

AN ORDINANCE REGULATING EMPLOYEE RELATIONS

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

203.01 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, not otherwise preempted by separate union labor agreement.

203.02 Management Rights.

Any term and condition of employment shall remain solely within the discretion of the City of Oak Park Heights to modify, establish or eliminate. The City retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by current collective bargaining agreements, these regulations, and City Council resolutions.

203.03 Ethics of Public Employment.

The proper operation of democratic government requires the actions of public officials and employees to be impartial; that government decisions and policy be made in the proper channels of government structure; that public office not be used for personal gain and that the public have confidence in the integrity of its government. Recognition of these goals established a Code of Ethics as follows for all employees appointed and employed by the City.

- A. Employees shall not use their official position for personal gain, nor shall they engage in any business or transaction or shall have a financial interest, direct or indirect, which is in conflict with the proper performance of their official duties. No employee shall have a financial interest in or personal interest in any legislation before the City Council and participate in discussion or give an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.
- B. Employees shall not, without proper legal authority, disclose to others, or use to further their personal interest, confidential information, as defined by Minnesota Data Privacy Act, acquired in the course of their official duties.
- C. Employees may not engage in outside employment which would conflict with their job or might in any way hinder their objective and impartial performance of

their public duties, embarrass the City government, or impair the efficiency on this job. An employee may not hold an office or position that involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his or her duties as a City employee. Employees shall not hold offices or engage in any regular outside employment without prior notice to and approval by the Department Head. The City Administrator shall not hold an office or outside employment without prior notice to and approval by the City Council.

- D. Employees shall not engage in any outside activity which involves the performance of an act in other than his or her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee or the department by which he or she is employed.
- E. Employees shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- F. Employees shall not, directly or indirectly, during his or her hours of employment, solicit or receive funds or at any time use his or her authority or official influence to compel an employee to apply for membership or become a member of, pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Employees are free to engage in any political activity of their choice provided that it does not conflict with the preceding provision.

203.04 Public Employees Labor Relations Act Adopted.

The policy of the City is to create a work environment that encourages open communication, cooperation, and commitment toward common goals among all employee relations between the City and its employees are guided by the Public Employment Labor Relations Act of 1984, as amended. The Act states:

“Public employees have the right to form and join labor or employee organizations, and have the right not to form and join such organizations.”

- A. An employee whose position is included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act shall be exempt from any provision of an Employee Handbook which is inconsistent with the terms of such agreement.

203.05 Equal Employment Opportunity.

The City of Oak Park Heights strives to provide full and equal opportunities for every person in all areas related to employment, training, promotion, and compensation with the City government. To this end, the City upholds the principle that no individual shall

be discriminated against with respect to compensation, terms, conditions, or other privileges of employment because of race, color, creed, religion, sex, national origin, sexual orientation, marital status, veteran status, source of income, or physical disability, and to any other group or class against which discrimination is prohibited by state or federal law.

Employees who participate in discrimination of any kind are subject to discipline up to and including termination.

Any person who feels that he/she has been discriminated against should contact the City Administrator. Employees and applicants are protected from coercion, intimidation, interference, or discrimination for filing complaints or assisting investigations.

203.06 Appointment Procedure.

A. All appointments to municipal service shall be made according to job-relevant qualifications, merits, and fitness as determined by the City Council and/or the City Administrator. The Appointment Authority shall make appointments to municipal service.

B. The basic recruitment and selection policies of the City are to take whatever measures necessary to seek out and to encourage properly qualified individuals to apply for positions at all levels of City service and to provide assurance that the best qualified applicants are properly inducted into municipal service.

Competition for positions shall be open to applicants who meet the qualifications established for the class of position for which the application is made. No person shall in any way be favored or discriminated against because of race, color, creed, age, marital status, sex, political opinion or affiliation, disability, sexual orientation, or welfare assistance status.

C. In making a selection from among candidates to fill vacancies, the City may use oral, written, performance test, an evaluation of training and experience, or any combination of these.

D. Investigation of background, character, education, experience, or physical fitness may also be required.

E. Outside employment activities.

No employee of the City of Oak Park Heights shall engage in off-duty employment activities with another employer or engage in self-employment activities where that employment or income-generating activity will:

1. Require any degree of commitment or service that will interfere with the employee's duty to render primary, quality service to the City of Oak Park Heights and its residents;
2. Generate any communication to the employee during the business day when that employee is to be engaged in services to the City of Oak Park Heights;
3. Create an actual or perceived conflict of interest with the official duties of the employee;
4. Reflect discredit or derogation upon the employee of the City. The work must not be unlawful in any respect.
5. Police department personnel wishing to engage in off-duty employment/income-producing activities which involve the providing of security services or where the employee will be wearing the uniform of the Oak Park Heights Police Department must first obtain written approval from the Chief of Police in accordance with established department policies, rules and regulations.

F. Employment of Relatives.

The City of Oak Park Heights does not restrict employment of more than one member of a family or persons related by blood or marriage. However, to avoid conflicts of interest, no City employee may take part in decisions to hire, retain, promote, or determine the salary of his/her spouse, family member or blood relative. In addition, no City employee is to be assigned responsibility for supervising and directing the work of his/her spouse, family member, or blood relative.

- G. Appointment to a position in municipal service shall not be construed to be a property right of the employee. All employees are appointed by and serve at the sole discretion of the City Council.

203.07 Physical Examination.

The City may require satisfactory completion of a medical examination upon offer of full-time employment. The exam shall be conducted by a licensed physician designated by the City and shall be paid for by the City.

203.08 Probationary Period.

A six (6) month probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. The City may

end the employment relationship at any time during the probationary period with or without cause or advance notice.

203.09 Organization.

A. Compensation.

1. The City Administrator shall establish and maintain a classification plan to consist of class titles and class specifications. The City Administrator may recommend to the City Council amendments and/or revisions in the plan to provide for new positions and changing conditions. The City Administrator shall keep an updated set of position descriptions for each position in the classification plan.
2. Wages are established by contract with union employees with the City Council. Wages for non-union employees are established annually by the city council with recommendations from Administration.

B. Work Week and Work Days.

1. The hours of work shall be those established by the City for the efficient conduct of City business. The normal workday consists of eight (8) hours. The normal workweek for regular City employees shall be five (5) days, Monday through Friday, and shall consist of forty (40) hours. Employees shall be granted a rest break not to exceed fifteen (15) minutes away from job duties on two (2) separate occasions during each work shift and a one-half hour lunch break. Meal periods are not paid, not included in the computation of overtime, comp. time, or flex time, nor included in the computation of a normal work shift or payroll period. In order to provide for continuity in City operations, the timing of these breaks is subject to the approval of the supervisor in charge.
2. Department heads and supervisory employees are required to put in the time necessary to perform their jobs.
3. The City Administrator may change the working schedules of City employees as needed.

