township | <u>139</u> | \$417.00 | <u>139</u> | \$417.00 |
| | 1137 | \$3,390.00 | 1137 | \$3,390.00 |



PERSONNEL POLICY

CITY OF MOUNTAIN LAKE

ADOPTED ON JANUARY 18, 2022

CITY OF MOUNTAIN LAKE PERSONNEL POLICY

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INTRODUCTION

Section 1.01 Purpose

- (1) The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Mountain Lake. They should not be construed as contract terms for any city employees. No supervisor or City representative has any authority to enter into any agreement for employment for any specific period of time, or to make any agreement contrary to this provision. Nothing in this Personnel Handbook, or in other City policies which may be communicated to the employee, constitutes a contract of employment for any city employee. 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. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current city policy at all times.

Except as otherwise prohibited by law, the City of Mountain Lake 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.

Section 1.02 Scope

These policies apply to all employees of the city. 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.

If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an information guide to help employees become better informed and to make their experience with the city more rewarding. Departments may have special work rules deemed necessary by the supervisor and approved by the city administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

Section 1.03 EEO Policy Statement

The City of Mountain Lake is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Mountain Lake will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public

assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

Section 1.04 Data Practices Advisory

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

Section 1.05 Media Requests

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

Any employee who identifies a mistake in reporting should bring the error to the city administrator or other appropriate staff. Regardless of whether the communication is in the employee's official city role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

Except for routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the city administrator. No city employee is authorized to speak on behalf of the city without prior authorization from the city administrator or his/her designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. When responding to media requests, employees should follow these steps:

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

All news releases concerning city personnel will be the responsibility of the city administrator.

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

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

Section 1.06 Personal Communications and Use of Social Media

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

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

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

Article II. CITYWIDE WORK RULES & CODE OF CONDUCT

Section 2.01 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 Mountain Lake. 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 their supervisors.

The following are job requirements for every position at the City of Mountain Lake. 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 professionally 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 immediate supervisor.
- Maintain good attendance while meeting the goals set by an employee's supervisor.

Section 2.02 Attendance & Absence

The operations and standards of service in the City of Mountain Lake require that employees be at work unless valid reasons warrant absence, or an employee has a position that has been approved to work remotely. In order for a team to function efficiently and effectively, employees must fully understand the goals that have been set for them and the time required to be on the job.

Understanding attendance requirements is an essential function of every city position.

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In the event of an unexpected absence, employees should call their supervisor before the scheduled starting time and keep in mind the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the supervisor.
- Failure to use the established reporting process will be grounds for disciplinary action.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor.
- 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. Individual departments may establish more specific reporting procedures.

Section 2.03 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 supervisor. All such 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 city administrator. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Section 2.04 Appearance

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and 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. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their supervisor. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the city.

Section 2.05 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 or could result in a personal benefit for themselves or a family member. If an employee has any question about whether such a conflict exists, he/she should consult with the city administrator.

Section 2.06 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.

Whistleblower Protections

An employee of the City who, in good faith, reports an activity that he/she considers to be illegal or dishonest to one or more of the parties may have whistleblower protections. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate city management officials are charged with these responsibilities.

Examples of illegal or dishonest activities include violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

It is the city's legal responsibility to protect employees who make a complaint of employment discrimination, who serve as a witness or participate in an investigation, or who are exercising their rights when requesting religious or disability accommodation from retaliation.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota Data Practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

Section 2.07 Personal Telephone Calls

Personal telephone calls are to be made or received only when truly necessary (e.g., family or medical emergency). They are not to interfere with city work and are to be completed as quickly as possible. Please refer to the technology use policy for more information on the use of cellular phones.

Section 2.08 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 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.

Section 2.09 Smoking

The City of Mountain Lake observes and supports the Minnesota Clean Indoor Air Act. All city buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that smoking in any form (through the use of tobacco products such as pipes, cigars, and cigarettes) or “vaping” with e-cigarettes is prohibited while in a city facility or vehicle.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees 21 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

Article III. DEFINITIONS

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

Section 3.01 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 employee’s supervisor.

Section 3.02 Benefits

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

Section 3.03 Core Hours

The core hours that all office employees (exempt and non-exempt) are expected to work are 8 a.m. to 4:30 p.m., Monday through Friday. The core hours that all street, electric, water/wastewater employees are expected to work are 7:00 a.m. to 3:30 p.m./, Monday through Friday. Police employees do not have core hours and work the schedules established by their supervisors.

Section 3.04 Demotion

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

Section 3.05 Direct Deposit

As permitted by state law, all city employees are required to participate in direct deposit.

Section 3.06 Employee

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

Section 3.07 Exempt Employee

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

Section 3.08 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 of 6.2 percent for Social Security and 1.45 percent for Medicare. The city contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers). These amounts may change if required by law.

Section 3.09 Fiscal Year

The period from Jan. 1 to Dec. 31.

Section 3.10 Full-Time Employee

Employees who are required to work forty (40) or more hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the city shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended.

Section 3.11 Hours of Operation

The city's regular hours of operation are Monday through Friday, from 9 a.m. to 4 p.m.

Section 3.12 Management Employee

An employee who is responsible for managing a department or division of the city.

Section 3.13 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.

Section 3.14 Part-Time Employee

Employees who are required to work less than forty (40) hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the city shall offer

health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended.

Section 3.15 Pay Period

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

Section 3.16 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.

Section 3.17 Promotion

Movement of an employee from one job class to another within the city, where the maximum salary for the new position is higher than that of the employee's former position.

Section 3.18 Reclassify

Movement of a job from one classification to another classification because of a significant change in the position's duties and responsibilities.

Section 3.19 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. Seasonal employees do not earn benefits or credit for seniority.

Section 3.20 Service Credit

Time worked for the city. An employee begins earning service credit on the first day worked for the city. Some forms of leave will create a break in service.

Section 3.21 Temporary Employee

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

Section 3.22 Training/Probationary Period

A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city's selection process and is used by supervisors for closely observing an employee's work.

An employee serving his/her initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Nothing in this policy handbook shall be construed to imply that after completion of the probationary period, an employee has any vested interest or property right to continued City employment.

Time served in temporary, seasonal, volunteer or interim positions are not considered part of the probationary period. If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked, and the probationary period will be extended by the length of time taken.

Section 3.23 Transfer

Movement of an employee from one city position to another of equivalent pay.

