

AN ORDINANCE REGULATING POLICE EMPLOYEE RELATIONS

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

- 201.01 Purpose.
It is the purpose of this Ordinance to establish a uniform and equitable system of municipal personnel administration for all employees of the City of Oak Park Heights Police Department.
- 206.02 Definitions.
A. "City Council" used alone means the duly elected officials.

B. "Chief" used alone means the Chief of Police of the City of Oak Park Heights.

C. "Position" includes "office" and "employment."

D. "Employee" includes all officers and employees in the department.

E. "Veteran" has the same meaning as is given to that term by M.S.A. 197.447.

F. "Appointing authority" shall mean the City Council.
- 206.03 Scope.
These rules shall apply to all positions in the Police Department of the City of Oak Park Heights, whether sworn or not sworn personnel.
- 206.04 Requirements for Entrance and Promotion.
Unless otherwise provided in these rules, a person hereafter seeking appointment or promotion in the Police Department shall be required:

A. To file a written application on the form prescribed by the Chief of Police.

B. To fulfill the minimum requirements and pass the tests prescribed by the Chief of Police and approved by the City Council.

C. To be certified by the City Council for appointment in accordance with these rules.

D. To satisfy residency requirements as may from time to time be imposed by the City Council.

E. To be a citizen of the United States.

206.05 Notice of Examination.

At least ten (10) days before the examination, notices shall be published in a local newspaper and posted at the City Hall and at the Police Station. Within at least ten (10) days before the examination, notice of the date, place, and hour of examination shall be mailed to all applicants who are eligible for the examination.

206.06 Applications.

Applications must be filed on forms furnished by the Chief before the closing date set in the announcement. The City Council may require the candidate to furnish such additional information as it deems necessary regarding his health, character, and qualifications. All applications shall be retained until the expiration of the eligible register.

206.07 Rejection of Applications.

The Chief shall have the power to reject any application for any of the following reasons:

- A. Failure to meet the minimum application requirements.
- B. Past record of crime or disgraceful conduct.
- C. Giving false information.
- D. Former dismissal from public or private service because of delinquency or misconduct.
- E. Failure to receive a satisfactory report upon investigation of applicant's past work history, personal character, or any other reports deemed pertinent by the Chief.

206.08 Eligible Register.

- A. After the examinations have been graded, the Chief shall notify all candidates of the results and shall inform all candidates who pass the examination of the right of veterans to preference. All candidates who pass the examinations to the satisfaction of the Chief shall be placed on an eligible register ranked according to the total weighted scores. The life of the eligible register shall be two (2) years.
- B. Any candidate who fails to pass the examination shall be notified by the Chief. All those who pass the examination shall be notified of their relative position on the eligible register.

- 206.09 Classifications, Transfers and Reductions.
A. The Chief shall, with Council approval, establish such classifications of positions within the department as he may deem from time to time to be necessary. The transfer of an employee from a position in one class to another position in the same class, where both positions carry the same rate of compensation, shall be called an assignment and may be made by the Chief, with Council approval.
- B. Any transfer of an employee involving a change from a position in one class to a position in another class for which a lower maximum rate of compensation is prescribed, shall be a reduction or demotion and may be made only upon the recommendation of the Chief, and approved by the City Council.
- 206.10 Promotions.
Competitive examinations shall be open to anyone who can meet the minimum requirements as set forth by the Chief from time to time. All promotions shall be followed by a probationary period, not to exceed twelve (12) months after the successful completion of any State of Minnesota Peace Officers training board course of instructions as required by the Minnesota Statutes. During that period of time, the Chief may, with Council approval, reject the appointee. A candidate for promotion who is rejected during the probationary period shall return to his former position.
- 206.11 Appointment Procedure.
All probationary and regular appointments to municipal service shall be made by the City Council on the basis of merit and fitness, and without regard to race, creed, color, or discrimination. Temporary appointments will be made by the Chief with the consent of the Council.
- 206.12 Physical Examination.
All new permanent employees and those promoted shall be required to have a physical examination by a licensed physician who may be designated by the employer to determine any disabling illness or impairment of their physical condition, so that their employability for the position under consideration may be evaluated. This examination shall be an evaluation of the applicant's general fitness with particular emphasis on detecting the presence of latent trouble in time for the applicant to take corrective action, or to prevent the employment of a person whose condition would deteriorate or be aggravated by the condition under consideration. The cost of the examination shall be borne by the employer and a report made to the employer. Physical examination shall not be required for persons whose employment is temporary, unless so directed by the Chief or City Council.
- 206.13 Probationary Period.

