



# *City of Foley*

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## Employee Personnel Policy

Approved by the City Council on October 1, 2013

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## **SECTION 1-GENERAL**

### **Purpose**

The purpose of this policy is to establish a uniform and equitable system to govern the relationship between employees and the City of Foley. The employment policy defines how employees are recognized and compensated and explains what is expected from individual employees. The City Council has the right to amend, in whole or in part, any or all of the provisions contained in this employment policy.

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

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

The policies within are for informational purposes only and are not intended to create a contract of employment. The policies are not intended to cover every situation that might arise and may be amended, repealed, or modified at any time by the City of Foley. Your employment is “at will” and may be terminated at any time by either you or the City with or without cause.

## **SECTION 2-EMPLOYMENT PROCEDURES**

### **Appointment Procedure**

All administrative appointments to municipal services shall be made by the City Council on the basis of merit and fitness, and without regard to race, color, creed, religion, national origin, marital status, disability, status with regard to public assistance, political affiliation, sex and age, except when a bona fide occupational qualification. Seasonal and department appointments will be made by the Department Head in coordination with the City Administrator.

Personnel shall be divided into five categories as follows:

*Full-time* - City employees who are scheduled for no less than forty (40) hours per work week shall be considered full-time and shall be granted all benefits as stated in this policy.

*Regular Part-time* - City employees who are scheduled for less than forty (40) hours per work week on a regular basis shall be considered regular part-time. Employees in this category shall not be eligible for benefits stated in this policy.

*Temporary Part-time* - City employees who are employed on an irregular basis and who work less than twenty (20) hours per work week. Employees in this category shall not be eligible for benefits stated in this policy.

*Temporary Full-time* – City employees who are scheduled for no less than forty (40) hours per work week, and are hired for a predetermined period of at least six months shall be classified as temporary full-time employees. Employees in this category shall be PERA eligible, but shall not be otherwise benefit eligible. Any probationary status otherwise applicable to an employee, shall not apply to temporary full-time.

*Seasonal* – Position in which the nature of the work or its duration are tied to a specific season or seasons of the year and is less than 185 days within a 12-month period. (P.E.R.A. definition) Employees in this category shall not be eligible for benefits stated in this policy.

### **Probation Period**

All employees (except firefighters and police) shall remain on a probationary status for the first six months of employment. During this time period the employee may be dismissed for any reason and this period may be extended if warranted. Police employees shall have a probationary period of one year. During this time period the employee may be dismissed for any reason and this period may be extended if warranted.

### **Residency Requirements**

Pursuant to M.S. 415.16, Subdivision 2, the City of Foley has the authority to request certain employees to live within a reasonable distance of the community if there is a demonstrated job related necessity. In the interest of the safety and health of the citizens of Foley and others in the area, all Public Works employees are required to live within a fifteen (15) minutes response time of the city as determined by the City Administrator (Resolution 2002-8).

All police officers shall live within a thirty (30) minutes response time of the city as determined by the City Administrator. New police officer hires will have 90 days following the end of the probationary period to meet the required response time.

Please refer to the Foley Fire Department Personnel Policies, Appendix I, for details regarding the Foley Fire Department residency requirements.

### **Performance Evaluations**

Employees will normally have their performance evaluated annually. Performance evaluations are based on job descriptions and result-oriented performance standards; the evaluation is intended to assist the employee in reaching their maximum potential. Copies of the performance evaluation are kept in the employee's personnel file as long as the employee is employed with the City of Foley. An employee who disagrees with their evaluation has the right to respond in writing; the employee's response will be attached to the evaluation.

## **SECTION 3-COMPENSATION**

### **Hours Worked**

The work week and work day for all City employees shall be determined by the Department Head and approved by the City Council and fairly reflect the demands and allocation of the work of each department or activity. The regular work schedule shall conform to the provisions of the Fair Labor Standards Act of 1974. The normal work year consists of two-thousand eighty (2080) hours for full time employees, including all authorized absences. The normal work week consists of five (5) eight (8) hour work days.

### **Compensation**

#### Wages

Employees of the City will be compensated according to the provisions set under the City of Foley's Wage Implementation Plan, Appendix I. Placement of positions on the salary schedule will be determined by the Department Head and City Administrator with approval of the City Council. The criteria used for placement on the schedule may include: previous experience, educational requirements and duties and responsibilities of the position.

Employees off the step schedule will be eligible for merit pay with approval of their Department Supervisor and the Council Employment Committee. Merit pay will range from 0-3 percent, is based on a performance review, and is added to the employee's rate of pay at the time of the performance review. See Merit Pay, Appendix I.