C. Attendance.

Employees are expected to be regular in attendance during all scheduled hours of work. Unsatisfactory attendance, including reporting late and quitting early, may be grounds for disciplinary action. If you suspect you are going to be late for any reason, telephone your supervisor in advance if possible.

D. Appearance.

The dress and appearance of City employees is a direct reflection of the professionalism of our services. City employees are usually in direct contact with the public every day as part of their regular workday. A neat, clean, well-groomed employee will present a positive image of the City and demonstrate the pride our City employees have.

1. Employees are expected to report to work in dress that fits the type of work he or she does and at the same time promote a professional image. Clothing should be neat, clean, and free of rips, tears and patches.
2. Employees reporting to work in attire which, at the discretion of management, is not befitting a professional image, shall be warned that such clothing is not to be worn again. An employee who continues to report to work in inappropriate attire will be sent home to change clothes. The employee will not receive paid hours during this time.
3. The City has instituted a casual Friday dress policy. This policy allows employees to wear more casual attire on Fridays than during the rest of the week, when appropriate. It may not be appropriate to wear casual attire on Fridays when an employee will have professional meetings to attend. This clothing should reflect a positive image of the City of Oak Park Heights.
 - a. Casual includes khaki pants, jeans, appropriate casual tops, and casual shoes.
 - b. Clothes are expected to be clean, free of rips, tears and patches.
 - c. If an employee reports to work dressed in inappropriate casual wear, at the discretion of management, that employee shall be warned that such clothing is not to be worn again. An employee who continues to report to work in inappropriate casual attire will be sent home to change clothes. The employee will not receive paid hours during this time.

E. Telephone Use.

City telephones are in place to conduct official City business. Whenever you use the telephone, you “become the City” by what you say and how you say it.

1. When you receive a call:
 - a. Answer promptly with a smile;
 - b. Identify yourself by giving your name;

- c. Explain when you leave the line, then return promptly;
 - d. Transfer calls only when necessary;
 - e. Give tactful explanations for a co-worker's absence from the office;
 - f. Take accurate messages.
2. When you place a call:
 - a. Be sure of the number;
 - b. Plan your call in advance;
 - c. Identify yourself.
 3. Employees may not charge personal long distance calls to the City. Identification codes are provided to track phone calls of employees, and a long distance call cannot be made without the code.
 4. Local personal telephone calls should be made only when absolutely necessary, and preferably during scheduled rest or lunch breaks.
 5. Excessive personal phone use may be cause for disciplinary action.

F. Use of City Vehicles.

City owned vehicles are to be used only by City employees for official City business. Employees that drive or may be required to drive City vehicles and equipment are responsible for maintaining a safe driving record and for observing all traffic laws.

1. Seat belts must be properly used at all times.
2. Drivers must carry a current, valid driver's license that is adequate for the type of vehicle being driven.
3. Any employee who operates a City vehicle without a valid driver's license will be subject to disciplinary action.
4. Copies of driver's licenses as issued by the State of Minnesota for each employee will be placed on file by the employee with the City Administrator.
5. Passengers may be carried only when necessary to conduct City business and/or whose transportation via City vehicle is, in the opinion of the operator, in the best interest of the City.

6. Employees shall immediately notify their supervisor or the City Administrator of any restriction, suspension, revocation, or other alteration of their driving privileges within the State as may be imposed by the Minnesota Department of Public Safety on their driving privileges.

G. Personal Use of City Property.

City owned equipment and facilities are not available for personal use by employees. Personal use of machinery and tools is prohibited unless prior approval is given by the appropriate department head or City Administrator.

1. Copiers may be used for personal copies; however, copies must be paid for. The price for copies will be established by the City Council through resolution.
2. Personal commercial activity conducted on City telephones is prohibited.
3. Employees provided with a cellular telephone will be required to pay for all personal calls if the base fee is exceeded.
4. City equipment or facilities may be loaned to community or civic organizations. Approval for such use must be obtained from the City Administrator and/or the City Council. A fee may be charged as established by City Council resolution from time to time.
5. Unauthorized removal of City property or its conversion to personal use may be cause for discipline up to and including discharge.

H. Property Damage Reporting.

An employee involved in an incident which results in damage to City property must submit a report of the incident to his or her supervisor within twenty-four (24) hours of occurrence. Vehicle accidents also require a copy of the Minnesota Motor Vehicle Accident Report.

I. Pay Days.

Paydays shall not be later than the 15th and the last day of each month for all regular employees. When a payday falls on a Saturday, Sunday, or a holiday, regular employees shall receive their pay on the preceding workday.

J. Travel Expenses.

1. An employee shall be reimbursed for traveling expenses incurred when traveling on City business, upon the prior approval by the supervisor or City Administrator. Reasonable traveling expenses include mileage reimbursement when an employee uses his/her own vehicle, coach airline

tickets when it is more economical to fly than drive, hotel expenses, and meals while on official City businesses.

- a. In order to receive such reimbursement, an employee must submit the appropriate form to the City Finance Director within a reasonable amount of time after completion of the travel.
2. Mileage reimbursement will be at the rate set by the City Council by resolution.

K. Tuition Reimbursement.

The City of Oak Park Heights finds that it is in the City's best interests of its employees to continue their education and upgrade their skills and training. It shall be the policy of the City of Oak Park Heights to reimburse 100% of an employee's costs for tuition for educational classes subject to the following conditions:

1. Employees must have the approval of their supervisor to take any classes for which reimbursement is requested;
2. Employees must present written proof through a report card or some similar grading system that they have achieved a grade of "C" or higher equivalent;
3. Reimbursement will occur after the employee has presented proof of grade to their supervisor;
4. Education must be job-related.

L. Employment Records.

Employee records are maintained in the City Administrator's office. Laws regarding data privacy are strictly enforced.

M. Access to Personnel Files.

1. The City of Oak Park Heights maintains a personnel file on each employee. The personnel file shall include such information as the employee's job application, resume, documentation of performance evaluations, salary increases, and other employment records.
2. Personnel files are the property of the City of Oak Park Heights and access to the information they contain is restricted. Only management personnel of the City of Oak Park Heights who have a legitimate reason

to review the information in a file are allowed to do so.

3. Employees who wish to review their own file should contact the City Administrator. With reasonable advance notice, employees may review their personnel files in the presence of the City Administrator.

