

# CITY OF LITTLE CANADA PERSONNEL POLICY

## TABLE OF CONTENTS

	<u>Page No.</u>
Introduction	1
Mission	2
Scope of Policy	3
Definitions	4
Hiring	
Applications for Employment	5
Appointments	5
Physical Examination	6
Veteran's Preference	6
I-9 Verification	6
Employee's Responsibilities	
General Policy	7
Employees Are Required To	7
Learning and Evaluation Period	
Purpose	8
Procedure	8
Hours of Work	
Work Schedules	9
Rest Periods	9
Lunch Breaks	9
Compensation	
Pay Period	10
Preparation of Payrolls	10
PERA and Social Security	10
ICMA-RC	11
Medical/Dependent Care Flexible Spending	11
Health Savings Account (HSA)	11
Post Employment Health Care Savings Plan	11
Overtime & Compensatory Time	12
Pay for Emergency On-Call Duty	13
Performance Reviews	14

Insurance Benefits	
Health Insurance Availability	15
Opt-Out Program	15
Cobra	16
Long-Term Disability Coverage	16
Life Insurance Coverage	16
Continuation of Insurance Benefits	16
Other Insurance Benefits – Short Term Disability (STD)	
Purpose	17
Eligibility	17
Definition of a Disability	17
Requesting STD/Filing a Claim	17
Commencement & Length of Benefit	18
Amount of Benefit	18
Status of City Benefits	18
Return to Work	18
Paid Time Off (PTO)	
Purpose	19
Eligibility	19
PTO Leave Accrual Schedule	19
Maximum Accumulation	20
Exceptions	20
Procedures	20
Use of Deferred Sick Leave Hours	21
Conversion of Deferred Sick Leave Hours to PTO	22
Employees on Short Term Disability	22
PTO Pay-Off at Termination of Employment	22
PTO Donation	22
Other Leaves With Pay	
Holidays	25
Funeral Leave	26
Jury and Witness Duty	27
Leaves Without Pay	
Parenting Leave	28
Emergency Leave	28
Leaves of Absence	28
Leaves Due to Weather Conditions	28
Military Leave	29
Computer Use	
Purpose	30
Equipment Use	30
E-Mail Use	30

Internet Use	30
Data Management, Integrity & Protection	30
City's Right to Access Data	31
Consequences of Violations	31
Other Information	
Copy Machine Use	32
Equipment and Machinery Care	32
Falsification and Destruction of Records	32
Keys and Other Equipment	32
News Releases	33
Outside Employment	33
Personal Telephone Calls	33
Reference Checks	34
Personnel Record of Employees	34
Travel Allowance	34
Use of Staff Vehicles	35
Lawsuit	35
Child Support	35
Receipt of Gifts and Other Gratuities	35
Multi-Department Head Status	36
Educational Reimbursements	37
Fire Department Volunteers	38
Non-Disciplinary Separation	
Resignation	39
Severance Pay	39
Lay-Offs	40
Disciplinary Action	
General Policy	41
Disciplinary Action Steps	41
Other Disciplinary Actions	42
Hearing	42
Major Work Rule Offenses	43
Grievance Procedure	45
Smoking Policy	46
Alcohol and Psychoactive Drug Policy	47
Alcohol and Drug Use and Testing Policy For Safety-Sensitive Drivers	48
Harassment Policy	60

Worker's Compensation	61
Right to Know	62
Safety Policy	63
Political Activity	64
Suggestion Procedure	65
Uniform Policy	67
Employee/Council Sunshine Fund	68
Severability	69
Social Media Policy	70
WorkFlex Policy	75

## SECTION 1 - INTRODUCTION

It is the purpose of this personnel policy to establish uniform and equitable procedures that will permit the personnel program of the City of Little Canada to operate in an efficient fashion.

~~Little Canada Code Chapter 209, the former Personnel Ordinance, was repealed as of July 26, 1995, and is no longer in effect.~~

Any term and/or condition of employment not specifically established in the personnel policy shall remain solely within the discretion of the City to modify, establish, or eliminate. The City retains the full and unrestricted right to operate and manage all manpower, 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 referred to in this policy.

No provision of this policy is intended to violate, supersede or conflict with any applicable Federal law or regulation, State statute or local ordinance. In the event of conflict or violation of any such regulation, the offending provision of this chapter will be void, but all remaining provisions will remain in effect.

No person shall be employed, promoted, demoted, or discharged by the City or discriminated against because of political opinions or affiliations, race, color, national origin, religion, gender, marital status, status with regard to public assistance or disability, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minn. Stat. 179A.01 to 179A.25. No person shall be discriminated against with reference to City employment in any way forbidden by Federal or State law.

The City of Little Canada does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its programs or activities. It is the policy of the City to provide reasonable accommodations to the known physical and mental limitations of qualified handicapped employees in order for them to perform the essential functions of the job in question.

The City of Little Canada is an Equal Opportunity Employer. Equal Employment Opportunity is designed to ensure fair and equal treatment for all persons in all employment practices. It is further designed to follow the Minnesota Human Rights Act as it relates to employment and prohibits discriminatory practices in employment because of race, color, creed, religious or political affiliation or belief, national origin, gender, marital status, public assistance, disability, age and sexual preference.

## **SECTION 2 - MISSION STATEMENT**

We endeavor to provide high quality, cost-effective services that meet the needs of our customers, delivered in a manner consistent with a friendly and responsive small town atmosphere.

We are committed to open communications, superior customer service, continuous improvement and accountability to the public.

We strive to apply city ordinances, regulations and policies in a fair and consistent manner.

We work to enhance our unique identity, heritage, and quality of life.

We encourage city beautification, maintaining our natural environment, and pride in ownership.

We foster long-term growth by proactively pursuing and assisting in high quality development and redevelopment.

We recognize the benefits and responsibilities our metropolitan location bestows and pledge to actively cooperate with other jurisdictions to address issues that impact our city and region.

### SECTION 3 - SCOPE OF POLICY

This personnel policy applies to all employees of the City except the following:

1. All elected officials;
2. The City Attorney, ~~Health Officer~~, City Engineer, ~~City Planner~~, and all other consultants and contractors retained by the City;
3. ~~Exempt Employees hired after July 12, 1995. Specifically, the City Administrator, Park & Recreation/Community Services Manager, Public Works Director, Building Official, City Clerk and Finance Director;~~
4. Members of City boards, commissions, and committees;
5. Members of the Little Canada Fire Department;
6. Volunteer personnel working on behalf of the City;
7. ~~Other employees not regularly employed in City positions.~~

Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act (Minn. Stat. Sections 179A.01 to 179A.25) shall be exempt from any provision to this policy that is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota Statutes Chapters 44, 419, or 420 is exempt from any provision of this part which is inconsistent with such statute or rules and regulations adopted thereunder. Nothing in this part is intended to modify or supersede any provision of the Veteran's Preference Act, Minn. Stat., Sections 197.455, ~~179.46~~ 197.46, 197.481 and 43A.11.

## SECTION 4 - DEFINITIONS

The following words, terms and phrases, when used in this policy, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compensatory Time - Time off in lieu of paid compensation at the rate of one and one-half hours for each hour worked in excess of forty hours per work week.

Exempt Employees - For the purposes of this policy, exempt employees include the City Administrator, the Park & Recreation/Community Services ~~Manager~~ Director, the Public Works Director, Building Official, City Clerk and Finance Director. ~~This handbook and this provision do not apply to exempt employees hired after July 12, 1995.~~

Employee - a person legally holding a position in the City service.

Employer - the City of Little Canada.

Learning & Evaluation Period - a specified period of time at the beginning of employment (or beginning period of a promotion) that is designated as a trial period. The learning period is considered the last part of the selection process.

Outside Employment - employment of any kind engaged in by a City employee for which compensation is received from a source other than the City.

Over-Time - Work beyond the normally scheduled forty (40) hours of work per work week. Paid at a rate of one and one-half the regular hourly wage for each additional hour worked.

Promotion - any movement of an employee from a position in one class to a position in another class having a higher maximum salary rate.

Regular Full-Time Employee - an employee who normally works a minimum of forty (40) hours per work week, and whose position is designated as continuing on a regular full-time basis.

Regular Part-Time Employee - an employee who normally works less than forty (40) hours per work week, and whose position is designated as continuing on a regular basis.

Regular Pay Rate - an employee's hourly or monthly pay rate, including special allowances.

Temporary or Seasonal Employee - an employee retained to fill a position, full or part-time, which is of a temporary or seasonal nature on a non-regular basis.

## SECTION 5 - HIRING

### Applications for Employment and Publication of Notice

Applications for employment shall be filed with the office of the City ~~Administrator~~ Clerk/HR Manager for all regular full-time and regular part-time employee job vacancies. ~~The City Administrator may decline to accept applications, which are filed at a time when no job vacancies exist. The City Administrator is not required to accept applications for temporary employment.~~

Regular Full-Time and Regular Part-Time Positions - Notice of all such vacancies shall be posted at City Hall for ten (10) days, and shall be published ~~once in the legal newspaper~~ [on the City's website](#) at least ten (10) days prior to filling the vacancy. Existing employees will be eligible to apply. It is the intent of the City to hire the best-qualified employee, taking into account experience, qualifications, and references.