#### Overtime Pay

Overtime hours are defined as hours worked in excess of 40 hours per workweek. An accumulated record of overtime worked shall be kept by each employee. For any overtime accumulated the employee shall receive one (1) of the following:

- Compensatory time off at one and one half hours off for each hour of overtime worked with a maximum accumulation of fifty (50) hours.
- Payment of one and one half times the employee's hourly rate of pay.

#### Unscheduled Call-In Time

Employees who are called into work for emergency or unscheduled work during their off duty time shall receive a minimum of one (1) hour pay. Saturday, Sunday and holiday emergency work will be paid at an employee's regular rate times one and one half. Overtime rates will not apply to the day after Thanksgiving holiday. Weekend and holiday equipment checks, which cannot be scheduled during the regular workweek, will be paid at one (1) hour overtime.

The City recognizes the need for irregular schedules, emergency call-ins and overtime. However, the Department Head will ensure that overtime expenses are justified and equitably dispersed among all employees to ensure the most efficient operation possible for the department and the City.

### Compensatory Time

In accordance with the Fair Labor Standards Act (FLSA), nonexempt (hourly) employees of State or Local government agencies may receive compensatory time off at a rate of not less than one and one-half hours for each overtime hour worked instead of cash overtime pay.

Compensatory time off shall be an agreement or understanding between the Employee and Department Head. Further, the City encourages the use of compensatory time to be used in lieu of overtime whenever possible. The maximum accumulation of comp time is fifty (50) hours. Upon termination of employment, an employee shall be paid for unused compensatory time.

### Other Compensatory Time

Exempt (non-hourly) employees are expected to work the hours necessary in order to meet the performance expectations in their department. For reasons of accountability, exempt employees must track all hours worked. For excess hours worked in a pay period, exempt employees may accrue compensatory time on an hour for hour basis. The maximum accumulation of compensatory time for an exempt employee is 50 hours. Accrued compensatory time may be used in lieu of other accrued benefit leave time. Compensatory time will not be paid out as additional compensation to exempt employees. Upon termination, unused compensatory time is forfeited.

### Shift Differential

Full-time Public Works employees shall receive shift differential pay in the amount of an additional \$1.00/hour for those hours worked between 12:01 a.m. – 7:00 a.m.

### Training/Development

Educational expenses for the attendance of a conference, meeting, or courses shall be paid by the Employer where said conferences, meetings or courses are attended by Employees with the prior permission of the Department Head and City Administrator.

### Safety Equipment

Each full-time public works employee will receive the benefit of uniform service provided at no cost to the employee. The City will also reimburse full-time public works employees for prescription safety eyewear, per year, not to exceed \$200.00. In addition, each full-time public works employee will be reimbursed up to \$200.00 per year for steel toed safety shoes.

### **Pay Day**

Payroll is calculated semi-monthly (twice a month). The pay periods end on the 15<sup>th</sup> and last day of the month and payroll is distributed on the 5<sup>th</sup> and the 20<sup>th</sup> of the month after the appropriate ending pay period. The City of Foley requires all employees to use direct deposit for payment of payroll checks. Direct Deposit forms are received in new hire packets or may be obtained from the City Administration office.

## SECTION 4-TIME OFF

### Vacation Leave

Full-time employees will be eligible to earn vacation benefits. A new full-time employee must work the first six (6) consecutive months before they are eligible to take vacation pay. Full-time employees who maintain continuous employment, without loss of seniority under this agreement shall be eligible for pro-rated vacation benefits on a semi-monthly accrual basis. Full-time employees shall earn vacation according to the following schedule:

*Note: 1 day = 8 hours*

0 year – 1 year	5 days
1 year through 2 years	12
2 years through 3 years	13
3 years through 4 years	14
4 years through 5 years	15
5 years through 7 years	16
7 years through 8 years	17
8 years through 9 years	18
9 years through 10 years	19
10 years through 15 years	20
15 years through 16 years	21
16 years through 17 years	22
17 years through 18 years	23
18 years through 20 years	24
20 years through 25 years	25
25 years through 30 years	30
After 30 years	35

An employee may carry over three (3) weeks (120 hours) of vacation to the following year; however, the vacation must be taken in the second year or it will be lost.

### Personal Day

Each full-time employee will be allowed one (1) personal day off per year with pay. This personal day is intended to be used for matters which can not be consummated outside the normal business day. This day shall be scheduled in advance with the appropriate supervisor and mutually agreed to.

### Sick Leave

Full time employees may be granted leave for absences necessitated by illness, disability, pregnancy related problems, medical, chiropractic, dental or eye care, or by illness of a spouse, minor or dependent children, or parent living in the same household of the employee, for such reasonable periods as his or hers attendance may be necessary. Leave to arrange for necessary nursing care for members of the family or birth or adoption of a child will be as referenced in Family Medical Leave Act.