203.10 Overtime/Compensatory Time.

The City of Oak Park Heights has established an 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.

- A. For non-exempt employees, time worked in excess of forty (40) hours in a week is considered overtime and is payable at one and one-half the employee’s regular rate of pay. Vacation, sick leave, and paid holidays do not count towards “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. Compensatory and flex time may also be used by employees with the prior approval of the City Administrator.
- B. The workweek is Sunday morning from 12:00 a.m. to Saturday evening at 11:59 p.m.
- C. The Department head and/or the City Administrator must approve all overtime, except in cases of emergency. An employee who works overtime without prior approval may be subject to disciplinary action.
- D. Overtime earned will be paid at the rate of time and one-half on the next regularly scheduled payroll date, unless the employee and the department head mutually agree in advance that the overtime will be banked as compensatory time in lieu of payment.
- E. Up to forty (40) hours of accrued Comp. time may be cashed in at the end of the calendar year. Compensatory time shall not be carried over from one year to the next.

203.11 Sick Leave.

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

1. 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 forty-eight (148) days of sick leave. After the maximum accumulation is reached, each employee shall earn sick leave at the rate of one-half (1/2) day banked per month sick leave. Banked sick leave shall be used only after the maximum accumulation of one hundred forty-eight (148) is exhausted.

B. When Granted.

Sick leave may be granted at the discretion of the department head or, in his/ her absence, the City Administrator. This leave may be granted only for personal illness or personal legal quarantine, or because of serious illness in the immediate family. Immediate family shall mean: children of the employee, stepchildren of the employee, brother, sister, parent, parents-in-law, or spouse of the employee.

- C. When necessary and upon approval by the City Administrator, up to five (5) days of sick leave with pay shall be used in case of death in the family. The degree of relationship includes spouse, parents, spouse's parents, children, brothers and sisters, brothers-in-law, sisters-in-law, grandparents, grandchildren, and step-children.

D. Proof Required.

In order for an employee to be eligible for sick leave with pay, he/she shall:

1. Report promptly to his/her department head the reason for absence.
2. Keep department head informed of his/her condition if the absence is more than three (3) consecutive days.
3. Submit a physician's written statement to department head, if requested, for any absence exceeding three (3) consecutive days.

E. Penalty.

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

203.12 Vacation.

Vacation shall be earned on a pro-rata monthly accrual:

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|------------------------------|---|
| 1. 0 thru 5 years of service | 10 working days per year
(5/6 day per month) |
|------------------------------|---|

- | | | |
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| 2. | 6 thru 10 years of service | 15 working days per year
(1-1/4 days per month) |
| 3. | 11 thru 15 years of service | 20 working days per year
(1-2/3 days per month) |
| 4. | 16 and over years of service | One (1) additional day per year to a
maximum of 25 days per year |
- A. Employees must take at least five (5) working days of said vacation days consecutively each year.
- B. Vacation time shall be taken in increments of not less than four (4) consecutive hours.
- C. When Taken.
1. After six (6) months of employment, employees shall be authorized to use accumulated vacation benefits.
 2. No employee shall take vacation leave without prior approval of the department head. The department head, upon receipt of such notice and subsequent approval, shall inform the City Administrator of the vacation time.
- D. Accrual.
1. Employees may accrue vacation leave to a maximum of forty (40) working days.
 2. 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 department head and/or City Administrator.

203.13 Terminal Leave.

- A. No sick leave benefits of any kind shall be granted upon termination of employment.
- B. Any employee leaving the municipal service after giving proper notice of such termination of employment, shall be compensated for vacation leave accrued and

unused to the date of separation.

203.14 Leaves of Absence.

Employees of the City of Oak Park Heights may request leaves of absence due to a serious health condition of either a family member or the employee.

A. Intermittent Leave.

Leave can be taken intermittently or on a reduced schedule when such leave is deemed to be medically necessary.

1. The employer may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the intermittent leave than the regular position.
2. All requests for intermittent leave shall be evaluated on a case-by-case basis.

B. Leave without pay.

1. Upon consideration of a formal written request by an employee, a leave of absence without pay may be granted at the discretion of the City Administrator and, in the instance of leave requested by the City Administrator, granted at the discretion of the Council Designee, all based on consideration of the following factors:
 - a. Municipal service needs;
 - b. The employee's performance record and length of service;
 - c. The reason(s) for the request;
 - d. Any other relevant information.
2. If granted, unpaid leave of absence may not exceed beyond a period of ninety (90) continuous calendar days. An extension beyond that period may be granted at the discretion of the City Administrator; however, an unpaid leave of absence shall not exceed one (1) calendar year, except when the employee is in the military service or has been disabled while performing job duties in the municipal service.
3. Benefits including vacation, holidays, sick leave, or other forms of indirect compensation shall not accrue during a period of unpaid leaves of absence. Employees shall not be credited with service accrual while on unpaid leaves of absence. During the first calendar month, or portion

thereof, which an employee begins an unpaid leave of absence, the employee may continue to be covered by group health insurance, but will be responsible for paying one hundred percent (100%) of the premium costs. Any exceptions to this policy will require the approval of the City Council.

4. An unpaid leave of absence shall require the advance written approval of the City Administrator, based upon the recommendation of the employee's department head. Unpaid leaves as it affects the request of the City Administrator through same shall be based upon the recommendation of the Council Designee and require advance written approval of the Council Designee.

C. Parental Leave for School Conferences.

Regular full-time employees may leave up to a total of sixteen (16) hours during any school year to attend conferences or school classroom activities related to the employee's child, provided that the conferences or classroom activities cannot be scheduled during non-work hours. Parental school leave also includes childcare services as defined in Minnesota Statutes.

D. Family and Medical Leave Act.

1. In accordance with the Federal Family and Medical Leave Act (FMLA), unpaid job-protected leave will be granted to all eligible employees (male and female) for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

- a. Birth, adoption, or foster care placement of a child;
- b. To care for a spouse, child, or parent who has a serious health condition;
- c. For a serious health condition that makes the employee unable to perform the functions of the position.

2. Eligibility.

An eligible employee is one who has worked for the City for at least:

- a. Twelve (12) months, and
- b. 1,250 hours during the twelve month period prior to requesting the leave.