Seasonal Employees - Persons with previous seasonal temporary work experience with the City and whose work performance was acceptable will be asked to return to their positions. Openings of 20 hours or more not filled by this practice will be advertised on an annual or seasonal basis. Openings of less than 20 hours per week may be filled at the discretion of the supervisor.

Short-Term Temporary (Full-Time and Part-Time) - In cases involving short-term placement of personnel, advertising is not required. In this case, the position may be filled based on the availability of qualified personnel. A decision not to advertise will encompass considerations involving timing needs in filling the position and the cost of advertisement and screening in relation to the duration of the employment period.

The City Administrator shall establish and maintain a position classification plan for all regular full-time and regular part-time positions. When a new position is created for which no appropriate position classification exists, or when the duties of an existing position are sufficiently changed so that no appropriate class exists, the City Administrator shall create a new class and cause an appropriate position classification to be written for said class. All position classifications are subject to review and approval by the City Council.

### Appointments

In case of appointment to regular full-time and regular part-time employee positions, the City Council may appoint any person who meets the requirements listed in the position classification, whom the City Council deems qualified to perform the duties of the position and who has successfully completed a physical examination, if required. Exempt employees may make such appointments in the case of temporary employees, subject to review of such action by the City Council.

No person shall henceforth be appointed to a position that would require direct supervision of such person's relative. A person shall be deemed to be a relative if such relationship is a brother, sister, spouse, lineal ancestor, lineal descendant, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or related by marriage through the relationship of a first cousin.

## Physical Examination

Newly hired employees may be required to undergo a physical examination as well as drug testing, at the City's expense, to determine if he/she is able to perform the duties of his/her position in an effective and safe manner and whether or not accommodations need to be made for the employee. A psychological evaluation may be required for exempt employee positions. ~~This handbook and this provision do not apply to exempt employees hired after July 12, 1995.~~

## Motor Vehicles Record Check

Newly hired employees who are required to have a CDL Driver's License as part of their employment may be subject to a motor vehicle record check to determine if he/she has a safe driving record. All employees required to have a CDL Driver's License as part of their employment ~~may be~~ are subject to periodic motor vehicle records checks on an on-going basis throughout their employment with the City.

## Procedure for Application of Veteran's Preference Law

Refer to Minnesota Statutes Sections 197.455 through 197.481 and 43A.11 for provisions of Veteran's Preference Law.

All applicants are given the opportunity to claim veteran's preference when completing the City's application for employment. Submission of Form DD214 ~~may be requested~~ is required for proof of honorable discharge.

Each veteran's name is placed on the eligible list in the ranking order in which the augmented score entitles him or her. If a veteran and a non-veteran have the same score, the veteran's name is placed first.

## Employment (I-9) Verification

The Immigration Reform and Control Act of 1986 (IRCA) states that employers must hire only American citizens and aliens who are authorized to work in the United States. Employers must verify the employment eligibility of anyone hired after November 6, 1986.

The City of Little Canada will accept any authorized form of identification of United States citizenship or right to work in the United States permit.

The City of Little Canada does not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, recruiting, or referring for a fee, because of that individual's national origin, or in the case of a citizen or intending citizen, because of his or her citizenship status.

## SECTION 6 - EMPLOYEE'S RESPONSIBILITIES

### General Policy

For the effective administration and implementation of City policy, and to serve the citizens, each individual employee must cooperate to the fullest with all fellow employees and the public. City employees have a high degree of visibility to the general public and, therefore, must exercise particular care and caution to ensure that all work undertaken is accomplished expediently and with efficiency. To achieve this goal, employees must adhere to established rules and procedures and follow the instructions of their supervisors.

### Employees Are Required To

- A. Render prompt and courteous service to the public at all times conducting themselves with decorum, patience, and every possible courtesy.
- B. Perform their assigned duties to the best of their ability at all times and to continually strive to improve their performance.
- C. Read, understand and comply with the rules and regulations as set forth in this Personnel Policy as well as those of their department.
- D. Report all unsafe conditions to their immediate supervisor.

## SECTION 7 - LEARNING AND EVALUATION PERIOD

### Purpose

The learning and evaluation period is an integral part of the selection and hiring process. The objectives of the learning and evaluation period are:

- A. To provide for particularly close observation and supervision of an appointed employee's performance.
- B. To provide time for evaluation by the employer either to retain an employee whose performance is satisfactory or to reject an employee whose performance in a position does not meet required work standards.
- C. To provide time for the employee to determine whether or not a position is to his/her liking and to demonstrate his/her fitness for the position.

### Procedure

All regular full-time and regular part-time appointments shall include a learning and evaluation period. Promotion shall be subject to a learning and evaluation period consistent with the appointed period. If employees who have been promoted are found unsuitable for the work of the positions to which promoted, they may be reinstated to the position and rate of pay of the position from which promoted, so long as a vacancy exists.

Duration - Employees shall be subject to a learning and evaluation period of six months of service after hiring appointment or promotion. At the discretion of the City Administrator, the learning and evaluation period may be extended for an additional six-month period.

Completion - At or near the completion of the six-month period, the respective supervisor shall evaluate the employee's records and performance. If the employee's records and performances are satisfactory, the supervisor shall so certify to the City Administrator. Upon determining that the employee has successfully completed the learning and evaluation period, the City Administrator may designate the employee as a regular employee. If the employee's records and/or performances are found to be unsatisfactory at any time during the learning and evaluation period, the supervisor shall so certify to the City Administrator who may terminate the employee immediately.

## SECTION 8 - HOURS OF WORK

### Work Schedules

Working hours of City employees may vary among the different departments and may vary by assignment within a department as need dictates. In general, however, the normal workday shall be eight (8) hours of work and the normal work week shall be forty (40) hours of work. The normal work week is defined as a forty (40) hour period worked sometime from 12:00 a.m. on Wednesday morning through 11:59 p.m. on Tuesday evening. Supervisors may require their employees to work overtime in situations where it is required in order to ensure the orderly and efficient operation of the government. Normal office hours shall be 8:00 A.M. to 4:30 P.M., Monday through Friday, unless otherwise stated by the supervisor and/or City Administrator.

Office staff marking their timesheets to reflect extra minutes worked outside of normal office hours, shall not be considered to be working overtime unless prior approval has been granted by the City Administrator.

### Rest Periods

Employees will be allowed a ten-minute paid break approximately midway through each four-hour shift. The time of the break is subject to the approval of the supervisor. Unused rest breaks may not be accumulated, nor may they be used for any purpose other than a mid-shift rest period. Rest breaks should be scheduled to avoid disrupting City business and taken at the site of working operations.

### Lunch Breaks

- A. Each full-time employee is required to take a lunch break, for which there is no compensation, approximately midway through an eight-hour work period. This lunch break period is a minimum of one-half hour in duration and is measured from the time work is stopped until it is resumed. Lunch breaks can be up to one (1) hour in length subject to approval by the supervisor and provided the normal workday is achieved.
- B. Lunch breaks shall be scheduled by the supervisor to ensure continuity of services.

## SECTION 9 - COMPENSATION

All employees of the City shall be compensated for their work according to the wages or salaries established annually by the Council, provided, however, that the Council may change or modify the wages or salary of any employee at any time that it deems necessary in the interest of good administration as recommended by the City Administrator.

Any wage or salary so established shall represent the total remuneration for full-time employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official business. Wage, salary and benefit plans will be established by Council resolution, and updated periodically.

### Pay Period

All employees in the City service shall be paid on a bi-weekly basis on Friday for the pay period ending on the preceding Tuesday. In the event that payday falls on a holiday, the payday will be on the preceding workday.

### Preparation of Payrolls

- A. Time sheets or cards shall be furnished to designated personnel and all time records for each workday shall be accurately maintained by designated hourly personnel for the work period to be reported.
- B. Time sheets shall show the name, daily hours worked, and any other pertinent information that may be required. It must be properly signed by authorized personnel.
- C. Time sheets shall be submitted to the Payroll Department at the end of each two-week period.
- D. Pay envelopes will be available to employees before 2 P.M. on designated paydays.

### PERA and Social Security

All regular full-time and regular part-time employees are automatically enrolled in the coordinated PERA and Social Security Plan. Social Security and PERA are deducted from paychecks at the going rate. The City of Little Canada matches the Social Security payment made by the employee. PERA payments are made by the City and the employee in the amounts mandated by the Public Employees Retirement Association. No taxes are presently paid on monies going to PERA until money is taken out or used.

### ICMA-RC

The City of Little Canada provides a tax shelter through the International City Management Association-Retirement Corporation. This retirement savings program is optional. Employees may have both PERA and an ICMA-RC retirement account. If enrolled in PERA, the City does not match contributions to ICMA-RC. The City Administrator may opt-out of PERA for this program, subject to Minnesota Statutes.

Employees may defer salary amounts up to the maximum allowed by IRS regulations. With the ICMA-RC plan, employees have the flexibility to increase, decrease, stop, and restart contributions as often as they wish, subject to the City's approval.