Sick leave shall be accrued for full-time employees at a rate of four (4) hours per pay period or ninety-six (96) hours per year of continuous employment beginning with the date of hire until

one thousand two-hundred and forty (1240) hours have been accrued. Employees who have accumulated the maximum number of sick time (1240 hours) will receive payment, on the last pay date of the year, of 60% (not to exceed 57.60 hours) of accrued sick hours exceeding 1240 hours during the current year and the remaining 40% is forfeited.

A full-time employee covered by this agreement shall be entitled to a percentage of their unused sick leave as severance pay:

After 2 through 5 years of service	20% Severance
After 6 through 10 years of service	35% Severance
After 11 through 14 years of service	60% Severance
After 15 through 19 years of service	80% Severance
After 20 through 24 years of service	90% Severance
Over 25 years of service	100% Severance

One hundred percent of the allowable severance (see schedule above) will be deposited into the Health Care Savings Plan (HCSP). One hundred percent of unused vacation shall also be considered severance and deposited into the Health Care Savings Plan (HCSP).

Full-time City of Foley employees are eligible to participate in the Minnesota Post Employment Health Care Savings Plan (HCSP) established under Minnesota Statutes, section 352.98 (Minn. Supp. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan Documents. All funds collected by the employer on behalf of the employee will be deposited into the employee's post-employment health care savings plan account.

If an employee dies while still employed and is eligible for severance pay, such severance pay cannot be deposited in to the Health Care Savings Plan (HCSP). The employee's severance pay will be paid to eligible beneficiaries and is taxable income.

### Sick Leave Use

Sick leave pay shall be allowed by the City whenever an employee's absence is found to have been due to his/her illness which prevented his/her attendance at work and performance of duties on that day or days.

Sick leave may be granted in the following situations:

- Illness or injury of the employee causing absence from work.
- Acute need on the part of the employee or employee's immediate family for medical or dental care.
- Medical or dental care for the employee which can not be consummated outside of the regular scheduled work day/shift.
- Death in the employee's immediate family.



Sick leave shall be charged for only the number of hours the employee was scheduled to work during the period of sick leave. Whenever practicable, employees shall submit requests for sick leave to the City in advance of the period of absence. When advance notice is not possible, employee shall notify their supervisor by telephone or other means at the earliest opportunity.

Employees utilizing such leave will be required to furnish a statement from a medical practitioner after missing four (4) consecutive working days. The abuse of sick leave shall constitute just cause for disciplinary action.

### **Bereavement and Leave of Absence**

Full time employees shall be allowed three (3) working days with pay as funeral/bereavement leave, without deduction from sick leave time. This shall apply only for the death of an immediate family member; mother, father, wife, husband, child, stepchild, grandmother, grandfather, grandchild, sister, brother, mother-in-law, and father-in-law.

A full time employee selected as a pall-bearer for a deceased employee of the City will be allowed adequate time to serve up to one (1) funeral leave day with pay, not to be deducted from sick leave, or up to four (4) hours of leave with pay when serving as an honorary pall-bearer.

### **Jury Duty Leave**

Employees required to appear for jury duty shall be paid the difference between their normal earnings and the stipend received for such jury duty.

### **Military Leave**

Pursuant to Minnesota Statutes 192.26 to 192.261 a municipal employee who is a member of the national guard, or any other component of the militia of the state, or who is a member of the officer's reserve corps, the enlisted reserve corps, the naval reserve, the marine corps reserve, or any other component of the military or naval forces of the United States, shall be entitled to leave of absence without loss of pay, seniority status, efficiency rating, vacation, sick leave, or other benefits for the time which employee is engaged in training or active service not exceeding a total of any 15 days in any calendar year. Thus, such employee with full-time status shall receive their regular rate of pay for a period of fifteen (15) days. The employee has the option to use accrued vacation or similar paid leave during the period of military leave extending past fifteen (15) days. For up to thirty (30) days insurance benefits will be maintained under the same conditions and at the same level of City contribution levels and/or premium rates while the employee is on leave.

### **Leave of Absence without Pay**

Unpaid leave of absence may be granted for reasonable periods as determined by the employer and shall be in accordance with State and Federal laws. In no case will any leave exceed 12 months.

## **Family Medical Leave Act**

The Family Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption for foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job; or
- for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months and have 1,250 hours of service in the previous 12 months.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose to use accrued paid leave while taking FMLA leave. This is not a requirement by the City of Foley.

### Appendix III

Refer to *Appendix III* for general notice of employee rights and responsibilities under FMLA.