3. Length of Leave.
The length of FMLA is not to exceed twelve (12) weeks in any twelve (12) month period. The entitlement to FMLA Leave for the birth or placement of a child expires twelve (12) months after the birth or placement of the child.
4. Leave Year.
The leave year shall commence the first day the employee is absent from work on FMLA Leave.
5. Substitution of Paid Leave Time.
An employee may request, or the employer may require that the employee substitute accrued sick leave or vacation time for all or part of a family/medical leave taken for any reason.
6. Notice.
 - a. The employee is to give notice of at least thirty (30) days prior to the date on which leave is to begin. If thirty (30) days notice cannot be given, the employee must give as much notice as practicable.
 - b. If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable explanation for the delay, the leave will be denied until thirty (30) days after the employee provides notice.
 - c. Notification for request for family/medical leave must be submitted in writing.
 - d. The employee must submit medical certification to support a request for leave because of a serious health condition of a child, spouse, or parent of the employee. A "Certification of Physician or Practitioner" form can be obtained from the Administration Department. It is to be completed by the attending physician or practitioner and submitted to the City Administrator within fifteen (15) days after requested, or as soon as it is reasonably practicable.
 - e. The City may require a second or a third opinion at the City's expense.

- E. Jury Duty.
A City of Oak Park Heights employee required to serve as a juror or under

subpoena as a witness in court shall be granted a leave of absence while serving in such capacity.

1. Such employee shall receive the amount of the difference between the employee's regular salary and jury duty pay or fees received for service. An employee shall assign the jury duty pay, less pay received for mileage and expenses, to the City and the City shall pay the employee their regular salary for the time served as a juror.
2. An employee cannot receive more than the employee's normal take-home pay as a result of any City pay supplement to jury duty pay.
3. If the jury is dismissed prior to the end of the employee's work day, the employee shall report to work if practicable.

F. Military Leave.

The City of Oak Park Heights complies with the laws of the State of Minnesota regarding leaves of absence for military duty. Reference 1971 Minnesota Attorney General's opinion.

1. Upon return from military leaves of absence, a regular employee shall be reinstated to the employee's former position or to a position of like status and pay, provided that the employee is competent to perform all duties of the position to which assigned. If the position which employee formerly held no longer exists, the employee shall be reinstated to position of like status and pay, provided that it is practicable to do so and that the employee is competent to perform all duties of the position to which assigned.
2. Employees eligible to receive military leave compensation while participating in required training exercises shall be compensated as required by Federal and State regulations.

203.15 Deferred Compensation.

Regular full-time employees are eligible to participate in the Deferred Compensation Plan. This voluntary supplemental retirement plan allows employees to have part of their annual salary withheld and invested for payment to the employee upon termination or retirement. The deferred amount and the interest earned on the investments are not subject to current State and Federal income tax. When the employee receives the money, it will be taxed as ordinary income based on regular W-4 withholdings. The City's Deferred Compensation Plan is regulated by the Internal Revenue Service (IRS 457).

Employees may defer a percentage of their salary, up to an IRS regulatory maximum, in

any one calendar year. Prior to retirement, employees may defer an additional amount under a catch-up provision pursuant to IRS regulation.

203.16 Safety.

The personal safety and health of each employee of the City of Oak Park Heights and the prevention of occupationally induced injuries and illnesses is of primary importance. To the greatest degree possible, the City seeks to maintain a safe and hazard-free work environment.

A. Employees are required to:

1. Immediately report to supervisor all unsafe equipment, practices, or procedures which pose a threat to the safety of employees or others;
2. Cooperate with and assist in the investigation of accidents to identify the causes and to prevent recurrence;
3. Observe and promote safe work habits;
4. Report injuries to supervisor immediately.

B. On The Job Injury.

An employee who is temporarily disabled from work by an injury or illness sustained in a performance of the employee's work with the City may be eligible for Workers' Compensation subject to the provisions of the State of Minnesota's Workers' Compensation Law.

1. An employee who becomes eligible to receive Workers' Compensation will receive full base pay, less compensation received from any other source (including Workers' Compensation and/or disability insurance) 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 (12) months pay without loss to any accrued sick leave or vacation, provided the injury is of the nature which is covered by Workers' Compensation.

203.17 Insurance Benefits.

A. Health Insurance.

The City of Oak Park Heights provides full-time regular employees with a comprehensive hospital and major medical group health insurance plan. The City pays a portion of the premium for employees and their dependents. The

employee portion of the premium is deducted from the employee's paycheck.

1. Pursuant to applicable state and federal law requirements, employees who terminate employment with the City for any reason other than retirement may be eligible to continue with the group health care program. Changes in family status, eligibility for Medicare, or death of a spouse may also warrant continuing coverage. The employee must pay the premiums for this continuation of coverage.
2. Employees who retire and are receiving retirement benefits are eligible to continue the group health care program and shall be responsible for the premium cost.
3. Employees on an unpaid leave of absence are responsible for the full payment of insurance premiums and are required to maintain the same level of health insurance coverage while on unpaid leaves of absence that was in effect prior to the leave.

B. Life Insurance.

The City provides full-time regular employees with group term life insurance with accidental death and dismemberment coverage in the amount of \$50,000.00.

(The amount of life insurance provided may vary according to the labor agreement.)

1. In compliance with state and federal law, employees who terminate their employment with the City may be eligible to continue the group term life insurance program at the employee's expense.
2. Employees who retire and are receiving retirement benefits are eligible to continue group life insurance benefits at the employee's expense.
3. Employees on unpaid leaves of absence may retain insurance coverage at their own expense.
4. Contact the Finance Department for additional information.

C. Disability Insurance.

The City provides full-time regular employees with long term disability insurance.

203.175 Section 125 Flexible Benefits Plan

All regular full-time employees who have completed their specified probationary period

are eligible to participate in the City's "Section 125 Flexible Benefits Plan". This voluntary, employee funded flexible benefits plan as authorized by the Internal Revenue Service (IRS), allows employees to dedicate a portion of their earnings, pre-tax, into a special fund from which they can withdraw to purchase authorized goods and services. The City's maximum allowable annual contributions and withdrawals per employee under this program shall be \$5,000 for dependant care and \$3,000 medical/health reimbursements. The City shall follow all rules relating to this program as authorized by the IRS and per the terms of the City's Flexible Benefits Plan document. Should the availability of the Section 125 Flexible Benefits Plan program be effectively eliminated by the IRS or should the costs of managing the program or the benefits received not be in the best interests of the City, the City specifically reserves the right to terminate the flexible benefits plan at the completion of the current term year.

203.18 Holidays.

The following twelve (12) holidays will be observed as paid holidays for City employees:

- A. New Year's Day
- B. Martin Luther King, Jr. Day
- C. President's Day
- D. Memorial Day
- E. Independence Day
- F. Labor Day
- G. Veteran's Day
- H. Thanksgiving Day
- I. Day after Thanksgiving Day
- J. Christmas Eve
- K. Christmas Day
- L. Floating Holiday (for employee to schedule)

No City business shall be transacted on any holiday, except in cases of necessity.