Section 3.24 Weapons

Weapons are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

Section 3.25 Workweek

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

Article IV. EMPLOYEE RECRUITMENT & SELECTION

Section 4.01 Scope

The city administrator or a designee will manage the hiring process for positions within the city. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to city employment. All hires will be made according to merit and fitness related to the position being filled.

Section 4.02 Features of the Recruitment System

The city administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method.

This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Application for employment will generally be made online or by application forms provided by the city. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the city administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position.

The deadline for application may be extended by the city administrator. Unsolicited applications will not be kept on file.

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

Section 4.03 Testing and Examinations

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

- Keyboarding exercises for data entry positions.
- Writing exercises for positions requiring writing as part of the job duties.
- “In-basket” exercise for an administrative support position (sets up real-life scenarios and items that would likely be given to the position for action, and asks the candidate to list and prioritize the steps they would take to complete the tasks).
- Mock presentation to the City Council for a planning director position, for example.
- Scenarios of situations police officers are likely to encounter on the job that test the candidate’s decision-making skills (can be role played or multiple choice questions).

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

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

Section 4.04 Pre-Employment Medical Exams

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

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

When required, the medical exam will be conducted by a licensed physician designated by the city with the cost of the exam paid by the city. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist). The physician will notify the city administrator or designee that a candidate either is or isn’t medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the city administrator or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

Section 4.05 Selection Process

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

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the supervisor at any time, subject to City Council approval.

The city has the right to make the final hiring decision based on qualifications, abilities, experience and City of Mountain Lake's needs.

Section 4.06 Background Checks

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

Section 4.07 Training Period

The training period is an integral part of the selection process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations. Training periods apply to new hires, transfers, promotions, and rehires. Training periods are twelve months in duration, but may be extended by, for example, an unpaid leave of absence.

Article V. ORGANIZATION

Section 5.01 Job Descriptions

The city will maintain job descriptions for each regular position. New positions will be developed as needed but must be approved by the City Council prior to the position being filled.

A job description is prepared for each position within the city. 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, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. In addition, job descriptions may also describe the benefits offered and potential career path opportunities as a means to entice a qualified pool of applicants. Good attendance and compliance with work rules and policies are essential functions of all city positions.

Prior to posting a vacant position the existing job description is reviewed by the city administrator or designee and the hiring supervisor to ensure the job description is an accurate reflection of the position and the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Supervisors are responsible for revising job descriptions 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 administrator.

Section 5.02 Assigning and Scheduling Work

Assignment of work duties and scheduling work is the responsibility of the supervisor subject to the approval of the city administrator.

Section 5.03 Job Descriptions and Classifications

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the city administrator.

Section 5.04 Layoff

In the event it becomes necessary to reduce personnel, temporary employees and those serving a probationary period in affected job classes will be terminated from employment with the city before other employees in those job classes. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the city administrator, subject to approval of the City Council. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

Article VI. HOURS OF WORK

Section 6.01 Work Hours

Employee work schedules and opportunities to work remotely will be established by supervisors with the approval of the city administrator. The regular workweek for employees is five eight-hour days in addition to a lunch period, Monday through Friday, except as otherwise approved by the city administrator in accordance with the customs and needs of the individual departments.

Section 6.02 Core Hours

To ensure employee availability and accountability to the public the city serves, all full-time employees (exempt and non-exempt) are to be at work or available to the public and co-workers during the hours of 8 a.m. to 4:30 p.m., Monday through Friday, unless away from the work site for a work-related activity or on approved leave. The core hours that all street, electric, water/wastewater employees are expected to work are 7:00 a.m. to 3:30 p.m./, Monday through Friday. Police employees do not have core hours and work the schedules established by their supervisors.

Section 6.03 Meal Breaks and Rest Periods

A paid fifteen (15) minute 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 (8) 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.

Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the city administrator, on the use of meal breaks and rest periods.

Section 6.04 Adverse Weather Conditions

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees not reporting to work for reasons of personal safety will not normally have their pay reduced as a result of this absence. Employees will be allowed to use accrued vacation time or compensatory time, or with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments.

Sworn police officers and public works maintenance employees will generally be required to report to work regardless of conditions.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective supervisor or the city administrator.

Article VII. COMPENSATION

Full-time employees of the city will be compensated according to schedules adopted by the City Council. Unless approved by the Council, employees will not receive any amount from the city in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

Compensation for seasonal and temporary employees will be set by the City Council at the time of hire, or on an annual basis.

Under the Minnesota Wage Disclosure Protection Law, employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his or her wages as a condition of employment.
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. §181.172, subd. 3.

The city cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the city and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or (800) 342-5354.

Article VIII. SELECT ONE OR THE OTHER Paychecks OR Direct Deposit

Section 8.01 Paychecks

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. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee.

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

Section 8.02 Direct Deposit

As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the city administrator of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

Section 8.03 Time Reporting

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. They will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. Each time reporting form must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet may be cause for immediate termination.

Section 8.04 Overtime / Compensatory Time

The City of Mountain Lake has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The city administrator will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime. In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt.

Section 8.05 Non-Exempt (Overtime-Eligible) Employees

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.” Compensation will take the form of either time-and-one-half pay or compensatory time. Compensatory time is paid time off at the rate of one-and-one-half hours off for each hour of overtime worked.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m.

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

Overtime earned will be paid at the rate of time-and-one-half on the next regularly scheduled payroll date, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

The maximum compensatory time accumulation for any employee is 40 hours per year. Once an employee has earned 40 hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests.

All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used. The Finance Department will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves city employment at the hourly pay rate the employee is earning at that time.

Section 8.06 Exempt (Non-Overtime-Eligible) Employees

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors.

Generally, to meet these expectations, and for reasons of public accountability, an exempt employee will need to work 40 or more hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed, and they receive their full weekly salary for any week in which any work is performed.

The City of Mountain Lake will only make deductions from the weekly salary of an exempt employee in the following situations:

- The employee is in a position that does not earn vacation or personal leave and is absent for a day or more for personal reasons other than sickness or accident.
- The employee is in a position that earns sick leave, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to sickness or disability, but he/she is either not yet qualified to use the paid leave or he/she has exhausted all of his/her paid leave.
- The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of his/her paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the city in which the employee does not work a full week. In this case, the city will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness, or injury, but:
 - Paid leave has not been requested or has been denied.
 - Paid leave is exhausted.
 - The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.