## **Holidays**

The following days shall be observed as paid holidays for all full-time employees:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- ½ Day for Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- ½ Day for Christmas Eve
- Christmas Day

When a holiday falls on a Saturday or Sunday, the holiday is celebrated on Friday or Monday respectively. If a designated holiday falls within an employee's vacation period, he/she shall receive an additional day of vacation.

To be eligible to receive a paid holiday, an employee must be in payroll status on the work day immediately preceding and the work day immediately following the holiday.

All work performed on a day designated as a holiday shall be paid at one and one-half times the employee's regular hourly rate, except on the day after Thanksgiving where only straight time would be paid. If mutually agreed, comp time may also be taken for this work.

## **SECTION 5-EMPLOYEE BENEFITS**

### **Insurance**

The Employer shall make available to the regular, full-time Employees (40 hrs per week) a group program of insurance which may include health and hospitalization, dental, and life insurance. The Employer shall be the final determiner of the group insurance program and the terms and benefits thereof.

An employee is eligible for participation in the group insurance after the employee has worked in a full-time permanent status for thirty (30) days. An employee is eligible for the city contribution as provided in this article as long as the employee is employed by the City. Upon termination of employment, all city contributions shall cease.

The Employer agrees to contribute the entire cost of the insurance program for each regular, full-time employee except for health insurance in which employer contribution will be at the rates indicated below:

#### Insurance Contribution Rates

Single Coverage: Paid in full by the Employer.

Family Coverage: 90% of premium paid by the Employer.

The health insurance contribution rates shall be reviewed annually.

Health differential pay will be provided for those full-time employees choosing not to enroll in the group health insurance policy. Employees shall receive 80% of the single premium rate in cash. This differential pay shall be paid semi-monthly with an employee's regular paycheck and will be taxable income.

Any premium costs exceeding the Employer's contribution shall be paid by the Employee by a semi-monthly payroll deduction.

Upon retirement, employees may continue health insurance coverage through the City policy at the full premium purchase rate. Retirement is considered removal from occupation or service and pension collecting.

### **Flexible Spending Account Plan**

The employer shall make available to full-time employees a reimbursement plan program which allows the employee to make pretax deductions to be put into a flexible spending account and be

used for eligible medical, dental, and vision expenses not covered by other insurance, and/or dependent care expenses.

### **Public Employees Retirement Association**

With limited exceptions, all eligible city employees shall participate in the “coordinated fund” retirement plan. Under the Coordinated Fund of PERA, both the employee and employer contribute a percentage of the employee’s wage toward the retirement fund. Students and certain temporary or seasonal employees may not be covered by PERA.

### **Employee Recognition Program**

As determined by the City Administrator, full time employees shall receive an additional end of year benefit, not to exceed a value of \$100.00.

As determined by the City Administrator, Active Foley Fire Department Firefighters shall receive a bonus during the calendar year, not to exceed a value of \$25.00.

## **SECTION 6–ACCIDENTS/INJURIES AND WORKER’S COMPENSATION**

### **Accidents/Injuries**

The City of Foley recognizes the need and responsibility to maintain a safe and healthy work environment. To that end, it is expected that all employees will report any unsafe working conditions to their immediate supervisor. Every reasonable effort will be made to correct these situations. Unresolved matters should be brought to the attention of the city council.

Any accident an employee is involved in or injury incurred needs to be reported as soon as practical to their supervisor. In no case shall an accident or injury requiring medical attention go unreported for more than 24 hours.

### **Worker’s Compensation Act**

It is the policy of the City of Foley to provide all employees with worker’s compensation benefits when injury/illness is a direct result of a work related incident. This benefit is at no cost to the employee.

## **SECTION 7-EMPLOYMENT POLICIES**

### **Policy Regarding Alcohol and Drug Use by City of Foley Employees**

#### **A. Introduction:**

The Foley City Council recognizes that alcoholism and other drug dependencies are a significant social problem with a potential for causing severe effects to the City's workforce. The City recognizes that it has a responsibility to maintain a drug free workplace and intends to comply with the requirements of Public Law 100-670; the Drug-Free Workplace Act of

1988. The City also recognizes that drug dependency may be an illness. Consistent with this understanding, the City has an obligation to ensure that its employees perform their jobs efficiently, safely and in a professional business-like manner.

The purpose of this document is to set forth the City's policy regarding alcohol and other drug use, including unlawful drug use or abuse, in the workplace.

B. Application:

This policy shall be applicable to all employees of the City of Foley and shall be enforced by all supervisors and department heads.

C. Definitions:

1. "Work-related Alcohol and Other Drug Abuse" is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana or the use of prescription drugs when resulting behavior or appearance adversely affects work performance.

2. "Adversely Affects Work Performance" and "Under the Influence" shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses, or effort; if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the City as an employer as determined by the supervisor or department head.

3. "Controlled Substances" means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens and cannabis (marijuana).