203.19 Sexual Harassment Policy.

The City of Oak Park Heights intends to maintain a work environment free of sexual harassment, a form of sex discrimination prohibited by law. Sexual harassment demeans people and creates unacceptable stress for the entire organization. The City will not tolerate sexual harassment of its employees by any person: employees, elected officials, or members of the public.

A. Definitions.

- 1. Unwelcome or unwanted sexual advances such as, but not limited to: patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable

by another individual.

2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status.
 3. Verbal abuse or kidding that is sex-orientated and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are clearly unwanted and considered offensive by others or any other tasteless, sexually-orientated comments, innuendoes or actions that offend others.
 4. Creating a work environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts or attentions.
- B. An employee who believes they have experienced sexual harassment or who know of conduct they believe might constitute sexual harassment toward an employee must report such alleged harassment to their supervisor, another supervisor, or the City Administrator. The supervisor who receives the report should inform the City Administrator in confidence as soon as possible. A supervisor who becomes aware of sexual harassment but fails to take immediate action against it will be subject to discipline. Failure to take immediate action against believed harassment is viewed by the courts as condoning the behavior.
- C. A prompt and confidential investigation will be conducted by the City and fair consideration will be given to all the facts presented. Any supervisor, manager or employee who has been found, after appropriate investigation, to have sexually harassed another employee will be subject to appropriate disciplinary action, up to and including termination. During the course of the investigation, should the City Administrator determine that the nature of the allegations and the circumstances warrant, the City Administrator has the authority and may suspend, with pay, the employee who is alleged to have violated the Sexual Harassment Policy of the City pending the completion of the investigation.
- D. It is a violation of the law for any supervisor or employee to retaliate against a person who files a sexual harassment complaint.
- E. Grievance Procedure. Should any employee determined by the supervisor and/or the City Administrator to have committed an act of sexual harassment within the workplace of the City of Oak Park Heights desire to grieve or challenge the determination, all such grievances shall be conducted where the employee is

represented by and through a union contract to follow the union contract grievance procedure. As to all other employees of the City of Oak Park Heights, upon the filing of a grievance by the employee relative to the determination of sexual harassment found by the Office of the City Administrator, the City Administrator shall secure the services of an outside City Administrator to review investigative reports and determinations on the matter as found by the Office of the City Administrator of the City of Oak Park Heights and determine whether or not the findings so made by the Administrator and sanctions imposed are consistent and reasonably sustained by the facts and circumstances attendant to the matter; and, also, review whether or not the discipline invoked by the Office of the City Administrator of the City of Oak Park Heights is reasonable under the circumstances presented.

203.20 Workplace Violence Policy.

The City of Oak Park Heights seeks to provide a safe and secure workplace environment for employees, volunteers, vendors, and citizens. Violence, or the threat of violence has no place in any City of Oak Park Heights facility.

- A. This policy addresses the City's commitment to preventing the potential for violence in and around the workplace and to fostering a work environment of respect and healthy conflict resolution.
- B. Many City employees may be exposed to violence by the nature of their jobs. Violence, or the threat of violence, by or against any City employee or other person while at a City of Oak Park Heights workplace is unacceptable and may subject the individual to serious disciplinary action and/or criminal charges.
- C. The City of Oak Park Heights will take every reasonable action to protect the life, safety and health of employees and will provide as rapid and coordinated a response as possible to violence or threats of violence at any worksite.
- D. Possession, use, or threat-of-use of an object which could be considered a dangerous weapon, including all firearms, is not permitted at the workplace or on City property, including City vehicles, unless such possession or use is an approved requirement of the job.
- E. The City of Oak Park Heights is committed to providing a workplace environment in which all its officials and employees treat each other, their customers and clients, and all others with courtesy, dignity, and respect.
- F. Under circumstances where it is alleged that violence or the threat of violence has occurred within the City of Oak Park Heights by and between employees of the City, a prompt and confidential investigation shall be conducted by the Office of the City Administrator and fair consideration should be given to all the facts

presented. Any supervisor, manager or employee who has been found after appropriate investigation to have committed an act of violence or made a threat of violence to another employee within the City of Oak Park Heights shall be subject to appropriate disciplinary action up to, and including, termination. The Office of the City Administrator has the discretion to invoke a paid suspension during the course of the investigation for any employee alleged to have committed an act of violence within the City of Oak Park Heights, or alleged to have threatened violence to another employee within the City of Oak Park Heights.

- G. Grievance Procedure. Should any employee determined by the supervisor and/or the City Administrator to have committed or threatened an act of violence within the workplace of the City of Oak Park Heights desire to grieve or challenge the determination, all such grievances shall be conducted where the employee is represented by and through a union contract to follow the union contract grievance procedure. As to all other employees of the City of Oak Park Heights, upon the filing of a grievance by the employee relative to the determination of the commission of a threat of violence or an act of violence found by the Office of the City Administrator, the City Administrator shall secure the services of an outside City Administrator to review investigative reports and determinations on the matter as found by the Office of the City Administrator of the City of Oak Park Heights and determine whether or not the findings so made by the Administrator and sanctions imposed are consistent and reasonably sustained by the facts and circumstances attendant to the matter; and, also, review whether or not the discipline invoked by the Office of the City Administrator of the City of Oak Park Heights is reasonable under the circumstances presented.

203.21 Drug and Alcohol Policy.

It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce, free from the effects of drug and alcohol abuse in compliance with the requirements of the Federal Drug-Free Workplace Act of 1988 and applicable State law.

The City recognizes drug and alcohol abuse a potential health, safety, and security problem. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

- A. Employees are required to report to work on time and in appropriate mental and physical condition for work.
- B. No employee shall be under the influence of any drug or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment, except to the extent

authorized by a valid medical prescription.

- C. Unless specifically authorized as part of the employee's work duties, no employee shall use, possess, manufacture, distribute, dispense, sell, or transfer drugs, alcohol, or drug paraphernalia while the employee is working for or while the employee is on the employer's premise or operating the employer's vehicle, machinery, or equipment, except to the extent authorized by a valid medical prescription. The sale of alcohol which is part of an employee's job duty is an exception to this policy.
- D. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- E. To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug-free awareness program and fulfills the notification requirements of the Federal Drug-Free Workplace Act of 1988. The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.
 - 1. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees of the City. Nothing set forth in this policy is intended to conflict with state law.
 - 2. As a condition of employment, each and every employee of the City must abide by the terms of this policy and must report in writing any instance of the employee's own conviction under a criminal drug statute for a violation occurring on or off work premises while conducting City business.
 - 3. Any such conviction must be reported to the employee's supervisor or to a person designated by the City Council within five (5) days after the conviction as required by the Federal Drug-Free Workplace Act of 1988. The City shall notify the appropriate federal agency of such conviction within ten (10) days of receiving notice from the employee.
- F. An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is

appropriate.