A period not to exceed twelve (12) months after the successful completion of the State of Minnesota Peace Officers training board course of instruction, as required by Minnesota Statutes, shall be regarded as a probationary period. This period shall be utilized for observing the employee's work, for securing the most effective adjustment of the employee to his position and for removing any employee whose performance does not meet the required work standards. Vacation and sick leave shall accrue during the probationary period, but may not be used until after its completion. If employment is terminated for any reason during an employee's probationary period, no vacation, sick leave, or other benefits shall be due him. Probationary employees shall not be entitled to leaves of absence. Persons whose employment is temporary shall not have a probationary period. The first twelve (12) months of employment of a person employed in the Police Department shall be regarded as a probationary period, to be utilized as above described.

206.14

A. Compensation.

1. All employees of the City of Oak Park Heights shall be compensated according to the wages or salaries established annually by the City Council; provided however, that the Council may change or modify any wages or salary of any employee at any time that it deems it necessary in the interest of good personnel administration.
2. Any wage or salary so established shall represent total remuneration for employment, but shall not be considered as reimbursement for official travel conduct of official business. Unless approved by the appointing authority, no employee shall receive any pay from the municipality in addition to the salary authorized for any position or positions to which he has been appointed. This shall not operate to prevent employees from working in more than one position when authorized by Council.
3. The City Council shall review the salaries for all employees in September of each year, for the purpose of establishing such salaries in the City budget for the following year.

B. Working Hours and Schedules.

Working hours, schedules, days off, and compensation for legal holidays of all employees of the department shall be determined by the Chief; the Council shall review such schedules in September of each year, and make such changes as it deems necessary or appropriate from time to time. A consecutive work period shall include two (2) fifteen minute rest breaks and a thirty minute lunch break.

C. Pay Days.

Pay days shall not be later than the 16th and last day of each month, and when pay days fall on Saturday, Sunday or a holiday, employees shall receive their pay on the preceding work day.

D. Travel Expense.

An employee shall be reimbursed for traveling expenses incurred when traveling on City business, only upon approval of such expenses by the City Council. In order to receive such reimbursement, the employee shall fill out the appropriate claim form and submit it to the Chief, with all reasonable promptness after completion of the travel. Mileage allowance for the use by an employee of his own automobile shall be at the rate as set by State Statute.

No reimbursement shall be approved for expenses or mileage unless the employee receives approval of the department head or the Council, prior to the expenditure of funds by the employee.

E. Overtime Payment.

The City Council, in its sole discretion, may authorize compensation for overtime work performed by employees authorized by the Council or the department head, at the rate of one and one-half (1 ½) times the regular rate of pay for over forty (40) hours of work per week, or over eight (8) hours work per day, using one hundred seventy-three (173) hours as a normal working month. Overtime will be calculated to the nearest fifteen (15) minutes.

206.15

Sick Leave.

A. Eligibility.

1. Sick leave with pay shall be granted all probationary and permanent employees according to the following schedule, to-wit:

a. One (1) day per month for each month of employment or major portion thereof.

2. Each employee shall be allowed a maximum accumulation of one hundred thirty-six (136) days of sick leave. After the maximum accumulation is reached, each employee shall earn sick leave at the rate of one-half (½) day banked sick leave. Banked sick leave shall be used only after the maximum accumulation of one hundred thirty-six (136) days is exhausted.

B. When Granted.

Sick leave may be granted at the discretion of the Chief only for absence from duty because of personal illness or personal legal quarantine. For death or a serious illness in the immediate family, namely husband, wife, son,

daughter, father, mother, sister, brother, father-in-law, or mother-in-law, sick leave may be granted for a period not to exceed three days, with prior approval from the Chief. Workman's compensation benefits shall be credited against the compensation due an employee during sick leave.

C. Proof Required:

In order to be eligible for sick leave with pay, an employee must:

1. Report promptly to the Chief the reason for his absence.
2. Keep the Chief informed daily of his condition.
3. Submit a medical certificate for any absence exceeding three days if required by the City.

D. Penalty.

Claiming sick leave when physically fit, except as permitted in this Section, may be cause for disciplinary action, including transfer, demotion, suspension, or dismissal.

E. No Terminal Sick Leave.

No sick leave benefits of any kind shall be granted upon termination of employment, subject to the provisions of Sections 206.18 and 206.21.

F. On the Job Injury.

1. If temporary or permanent employees are not able to satisfactorily perform the duties of their positions, or such temporary duties as the Council may assign, due to bodily injuries incurred while on active duty for the City, they will be entitled to full base pay less compensation received from any other source made available to the employee through a benefit provided, all or in part by the City of Oak Park Heights, according to the following schedule:
 - a. Up to twelve months' pay without loss to any accrued sick leave or vacation, provided the injury is of a nature which is covered by Workman's Compensation.

G. Medical and Hospital Benefits.

The City shall carry medical, hospital, and dental insurance on all employees, as established by resolution from time to time.

206.16

Holidays.