4. "Mood Altering" or "Alter" means changed behavior which may limit an employee's ability to safely and efficiently perform his/her job duties, or poses a threat to the safety of the employee or others.

D. Non-Discrimination:

The City's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol and other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

E. Consequence of Violations:

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

F. Prohibitions:

No employee shall report to work under the influence of alcohol, marijuana, controlled

substances, or other drug which affect his/her alertness, coordination, reaction, response, judgment, decision-making or safety.

No employee shall operate, use or drive any equipment, machinery or vehicle on the job while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify his/her supervisor that he/she is not in appropriate mental or physical condition to operate, use or drive equipment on the job.

No employee shall unlawfully manufacture, distribute, dispense, possess, transfer or use a controlled substance in the workplace or wherever the City's work is being performed.

When an employee is taking medically authorized drugs or other substances which may alter job performance, the employee is under an affirmative duty to notify his/her supervisor of the temporary inability to perform the job duties of his/her position.

Each employee is required to notify their department head of any criminal drug statute conviction for a violation occurring in the workplace no later than (5) five days after such conviction. Upon receiving notice of such a conviction, the City of Foley shall take appropriate personnel action up to and including termination or shall require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program.

Any alcohol and/or drug testing undertaken by appointing authorities shall be in accordance with Minnesota Statutes 181.950-957, the Minnesota Drug and Alcohol Testing in the Workplace Act.

### **Sexual Harassment Policy**

It is the policy of the City of Foley that sexual harassment of employees is prohibited. The City of Foley believes that every employee has the right to a work environment free from sexual harassment. Any employee found to have acted in violation of this policy will be subject to appropriate disciplinary action, which may include termination. "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:

- 1.) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's employment; or
- 2.) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- 3.) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile, or offensive work environment; and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action; or
- 4.) such conduct is based on sex and would have not occurred "but for" the sex of the victim even though it is not clearly sexual in nature or an explicit sexual advance.

Any claims of sexual harassment should be reported to the employee's supervisor, the personnel department, the city administrator, or anyone else in a position of authority at the City of Foley.

Any claims of sexual harassment or violations of the Sexual Harassment Policy will be reported to and investigated by the City of Foley's personnel director or city administrator, unless another individual is more appropriate. If the facts appear to support the allegations of sexual harassment or violation of this policy, disciplinary action up to and including termination may result. All reports of harassment will be handled as confidentially as possible by the City of Foley. This policy applies to all of the City of Foley's employees while performing their duties as employees within or outside the workplace.

### **Acceptable Use Policy for Computer and Network Systems**

#### **PURPOSE:**

To provide clear guidelines to all employees regarding access to and disclosure of computer and network systems, including electronic communications involving electronic-mail (email), the internet, and downloading of computer files which are sent or received by City employees with the use of any City computer communications systems.

#### **SCOPE:**

These policies, standards and guidelines apply to all employees of the City. The variety of computing and electronic communication access and tools that the City provides its employees include desktop, laptop, mobile and central computers, internal and external networks, email, modems and facsimile systems. These tools are City owned and publicly funded; the computer systems and the software information contained on or conveyed through them is the property of the City. Access and use are restricted by this Acceptable Use Policy. Equipment that is the property of another entity, but used by City employees in the course of their work, is also encompassed in this policy.

By addressing the issues of use for computer communications, the City ensures maximum benefits by recognizing a critical and defined balance between the need for open communications and the protection of City assets. Each system may, at times, have its own set of policies and procedures.

#### **A. This Policy is Governed by the Following:**

1. Administration of department owned servers and equipment will be performed under the discretion and approval of department head.
2. The City reserves the right to access, inspect, review, and/or monitor computers and network communications systems at any time.

#### **B. Personal Use of Computers, Networks, Electronic Mail, and the Internet:**

1. Incidental and occasional personal business use of City computers or networks is permitted only as determined by individual department heads; however, such use will be in accordance with this and other City policies and is restricted to use during general office hours.

2. The personal usage privilege will be determined by the supervisor and follow these guidelines:
  - A. Is done on the employee's personal time.
  - B. Does not interfere with business usage.
  - C. Does not interfere with the employee's job activities.
  - D. Does not interfere with other employee's job activities.
  - E. Is not for political, religious, personal financial profit, or other promotional activities, or does not result in consumption of City resources.
  - F. Does not result in incremental expense for the City.
  - G. Does not contain or infer threatening, obscene or abusive language.
3. Employees using computers or networks for personal use waive any claims to privacy.
4. Excessive personal use will be determined by the employee's department head or supervisor and may subject the employee to disciplinary action.