G. Drug and Alcohol Testing.

1. Purpose.

The purpose of this policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota Statute 181.950 through 181.957.

2. Scope.

This drug and alcohol testing policy applies to all employees of the City and to all full time and part time (non-seasonal) job applicants who have received a contingent offer of employment by the City.

3. Definition.

For purposes of the Policy, the following definitions will apply:

- a. "Alcohol" is ethyl alcohol.
- b. "Confirmatory Test" and "Confirmatory Retest" is a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Section 181.953, Subd. 1.
- c. "Conviction" is a finding of guilty (including a plea of "nolo contendere") or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of state or federal criminal drug statutes.
- d. "Drug" is a controlled substance as defined in Minnesota Statute 152.01, Subd. 4 and/or if required by law, the Federal Drug Free Workplace Act of 1988.
- e. "Drug and Alcohol Testing," "Drug or Alcohol Testing," and "Drug or Alcohol Test" are analyses of a body component sample according to the standards established under one of the programs listed in Section 181.953, Subd. 1 for the purpose of measuring the presence or absence of drugs, alcohol, or other metabolites in the sample tested.
- f. "Drug Paraphernalia" is an item or items described in Minnesota Statutes 152.01, Subd. 18.
- g. "Employee" is a person defined as an employee of the City under the State of Minnesota Public Employment Labor Relations Act in

Section 179A.03, Subd. 14.

- h. “Employer” is the City of Oak Park Heights, Washington County, Minnesota acting through the designees of the City Council.
 - i. “Initial Screening Test” is a drug or alcohol test which uses a method of analysis under one of the programs listed in Section 181.953, Subd. 1 and which is capable of detecting the presumptive presence of a drug, drug metabolite, or alcohol in a sample.
 - j. “Job Applicant” is a person, independent contractor, or person working for an independent contractor who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug and alcohol testing.
 - k. “Premises” are all property and locations in which the City is operating or has established a presence.
 - l. “Positive Test Result” is a finding of the presence of drugs, alcohol, or their metabolites in a sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Section 181.953. Subd. 1. An alcohol test will be considered positive if the employee being tested has an alcohol concentration level of at least .05 or a lesser level if it is accompanied by an odor of an alcoholic beverage or signs of physical impairment in violation of the City’s Personnel Policy. A residue amount of alcohol will be considered a positive test result only if accompanied by a violation of the City’s personnel policies.
 - m. “Reasonable Suspicion” is the basis for forming a belief based on specific facts and rational inferences drawn from those facts.
 - n. “Safety-Sensitive Position” is a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.
 - o. “Under the Influence” is having the presence of a drug or alcohol at or above the level of a positive test result.
4. Circumstances under which testing may occur:
Any employee or job applicant of the City may be tested under the

following circumstances:

- a. Job Applicant.
A job applicant shall be requested or required to undergo drug testing after a job offer has been conditionally made and before commencing employment in the position. Alcohol testing will not be a part of a post-offer pre-employment physical examination.
- b. Treatment Program Testing.
The City may test any employee referred by the City for chemical dependency treatment or evaluation at any time and without prior notice during the period of treatment or evaluation and for up to two (2) years following completion of any prescribed chemical dependency treatment or evaluation program in accordance with Minnesota Statutes 181.951, Subd. 6.
- c. Reasonable Suspicion Testing.
No employee will be tested for drugs or alcohol under this policy without the person's consent. If, however, the City asks an employee to undergo a drug or alcohol test and the employee refuses, the employee may be subject to disciplinary action.
- d. The City may request or require an employee to undergo drug or alcohol testing if the employer has a reasonable suspicion that the employee:
 - 1) Is under the influence of drugs or alcohol:
 - 2) Has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicles, machinery, or equipment.
 - 3) Has sustained or cause another person to sustain a work-related personal injury; or
 - 4) Has caused a work-related accident or was operating or helping to operate machinery, equipment, or a vehicle involved in a work-related accident.
- e. Random Testing and Testing without Prior Notice
Random testing may be given without prior notice during regularly scheduled work hours to those employees who are in

“safety sensitive” positions including any supervisory or management positions in which an impairment caused by drug or alcohol use would threaten the health or safety of any person. Under the random selection process, there is an equal probability that an employee in a safety sensitive position subject to the selection mechanisms will be selected for testing. The City does not have discretion to waive the selection of any employee chosen on a random selection basis.

- f. The City declares that all Police Department positions, (including but not limited to sworn, unsworn, union, non-union, supervisory and management positions) are hereby designated as “safety sensitive” positions.
 - g. The City declares that all Fire Department positions, (including but not limited to sworn, unsworn, union, no-union, supervisory and management positions) are hereby designated as “safety sensitive” positions.
 - h. The City declares that all Public Works Maintenance positions, (including but not limited to sworn, unsworn, union, non-union, supervisory and management positions) are hereby designated as “safety sensitive” positions.
 - i. Testing without prior notice may be given to employees who have been referred by the City for chemical dependency treatment or evaluation or who are participating in a chemical dependency treatment program under an employee benefit plan or have participated in such a chemical dependency treatment program in the prior two (2) years.
5. Criteria for Selecting Testing Laboratories for Drug Testing:
In accordance with Minnesota Statutes 181.953, Subd. 1, the City shall use the services of a testing laboratory that meets such applicable criteria as established under Minnesota law.
6. Refusal to Undergo Testing.
- a. Job Applicants.
Job applicants may refuse to undergo drug testing. However, if a job applicant refuses to undergo drug or alcohol testing requested or required by the City of Oak Park Heights, no such test shall be given, and the job applicant shall be deemed to have withdrawn

the application for consideration of employment.

b. Employees.

Employees may refuse to undergo drug testing. However, if an employee refuses to undergo drug and alcohol testing carried out in conjunction with this policy, the employee may be subject to discipline including, but not limited to, discharge.

7. Tampering with the Urine or Blood Sample.

If an employee tampers with his or her own urine or blood sample, or in any way deliberately causes a sample to be invalid, the employee may be subject to discipline including, but not limited to, discharge.

8. First Failure to Pass Drug and Alcohol Testing.

Without evidence of any other misconduct, any employee who for the first time has a positive test result on a confirmatory test will not be subject to discipline, including but not limited to discharge, unless:

- a. The City has given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency; and
- b. The employee has either refused to participate in such a program or has failed to successfully complete the program within a reasonable time as evidenced by withdrawal or a positive test result on a confirmatory test after completion of the program.