- The City of Mountain Lake may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

The City of Mountain Lake will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness but will require the employee to pay back to the city any amounts received by the employee as jury fees or witness fees.

If the city inadvertently makes an improper deduction to the weekly salary of an exempt employee, the city will reimburse the employee and make appropriate changes to comply in the future.

All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

Exempt employees will be able to track and take compensatory time for working over 40 hours per week. There is no limit to the compensatory time accrual. No compensatory time will be paid if you leave city employment.

Section 8.07 Leave Policy for Exempt Employees

Exempt employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and/or on-call hours. The normal hours of business for exempt staff are Monday through Friday, 8 a.m. to 4:30 p.m., plus morning and evening meetings as necessary.

Exempt employees are required to use paid leave when on personal business or away from the office for four (4) hours or more, on a given day. Absences of less than four (4) hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal 8 a.m. to 4:30 p.m. Monday through Friday requirement. Exempt employees must communicate their absence to the city administrator or his/her designee. If one of the above employees is regularly absent from work under this policy and it is found that there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the city. Additional notification and approval requirements may be adopted by the city administrator for specific situations as determined necessary.

Article IX. PERFORMANCE REVIEWS

An objective performance review system will be established by the city administrator or designee for the purpose of periodically evaluating the performance of city employees. The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

Performance reviews will be discussed with the employee. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable using the city's grievance process, other performance evaluation data, including subjective assessments, are not. For those parts of the performance evaluation system deemed not challengeable, an employee may submit a written response, which will be attached to the performance review. Performance reviews are to be scheduled on a regular basis, at least annually. The form, with all required signatures, will be retained as part of the employee's personnel file.

During the training period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and not so well.

Signing of the performance review document by the employee acknowledges the review has been discussed with the supervisor and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

Article X. BENEFITS

Section 10.01 Health, HSA & Life Insurance

The city will contribute a monthly amount toward group health and life insurance benefits for each eligible employee and his/her dependents. The city will contribute toward an HSA bi-annually.

For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact the deputy clerk.

Section 10.02 Retirement/PERA

The city participates in the Public Employees Retirement Association (PERA) to provide pension benefits for its eligible employees to help plan for a *successful and secure retirement*. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city and the employee contribute to PERA each pay period as determined by state law. 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 for many employees). For information about PERA eligibility and contribution requirements, contact the deputy clerk.

Article XI. HOLIDAYS

The city observes the following official holidays for all regular full-time employees:

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

Each employee shall also be granted one floating holiday per year at a time mutually agreeable to the Employer and the employee.

Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

When a holiday falls on a Sunday, the following Monday will be the “observed” holiday and when a holiday falls on a Saturday, the preceding Friday will be the “observed” holiday for city operations/facilities that are closed on holidays.

Full-time employees will receive pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Part-time employees will receive prorated 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.

Article XII. LEAVES OF ABSENCE

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 workers’ 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 or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

Section 12.01 Sick Leave

Sick leave is authorized absence from work with pay, granted to qualified full-time employees. Sick leave is a privilege, not a right.

Employees are to use this paid leave only when they are unable to work for medical reasons and under the conditions explained below. Sick leave does not accrue during an unpaid leave of absence.

- Full-time employees will accumulate sick leave at a rate of one (1) day per month.
- Part-time employees regularly scheduled to work fewer than 40 hours per week will not earn or accrue sick leave.
- Temporary and seasonal employees will not earn or accrue sick leave.
- 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:

- When an employee is unable to perform work duties due to illness or disability (including pregnancy).
- For medical, dental or other care provider appointments.
- When an employee has been exposed to a contagious disease of such a nature that his/her presence at the work place could endanger the health of others.
- To care for the employee's injured or ill children, including stepchildren or foster children, for such reasonable periods as the employee's attendance with the child may be necessary.
- To take children, or other family members to a medical, dental or other care provider appointment.
- To care for an ill spouse, child, father, father-in-law, mother, mother-in-law, stepparent, grandparent, grandchild, sister or brother.

Pursuant to Minn. Stat. §181.9413, eligible employees may use up to 160 hours of sick leave in any 12-month period for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, grandparent, stepparent, parent-in-law (mother-in-law and father-in-law), and grandchild (includes step-grandchild, biological, adopted, or foster grandchild).

- **Safety leave.** Employees are authorized to use sick leave for reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any 12-month period.

The 12-month period is the same as our fiscal year, Jan. 1 to Dec. 31

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

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

- Communicate with his/her immediate supervisor, as soon as possible after the scheduled start of the work day, for each and every day absent;
- Keep his/her immediate supervisor 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, a physician's statement may be required on the employee's first day back to work, indicating 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. Sick leave may be denied for any employee required to provide a doctor's statement until such a statement is provided.

The city has the right to obtain a second medical opinion to determine the validity of an employee's workers' compensation or sick leave claim, 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, or compensatory time and prior to an unpaid leave of absence during a medical leave.

Sick leave will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the city administrator.

Sick leave cannot be transferred from one employee to another. The maximum accumulation for sick leave is 720 hours (90 days). Employees who have accrued the ninety (90) days or seven hundred twenty (720) hours of sick leave, shall accrue one (1) working day or eight (8) hours per month to be placed in a catastrophic sick leave bank. Employee's catastrophic sick leave bank can accrue to a total number of seven hundred twenty (720) hours. The catastrophic sick leave bank can only be used in the event of an extended illness or injury. Should an employee incur a serious injury or experience an illness necessitating a prolonged absence from work, he/she shall use their regular sick leave bank until it is reduced to eighty (80) hours, at which time the employee shall utilize the hours accrued in the catastrophic sick leave bank.

Upon retirement, an employee shall be compensated at his/her current rate of pay for all accumulated unused regular sick leave to their credit, not to exceed (90) days.

Section 12.02 Vacation Leave
Vacation Leave Schedule

| Years of Service | Annual Accrual |
|-------------------------|------------------------------|
| 0-5 Years | 10 Days (6.66 hrs. per mo.) |
| 5-10 Years | 15 Days (10.00 hrs. per mo.) |
| 10-15 Years | 20 Days (13.33 hrs. per mo.) |
| 15-20 Years | 25 Days (16.66 hrs. per mo.) |
| 20+ Years | 30 Days (20 hrs. per mo.) |

(a) Eligibility

Full-time employees will earn vacation leave in accordance with the above schedule.

(b) Accrual Rate

For the purpose of determining an employee's vacation accrual rate, years of service will include all continuous time that 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.