C. Electronic Mail (email) and Internet Use:

1. The City's computer communication systems are for the use of persons legitimately affiliated with the City.
2. Under no circumstances should City electronic communications systems be used to send offensive, racist, or sexist messages. Examples of uses of email that will not be tolerated include:
  - a. Illegal activities
  - b. Wagering, betting or selling chances
  - c. Commercial activities
  - d. Personal business
  - e. Solicitation, except on city sanctioned activities
  - f. Promotion of political or private causes, positions or activities, and/or other unethical activities
  - g. Harassing email
3. Employees are advised that email and internet use is not private and can be traced. Once created, email messages may be stored in many ways and in many places. A message deleted locally may continue to exist in other places in the network. This data is discoverable in legal proceedings.
4. Employees shall exercise prudent use of list services, downloads, and on-line activities that may have a detrimental affect on network traffic.
5. Email should be routinely and regularly deleted and purged from the system.
6. Email received that is threatening or inappropriate should be reported to the supervisor.



7. All email messages should be signed or otherwise clearly identify the sender.

D. Questions Regarding this Policy:

City employees who have concerns or are uncertain about ethical, legal, or security issues regarding their use of data communications tools are expected to discuss their concerns with their supervisor who will act as the employee's first point of contact.

## **SECTION 8-DICIPLINE**

### **Disciplinary Action**

Supervisors are responsible for maintaining compliance with City standards of employee conduct. 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.

Oral and written reprimands will be determined at the discretion of each department head and 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.

Unresolved matters or severe performance problems will result in suspension or termination of employment. Employees who have engaged in overtly negligent behavior, gross insubordination, theft or moral acts which negatively impacts the City or their ability to perform their jobs, may be terminated immediately.

## **SECTION 9-EMPLOYMENT SEPERATION**

### **Termination of Employment**

Employment is terminable at will by either the employer or employee.

Employees who resign their position are expected to give a two (2) week written notice to their supervisor. Failure to comply with this procedure may be considered cause denying such employee future employment by the City and denying terminal leave benefits. Council reserves the right to waive the notice period.

At the discretion of the City, an employee may be terminated at any time during the probationary period if, in the councils opinion, the employee is unable or unwilling to perform the duties of the position satisfactorily or that his or her habits and dependability do not merit continuance in the position. The employee so terminated shall be notified in writing of reasons for the termination and shall not have the right to appeal unless he or she is a veteran, in which case the procedure prescribed in Minn. Stat. 197.46 shall be followed.

## **SECTION 9-GRIEVANCES**

### **Grievance Policy**

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those, which occur. When any grievance comes or is directed to the attention of any supervisory employee of the City, the supervisor shall promptly discuss all relevant circumstances with the employee and his representative if he so desires, consider and examine the cause of the grievance and attempt to resolve it to the extent that he possesses authority.

Failing at that level, the grievance shall be presented to the City Administrator or other higher authority up to and including the City Council.

## APPENDIX I

### City of Foley's Wage Implementation Plan (1999)

The City of Foley pay plan is a step plan – it is based on years of service and satisfactory performance. If performance is satisfactory, employees move to the next step in the pay plan with each year of service. Guidelines for administering a traditional step plan are as follows:

Guidelines are based on two assumptions:

1. The City will update its pay scale once annually on January 1.
2. The City will adjust all current employees' wages effective January 1 of each year.

#### Administrative Rules

1. For new hires the start rate will be determined based on the month of hire.
2. All employees will need to have a performance review prior to receiving their next pay adjustment. A rating of satisfactory will be necessary if an increase is to be granted. This includes annual schedule adjustment related increases.
3. New hires and promoted employees may be assigned to an advanced step at the discretion of the City Council. Previous related employment or previous work within the City will be considered when making a decision about step placement.

#### 10 Step Schedule effective 1 January 2013 to 31 December 2015

	1	2	3	4	5	6	7	8	9	10
Administrator	4,671	4,960	5,248	5,537	5,825	6,114	6,402	6,691	6,979	7,268
PW Director	3,916	4,176	4,436	4,695	4,955	5,215	5,475	5,734	5,994	6,254
Lead Operator	3,038	3,234	3,430	3,627	3,823	4,019	4,215	4,412	4,608	4,804
Operator	2,974	3,144	3,315	3,485	3,655	3,826	3,996	4,166	4,337	4,507
Admin Asst.	2,758	2,939	3,120	3,301	3,482	3,664	3,845	4,026	4,207	4,388
Police Chief	3,995	4,260	4,525	4,790	5,055	5,320	5,585	5,850	6,115	6,380
Police Officer	3,155	3,320	3,486	3,651	3,816	3,982	4,147	4,312	4,478	4,643

#### Merit Pay

To recognize significant contributions made by employees, the City of Foley may grant additional pay for demonstrated exceptional service. Full-time employees who have completed their final step of their salary range may be eligible for consideration of merit pay. Merit pay is approved by the Council Employee Committee and reviewed annually based on a recommendation from the employee's supervisor.