### Medical and Dependent Care Flexible Spending Plan (FSA)

All regular full-time, regular part-time employees, and members of the City Council may defer salary amounts up to the maximums specified by the City Council into a Medical and Dependent Care Flexible Spending Account. The Medical and Dependent Care Flexible Spending Plan is administered for the City by a third-party administrator and is subject to IRS regulations. Employees who have a Health Savings Account (HSA) may defer salary amounts for dependent care, dental, and vision expenses only.

### Health Savings Account (HSA)

Employees ~~who opt for~~ enrolled in the high-deductible health insurance plan offered by the City will also be provided with a Health Savings Account. The City will contribute an amount, to be determined by the City Council, into the employee's account. Employees can defer salary amounts into their HSA account. The Health Savings Account is administered for the City by a third-party administrator and is subject to IRS regulations. The City will pay the participant account fee on behalf of the employee, while employees will be responsible for investment account service fees.

### Post-Employment Health Care Savings Plan

In an effort to help employees fund health insurance costs after employment, the City provides a Post-Employment Health Care Savings Plan through the International City Management Association-Retirement Corporation (ICMA-RC). All regular full-time, regular part-time employees working a minimum of 20 hours per week on average, with five (5) years of service, are automatically enrolled in this Plan.

Post-Employment Health Care Savings Accounts are funded by

- Employer contributions (see Severance Pay-Section 20);
- Employer contributions equal to one-half a percent (.5%) of an employee's gross wages.

Employee salary reductions of one-half a percent (.5%) of an employee's gross wages.

## SECTION 10 - OVERTIME & COMPENSATORY TIME

City Administrator, Park & Recreation/Community Services ~~Manager~~ Director, Public Works Director, Building Official, City Clerk/~~HR Manager~~, Finance Director and ~~Community Development Director~~ - These employees are paid on an annual salary basis, therefore, exempt from both overtime and compensatory time requirements. ~~This handbook and this provision do not apply to exempt employees hired after July 12, 1995.~~

~~All Other~~ Public Works & Parks Maintenance Regular Employees - All such employees shall be entitled to pay at the rate of time and one-half for all hours worked in excess of eight (8) hours per work day. Employees are required to have the prior approval of their supervisor in order to work overtime. Compensatory Time (Comp Time) and Paid Time Off (PTO) cannot be combined with "hours worked" in determining eligibility for overtime pay and/or compensatory time. In lieu of overtime pay, the employee may elect compensatory time off at the rate of one and one-half hour compensatory time for each hour worked in excess of eight (8) hours per work day. Any time worked in excess of eight (8) hours per day shall be recorded on the employee's timesheet.

All other Regular Non-Exempt Employees – All such employees shall be entitled to pay at the rate of time and one-half for all hours worked in excess of forty (40) hours per work week. Employees are required to have the prior approval of their supervisory in order to work overtime. Compensatory Time (Comp Time) and Paid Time Off (PTO) cannot be combined with "hours worked" in determining eligibility for overtime pay and/or compensatory time. In lieu of overtime pay, the employee may elect compensatory time off at the rate of one and one-half hour compensatory time for each hour worked in excess of forty (40) hours per work week. Any time worked in excess of forty (40) hours per week shall be recorded on the employee's timesheet.

In the case of an employee who requests to work less than their normal 8-hour work schedule on a given day due to personal needs, and upon approval by the ~~City Administrator~~ supervisor, that employee may be allowed to make up the time during the same 40-hour work week (Wednesday through Tuesday) at straight time. Example, employee works 7 ½ hours on Monday, can make up the half hour the next day, thus working 8 ½ hours on Tuesday. This 8 ½ hours is paid at straight time and overtime or comp time would not be generated. If the time cannot be made up during the same work week, the employee will be required to use PTO and/or comp time to make up their time.

Use of compensatory time shall in all cases be subject to the needs of ~~municipal service~~ the department and prior approval of the employee's supervisor. ~~Each supervisor shall be responsible for providing the City Administrator with an accurate accounting of all such hours worked by an employee.~~

~~It shall be the duty of the City Administrator to obtain from supervisors and to maintain on file accurate records for all employees, showing the amount of compensatory time accrued and used by each City employee.~~ It shall be the duty of the employee to provide an accurate accounting of compensatory time on their timesheet during each pay period.

Compensatory time may be accrued to a maximum of forty (40) hours. Each supervisor is responsible for monitoring their employees accounting of all such hours worked, and number of hours accrued. Accrual of Comp Time in excess of forty (40) hours must be approved by the City Administrator.

Temporary or Seasonal Employees – All such employees shall be entitled to pay at the rate of time and one-half for all hours worked in excess of forty (40) hours per work week. Parks [and Public Works](#) seasonal workers are paid a shift differential for any hours worked outside the regular workday. The regular workday is Monday through Friday, 6:00 a.m. to 5:00 p.m. Saturdays, Sundays, holidays and weekday hours before 6:00 a.m. or after 5:00 p.m. are defined as other than the normal workday. [The shift differential amount is established in the salary schedule.](#)

### Pay for Emergency On-Call Duty

Public Works Employees will rotate on-call duty as determined by the Public Works Director. On-call duty consists of the employee carrying a pager and answering after-hours call-outs. A call-out is when an employee is called back to work after completing his/her regular workday. As stated in Section 13, Leaves With Pay, sick leave and vacation do not count toward "hours worked" in determining an employee's regular work day. The regular work day is eight (8) hours of time actually worked. An extension or early report to work does not qualify as a call-out.

Compensation for On-Call Duty will be as provided in the "Compensation Plan". When call-outs occur, Public Works Employees will be reimbursed a minimum of 2 hours at 1 1/2 times their normal rate of pay.

## **SECTION 11 - PERFORMANCE REVIEWS**

An objective performance review system in accordance with position descriptions shall be established by the City Administrator for the purpose of having supervisors periodically evaluate the performance of their employees using the prescribed form for this purpose. The quality of performance rendered by the employee in the past will, in every case, receive due consideration in such personnel decisions as promotions, transfers, demotions, discipline, terminations and, where applicable, salary adjustments. Performance reviews shall be discussed with the employee, but such evaluations will not be available to unauthorized persons.

Performance reviews shall take place on a regular basis and shall be retained as part of the employee's personnel file. A performance review will also be conducted near the conclusion of the learning and evaluation period and at any other times deemed appropriate by the employee's supervisor.

## SECTION 12 - INSURANCE BENEFITS

### Health Insurance Availability

Health insurance coverage for regular full-time employees and part-time employees approved to work 30 or more hours per week is provided and paid for by the City. The City offers dependent coverage to employees to a maximum contribution as established by the City Council. For part-time employees approved to work at least 30 hours per week, the City contributes a percentage towards the single coverage cost or the commensurate percentage of the employee cost for family coverage based on the number of hours allocated to that position. The employee's share of dependent coverage is paid through payroll deduction.

HCFA regulations will allow the City's insurance carrier to enroll members that sign an application up to the requested plan effective date. For example, an application signed June 10, ~~1994~~ 2021 would be able to be enrolled July 1, ~~1994~~ 2021. We would not be able to backdate the coverage for a June 1, ~~1994~~ 2021 effective date since the signature was after June 1, ~~1994~~ 2021.

Retroactive terminations are not allowed. A termination request received by the end of the month will be accepted for the first of the next month. For example, a termination request received on or before June 30, ~~1994~~ 2021 will be processed for a June 30, ~~1994~~ 2021 termination date.

### Opt-Out Program

Full-time employees who are eligible for participation in the City's Health Insurance Program for family coverage, or full-time single employees who are under age 26 and remain on a parent's health insurance plan, are eligible for the Opt-Out choice. The City offers Opt-Out in order to recognize the needs of our diverse workforce by providing maximum flexibility in health care choices available to employees and their families. Employees are responsible for evaluating the feasibility of this option in terms of their family's health insurance needs.

To be eligible for Opt-Out payment, an employee would opt-out for themselves and their eligible dependents. This option applies to medical coverage only and is not available to employees with single-coverage, except when an employee is covered under a parent's medical policy. Medical benefits through the City of Little Canada will be available to Opt-Out participants should they lose their coverage provided by another source subject to the City's insurance carrier's regulations. Open enrollment in the City's Insurance Program is available only as designated by the City's insurance carrier.

This alternative allows employees who are covered under another medical plan to "opt-out" of coverage and receive a cash payment in lieu of medical benefits. Single employees who are covered under a parent's medical plan and choose Opt-Out will receive \$250 per month, and all other employees choosing Opt-Out will receive approximately the equivalent of the average cost of single employee health insurance provided by metro cities per month for each full month; payment will be made on a bi-weekly basis and will be subject to ordinary income taxes.

Participants in the Opt-Out Program must sign a release and show proof of medical benefits through another source. The City will have the right to refuse the Opt-Out option for an employee should the City's participation in its Health Insurance Program be jeopardized.

Employees choosing to discontinue the Opt-Out program and enroll in the City's Health Insurance Program must do so during enrollment periods as authorized by the City's Health Insurance Carrier. Enrollment may be subject to pre-qualification.