(c) Earnings and Use

After six months of service, vacation leave may be used as it is earned, subject to approval by the employee's supervisor.

An employee will not earn any vacation leave for any pay period unless he/she is employed by the city on the last scheduled work day of the pay period. Requests for vacation must be received at least forty-eight (48) hours in advance of the requested time off. This notice may be waived at the discretion of the supervisor and city administrator. Vacation can be requested in increments as small as one hour up to the total amount of the accrued leave balance. Vacation leave is to be used only by the employee who accumulated it. It cannot be transferred to another employee. No vacation will be allowed to accrue in excess of this amount without the approval of the City Council. Vacation leave cannot be converted into cash payments except at termination. The maximum accumulation for vacation leave is 200 hours (25 days).

Section 12.03 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. Immediate family shall mean the employee's spouse, children, father, mother, sister, brother, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparents, or grandparents-in-law. This paid leave will not be deducted from the employee's vacation or sick leave balance.

Employees will be permitted to use one (1) day, 8 hours, with pay, as funeral leave upon the death of a City employee if the funeral is on a weekday. The City office will be closed on the day of the funeral if it is on a weekday.

If an employee is called for pallbearer service or to drive a car for a funeral, leave of absence will be granted for the period necessary, limited to four hours without loss of pay. The four (4) hours may be extended by mutual agreement, but without pay.

The actual amount of time off, and funeral leave approved, will be determined by the supervisor or city administrator depending on individual circumstances (such as the closeness of the relative, arrangements to be made, distance to the funeral, etc.).

Section 12.04 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 15 days in any calendar year.

The leave of absence is only in the event the employee returns to employment with the city as required upon being relieved from 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 or naval service beyond the fifteen (15) day 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 years.

Where possible, notice is to be provided to the city at least ten (10) working days in advance of the requested leave. If an 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.

Employees will be granted up to ten (10) working days of unpaid leave whose immediate family member is a member of the United States armed forces who has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

Unless the leave would unduly disrupt the operations of the city, employees whose immediate family member, as a member of the United States armed forces has been ordered into active service in support of a war or other national emergency, will be granted an unpaid leave of absence, not to exceed one day's duration in any calendar year, to attend a send-off or homecoming ceremony for the mobilized service member.

Section 12.05 Jury Duty

Regular full-time and 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 or compensatory time to make up the difference.

Employees are required to notify their supervisor 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.

Temporary and seasonal employees are generally not eligible for compensation for absences due to jury duty but can take a leave without pay subject to department head approval. However, if a temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

Section 12.06 Court Appearances

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, must be turned over to the city.

Section 12.07 Victim or Witness Leave

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case. [See Safety Leave under the Sick Leave Policy for additional information on leave benefits available to employees and certain family members].

Section 12.08 Job Related Injury or Illness

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and 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 his/her supervisor of the action taken. In the case of a serious 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 supervisor and make arrangements for a medical appointment.

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

Section 12.09 Pregnancy and Parenting Leave

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child as eligible for up to 12 weeks of unpaid leave and must begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice, which is at least 14 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this

leave will also count as FMLA leave. The two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

Section 12.10 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 city administrator with the approval of the City Council.

Section 12.11 Adoptive Parents

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

Section 12.12 School Conference Leave

Any employee who has worked half-time or more for more may take unpaid leave for up to a total of sixteen (16) hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use vacation leave hours for this absence, but are not required to do so.

Section 12.13 Bone Marrow/Organ Donation Leave

Employees may take paid leave, not to exceed 40 hours, unless agreed to by the city, to undergo medical procedures to donate bone marrow or an organ. The 40 hours is over and above the amount of accrued time the employee has earned.

The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

Section 12.14 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 twenty (20) 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 on the election day. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues.

Section 12.15 Regular Leave without Pay

The city administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council.

Normally employee benefits will not be earned by an employee while on leave without pay. However, the city's contribution toward health, HSA and life insurance may be continued, if approved by the City Council, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted.

If an employee is on a regular leave without pay and is not working any hours, the employee will not accrue (or be paid for) holidays, sick leave, or vacation leave (*annual leave*). Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue sick leave and vacation leave (*annual leave*) based on actual hours worked.

Leave without pay hours will not count toward seniority and all accrued vacation leave and compensatory time must normally be used before an unpaid leave of absence will be approved.

To qualify for leave without pay, an employee need not have used all sick leave earned unless the leave is for medical reasons. Leave without pay for purposes other than medical leave or work-related injuries will be at the convenience of the city.

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave or FMLA, will be guaranteed return to the original position only for absences of thirty (30) calendar days or less.

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the city administrator subject to approval of the City Council.

The FMLA applies to all public agencies, including state, local and federal employers, and local education agencies (schools). To be eligible for FMLA leave, an employee must work for a covered employer and:

- have worked for that employer for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
- work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

Given the employee eligibility requirements, even though all cities are covered by the FMLA, only employees in cities with more than 50 employees have the potential to qualify for FMLA protected

leave. Thus, only cities with 50 or more employees generally include an FMLA policy in their personnel policies.

Section 12.16 Family and Medical Leave

Refer to the League's model [FMLA policy](#) for language.

Section 12.17 Reasonable Unpaid Work Time for Nursing Mothers

Nursing mothers will be provided reasonable unpaid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The city will provide a room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

Section 12.18 Light Duty/Modified Duty Assignment

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the city administrator on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the city administrator. The city administrator reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice **must** be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the city's job description along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the city administrator. The city may require a medical exam conducted by a physician selected by the city to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the city administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis.

If the city offers a light duty assignment to an employee who is out on workers' compensation leave, the employee may be subject to penalties if he/she refuses such work. The city will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

Section 12.19 Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy

The city will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth:

- More frequent restroom, food, and water breaks;
- Seating;
- Limits on lifting over 20 pounds; and/or
- Temporary transfer to a less strenuous or hazardous position, should one be available.

Unless such accommodations impose an undue hardship on the city, the city will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

Article XIII. SEXUAL HARASSMENT PREVENTION

Section 13.01 General

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

In keeping with this commitment, the city maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

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

Section 13.02 Definitions

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication 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.

Examples of inappropriate behaviors that are unacceptable and therefore prohibited, even if not unlawful in and of themselves include: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual

requests or behavior. In summary, sexual harassment is the unwanted, unwelcome or repeated action of an individual against another individual, using sexual overtones.