9. Failure to Pass Drug and Alcohol Testing Generally.

a. Initial Screening Test (Employee)

The City will not discharge, discipline, discriminate against or require rehabilitation of an employee solely on the basis of a positive Initial Screening Test that has not been verified by a Confirmatory Test. However, the City may temporarily suspend a tested Employee whose test results are positive or transfer the Employee to another position at the same rate of pay pending the outcome of the Confirmatory Test (and, if requested, a Confirmatory Retest) if the City believes it is necessary to protect the health or safety of the employee, co-workers, or the public. An employee who is suspended without pay will be reinstated

with back-pay if the outcome of the Confirmatory Retest is not positive. Requests for such a Retest must be made in writing within five (5) days of the Employee's receipt of notice of the retest results. An employee who receives a positive test result on a Confirmatory Test and does not request, in writing, a Confirmatory Retest within five (5) working days after notice of positive confirmatory test results, may be subject to discipline including, but not limited to discharge subject to the provisions of this policy.

b. Initial Screening Test (Job Applicant).

The City will not withdraw a conditional offer of employment on the basis of a positive test result on a job applicant's Initial Screening Test (and a Confirmatory Retest, if requested) before a conditional offer of employment can be withdrawn. A job applicant who receives a positive test result of a Confirmatory Test, fails or refuses a Confirmatory Retest, or does not request in writing a Confirmatory Retest within five (5) working days after notice of a positive test result of a Confirmatory Test, may be refused employment and will be notified of the reasons for such refusal.

c. Confirmatory Test.

Discipline for a Confirmatory Test verifying a positive test result on an Initial Screening Test may include discharge of an employee; provided, however, that prior to discharge, the employee is given the opportunity to explain a positive test result and request and pay for a Confirmatory Retest on the original sample. If the Confirmatory Retest is not positive, no action will be taken against the employee. If the Confirmatory Retest is positive, and if it is the first positive retest result for the employee, the employee will not be terminated if the employee elects to participate, at the employee's own expense, in a drug or alcohol treatment or rehabilitation program, whichever is appropriate. An employee who either refuses to participate in the treatment or rehabilitation program (as evidenced by withdrawal of the program before its completion or by a positive test result on a Confirmatory Test during or after the completion of the program), may be subsequently discharged.

10. Rights of Employee or Job Applicant.

- a. An employee or job applicant who receives a positive test result on a Confirmatory Test has the right to receive a copy of the test

result report and, within three (3) working days of notice of the original positive Confirmatory Test result, to submit information to the City in addition to any information already submitted to explain that result, or within five (5) working days to notify the City in writing of the employee's intention to obtain a Confirmatory Retest of the original sample of the employee's or job applicant's own expense.

- b. If the Confirmatory Retest is conducted in accordance with rules established by the Commissioner of the Minnesota Department of Health by a qualified laboratory and if it is not positive, the City shall reimburse the employee or job applicant for the actual cost of the Confirmatory Retest in an amount not to exceed \$10,000 and no adverse personnel action shall be taken against the employee or job applicant based on the original Confirmatory Test.

11. General Testing Procedures.

All testing will be performed by a licensed laboratories that certifies its compliance with the requirements of Minnesota Statutes 181.95 et.seq. When the City decides to test for drug or alcohol use on any of the grounds, the following procedures shall apply:

a. Initial Screening Test

1) Acknowledgement.

Before the Initial Screening Test, the employee or job applicant shall be informed of the City's testing policy and given a form on which the employee or job applicant can acknowledge being so informed. The form shall allow the employee or job applicant to indicate any medication (prescription, signed for, or over-the-counter) that the individual is currently taking or has recently taken and other information relevant to the reliability of or the explanation for a positive test result. Medical information disclosed on the form shall not be used as the basis for any adverse personnel action.

- 2) If the Initial Screening Test produces a negative result, written notice of such result will be given to the individual who took the test within three (3) working days after the City receives the test result report. The employee or applicant will also be notified that they have the right to

request and receive a copy of the test report.

- 3) The testing laboratory will perform a Confirmatory Test on all samples that produce a positive test result on the initial Screening Test.

b. Confirmatory Test.

If the Initial Screening Test produces a positive test result, a second test (known as the Confirmatory Test) will be conducted by the laboratory. If the Confirmatory Test is not positive, the City will send written notice of this fact to the employee or job applicant within three (3) working days after receiving the result.

If the Confirmatory Test produces a positive test result, the City will take the following steps:

- 1) The City will send written notice of the positive test result within three (3) working days after receiving it to the employee or job applicant.
- 2) The employee or job applicant will be informed of the right to receive a copy of the test result.
- 3) The employee or job applicant will be told of the right to explain the positive result.
- 4) The employee or job applicant will be informed of the right to request a Confirmatory Retest of the original sample at the employee's or job applicant's expense. The employee or job applicant has five (5) working days in which to notify the City of this request in writing.

c. Confirmatory Retests.

After an employee or job applicant chooses to request a Confirmatory Retest, the employee or job applicant has five (5) working days within which to notify the City of this request in writing. Within three (3) days of the receipt of such request, the City will notify the original testing laboratory that it is to conduct a Confirmatory Retest or transfer the sample to another certified laboratory for retesting. If the Confirmatory Retest does not confirm the original positive test result, no adverse personnel action will be taken by the City. If the Confirmatory Retest is positive, the City may withdraw its conditional offer of employment to a job applicant or terminate an employee if such

an employee chooses to participate in a chemical dependency treatment or evaluation program.

d. Data Privacy.

Test result reports and other information acquired in the drug and alcohol testing process are private data on individuals as defined in Minnesota Statutes, Chapter 13, and may not be disclosed to another employer or to a third party individual, governmental agency, or private organization without the written consent of the employee or applicant tested, unless otherwise permitted by law or required by court order. (See Minnesota Statute 181.954, Subd. 2.)

12. Other Misconduct.

Nothing in this policy limits the right of the City to discipline or discharge an employee on grounds other than a positive test result in a Confirmatory Test. For example, possession but not consumption of a controlled substance, the sale of a controlled substance on City premises, or conviction under any criminal drug statute for a violation occurring in the workplace, may by themselves, be grounds for discipline or discharge.

Any City employee may be subject to discipline up to and including termination for violation of this policy or any rules adopted by the City with respect to the manufacture, use, sale, or transfer of drugs and alcohol.