### COBRA

On April 7, 1986, a new Federal Law was enacted requiring that most employers sponsoring group health and life insurance plans offer employees and their families the opportunity for a temporary extension of health coverage (called "Continuation Coverage") at group rates in certain instances where coverage under the plan would otherwise end. (The employee will pay 102% of the City's cost of providing coverage.)

If you are an employee of the City of Little Canada covered by a group health plan or group life insurance plan, you have the right to choose this continuation coverage, at your own expense, if you lose your group health and life coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

If you want further information on COBRA, talk to the City ~~Administrator~~ [Clerk/HR Manager](#).

### Long-Term Disability Coverage

Regular full-time employees and regular part-time employees accruing benefits are required to purchase long-term disability coverage as provided by the City's insurance carrier. The cost of this coverage will be deducted from paychecks on a bi-weekly basis.

### Life Insurance Coverage

Life insurance is provided for regular full-time employees by the City. Regular full-time employees have the option of purchasing additional coverage over the amount provided by the City as well as have the option of purchasing dependent coverage. For those employees purchasing additional coverage and/or dependent coverage, the cost of this coverage is deducted from paychecks on a bi-weekly basis.

### Continuation of Insurance Benefits

Employees Terminating Employment – When an employee terminates employment, the cost of insurance benefits such as health, opt-out, and life insurance shall be paid by the City to the end of the month in which employment terminates. (Also see COBRA provision above.)

## **SECTION 13 – OTHER INSURANCE BENEFITS - SHORT TERM DISABILITY (STD)**

### Purpose

The City provides Short Term Disability (STD) coverage at no cost to all regular full-time and part-time employees who accrue benefits as a supplement to the PTO program. The intent of STD is to bridge the gap between banked PTO or deferred sick time, and the 90<sup>th</sup> day when an employee may qualify for Long Term Disability. Participation is mandatory and employees are automatically enrolled once they are eligible.

### Eligibility

STD is available only for an employee's non-work related disability. It may not be used to care for ill or injured family members. The employee or their representative must submit all paperwork stipulated by the Plan Administrator in order to qualify for benefits. If an employee's injury or illness is determined to be covered under workers' compensation, it is not eligible to be covered under this STD program.

### Requesting STD/Filing a Claim

In order to receive STD benefits, an employee or their representative should file a request with the Plan Administrator to initiate the claims process. STD claims must be filed within the required time stated by the Plan Administrator after the date the disabling injury or illness occurs. The employee must also contact his/her supervisor indicating that time off is needed.

All forms and requested documents must be completed and submitted to the Plan Administrator's satisfaction before an employee will be determined to qualify for payment of benefits.

### Commencement & Length of Benefit

STD benefits will commence on the 15<sup>th</sup> calendar day of continuous disability provided that the employee or their representative has provided all required paperwork. A partial absence on the first day is not counted toward the 15 days. An employee may use any accumulated deferred sick leave bank, PTO, or combination of the two during this waiting period.

Benefits will continue until the employee returns to work able to carry out the full or partial duties and responsibilities of the employee's position, the disability certification time runs out, the employee begins LTD, or through the 89<sup>th</sup> calendar day of absence, whichever comes first. An employee receiving STD benefits who separates employment with the City for any reason will not receive STD benefits beyond the last day of employment.

### Amount of the Benefit

The STD benefit will be in an amount up to 66.7% of the employee's gross regular rate of pay at the time of the disabling incident, up to the maximum benefit amount stated in the STD policy.

### Status of City Benefits

An employee receiving STD benefits shall not accrue PTO or receive holiday pay. Employees may supplement STD benefits with paid leave such as, but not limited to, PTO, deferred sick leave or accrued compensatory leave in order to offset the difference between the employee's regular wages/salary and the STD benefit payments. In no event shall the employee earn more than their normal wages by combining STD benefits, deferred sick leave hours and PTO. The City will continue to pay its share of health insurance premiums or Opt-Out for an employee receiving STD benefits.

### Return to Work

Employees must coordinate their return to work with their supervisor prior to the end of the STD period. An employee returning to work is expected to provide a doctor's note releasing them to work. This note must also provide any activity restrictions and duration of these restrictions. The City reserves the right to not allow the employee to return to work if the City cannot accommodate the restrictions.

## SECTION 14 - PAID TIME OFF (PTO)

### Purpose

The City recognizes the importance of employees balancing their professional lives with personal responsibilities. It is the objective of the City to provide equity, consistency, and flexibility through a Paid Time Off (PTO) benefit to all eligible City staff.

The PTO Plan replaces vacation and sick leave plans with a combined single benefit program. Employees accrue benefits based on length of service with the City. This means employees receive the same amount of paid time off regardless of personal or family situations. Through PTO the City seeks to attract and retain its employees by providing equity, consistency, flexibility, personal responsibility, and recognition of years of service.

PTO can be used for any purpose and is subject only to routine requests and approval procedures.

### Eligibility

PTO accrual for each eligible employee shall begin on the date of policy inception, employment with the City, or if a change of status creates eligibility on the date the employee becomes eligible.

All regular, full-time employees will earn full PTO benefits.

Regular part-time employees are eligible for PTO provided they work 20 or more hours per week. These employees shall accrue PTO pro-rated according to the accrual percentage of full-time equivalency status. For example, an employee with a half-time schedule (20 hours per week) would earn PTO at a rate of 50% of full-time employees.

Regular part-time employees regularly scheduled to work fewer than 20 hours per week shall not accrue nor be given PTO benefits.

Temporary, contract, seasonal, and intern employees shall not accrue nor be eligible for PTO benefits.

### PTO Leave Accrual Schedule

PTO is accrued bi-weekly, and is documented on your paystub. All eligible employees accrue benefits based on length of service and hours worked. Employees earn PTO benefits according to the following accrual schedule:

<u>Years of Service</u>	<u>Number of Days Accrued Per Year</u>
0-5 Years	18
6-15 Years	23
16-20 Years	28
21+ Years	30

One day of PTO shall equal eight (8) hours for full-time employees. PTO accruals are pro-rated for eligible regular part-time employees. When an employee moves to a new accrual level based on years of service, the new accrual rate will begin with the first full pay period after the employee's anniversary date.

~~Department heads will~~ Exempt employees, as designated by the City Administrator, may earn an additional 5 days of PTO each year subject to satisfactory performance. The purpose is to compensate employees who are not overtime-eligible and who regularly work over 40 hours per week and attend meetings outside of the normal 8:00 a.m. to 4:30 p.m. business hours.

### Maximum Accumulation

An employee may not have more than ~~30 days~~ 240 hours of PTO accrued as of the last day of the last pay period of the year, unless a written request has been submitted to and approved by the City Administrator prior to that time. The written request should include an estimate of the number of hours being carried-over, the reason the employee was unable to use the hours, and the employee's plan to use the excess hours in the near future.

### Exceptions

The City Administrator has the authority to establish beginning levels of PTO balances and placement on the accrual schedule for newly hired ~~department heads~~ employees. In making such a determination, the City Administrator will consider the prospective employee's qualifications, education, prior experience, and length of service in the same or similar jobs.

### Procedures

PTO is requested and approved through leave slips available in each department. Leave slips are approved by the immediate supervisor and/or department head. Approval of requests is based on timeliness of the request, authorization by the appropriate supervisor, and the needs of the department. Approval is not guaranteed based on the needs of the City.

Non-exempt employees must complete a PTO leave request slip for all regularly scheduled hours that the employee does not work, unless the employee's supervisor has given prior written approval for the employee to work those hours on a different day or days within the same pay period.

Exempt employees must complete a PTO leave request slip for any time needed to account for a 40-hour work week and/or if an exempt employee works less than 4 hours during the normal business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. Exempt staff cannot create schedules outside of normal business hours without the consent of their supervisor and the City Administrator. Exempt employees have some occasional flexibility to work less than eight (8) hours in a day, but not less than four (4) without using PTO to account for their time away providing that they work no less than 40 hours in any given week. If an exempt employee is regularly absent from work under this policy and it is found there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

PTO may consist of the following two forms:

1. Planned leave which is scheduled in advance with departmental approval.
2. Unplanned leave requires the employee to notify their supervisor within one-half hour of the beginning of the employee's scheduled work day. In situations where the use of unplanned leave would jeopardize the operations of a department, the supervisor must approve unplanned leave. Unplanned leave is intended for unexpected use such as illness or emergencies.

If unplanned absences show a pattern suggesting abuse, the supervisor will proceed with progressive discipline. Good attendance is an essential job function for all employees. If unplanned absences are determined to be excessive or in excess of three consecutive days, a doctor's notice may be required. The doctor's notice shall state the nature and duration of the employee's illness or injury and verify that the employee is unable to perform the duties and responsibilities of the position. A statement attesting to the employee's ability to return to work and perform the essential functions of the job and a description of any work restrictions may also be required before the employee returns to work.