Section 13.03 Expectations

The City of Mountain Lake recognizes the need to educate its employees volunteers, members of boards and commissions, and elected officials on the subject of sexual harassment and stands committed to providing information and training. All employees are expected to treat each other and the general public with respect, and assist in fostering an environment free from offensive behavior or harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

1. A supervisor;
2. City administrator;
3. Mayor or city councilmember.

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

1. Communicate to the harasser the conduct is unwelcome. Professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions, and request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.
2. In some situations such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with an offender.
3. To reiterate, it's important you notify a supervisor, the city administrator, the mayor or councilmember of your concerns. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. 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 administrator, the mayor or the city attorney.

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

In the case of a sexual harassment complaint, a supervisor must report the allegations promptly to the city administrator. If the city administrator is the subject of the complaint, then the supervisor is to report the complaint to the City Attorney. A supervisor must act upon such a report even if

requested otherwise by the victim. The city will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

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

For more information, please see the City of Mountain Lake's sexual harassment policy.

Section 13.04 Special Reporting Requirements

When the supervisor is the alleged harasser, a report will be made to the city administrator who will assume the responsibility for investigation and discipline.

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

If a councilmember is the alleged harasser, the report will be made to the city administrator and referred to the City Attorney who 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 city administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

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

Retaliation

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

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may

engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If you feel retaliation is occurring within the workplace, please report your concern immediately to any of the following:

1. Immediate supervisor;
2. City administrator;
3. Mayor or City Councilmember
4. In the event an employee feels retaliation has occurred by the city administrator or the City Council, then reporting may be made to the City Attorney.

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

Article XIV. RESPECTFUL WORKPLACE POLICY (includes sexual harassment prevention)

The intent of this policy is to provide general guidelines about conduct that is and is not appropriate in the workplace and other city-sponsored social events.

The city acknowledges 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.

Section 14.01 Applicability

Maintaining a respectful public service work environment is a shared responsibility. This policy is applicable to all city employees, volunteers, firefighters, members of boards and commissions and City Council members.

Section 14.02 Abusive Customer Behavior

While the city has a strong commitment to customer service, the city does not expect employees to accept verbal and other abuse from any customer.

An employee may request that a supervisor intervene when a customer is abusive, or the employee may defuse the situation themselves, including professionally ending the contact.

If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a supervisor. Employees should leave the area immediately when violence is imminent unless their duties require them to remain (such as police officers). Employees must notify their supervisor about the incident as soon as possible.

Section 14.03 Types of Disrespectful Behavior

The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves:

(a) Violent behavior:

includes the use of physical force, harassment, bullying or intimidation.

(b) Discriminatory behavior:

includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, pregnancy, gender-biased statements, such as stereotypes about women or men, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.

(c) Offensive behavior:

may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. 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 supervisor 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 their supervisor or the city administrator.

(d) 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 other 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.

(e) 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 any 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. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.

- 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.

Names and Pronouns:

Every employee will be addressed by a name and by pronouns that correspond to the employee's gender identity. A court-ordered name or gender change is not required.

Section 14.04 Employee Response to Disrespectful Workplace Behavior

All employees should feel comfortable calling their supervisor or another manager to request assistance should they not feel comfortable with a situation. If situations involve violent behavior call the police or ask the individual to leave the area.

If employees see or overhear a violation of this policy, employees should advise a supervisor, the city administrator, or City Attorney promptly.

Employees who believe disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a supervisor.

Step 1(a). If you feel comfortable doing so, professionally, 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 your supervisor or city administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter.

In some situations, with an offender from the public it is preferable to avoid one on one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with the offender.

Step 1(c). The city urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. It is vitally important you notify a supervisor, the city administrator, the mayor or councilmember of promptly of your concerns. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it promptly to a supervisor or the city administrator.

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 administrator or the mayor.

Section 14.05 Supervisor's Response to Allegations of Disrespectful Workplace Behavior

Employees who have a complaint of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations promptly to the city administrator, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

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

Step 1(b). Supervisors, when talking with the reporting employee will be encouraged to ask him or her what he or she wants to see happen next. When an employee comes forward with a disrespectful workplace complaint, it is important to note the city cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical and related information will only be shared on a need to know basis and in accordance with the Minnesota Data Practices Act.

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. Typically, the investigator will obtain the following description of the incident, including date, time and place:

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

Step 3. The supervisor must notify the city administrator about the allegations (assuming the allegations do not involve the city administrator).

Step 4. In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations, and the alleged violator will have the opportunity to answer questions and respond to the allegations. The City will follow any other applicable policies or laws in the investigatory process.

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 practicable and to the extent permitted by the Minnesota Government Data Practices Act.

Special Reporting Requirements

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the city administrator who will determine how to proceed in addressing the complaint as well as appropriate discipline.

If the city administrator is perceived to be the cause of a disrespectful workplace behavior 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 councilmember is perceived to be the cause of a disrespectful workplace behavior incident involving city personnel, the report will be made to the city administrator 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 city administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

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

Section 14.06 Confidentiality

A person reporting or witnessing 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 employees' 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).

Section 14.07 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 any 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.

Article XV. Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon (see attached 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.

Article XVI. SEPARATION FROM SERVICE

Section 16.01 Resignations

Employees wishing to leave the city service in good standing must provide a written resignation notice to their supervisor, at least ten (10) working days before leaving. Exempt employees must give thirty (30) calendar days' notice. The written resignation must state the effective date of the employee's resignation.

Unauthorized absences from work for a period of three consecutive work days may be considered as resignation without proper notice.

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

Section 16.02 Severance Pay

Employees who leave the employ of the city in good standing by retirement or resignation will receive pay for 100 percent of unused accrued vacation (*annual leave*).

Upon retirement, an employee shall be compensated at his/her current rate of pay for all accumulated unused regular sick leave to their credit, not to exceed (90) days.

Article XVII. DISCIPLINE

Section 17.01 General Policy

Supervisors are responsible for maintaining compliance with city standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Mountain Lake. 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 procedures established in the city's personnel policies. The supervisor and/or the city administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Section 17.02 No Contract Language Established

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

Section 17.03 Process

The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the 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 contractual right or guarantee (also known as 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.

The following are descriptions of the types of disciplinary actions:

(a) Oral Reprimand

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions 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 supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

(b) Written Reprimand

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time.

Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the city administrator.

A written reprimand will: (1) state what did happen; (2) state what should have happened; (3) identify the policy, directive 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 the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file.