Merit pay may be granted to an employee in the form of a base salary adjustment for meeting certain performance standards. The performance standards are as follows and points are earned in each criterion:

- A. Productivity (1-5pts)  
Employee made a substantial contribution to the continued operation and growth of the department. Performance consistently exceeded job requirements. The employees work effort produced a positive, significant outcome for the City by improving the effectiveness and efficiency of the department.
- B. Consistency (1-5pts)  
Employee consistently went above and beyond what was required in nearly all aspects of the job. Exceptional service was consistently applied to Foley citizens and employees.
- C. Quality (1-5pts)  
Quality of work was consistently high. Employee demonstrated accuracy, thoroughness, and effectiveness in performing work assignments. City operations were measurably enhanced by the employee's work.
- D. Quantity (1-5pts)  
Quantity of work was consistently high. The amount of work produced clearly exceeded performance expectations. Employee performed at a high energy level.
- E. Initiative (1-5pts)  
Employee demonstrated a high level of initiative. Employee took the initiative to solve problems or to find new and better ways of performing job. The person was eager to take on new assignments and took action without detailed instructions. Employee demonstrated a positive attitude at all times when taking on tasks and working with customers and co-workers.
- F. Cost Management (1-5pts)  
Employee demonstrated good judgment in making financial decisions. Employee was cost conscious and ensured that all expenditures were in the best interests of the City.
- G. Time Management (1-5pts)  
Employee was efficient in use of time and resources. Employee demonstrated the ability to successfully prioritize when faced with requests, demands and deadlines. Employee consistently accomplished more in less time and displayed energy and enthusiasm performing daily responsibilities.

Merit pay will range from a 0-3% increase in employee's base pay. In order to qualify for a 1% merit pay increase an employee must earn at least 15pts. In order to qualify for 2% an employee must earn at least 23pts. In order to qualify for 3% an employee must earn at least 27pts. The department head must provide written documentation on how the performance standards were met. All requests must be approved by Council Employee Committee.

If an employee disagrees with the recommendation of the department head the employee may appeal to the Council Employment Committee. This committee will review the case and make a final recommendation to the City Council.

## APPENDIX II

### Foley Police Department

**Work Schedule** - Normal work year shall consist of 2,080 hours to be accounted for by each full-time police officer through the following:

*Nothing in this appendix shall be interpreted to be a guarantee of a minimum or maximum number of hours that the City may assign to the officers.*

**Scheduled hours of work**- Full-time officers will work 12 hour shifts with one 8 hour shift every two weeks to make up a total of 80 hours every two weeks.

**Extended Workweek Exemption** – The City of Foley has established a workweek for full-time police officers of anything between 7 and 28 days. The police officer would then earn time and one half (1.5) overtime for those hours that exceed the limits listed below:

13 days	79 hours
14 days	86 hours
15 days	92 hours
16 days	98 hours

**Compensatory Time Carry Over** – a full-time police officer shall be limited in the carryover of compensation time. Compensation time shall be calculated at the **first of every year** to ensure that the officer carryover does not exceed 100 hours, any time over 100 hours the officer will have 1 full pay period to reduce their hours to the required amount with no penalty.

**Overtime** – Full-time officers shall be compensated at (1.5) one and one half times the officer's regular base rate for any hours worked in excess of the officer's extended hours allotment (*\*see extended workweek exemption for hours details*). Overtime will be distributed as equally as practicable. Overtime shall be calculated to the nearest (15) fifteen minutes. Officers are encouraged to take compensatory time instead of paid overtime.

**Shift Differential** - In general an exempt employee is not eligible to receive overtime compensation, under this provision an exempt employee shall be eligible for Shift Differential compensation but only to the extent that full reimbursement is available through an outside source. The exempt employee shall receive compensation as described in the contract or grant agreement. Full-time employees that are not exempt but fall into the Extended Work Week are allowed Shift Differential as compensation for working grant or contract events. Some examples include but are not limited to School Contracts, Safe & Sober grant, Towards Zero Death grant, any National Highway Traffic Safety Administration (NHTSA) grant etc. Shift differential shall be equivalent to 1.5 times the employee's hourly rate or the employee's overtime rate.

**Holidays** - Officers will work holidays as scheduled, all full-time officers will receive eight (8) hours of compensation time for the holidays listed below. If the officer works

the holiday they will be compensated for that shift at their overtime rate. A part-time officer who works any of the listed holidays will be paid at their overtime rate (1.5 times their regular rate) for hours worked.