#### Use of Deferred Sick Leave Hours

Prior to the City's current system of PTO, the City had vacation and sick leave. In 2014 the City converted to PTO. Employees hired prior to 1/1/2014 may have sick leave hours from the previous system, and these will now be considered a deferred sick leave bank. These deferred sick leave banks may be used in the following manner:

1. Illness or emergency: When an employee is unable to perform work duties for a period of five (5) consecutive days or more in the case of personal illness, physical incapacity, or medical treatments of an employee or with the demonstrated need of the employee's spouse, children including adult children, parents, grandparents, stepparents, or siblings.
2. Workers' Compensation: An employee who is eligible to receive workers' compensation payments may use deferred sick leave hours to supplement the difference between the employee's regular wages/salary and the workers' compensation payments. In no event shall the employee earn more than their normal wages by combining Workers Compensation, deferred sick leave hours, and PTO.

#### Conversion of Deferred Sick Leave Hours to PTO

~~The City will allow the conversion of up to four (4) days of deferred sick leave to PTO in each of the years 2014 and 2015. Any such conversion will be a direct deduction from the employee's Severance Pay Off as provided for in Section 18.~~

~~Example:~~

~~Employee is eligible for 20 days of Severance, and in 2014 converted 4 days of his/her Deferred Sick Leave Balance to PTO, and in 2015 converted 3 days of Deferred Sick Leave Balance to PTO. Employee's Severance would be 13 days (20-4-3=13).~~

## Employees on Short Term Disability (STD)

Employees on STD may use their Deferred Sick Leave Bank, PTO, or a combination of the two to get them to day 15 when STD benefits begin.

## PTO Pay-Off at Termination of Employment

Under the PTO program, employees will be eligible to receive 100% of their accrued PTO balance when they leave City service. In no case shall the PTO pay-off exceed ~~30 days~~ 240 hours of PTO carry-over plus the amount of annual PTO accrued to the point in the year that the termination is effective. Employees may not use PTO during the two-week notification period unless approved by the City Administrator.

## Paid Time Off (PTO) Donation

### Purpose

This policy establishes the procedure through which eligible employees may voluntarily donate a portion of their accrued Paid Time Off (PTO) time to be converted to assist another employee who has exhausted all forms of paid leave due to a “medical emergency.”

A medical emergency is defined as a physician’s diagnosis of a major life threatening event of an employee or immediate family member that will require the employee to be absent a prolonged period from their employment duty and will result in substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave donation plan. Immediate family for the purpose of this policy shall include employee’s spouse, children, parents, grandparents, grandchildren and includes the children, parents, grandparents, and grandchildren of the employee’s spouse, and any person regularly residing in the employee’s immediate household.

A qualifying major life-threatening event includes, but is not limited to, heart attack, stroke, cancer, organ transplant, life threatening illness or condition as defined by a physician’s diagnosis using the FMLA medical certification of the catastrophic health problem.

### Policy

With the written consent of the City Administrator, employees having accrued PTO time can donate a portion of such accrued leave to fellow employees experiencing a qualifying event. The City Administrator has the right to deny or limit use of donated leave if it is determined to be in the best interest of the City.

### Eligibility

Employees must be benefit-eligible in order to participate as a recipient or donor in the PTO Donation Program. Requests for participation in the PTO Donation Program will be accepted only for individuals who are defined as having an approved medical emergency and who are within one pay period of exhausting all accrued paid leave. Employees receiving Workers’ Compensation benefits from city-related injuries or illnesses are not eligible to receive donations.

## Conditions

The terms and conditions governing the PTO Donation Program are as follows:

Forms: Completed donation forms must be submitted to the City Administrator for approval. The approval remains valid until the employee notifies the City Administrator to annul the approval or the employee becomes ineligible to participate in the program.

Participation: Participation is voluntary and no employee shall pressure or otherwise attempt to influence another employee to donate accrued time. All donations will be kept confidential and the City will not inform the recipient of the names of those donating hours or the number of hours which have been donated. No provisions of this policy or its administration shall be subject to review under the grievance process.

Recipient: An employee is eligible to receive donated leave only for time lost from normal work hours and only to make them financially whole once all paid leave banks have been exhausted. PTO Donation Program wages shall be limited to the amount equal to that individual's regular gross earnings per pay period (i.e. current hourly base pay rate multiplied by regularly scheduled hours of work per pay period).

Transfers of leave hours will be converted based on the donor's hourly rate of pay versus that of the donee. (i.e. an employee making \$30 per hour donates eight hours of PTO to an employee that makes \$15 per hour. The value to the donee would be 16 hours). The IRS has ruled that these payments are considered wages and taxable income for the recipient.

An employee may only have an excess of 40 hours of PTO on the books after application of the PTO donations.

Donation of PTO will not be allowed once an employee is judged to be disabled by the major medical condition and will not be returning to work. Donated time cannot be paid to an employee in the form of cash or used in any manner other than what is stated in this policy.

Donor: An eligible employee who donates PTO time understands this time is a "gift" and that the donated leave will be irrevocable, that there is no control over how the leave is used once donated, and that the receiving employee has no obligation to pay it back. The IRS has ruled that the employee donating the leave realizes no income and incurs no tax-deductible expense or loss, either upon donation of PTO or payment to the recipient. An employee may donate up to eight (8) hours per year to a single fellow employee. Once donated PTO time has been transferred to the eligible employee, the donor may not revoke the transaction.

## Exceptions

Exceptions to these requirements must be approved by the City Administrator and will only be granted in rare and unusual circumstances. Any questions regarding this program should be directed to the City Administrator.

**SECTION 15 – OTHER LEAVES WITH PAY**

Holidays

A. The City observes the following 11 days to be official holidays for all permanent full-time and permanent part-time employees, working a minimum of 20 hours per week on average projected over a calendar year based on anticipated demands of the position:

- ~~New Year's Day;~~
- ~~Martin Luther King's Birthday,~~  
~~The third Monday in January;~~
- ~~President's Day, the third~~  
~~Monday in February;~~
- ~~Memorial Day, the last Monday in May;~~
- ~~Independence Day, July 4th;~~
- ~~Labor Day, the first Monday in~~  
~~September;~~
- ~~Veterans' Day, November 11th;~~
- ~~Thanksgiving Day, the fourth~~  
~~Thursday in November;~~
- ~~Day after Thanksgiving Day;~~
- ~~Christmas Eve, December 24th\*;~~
- ~~Christmas Day, December 25th.~~

HOLIDAY OBSERVED	DAY HOLIDAY IS RECOGNIZED
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	
Christmas Eve*	December 24
Christmas Day	December 25

\*In years within which Christmas Eve falls on a Friday, Saturday or Sunday, regular full-time and regular part-time employees, working a minimum of 20 hours per week on average projected over a calendar year based on anticipated demands of the position, will be granted a floating holiday in lieu of the Christmas Eve holiday. This floating holiday can be used at the discretion of the employee within the calendar year, subject to approval of the supervisor.

If an employee leaves the service of the City prior to December 24th in a given year where a floating holiday is granted, the floating holiday is considered unearned, and a vacation day will be substituted if the floating holiday has been used. If no vacation accrual exists, the payment for this day would be deducted from the last paycheck. Floating holidays can be carried over to

the next calendar year with approval by the City Administrator.

- B. All official holidays shall be considered to commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.
- C. When a holiday falls on a Sunday, the following Monday shall be a holiday and when a holiday falls on a Saturday, the preceding Friday shall be a holiday. Note the exception outlined above for the Christmas Eve holiday in years within which Christmas Eve falls on a Friday, Saturday or Sunday.
- D. Regular part-time employees, working a minimum of 20 hours per week on average projected over a calendar year based on anticipated demands of the position, other than seasonal or temporary will be granted pro-rated holiday pay for each holiday based on the average number of hours worked in the preceding month, and subject to the criteria described above for regular full-time employees.
- E. Any regular non-exempt full-time employee, as well as regular part-time, working a minimum of 20 hours per week on average projected over a calendar year based on anticipated demands of the position, ~~other than the City Administrator, Public Works Director, City Clerk, Park & Recreation/Community Services Manager, Building Official, and Finance Director~~ who is required to work on any of the above-named holidays, shall be paid for each hour worked on the holiday at their regular rate of pay plus time and one/half. This rate of pay includes the holiday pay referred to above. ~~This handbook and this provision do not apply to exempt employees hired after July 12, 1995.~~

Examples:

A full-time employee who is required to work 4 hours on a holiday would be paid for 4 hours at 2 1/2 times their regular rate of pay and 4 hours at their regular rate of pay;

A full-time employee working 8 hours on a holiday would be paid for 8 hours at 2 1/2 times their regular rate of pay;

A full-time employee working 10 hours on a holiday would be paid for 10 hours at 2 1/2 times their regular rate of pay.

Should an exempt employee be required to work on a holiday due to an emergency situation, that exempt employee will receive equal time off for time put in. ~~This handbook and this provision do not apply to exempt employees hired after July 12, 1995.~~

Funeral Leave

Paid time off may be granted, up to a maximum of three days, in the event a regular full-time or regular part-time employee suffers a death in his or her immediate family in accordance with the provisions of this section. Additional time off without pay will be granted as may reasonably be required under individual circumstances, subject to the approval of the City Administrator.