(c) Suspension With or Without Pay

The city administrator may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans, who have completed their initial probationary period, 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 of an allegation involving that employee. The leave may be with or without pay depending 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.

(d) Demotion and/or Transfer

An employee may be demoted or transferred if attempts at resolving an issue have failed and the city administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

(e) Salary

An employee's salary increase may be withheld or the salary may be decreased due to performance deficiencies.

(f) Dismissal

The city administrator, 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, who has completed his/her initial probationary period, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

Article XVIII. GRIEVANCE PROCEDURE

Any dispute between an employee and the city relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner:

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper supervisor within twenty-one (21) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days.

Step 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 date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the city administrator within seven (7) days after the supervisor's response is due. The city administrator or his/her designee will respond to the employee in writing within seven (7) calendar days. The decision of the city administrator is final

for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

Section 18.01 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 specified 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:

- While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
- Pay increases or lack thereof; and
- Merit pay awards.

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

Article XIX.EMPLOYEE EDUCATION & TRAINING

The city promotes staff development as an essential, ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for staff development are to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance and to provide employees with an opportunity for job enrichment and mobility.

Section 19.01 Policy

The city will pay for the costs of an employee’s participation in training and attendance at professional conferences, provided that attendance is approved in advance under the following criteria and procedures:

Section 19.02 Job-Related Training & Conferences

The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee’s work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related.

CLE or similar courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee’s duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the city.

The supervisor and the city administrator are responsible for determining job-relatedness and approving or disapproving training and conference attendance.

Section 19.03 Job-Related Meetings

Attendance at professional meetings costing \$1,000 or less and directly related to the performance of the employee's work responsibilities do not require the approval of the city administrator. Advance supervisor approval is required to ensure adequate department coverage.

Section 19.04 Request for Participation in Training & Conferences

The request for participation in a training session or conference must be submitted in writing to the employee's supervisor on the appropriate form. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the city.

Requests totaling more than \$1,000 must be approved by the employee's supervisor and the city administrator. Documentation approving conference or training attendance will be provided to the employee with a copy placed in the employee's personnel file.

Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to accounting for prompt payment.

Section 19.05 Out of State Travel

Attendance at training or conferences out of state is approved only if the training or conference is not available locally. All requests for out of state travel are reviewed for approval/disapproval by the city administrator.

For more information, please refer to the City of Mountain Lake in-state and out-of-state travel policy.

Section 19.06 Compensation for Travel & Training Time

Time spent traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act.

Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

Section 19.07 Memberships and Dues

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the city. Normally, one city membership per agency, as determined by the city administrator is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the city and are transferred to another employee by the supervisor.

Section 19.08 Travel & Meal Allowance

If employees are required to travel outside of the area in performance of their duties as a city employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. In no case will city funds be used to pay for, or reimburse, for events sponsored by or affiliated with political parties. The city will not reimburse employees for meals connected with

training or meetings within city limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting. The city will also not reimburse employees for the costs for travel of family members.

Employees who find it necessary to use their private automobiles for city travel and who do not receive a car allowance will be reimbursed at the prevailing mileage rate as established by the City Council, not to exceed the allowable IRS rate.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Meal expenses rates are established by the City Council, not to exceed the allowable IRS rate.

A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending banquets, training sessions, or meetings of professional organizations.\

For more information, refer to the City's Travel Policy.

Article XX. OUTSIDE EMPLOYMENT

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

Any city employee accepting employment in an outside position that is determined by the city administrator 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 or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for his/her own business, while using paid sick leave from the city for those same hours.

- Departments may establish more specific policies as appropriate, subject to the approval of the city administrator.

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.

Article XXI. DRUG FREE WORKPLACE

In accordance with federal law, the City of Mountain Lake has adopted the following policy on drugs 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 drug-free, safe and secure work environment.
- B. The unlawful manufacture, 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 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.

Article XXII. CITY DRIVING POLICY

This policy applies to all employees who drive a vehicle on city business at least once per month, whether driving a city-owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. The city expects all employees who are required to drive as part of their job to drive safely and legally while on city business and to maintain a good driving record.

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

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

Article XXIII. CELLULAR PHONE USE

This policy is intended to define acceptable and unacceptable uses of city issued cellular telephones. Its application is to insure cellular phone usage is consistent with the best interests of the city without unnecessary restriction of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cellular phones and to ensure that city employees exercise the highest standards of propriety in their use.

Section 23.01 General Policy

Cellular telephones are intended for the use of city employees in the conduct of their work for the city. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor discretion to allow reasonable and prudent personal use of such telephones or equipment provided that:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained, or outside employment is served.
- All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided with City-issued phones to facilitate the provisions of this policy.
- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
 - In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a State law exception for authorized emergency vehicles while in the performance of official duties.
- Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See above "City Driving Policy" for more information on reporting driver's license restrictions"

An employee will not be reimbursed for business-related calls without prior authorization from his/her supervisor. Supervisors may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

Use of public resources by city employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the supervisor.

Personal calls will be made or received only when absolutely necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible.

In cases where the city does not regard accounting for personal calls to be unreasonable or administratively impractical due to the minimal cost involved, personal calls made by employees on a city-provided cellular phone must be paid for by the employee through reimbursement to the city based on actual cost listed on the city's phone bill.

Section 23.02 Procedures

It is the objective of the City of Mountain Lake to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action.

Section 23.03 Responsibility

The city administrator, or designee, will have primary responsibility for implementation and coordination of this policy. All supervisors will be responsible for enforcement within their departments.

Article XXIV. 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 each supervisor.

Section 24.01 Reporting Accidents and Illnesses

Both Minnesota workers' 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 employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

Section 24.02 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.