Each employee will be granted eleven (11) paid holidays per year at their base pay rate (base monthly pay divided by 173 hours x 8 hours x 11 holidays.) Paid holidays being as follows:

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| New Year's Day | Labor Day |
| Martin Luther King Jr. Day | Columbus Day |
| President's Day | Veterans Day |
| Memorial Day | Thanksgiving Day |
| Independence Day | Christmas Day |

Two (2) Floating Days selected by the employee and subject to the approval of the Chief of Police

206.17

Vacation.

A. Permanent Employees.

1. All employees starting on or before March 31st shall be entitled to ten (10) days' vacation that calendar year. Employees starting after March 31st shall be entitled to one vacation day for each full month of employment during that calendar year. After one full year of employment, permanent employees shall be granted vacation as established by Council Resolution from time to time.
2. Employees with ten (10) working days' vacation must take at least five (5) working days of said vacation days consecutively.
3. In addition to the above, after two (2) years of service, permanent employees shall be granted two (2) days' personal leave with pay, to take care of personal business that can only be taken care of during normal working hours. Said leave will be non-accumulative and subject to prior approval of the Council or department head.

B. Terminal Leave.

Any employee leaving the municipal service in good standing, after giving proper notice of such termination of employment, shall be compensated for vacation leave accrued and unused to the date of separation.

C. When Taken.

Vacation leave may be used as earned, provided that the Chief shall approve the time at which the vacation leave may be taken. No employee shall be allowed vacation leave until after completion of the initial probationary period.

- D. Accrual.
Employees may accrue vacation leave to a maximum of twenty-four (24) working days.
- E. Leave Without Pay.
Upon request of an officer or employee, leave of absence without pay may be granted by the City Council, taking into consideration good conduct, length of service, and efficiency of the employee and the general good of the municipal service. Such leave of absence shall not exceed a period of ninety (90) days provided that the same may be extended beyond such period of the leave of absence is for continued disability or other good and sufficient reasons but, in no case, exceed one year except when the employee is, detailed for military service or is disabled for disability incurred while in the service of the City. No benefits of any kind, including vacation, sick leave, or insurance shall be granted or accrued during leave of absence without pay unless expressly authorized by the Council, provided however, that employees detailed for military service shall be entitled to the reinstatement rights set forth in M.S.A. 192.261. The City Council shall only grant a special leave after it has determined that such a leave will not be detrimental to the department. When each special leave is granted, the City Council shall at the same time determine whether the employee shall be entitled to his former position on his return, or whether his name shall be placed on the re-employment list.
- F. Incapacitation.
In cases of physical, mental or moral incapacitation, the Chief is authorized to grant an immediate special leave, not to exceed thirty (30) days, subject to a final determination by the City Council. The granting of such immediate special leave shall not be considered as an approval of the leave by the Chief.

206.18

Resignation.

- A. Any employee wishing to leave the municipal service in good standing shall file with the Chief, at least fourteen (14) days before leaving, a written resignation stating the effective date of the resignation, and the reason for leaving. Failure to comply with this procedure may be considered cause for denying such employee future employment by the municipality and denying terminal leave benefits.
- B. Unauthorized absence from work for a period of three (3) working days may be considered by the Chief as a resignation without benefits.

206.19

Grievance Policy.

It is the policy of the City, insofar as possible, to prevent occurrence of grievances and to deal promptly with those which occur. When an employee has a grievance, he must direct it to the attention of the Chief, who 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, to the City Council.

206.20

Dismissal and Suspension.

A. Suspension.

For disciplinary purposes or pending investigation of the actions or conduct which may result in a cause for discharge or reduction, the Chief or the appointing authority shall have the power to suspend, with or without pay, any employee for a period not exceeding sixty (60) days.

B. The following violations shall be cause for discharge or suspension:

1. No officer shall report to work or work off duty in uniform with the odor of an alcoholic beverage on his breath. The drinking of any alcoholic beverage or use of drugs prohibited by City ordinance, or State Statute, when on duty or working off duty in uniform, is also prohibited.
2. No officer shall be convicted of a crime defined as a felony or gross misdemeanor.
3. No officer shall contract any infectious venereal disease.
4. No officer shall be absent from duty without permission from the Chief.
5. No officer shall become intoxicated in public when off duty.
6. Conduct unbecoming an officer is prohibited.
7. Neglect of duty is prohibited.
8. No officer shall be convicted of a crime defined as a misdemeanor.
9. Incompetence is prohibited.
10. Disobedience of orders, either oral or written, is prohibited.
11. Insubordination is prohibited.