Immediate family (for purposes of this section) is defined as an employee's spouse, parents, spouse's

parents, children, step-children, brothers and sisters, brothers-in-law, sisters-in-law, grandparents, grandparents-in-law, grandchild, and spouse's grandchild.

### Jury and Witness Duty

- A. Regular full-time and regular part-time employees, working a minimum of 20 hours per week on average projected over a calendar year based on anticipated demands of the position, shall be granted paid leaves of absence for required jury duty. Such employees shall receive that portion of their regular compensation that will, with their jury pay, equal their total compensation for the same period. The time spent on jury duty shall not be counted as time worked in computing overtime. Employees excused or released from jury duty during their regular working hours shall report to their regular work duties as soon as possible.
- B. Employees shall notify their supervisor in writing as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the Clerk of Court each day so the City will be able to determine the amount of compensation due for the period involved.
- C. Employees will be compensated by the City to testify in Court only on City-related business.

## SECTION 16 - LEAVES WITHOUT PAY

Parenting Leave - Parenting leave without pay, not to exceed six (6) months in duration, will be granted upon the birth or adoption of a child (or children) at the employee's request. This leave may be extended through the use of the employee's accumulated PTO leave.

Emergency/Furlough Leave - Permission to take emergency leave without pay may be granted to each regular employee after one year's service who, in the opinion of the City Administrator, furnishes adequate proof that a personal matter necessitates attention. The City Administrator may also grant furlough leave to a city employee for leaves without pay provided such furlough leave does not create an undue hardship on the City. No longer than ten (10) days will be granted within a calendar year. Requests in excess of ten (10) days may be granted by the City Council.

No employee shall absent themselves from assigned duties without notifying, at the earliest possible time, his/her immediate supervisor or some other management representative if supervisor is not available.

Leaves of Absence - Upon request of an 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 city service. Such leave of absence shall not exceed a period of ninety (90) days, provided that the same may be extended beyond such period if the leave of absence is for continued disability or other good and sufficient reasons, but in no case exceed one (1) year except when the employee is detailed for military service or is disabled for disability incurred while in the service of the City. No PTO benefits shall accrue during a period of leave of absence without pay. For purposes of this policy, an employee on Short or Long Term Disability is not considered to be on a leave of absence.

Employees on Leaves of Absence – Employees on leaves of absence (when PTO has been exhausted) would be responsible for payment of insurance benefits for any full month that they are on leave. When the employee works any number of days in a month, the employee would accrue PTO and holiday hours pro-rated, and the City would pay the cost of health, Opt-Out, and life insurance pro-rated based on the number of days the employee worked in the month in question versus the total number of regular working days in the same month.

An unpaid leave of absence may be granted to an employee to offset prospective PTO pay contributions to the employee's Post Employment Health Savings Plan, subject to approval by the City Administrator. In this case, PTO benefits shall accrue during the leave of absence without pay.

Leaves Due to Weather Conditions - In the event an employee is unable to report for work because of extreme weather conditions (e.g. winter blizzard), such employee may, upon the approval of the supervisor, be granted leave without pay or use PTO or compensatory time for the day or days in question. Such employee may also be allowed, upon approval of the supervisor, to make up the time lost at straight time rate by working extra hours before or after his/her regular shift.

Military Leave - Employees ordered by proper authority to National Guard or reserve military service in time of war or other properly declared emergency shall be entitled to leave of absence without pay

during such service. Upon completion of such service, employees shall be entitled to the same or similar employment of like seniority, status, and pay as if such leave had not been taken, subject to the specific provisions of Chapter 192 of the Minnesota Statutes.

## SECTION 17 – COMPUTER USE POLICY

### Purpose

The purpose of this policy is to protect the quality and integrity of the City of Little Canada's computer network and ~~to provide employees with standards of behavior when using the computers. Each item in this policy is designed to strengthen the quality and integrity of this resource while minimizing risks to City employees and the City's computer network.~~ to set provisions for securing desktop and notebook computers, related computer media and peripheral equipment. Most City business is conducted with the use of desktop or notebook computers dedicated to a single user's activity. It is essential to protect City information assets created, gathered, shared or stored with desktop and notebook computers, related computer media (e.g. CDROMs, Personal Digital Assistants (PDAs), flash drives, etc. and peripheral equipment such as fax machines, printers, scanners and copiers.

### Scope of the Policy

This policy applies to all individuals granted access to the City network and information systems, including, but not limited to full and part-time employees, temporary workers, volunteers, contractors, and those employed by others to perform City work.

This policy includes all computers, stand alones as well as those connected to the City network. The same physical and technical security measures shall be implemented for mobile and remote computers.

### Equipment Use

~~Desktop computers and attached devices are not to be removed from City buildings without the consent of the City Administrator. Employees should refrain from personal use during working hours. Employees may use the computers, e-mail, and the Internet for personal use outside of regular business hours or during other non-work time.~~

### E-Mail Use

Important official communications are often delivered via email. As a result, employees of the City with email accounts are expected to check their email in a consistent and timely manner so that they are aware of important City announcements and updates, as well as for fulfilling business and assigned tasks.

Employees should use the same care when creating electronic communications, as they would use with oral or written communications. Existing policies governing employee behavior, both within the workplace and when interacting with the general public, apply to electronic communications. E-mail is not a private communication system. Improper use of e-mail could expose employees to personal liability as well as disciplinary action. E-mail is not to be used to send jokes or other comments that may be discriminatory, harassing, or offensive to others, or to send material that defames an individual, company, business, or municipality. Employees should not open electronic communications received from unrecognized sources since this could subject the City's network to viruses.

Email users are responsible for mailbox management, including organization and cleaning. If a user subscribes to a mailing list, he or she must be aware of how to remove their email address from the list, and is responsible for doing so in the event that their current email address changes.

Appropriate Use: Individuals at the City are encouraged to use email to further the goals and objectives of the City. The types of activities that are encouraged include:

1. Communicating with fellow employees, business partners of the City, and clients within the context of an individual's assigned responsibilities.
2. Participating in educational or professional development activities.

Inappropriate Use: The City's email systems and services are not to be used for purposes that could be reasonably expected to cause excessive strain on systems. Individual email use will not interfere with others' use of the City's email system and services. Email use at the City will comply with all applicable laws, all the City policies, and all City contracts.

The following activities are deemed inappropriate uses of the City systems and services and are prohibited:

1. Use of email in any way that violates the City's policies, rules, or administrative orders.
2. Viewing, copying, altering, or deletion of email accounts or files belonging to the City or another individual without authorized permission.
3. Sending of unreasonably large email attachments. The total size of an individual email message sent or received (including attachment) must be 50Mb or less.
4. Opening email attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and should be treated with utmost caution.
5. Sharing email account passwords with another person, or attempting to obtain another person's email account password. Email accounts are only to be used by the registered user.
6. Excessive personal use of the City email resources. The City allows limited personal use for communication with family and friends, independent learning, and public service so long as it does not interfere with staff productivity, pre-empt any business activity, or consume more than a trivial amount of resources. The City prohibits personal use of its email systems and services for unsolicited mass mailings, non-City commercial activity, political campaigning, dissemination of chain letters, and use by non-employees.

#### Internet Use

~~The primary function of the computer network is to assist in service delivery to our residents and customers.~~

Information found on the Internet and used for City work must be verified to be accurate and factually correct.

Personal and business use of the Internet is limited to web sites that are considered "business appropriate" and employees are expected to exercise good judgment when accessing sites. Employees may not intentionally access any site that is inappropriate for a public sector employer, or which could cause embarrassment to the organization or employee. If this occurs, employees are expected to notify their supervisor immediately. Public sector organizations are held to a high standard of scrutiny and ethical behavior. Some examples of inappropriate sites include adult entertainment, sexually explicit

material, web sites promoting violence or terrorism, illegal use of controlled substances (drugs) and intolerance of other people, races, religions, etc.

The City may monitor or restrict any employee's use of the Internet without prior notice, as deemed appropriate by the employee's supervisor or the City Administrator.

#### Data Management, Integrity & Protection

Access to data: For the purposes of increased efficiency, the City allows employees to view, add, or modify information in each other's users files stored on the server. Therefore, access to these files is virtually unlimited. The City reserves the right to limit access to this data if problems arise from such use.

Hardware/Software Installation: All hardware and software will be installed or downloaded only by Metro-INET or personnel authorized by the City Administrator.

Licensed software: City employees may not duplicate licensed software or related documentation. Any such duplication may subject employees and/or the City to both civil and criminal penalties under the United States Copyright Act. Personal software may be installed only if approved by the City Administrator. City-owned software may not be loaded onto external systems unless the license agreement allows such use and with the approval of the City Administrator.

~~Portable files: To facilitate off-site work, employees may copy appropriate files to and from diskettes without prior approval of the City Administrator. Appropriate files include word processing documents and electronic spreadsheets. No other files or information may be copied to or from the City's computers without the approval of the City Administrator. Before files are stored or used on the City's computers, disks shall be scanned for viruses.~~

Security: Electronic information is a significant asset of the City of Little Canada. Extreme care must be used by employees to protect this information. Employees should only use their own user's name when logging onto the network. With the exception of the front office staff, users who are away from their computer for long periods of time (or overnight) ~~should~~ must lock their workstations or log off the network. This will prevent unauthorized use of the system that may be attributed to the employee, and protects the City's computer network and data. All computer users shall not disable or alter security safeguards, such as virus detection software, installed on any City computers.