Section 24.03 Unsafe Behavior

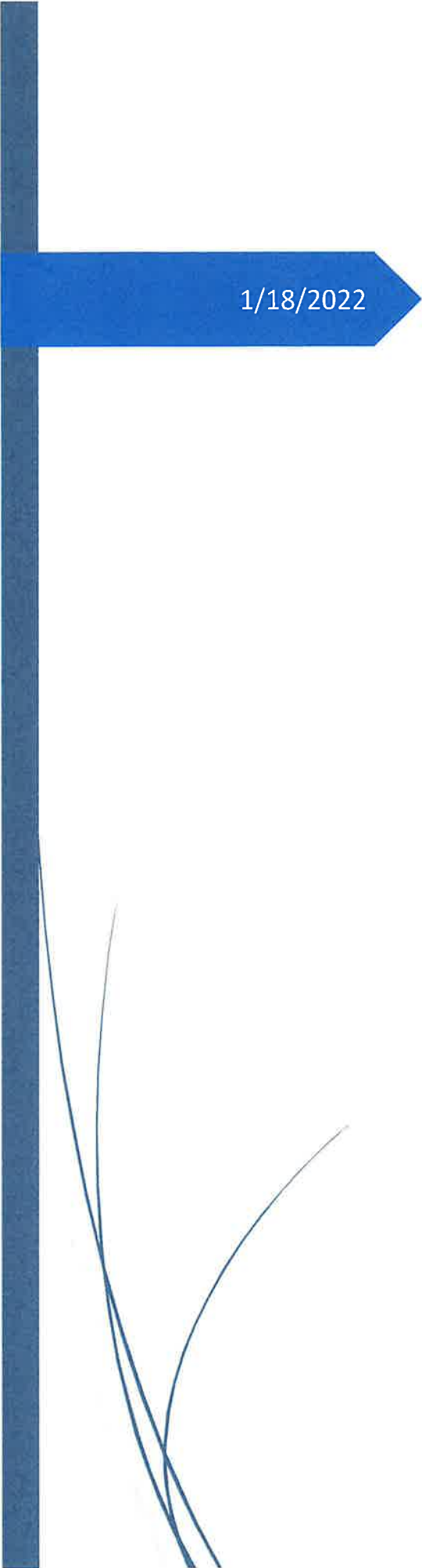
Supervisors are authorized to send an employee home immediately when the employee's behavior violates the city's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

Access to Gender-Segregated Activities and Areas

With respect to all restrooms, locker rooms or changing facilities, employees will have access to facilities that correspond to their affirmed gender identity, regardless of their sex at birth. The city maintains separate restroom and/or changing facilities for male and female employees and allows employees to access them based on their gender identity.

In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the city will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity.



1/18/2022

Technology Use Policy

City of Mountain Lake

City of Mountain Lake Technology Use Policy

Adopted January 18, 2022

Purpose

The City of Mountain Lake, the Mountain Lake Municipal Utility and the Mountain Lake Economic Development Authority, hereafter referred to as “the City” maintains equipment and electronic forms of communication and information exchange to assist with the operations of City government. The purpose of this policy is to assist the City in protecting its technology’s security and assets, to protect the privacy rights of employees, to manage City resources and to protect the rights of third parties for appropriate access to City files.

This document sets forth the City’s policies with regard to City owned technology: access and use of computer hardware, software, data, electronic mail messages, social media, telephones, radios, pager, cellular phone, landlines, fax machines, printers/copiers and access to the Internet.

City technology including but not limited to the items listed above are and remain at all times the property of the City. The use of city owned technology is intended to serve City business. As such, all data and messages created, sent, received or stored in the system are the property of the City.

The City intends to honor these policies but reserves the right to change them at any time. All employees are responsible for reading and adhering to these policies.

This policy applies to all employees, full and part-time, contractors, volunteers and other individuals who access city owned technology.

This policy applies to all employees, full and part-time, contractors, volunteers and other individuals who access city owned technology. Misuse by contractors may result in loss of access. Misuse of any City owned technology, by employees, may result in disciplinary action up to and including termination in accordance with the City’s Non-Union Personnel Policy or Union Contract.

Guidelines

The following guidelines apply to all City owned technology that is accessed on city premises, accessed using city computer equipment and/or used in a manner that associates the individual with the City.

City owned technology may not be used for knowingly transmitting, retrieving, or storing any communications that are derogatory to any individual or group, obscene or X-rated, defamatory, or threatening, for the circulation of “chain letters”, or for any other purpose that is illegal, against City policies, or contrary to the City’s interest.

Email, social media or radios shall not be used to transmit or file complaints involving the City or its employees or any person when it involves City business.

The City reserves the right to monitor an employee's use of City owned technology for the purpose of training and/or evaluation job performance. The City has, and has reserved the right to use, reporting capabilities to monitor where and how often employees go on the Internet.

The City may, in its discretion, review any employee's electronic files, messages, and use to the extent necessary to ensure that electronic media and services are being used in compliance with the law and with this and other City policies.

Ultimate privacy of messages cannot be ensured to anyone. While passwords should be used to ensure security, confidentiality cannot be guaranteed.

City owned technology are primarily for City business use. Limited or occasional use for personal, non-business purposes is acceptable. However, employees need to demonstrate a sense of responsibility and not abuse the privilege. Use of city owned technology in a manner that creates additional costs for the City (long distance phone calls, fax charges, copies, out-of-area charges, etc.) is prohibited.

Use of the City owned technology to solicit commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations are prohibited.

City owned technology should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

Any messages or information sent by an employee to one or more individuals, whether external to the City or internal, are attributable to the City. The messages may not disclose any confidential or proprietary information.

Employees are not to use a code, access a file, or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee's messages or other password - protected data files without the proper permissions and authority.

Computers

Because the storage capacity of the network is limited, all users are responsible for deleting outdated files.

Users shall not change their system's configuration or take other steps to defeat virus protection devices or systems. Individual employees are responsible for verifying that any disks or thumb drives used or received from outside sources are virus free prior to their use in City computers.

Computer users shall identify themselves to the system by signing on with their assigned user name. Users shall not attempt to sign on to the system with any other user name.

Computers should be shut-down overnight and during other lengthy periods of non-use. Password protection systems should be set so as to require employees to enter passwords after 20 minutes of inactivity.

The City currently allows limited personal use of City computers during non-work hours or break/lunch periods. Computers are not to be used to manage any part of a private business or for political or criminal activity. No personal software or hardware is to be used on City computers. Supervisors who determine that uses are interfering with City business or are inconsistent with a positive public image may prohibit such uses.

Internet and E-mail Prohibited Activities

Because Internet and e-mail messages are capable of being forwarded without the permission of the author, employees must use caution when transmitting messages.