12. Use of profane, coarse, or insolent language to any member of any police department or to the public is prohibited.
13. Improper handling of prisoners or private property is prohibited.
14. Misuse or abuse of official position or authority is prohibited.
15. No officer shall accept any fee, reward, or gift of any kind from or on behalf of any person arrested, before or after his release; or from any person for services rendered or pretended to be rendered as a member of the department, without special permission from the Chief of Police.
16. No officer shall refuse to give his badge number or name upon the request of any citizen.
17. No officer shall fail to respond to any emergency situation which he witnesses when off duty, if his actions could aid in a medical emergency situation or in the apprehension of a criminal suspect.
18. Sleeping while on duty is prohibited.
19. No officer shall refuse to report for duty when an emergency has been declared by the Chief of Police.
20. No officer will accept any outside employment without first consulting with the Chief of Police. The Chief of Police may determine if the work in question is either compatible or incompatible and either approve or deny the officer's permission to be employed in the outside employment in question. Total working hours for any officer will not exceed twelve (12) hours per day or seventy (70) hours per week, including those hours devoted to official police duties.
21. No officer shall neglect to pay a just indebtedness within a reasonable time. Garnishments and other legal procedures against an officer will be a violation of this section unless extenuating circumstances exist.
22. Any officer who comes into possession of any knowledge or information regarding any matter which comes under the jurisdiction of the Police Department will be required to act upon and transmit such knowledge or information to the proper authority. Failure to do so will be a violation of this Section.

23. No officer shall deliberately make a false or improper report.
 24. Every officer of the Police Department who shall know of any violation of any rule, regulation, or orders and who shall fail to report such violation to his immediate superior or other proper authority shall be in violation of this Section.
 25. No officer shall negligently control or handle any City property.
 26. No officer or other person shall use a department vehicle or other equipment without the knowledge or permission of his superior officer. No officer will drive a City vehicle outside the City limits unless on official business.
 27. No officer shall report being sick when he is not ill.
 28. No officer shall become involved in conduct which is indecent, lewd, or immoral.
 29. No officer who is married shall engage in a course of conduct with a person of the opposite sex other than his spouse, that is interpreted to be an affair with sexual overtones. Nor shall an unmarried officer engage in a course of such conduct with a married person of the opposite sex.
- C. Two (2) suspensions of any officer may result, on the recommendation of the Chief, in a hearing being conducted before the City Council, who will decide if the officer will be discharged or retained in the same or different capacity.
- D. The Chief may issue a written reprimand to any officer who has violated a rule or regulation, when it is determined that the circumstances of the violation are such that a suspension would not be reasonable.
- E. Right to Appeal.
In all cases of suspension and dismissal, except at the end of a probationary period, the reasons for such action must be presented in a dated, written statement to the employee affected. Upon the employee's dated, written request to the City Mayor, filed within five (5) working days of receipt of the statement of reasons, an employee shall be granted a hearing with the Mayor, said hearing to be held not later than ten (10) days from the date of filing of a request for hearing. The Mayor will then present his findings to the City Council and said Council shall hold a hearing with said employee. Said hearing shall be held not later than thirty (30) days after the date when the employee's written request to the Mayor was filed.

- 206.21 Retirement.
The normal mandatory retirement age for all municipal employees shall be sixty-five (65) years of age. In special cases, work extensions to employees will be granted by the Council, after the age of sixty-five (65), on a year to year basis, except that no employee shall work in any municipal position beyond the age of seventy (70) years. Extensions will be granted beyond the age of sixty-five (65) years only when it is in the best interests of the municipality to do so. Extension requests will be dealt with on the basis of the facts in each individual case. Any employee requesting extension shall demonstrate physical, mental, and emotional fitness to perform his work by way of yearly physical examination. Department heads shall be consulted and any pertinent facts regarding the work performance of the employee requesting an extension of retirement age may be considered in determining disposition of his request. Employee desiring a work extension past the age of sixty-five (65) shall submit the request in writing to the Council not less than six (6) months prior to their sixty-fifth birth date. In the absence of approved work extension, employees shall retire from employment not later than December 31st following their sixty-fifth (65th) birth date.
- 206.22 Seniority.
Seniority (length of continuous service) shall be recognized as a valid criteria for awarding promotions, retaining employees in the event of layoff due to lack of work, rehiring, or laid-off employees and other departmental matters such as vacations, work shifts, overtime, etc., all other qualifications being equal. A current seniority list, based on the original date of hire as a full time employee shall be posted in the City Hall by January 1st, or as soon as practical thereafter of each year. In the event of a job opening, the position shall be clearly described and announced by bulletin in the City Hall at least five (5) days prior to review of applications for the position; and the oldest permanent employee shall be entitled to the first interview for the job.
- 206.23 Severance Pay.
All permanent employees shall be entitled to such severance pay as established from time to time by Council Resolution.
- 206.24 Longevity Pay.
The City shall pay longevity pay as established from time to time by Council Resolution.
- 206.25 Extra Vacation Day.
Any employee who maintains a sick leave balance of one hundred (100) days annually shall receive one (1) additional day's vacation per year.