~~Virus Prevention: To help prevent virus infection, all Internet files must be downloaded to a floppy disk and scanned for viruses before using or transferring to a hard drive or network drive. Likewise, files brought on diskette from an outside source must also be scanned for viruses before using or transferring to a hard drive or network drive.~~

- Desktop and notebook computer users shall not write, compile, copy, knowingly propagate, execute, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer system.
- Suspected viruses should be reported immediately to Metro-INET.
- Viruses shall not be deleted without expert assistance unless instructed by Metro-INET staff.

## City's Right to Access Data

Electronic files that store e-mail messages and other documents on the City's server and computers are the City's property. ~~The City Administrator has the right to access any employee's e-mail messages.~~ The computers, programs, and electronic files are considered by the City not to be private. Employees should not have any expectation of privacy related to any computer, program or electronic file received, created or stored on the City's computers. Users may not eavesdrop or view other users' e-mail messages without explicit permission from the employee. Employees should be aware that any data stored might be subject to government data practices statutes that make the text accessible to the public. Therefore, sensitive or personal documents or messages should not be sent or stored on the computer system.

The City reserves the right to inspect, without notice, all data, emails, files, settings, or any other aspect of a City-owned computer or related system, including personal information created or maintained by an employee. The City may conduct inspections on an as-needed basis as determined by the City Administrator.

## Consequences of Violations

~~Violations of this policy may constitute just cause for discipline, up to and including discharge.~~

## Failure to Comply

Violations of this policy will be treated like other allegations of wrongdoing at the City. Inappropriate use of any City desktop or notebook computer or related computing device, software, or services may include, but are not limited to, one or more of the following:

1. 1. Temporary or permanent revocation of use of computing equipment and network access;
2. Termination of employment; and/or
3. Legal action according to applicable laws and contractual agreements.

## SECTION 18 – CELL PHONE POLICY

*Cell phone policy was adopted in 2019 – now adding to personnel policy rather than it being a stand-alone policy.*

### Purpose

The purpose of this policy is to provide guidance with regard to who has cell phone privileges, how the phones are paid for, and the City's expectations of the cell phone users.

### Applicable Employees

Cell phones are an important and necessary tool in the performance of certain employees' job duties. For those employees who have an approved and valid business purpose the City will provide a cell phone for that employee's business use. Employees approved for a cell phone may also use their own phone and be reimbursed by the City.

Temporary and seasonal employees are not eligible for City cell phones or reimbursement.

### Content Disclaimer

Phones paid for in whole by the City are public property and all information relayed through them could be subject to review by others. Employee-owned phones the City reimburses for are also subject to review by others. Generally, public business and information is public, while personal data may be excluded from a request.

### Personal Use

While at work, employees are expected to exercise discretion in using cell phones for personal calls. Personal cell phone calls should be kept to a minimum so as not to interfere with employee productivity or distract others. Excessive personal calls during work hours, regardless of the phone used, are unacceptable. Employees using their own cell phones are subject to the same standards and are expected to exercise discretion as well.

### Payment

Cell phones assigned by the City may be used for personal calls. Employees will pay a portion of the monthly cost of the phone to gain personal use privileges. Employees who choose to use the work-provided phone for work purposes only will not be charged a monthly fee.

Employees who are paying for a phone provided by the City will have \$15 deducted from their payroll checks once a month. If an employee accrues extra charges that are not regular monthly charges he or she will be responsible for paying those charges by cash or check.

Employees who have their own phones that they also use for authorized City-related purposes will be reimbursed \$30 per month.

## Equipment

Employees who are eligible to receive a City-provided phone may select an iPhone or android device that is currently available from the vendor with a cost of up to \$250. The employee is responsible for any cost over \$250 should they choose a more expensive phone. Any replacement or upgrade devices must follow the current terms of the contract provided by the City of Little Canada.

The City will furnish each City-provided phone user with an approved charger, protective cover, belt clip, and/or face protector at no cost to the employee. Each individual phone user will pay for any additional accessories.

Employees who choose to use a personal phone for City-related business and receive reimbursement are responsible for all costs associated with the cellular telephone plan they choose. For example, lost or stolen phones, phones that break or quit working, plan penalties, replacement phones, activation fees, excess charges, text messaging, data tethering, insurance, etc. are all the sole responsibility of the employee.

## Care and Use

Employees in possession of a City-issued cell phone are required to care for the phone in a responsible manner, and to take appropriate precautions to prevent theft, damage, and vandalism.

Employees shall not engage in text messaging or any other phone operations that impair driving while operating a vehicle or any equipment at any time, including non-working hours and shall also follow Minnesota State Law regarding cell phone use in a vehicle or equipment.

## Security

Security is of particular importance with smartphone technology, as each device is a point of access to the city. Employees whose phones are synced to the city's network are required to be passcode protected and employees must immediately report the loss of their phone, whether it is a city-issued phone or personal phone. The city retains the right to have the cell phone service for city-owned phones disconnected at any time.

## SECTION ~~18-19~~ - OTHER INFORMATION

### Copy Machine Use

All employees of the City are afforded the use of City copy machines for personal matters, at cost. Personal copying shall not conflict with City business.

### Equipment and Machinery Care

- A. Every employee who has occasion to operate a municipal vehicle, machinery, or office equipment is charged with the responsibility of routine and normal maintenance for the piece of equipment they are operating.
- B. All defects in any piece of equipment must be called immediately to the attention of the supervisor.
- C. Failure to properly care for municipal equipment shall be cause for disciplinary action being taken.

### Falsification and Destruction of Records

- A. Falsification of any public records, including personnel records, is unlawful.
- B. Any contemplated destruction or disposition of public records shall be consistent with the adopted records retention schedule.

### Keys and Other Equipment

- A. Every employee and Elected Official who has authorized possession of any key, electronic building access, tools or other equipment on a full-time basis must register his/her name and the serial number of the key, if applicable, or other equipment with the supervisor or assigned personnel.
- B. All such equipment must be turned in and accounted for by any employee who terminates his/her services with the City or Elected Official at the end of their elected term.
- C. Every employee and Elected Official shall be responsible for the safekeeping and care of all such equipment. All expenses incurred by the loss of such equipment shall be borne by the employee or Elected Official.
- D. The duplication by a locksmith or other person of keys, openings, structures, or equipment owned by the City is prohibited unless authorized by the City Administrator or supervisor. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

### News Releases

- A. News releases concerning municipal affairs are the responsibility of ~~the department supervisor~~

~~and~~ the City Administrator.

- B. All news releases concerning City personnel shall be the responsibility of the City Administrator.

#### Outside Employment

A City employee shall not engage in any employment, activity or enterprise that is inconsistent, incompatible or in conflict with his/her duties as a City employee, or with the duties, functions and responsibilities of the department by which he/she is employed.

The following activities shall be considered inconsistent, incompatible or in conflict with City employment:

- A. Any employment, activity or enterprise which involves the use for private gain or advantage of the City's time, facilities, equipment or supplies, prestige or influence or a City office or employment.
- B. Any employment which involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee would be required or expected to render in the regular course of his/her City employment or a part of his/her duties as an employee.
- C. Any employment which involves the performance of an act in other than his/her capacity as an employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which he/she is employed.
- D. An outside position that impairs his/her attendance or efficiency in the performance as a City employee.

#### Personal Telephone Calls

- A. Personal telephone calls shall be made or received only when absolutely necessary when they do not interfere with working operations and should be completed as quickly as possible.
- B. Any personal long-distance call costs shall be paid for by the employee.

#### Reference Checks

All requests for reference checks on present or former employees of the City of Little Canada shall be directed to the [City Clerk/HR Manager or](#) City Administrator.

#### Personnel Record of Employees

- A. The City ~~Administrator~~ [Clerk/HR Manager](#) shall maintain all personnel records. These personnel records shall be the official personnel records of the City and are, therefore, important to all employees and shall be maintained by the City ~~Administrator~~ [Clerk/HR](#)

Manager. It shall be the employee's responsibility to see that the following items are kept current at all times:

1. Correct home address and telephone number.
  2. Person to contact in case of emergency.
  3. Legal change in name.
- B. Personnel records, including examinations, service rating reports, individual personal records and histories, shall be open for inspection and review by the employee concerned, their authorized representative, and City personnel authorized access to employment records during office hours in accordance with such procedures as the City Administrator may prescribe.
- C. Materials in an employee's personnel file are released to others in accordance with the provisions of the Minnesota Government Data Practices Act, other applicable State and Federal laws, and applicable court decisions.