13. Administrative Responsibility.

- a. The City Council shall be responsible for implementing this Policy.
- b. Each employee of the City shall acknowledge in writing their notification of this policy.
- c. Nothing set forth in this Drug and Alcohol Policy is intended to conflict or interfere with the terms of a Collective Bargaining Agreement, if any, between the City and its employees.

203.22 Resignation.

Any employee wishing to leave the municipal service of the City of Oak Park Heights in good standing shall file a written resignation with the City Administrator at least fourteen (14) days before leaving. The written resignation shall state the effective date of the resignation and the reasons for leaving.

- A. 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) consecutive working days or more may be considered by the City Administrator as a resignation without benefits.

203.23 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 do occur. When any grievance comes or is directed to the attention of a supervisor or the City Administrator, they shall promptly discuss all relevant circumstances with the employee. As appropriate, the supervisor shall attempt to resolve the grievance immediately. If unable to adequately address and resolve the grievance, the supervisor is to contact the City Administrator for resolution.

- A. Dismissal.
Employees subject to the provisions of this Ordinance may be dismissed from the municipal service of the City of Oak Park Heights by the City Council or the City Administrator for just cause. Demotions or dismissals from municipal service will be subject to Veteran's Preference legislation.
- B. Right to Appeal.
In all cases of suspension and dismissal, except at the end of the six (6) month probationary period, the reasons for such action must be presented in a dated, written statement to the employee. Upon the employee's dated, written request to the City Administrator, file within five (5) working days of receipt of the statement of reasons, an employee shall be granted a hearing before the City Council. Said hearing is to be held no later than ten (10) days from the date of filing of an employee request for a hearing.

203.24 Retirement.

Employees for the City of Oak Park Heights may work until they can no longer perform the essential functions of the job.

- A. PERA.
For most employees, the Public Employees Retirement Association (PERA) is a mandatory program authorized by state law to supplement social security retirement benefits for certain public sector employees. Under this plan, a percentage of an employee's salary is automatically deducted from your paycheck and an additional percentage is contributed by the City of Oak Park Heights. These percentages are established by state law. The funds are

forwarded to PERA and credited to the employee's account.

1. If an employee leaves employment with the City of Oak Park Heights before retirement and they desire to withdraw the amount they have contributed to PERA (employees may not receive the portion paid by the City; it remains with PERA), the employee may request such a refund, usually with interest. Withdrawal forfeits any potential retirement payments which the contributions may have earned the employee. To be eligible for PERA benefits, employees must be a member for the minimum number of years required under current PERA regulations.
2. Each year, employees will receive correspondence from PERA detailing contributions and other pertinent retirement information. Employees should review the yearly information carefully to keep up-to-date on the benefits accrued through the retirement fund.
3. For additional information, contact the Finance Department.

203.25 Seniority.

- A. Seniority shall be determined by the employee's length of continuous employment with the City and posted in an appropriate location. Seniority rosters may be maintained by the City on the basis of time in grade and time within a specific classification.
- B. During the probationary period, a newly hired or rehired employee may be discharged at the sole discretion of the City Council. During the probationary period, a promoted or re-assigned employee may be replaced in his/her previous position at the sole discretion of the City Council.
- C. A reduction of the work force occurring within any job classification will be accomplished on the basis of seniority within the job class. Employees shall be recalled from layoff on the basis of seniority. An employee on layoff shall have an opportunity to return to work within two (2) years of the time of his/her layoff before any new employee is hired.
- D. Vacation period shall be selected on the basis of seniority until March 15th of each calendar year.
- E. Seniority shall prevail. Senior qualified employees shall have first preference on the job.

203.26 Severance Pay.

Employees who have completed ten (10) years of service with the City shall be entitled to fifty (50%) percent of the unused sick leave as severance pay, such payment not to exceed seventy-five (75) days maximum upon retirement or if they become disabled so they must terminate their employment. In the case of death, their beneficiary shall be entitled to their severance pay, such payment not to exceed seventy-five (75) days maximum.

203.27 Extra Vacation Pay.

Employees who maintain a sick leave balance of one hundred (100) days annually shall receive one (1) additional day's vacation per year.

203.28 Longevity Pay or Incentive Pay.

Each employee will be given the choice between longevity pay and incentive pay, above base pay. Once a choice has been made, however, that employee may not change to the other additional pay program.

A. Longevity Pay.

If so chosen, and based on the satisfactory performance of assigned duties, such employees shall be entitled to longevity pay, above base pay, as follows:

- | | |
|------------------------------------|------------------------|
| 1. After four (4) years of service | 3% of salary per month |
| 2. After eight (8) years | 5% of salary per month |
| 3. After twelve (12) years | 7% of salary per month |
| 4. After sixteen (16) years | 9% of salary per month |

B. Incentive Pay.

If so chosen, employees shall be entitled to an educational and wellness incentive pay as established by the City Council. This additional pay is determined by participation in and completion of higher education and a health and wellness program as determined by the City Council.

203.29 Employee Contributions to Charitable Organizations

A. Policy

The City of Oak Park Heights recognizes the community impact of non-profit charitable service organizations that provide benevolent programs and services to its citizens and surrounding area. Employees of the City of Oak Park Heights may desire contribute to registered combined charitable organizations directly from payroll, as defined in MN State Statute 309.50. The employee desiring to make a payroll contribution must provide written documentation to the City Payroll Department specifying the charitable organization and the requested amount to be deducted each pay period from their net paycheck (post-tax).

These funds shall be held in a liability account and paid out annually at the end of the year or periodically as determined by the City, to the charitable organization, any returned funds will be sent to a local charitable organization of the City's choice.

B. Guidelines

1. For each charitable organization an employee wishes to contribute to, they must provide a copy of the organization's 501 (c) 3 determination letter. This determination letter must demonstrate that the organization meets the following requirements:
 - Does not discriminate with respect to those classes of people protected by law;
 - Is governed by a voluntary board of directors serving without compensation, except for governmental units;
 - Makes available to the general public, on request, copies of its annual report, including its most recent financial statement:
2. Employee involvement in charitable donations is strictly voluntary.
3. Any and all payroll deductions are post tax deductions.
4. The City reserves the right to terminate this policy and ordinance at anytime.
5. At no time shall the City be responsible to provide funding to any organization, all funds shall be derived from the employee.
6. The City will not process financial contributions to organizations considered by the City to be inconsistent with stated policies and guidelines.

Amended in whole: February 23, 1999

Amended: Section 203.09 K. Passed January 25, 2000.

Amended in whole: Passed February 26, 2002

Amended: Section 203.175 added. Passed December 28, 2004
Amended: Section 203.29 added. Passed December 27, 2007