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- Easter
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

\* note that the Police Department has chosen to exchange the ½ day Christmas Eve and the ½ day for Good Friday per the City of Foley Personal Policy for the holiday of Easter.

**Seniority** – Seniority shall be determined by the employee's length of continuous full-time employment with the City of Foley for all hours actually worked. Seniority rosters shall be maintained by the Chief of Police. In the event that two officers are hired on the same day the officer with the most full-time peace officer experience shall be considered the senior officer in that process.

**Training** - Every attempt will be made to schedule officers for training on their scheduled days of work. In the event that the training falls on the officer's days off, the Chief of Police has the discretion to adjust the officer's schedule to ensure that the officer is not exceeding their regular hours in a workweek, or allowing the officer to take the training time as compensation time at one and one half (1.5) times the officers regular time. Mandatory P.O.S.T. Board required training will be compensated at the officer regular rate of time.

**Post Training and Dues** – The City will pay for all P.O.S.T. required training. The City will also pay for all P.O.S.T. license renewals for full-time officers. The City will also pay membership in the (FOP) Fraternal Order of Police as well as cover all costs associated with the enrollment and membership in the (FOP) Legal Defense Fund.

**Court Time** – An officer who is required to appear, and does appear in court during their scheduled days off shall receive a minimum of (2) two hours at the officers overtime or compensation rate of pay. If an officer is called off prior to the appearance and advised that they are not required for court then no compensation shall apply. An extension or early report for a regularly scheduled shift does not qualify that officer for the two hour minimum unless approved by the Chief of Police.

**Call Back** – An officer called back to work outside their regularly posted schedule shall be paid for a minimum of (2) two hours at the officers’ base rate of pay. An extension or early report for a regularly scheduled shift does not qualify that officer for the two hour minimum unless approved by the Chief of Police.

**Standby Time** – Officers required by the City to standby or be on call as a replacement for a regularly scheduled shift of on-duty or a portion thereof shall be paid for such standby time at the rate of \$3.25 for each hour they are placed on standby. This time will only be compensated when the officer is directed to be on standby by the Chief of Police. Their time will only be compensated at the start time and end time directed by the Chief of Police.

**Part-time Officers** – Part time officers will be used to offset the current patrol schedule. All part-time officers must currently hold a full-time Peace Officers License in the State of Minnesota. Part-time officers do not receive benefits other than payment of P.E.R.A. (public employees’ retirement association) Police and Fire Fund. Part-time officers will receive overtime pay at a rate of (1.5) one and one half times their regular wage when working holidays. Part time officers that are eligible will be allowed to work Safe & Sober (TZD) or other contracted shifts at their regular rate of pay. First priority for all overtime opportunities will be first given to the full-time officers. Part-time officers are required to submit all training records to the department training officer or the Chief of Police to insure that all POST mandated training and continuing education requirements are being met. If a part-time officer fails to meet the P.O.S.T. mandated training requirements, that part-time officer will not be allowed to work shifts and failure to become compliant within 30 days of notification may result in the termination of the part-time officer. Part-time officers will be issued (1) long sleeve shirt, (1) short sleeve shirt, and (1) pair of uniform pants.

**Uniform/Equipment** – Full-time officers will be issued (2) long sleeve shirts, (2) short sleeve shirts, (2) pairs of duty pants, (1) jacket, (1) pair of boots, (1) bullet resistant vest (if allowed by state reimbursement), and all required duty gear that is needed at the discretion of the Chief of Police. Officers will be required to provide their own service weapon. **All** weapons for on-duty or off-duty use must be approved by the Chief of Police prior to the use of the weapon for qualification and duty purposes. Officers are required to maintain their uniforms in good serviceable condition and purchase any additional personal equipment that they deem necessary for them to perform their job more efficiently and effectively. Each officer shall provide and maintain a personal firearm. Each full-time officer shall receive a uniform allowance of \$450.00 per year for the purpose of replacement or additional equipment as the officer deems necessary to perform their duties as a police officer. Officers will be allowed to charge the items to the police department and provide the Chief of Police a copy of the invoice to ensure the proper amount is being deducted from their allowance. All items purchased should be considered a law enforcement tool or for law enforcement purposes. If the officer has any questions about a purchase, the officer should discuss the purchase with the Chief of Police prior to the purchase of the item.

## APPENDIX III

# Employee Rights & Responsibilities Under The Family and Medical Leave Act

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days

combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.



## **EMPLOYEE ACKNOWLEDGMENT**

I have received and read the City of Foley Personnel Policy and I am familiar with its terms. I understand that this document is not a binding contract, but is a set of guidelines to establish a uniform and equitable system of personnel administration for employees of the City of Foley. I also understand that the City may modify any of the provisions of this policy at any time.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date