The following activities using City Internet and E-mail are prohibited:

- Engaging in illegal fraudulent or malicious conduct
- Working on behalf of organizations that have no affiliation with the City
- Sending, receiving, or storing offensive, obscene/sexual in nature, or defamatory material
- Annoying or harassing other individuals
- Solicitation of funds
- Political messages
- Monitoring or intercepting the files or electronic communications of employees or third parties
- Obtaining unauthorized access to any computer system
- Using another individual's account or identity without authorization
- Attempting to test, circumvent, or defeat security systems without authorization
- Distributing or storing chain letters, solicitations, offers to buy or sell good, or other non-business material contrary to the City's interests
- Identifying oneself as an employee of the City on any system, personal or business without the following disclaimer: "The view, opinions and judgements expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the City".
- Disclosing confidential information
- Use of on-line chat rooms
- Complaints or derogatory comments regarding the City or city employees.

Electronic Mail System (E-mail) Use

The City Electronic Mail System (e-mail) is designed to facilitate City business communication among employees and other business associates for messages or memoranda.

Since no computer system is completely secure, it is not always an appropriate substitute for telephone or face-to-face conversations. When in doubt, use another form of communication.

Generally, e-mail messages are temporary communication, which are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to the City's record retention schedule.

Employees should be aware that when they have deleted a message from their mailbox, it may still be in the recipient's mailbox, forwarded to other recipients or stored on the computer's back-up system.

All e-mail messages are subject to all state and federal laws, such as the Open Meeting Law, Data Practices Act, and Human Rights Act.

Employees who are terminated or laid off have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Supervisors or management may access an employee's email if the employee is on leave or vacation, and it is necessary for City business purposes.

E-mail should be checked at least daily. Employees should promptly read and respond to e-mail messages and then delete them when appropriate. When required, e-mail messages must be retained.

Graphics and animation require a lot of memory. Use of graphics and animation should be kept to a minimum. Messages with graphics and animations should be deleted as soon as possible.

The City currently allows limited personal use of e-mail during non-work hours or break/lunch periods. Supervisors who determine that uses are interfering with City business or are inconsistent with a positive public image may prohibit such uses.

Internet

The City's Internet connection is designed to improve the functions of city government by providing city employees needed access to information found on government and private websites, to make and receive on-line payments, and to carry out state and federal reporting.

Employees may access websites for personal use after business hours or during break/lunch periods. This use is limited to sites that are considered appropriate. Employees are expected to use good judgment when accessing sites. Employees that accidentally access inappropriate websites should notify their supervisor.

Copyrighted material found on the Internet cannot be copied or distributed without the prior approval of the City Administrator.

Participating in personal social media, including but not limited to Facebook, Twitter, Instagram, and similar sites, blogs, microblogs, video and photo sharing sites, wikis, and RSS feeds should be limited to after business hours or during break/lunch periods. Employees are expected to use good judgment when using social media and adhere to the rules set forth in this policy.

Software

Software will be used only in accordance with its license agreement. Duplication of copyrighted software, except for backup and archival purposes, is prohibited.

The City does not condone illegal copying of software under any circumstances. Anyone who makes, uses, or acquires unauthorized software may be subject to civil and criminal penalties and disciplinary action.

Software that is not owned by the City or otherwise authorized cannot be installed on City equipment.

Passwords

While employees may have a confidential password, users should be aware that this does not suggest that the City's electronic media and services system is for confidential use. Passwords should be periodically changed to ensure security. Passwords must be disclosed to supervisors.

Two-Way Radios

Two-Way radios are assigned to employees who must remain accessible due to the nature of their duties. These employees are expected to keep their radios turned on as required.

Employees in possession of City two-way radios are required to care for them in a responsible manner, and to take precautions to prevent theft, damage, and vandalism.

Messages transmitted by two-way radios are not private conversations. These messages can be heard by other city employees and the public. Messages transmitted by two-way radio must be professional, brief, and respectful.

Supervisors and/or Department Heads shall be responsible for oversight of employee radio usage and shall monitor and review such usage as they deem appropriate.

Cellular Telephone Use

Department Heads, with the approval of the City Administrator, will determine which positions require a cellular telephone provided by the City. The evaluation will be based on the benefit to the City, the scope of the responsibilities and the ability to contact an employee on short notice or the employee's role in emergency response.

Cellular telephones may be assigned to employees who must remain accessible due to the nature of their duties. These employees are expected to keep their cellular telephone turned on as required.

When city employees find it necessary to use their personal cellular phone for City business they shall be reimbursed. To receive payment, employees should present a copy of their billing statement, identifying calls for reimbursement, and explaining to whom the call was made and for what purpose.

City-owned cellular telephones placed in a city vehicle must remain in the vehicle.

City-owned cellular telephones should not be used when a less costly alternative is readily available, such as a landline telephone or two-way radio.

City-owned cellular telephones should not be used for personal long distance, texting, data, or any other use that causes the City additional cost. Employees may be required to pay the City for all calls and other contacts that are found to be private in nature.

When it is necessary to place a personal call, employees should use their own personal phones on their personal time rather than on city owned devices such as cellular phone, two-way radio, or landlines. Employees should be discrete so as not to disturb others.

Employees in possession of City cellular telephones are required to care for them in a responsible manner, and to take precautions to prevent theft, damage, and vandalism.

The City reserves the right to monitor use of all City-owned cellular telephones.

Supervisors and/or Department Heads shall be responsible for oversight of employee cellular telephone usage and shall monitor and review such usage as they deem appropriate.

Cellular transmissions are not secure. Employees should use discretion in relaying confidential information. In the event a City-owned cellular telephone is lost or stolen, the employee is responsible for reporting it to their supervisor as soon as possible.

Any communication which violates applicable laws and regulations is forbidden.

When an employee terminates employment, the Department head and/or Supervisor is responsible for making sure the employee returns the cellular telephone.

City Landline Telephones

City owned landline telephones are intended for work related use. The City recognizes that from time to time personal calls may be transmitted or received. Personal use of landlines must be limited to incidental, occasional, and infrequent use. Any employee utilizing landline telephones may be required to reimburse the City for all expenses incurred with personal use of the telephone.

When it is necessary to place a personal call, employees should use their own personal phones on their personal time rather than on city owned devices such as cellular phone, two-way radio, or landlines. Employees should be discrete so as not to disturb others.

Fax Machine and Copier/Printers

Fax machines and copier/printers are intended to facilitate City business. Personal use of such equipment must be limited to incidental, occasional, and infrequent use. Any employee utilizing such equipment may be required to reimburse the City for all expenses incurred with personal use.

New Technologies

New technologies are constantly being invented and upgraded. These new technologies should be used in accordance with this policy.

Penalties

Any violations of this policy may be subject an employee to disciplinary action up to and including discharge from employment.