#### Travel Allowance

- A. If employees are obliged to travel in performance of their duties as a City employee, they will receive reimbursement of actual expenses for conference fees, transportation costs, lodging, and miscellaneous expenses such as phone calls, meals, and hotel gratuities up to the maximum set at the IRS per-diem rate for the continental United States (CONUS). Expenses must be supported with receipts. Reimbursement for travel expenses will be allowed at coach rates for air travel.
- B. Employees who find it necessary to use their private automobiles for City travel and who do not receive a car allowance, will be reimbursed at the current IRS rate.
- C. Out-of-state training or conferences must be approved by the City Council in order to qualify for reimbursement of reasonable expenses.
- D. Application of this policy will be made for the Mayor and Council Members who incur these types of expenses in performance of their duties as Mayor and Council Member.

#### Use of Staff Vehicles

- A. Certain employees, because of the nature of their job, are provided with City vehicles to be treated in a different manner than other vehicles. Normal use of twenty-four (24) hour City vehicles will be of an official business nature only. City vehicles shall not be used for personal reasons, except for stopping for lunch mid-day when it is not practical to get the employee's personal vehicle.
- B. No city vehicle will be taken over two hundred (200) miles from Little Canada without written authorization of the City Administrator.

- C. Temporary authorization of employees to take vehicles home may be granted by department supervisor.
- D. The city expects all employees who are required to drive as part of their job to drive safely and legally while on city business and to maintain a good driving record.
- E. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first workday after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter. The city will determine appropriate action on a case-by-case basis.
- F. Employees are required to keep city vehicles clean and well-maintained, both the inside and outside of the vehicle.

### Lawsuit

If the City of Little Canada is involved in a lawsuit or pending legal action, employees are not to answer inquiries from any lawyers, insurance investigators, other parties involved, or anyone else involved in the case unless authorized by the City Administrator or City Attorney. All inquiries are to be directed to the City Administrator and/or City Attorney.

### Child Support

The City of Little Canada, in compliance with MN Statutes Section 256.978 (Location of Parents Deserting Their Children, Access to Records) shall provide information upon written request by an agency responsible for child support enforcement regarding individuals owing or allegedly owing a duty to support.

### Receipt of Gifts and Other Gratuities

It is imperative that all employees not only maintain the highest possible standards of ethical conduct in their transactions of public business, but that such standards are clearly defined.

- A. Solicitation - Employees shall not directly or indirectly solicit pay, commission, money, personal gift, service and/or anything of value or attempt to derive any benefit, profit or advantage, directly from or by reason of any dealings with or service for the City for themselves or by authority from or by reason of any improvements, alterations or repairs required by the authority of the City except lawful compensation or salary as City employee.
- B. Unacceptable gifts and gratuities - Gifts of any size are unacceptable under circumstances in which it could be reasonably expected to influence him or her in the performance of his/her official duties, or is intended as a reward for any official action on his/her part.
- C. Acceptable gifts and gratuities - The following are examples of gifts and gratuities which may be acceptable:
  - 1. Awards for meritorious civic service contributions;

2. Unsolicited items of a modest or nominal value that are donated to and shared by the work group;
3. Unsolicited advertising or promotional materials such as pens or calendars with a value under \$10;
4. Unsolicited gifts when the gift is in connection with widely attended gatherings such as receptions and grand openings where other dignitaries have been invited, and where the official or employee is invited in his/her official capacity and where if he/she did not attend it would reflect negatively on the City.

D. Contributions to the City - All contributions to the City must be approved by the City Administrator before acceptance.

This policy does not limit departments from being more restrictive if it is important to the effective functioning of the department.

These provisions or current State Statutes, whichever are more restrictive, shall apply.

#### Multi-Department Head Status

No City employee shall hold "department head" status in two or more departments or organizations associated with the City of Little Canada without prior approval by the City Council when that organization's source of funding is derived in whole or part from City resources. In evaluating a request for approval, the Council's primary consideration shall be to ensure that the city's best interests are served as they deem appropriate. Continued service in dual department head status shall be subject to annual review and approval by the City Council. Nothing within this policy shall assure the affected employee that initial or continued approval will be granted. ~~This handbook and this provision do not apply to exempt employees hired after July 12, 1995.~~

#### Educational Reimbursements

In order to develop further skills and self-improvement, the City will provide financial assistance to all regular full-time employees who continue formal study in areas of study consistent with a career path in local government directly related to their present position. This includes high school and accredited college diplomas.

1. Educational assistance will be made for tuition, registration, and laboratory fees. Costs of books, supplies, mileage, or other expenses will not be included.
2. Tuition refund will be made upon completion of the approved course and will amount to 100% for a grade of C or better.
  - a. Failure to receive a grade of C or better will nullify any payment.
  - b. Reimbursement will not be made for courses not completed or courses where

payments are received by the employee from another agency (i.e. GI Bill).

3. The program will apply to accredited colleges, technical institutions, certain vocational institutions and other specialized training programs.
4. Unless otherwise approved, course must be taken other than during normal working hours.
5. An annual maximum tuition reimbursement of \$4,500 per employee, subject to budgetary limitations.
6. Application for educational assistance must be completed and approved by the supervisor and the City Administrator prior to taking the course. Applications may be obtained from the City Administrator.
7. Should the employee leave the City's employment within two years of completing a class, the employee will be responsible for the full reimbursement of the City's expended funds towards tuition during the previous 12 months.
8. Should the employee leave the City, any amounts owing would become immediately due and payable and be withheld from any final payroll/severance amounts owing.

#### Pregnancy and Nursing Mother Accommodations

- Reasonable accommodations will be made for employees with health conditions related to pregnancy or childbirth.
- Employees who are nursing mothers will be provided reasonable break times and a private space each day to express milk for their infant child during the twelve (12) months following the birth of their child.

## SECTION ~~19~~ 20 - FIRE DEPARTMENT VOLUNTEERS

- A. The City encourages its employees to seek membership in the Little Canada Volunteer Fire Department, or one of its mutual aid cities, to meet the needs of the community.
- B. The City has given each fire fighter/employee the right to decide for themselves whether or not they should respond to a call while on duty with the City. If their decision is such that they believe that their response is not needed from the Fire Department's standpoint and not responding would not jeopardize the Fire Department's efforts, they are expected to remain on the job. If, on the other hand, they deem it a true emergency, believe that they will be of value, and that their absence from their assigned duties will not place the City or their fellow worker(s) in jeopardy, they are encouraged to respond. The decision rests with the individual, based on the information they have at their disposal at that time.
- C. If a fire fighter/employee does decide to respond to a call during normal working hours, they shall make a reasonable effort to promptly contact their supervisor or other department-designated person. After responding to a call, a verbal report should be made as soon as possible to the designated person in their department.
- D. Employees in the company of fire fighters at the time the emergency call is received should continue with their assigned duties, or as directed by their supervisor.
- E. No reduction will be made in the wages of the fire fighter/employee for actual time spent responding to a call within Little Canada or one of its mutual-aid cities.

## SECTION ~~20~~ 21 - NON-DISCIPLINARY SEPARATION

### Resignation

- A. Any employee wishing to leave the City service in good standing shall file with his supervisor at least fourteen (14) calendar days before leaving a written resignation stating the effective date of this resignation. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City.
- B. Unauthorized absence from work for a period of three (3) days may be considered by the supervisor as a resignation.

### Severance Pay

All regular full-time and part-time employees who leave the employ of the City by resignation, retirement, or death shall receive pay for unused Paid Time Off (PTO) and compensatory time subject to maximum accruals. Employees leaving the City's employ can elect to be compensated for unused accrued PTO or to have the value of accrued PTO deposited in the employee's Post Employment Health Care Savings Plan subject to election requirements of the Plan.

All regular full-time and regular part-time employees who leave the employ of the City by resignation, retirement, or death shall receive pay for remaining deferred sick leave balances based on the schedule below. Severance pay based on deferred sick leave will only be paid by the City to the employee's Post Employment Health Care Savings Plan. For those employees that opted to convert deferred sick leave to PTO as provided for in the PTO provision of this policy, the time converted will be deducted from the pay-out maximums below on a one-for-one basis.

	<u>% of Unused Sick Leave Balance</u>	<u>To Pay-Out Maximum</u>
5 years to less than 10 years of service	30%	10 days ( <a href="#">80 hours</a> )
10 years to less than 15 years of service	35%	20 days ( <a href="#">120 hours</a> )
15 years to less than 20 years of service	40%	30 days ( <a href="#">240 hours</a> )
20 years of service and above	50%	42 days ( <a href="#">336 hours</a> )

## Lay-Offs

- A. The City Administrator, with approval by the City Council, may lay-off any regular full-time or regular part-time employee whenever such action is made necessary as provided in the annual budget by reason of shortage of work or funds, the abolition of a position or because of changes in organization. Two (2) weeks advance written notice of the lay-off shall be given. Qualifications and performance of personnel within an affected position shall be the determining factors for lay-offs. Length of service will be given consideration only when all other qualifications are equal. The City Administrator or appropriate supervisor may lay off or terminate temporary and seasonal employees with no prior notice and without City Council approval.
- B. Employees who have been laid off will be recalled to their former position classification in the reverse order of their lay-off.

## SECTION ~~21~~ 22 - DISCIPLINARY ACTION

### General Policy

A municipal employee is the beneficiary of certain privileges and benefits which are set forth in this policy. In exchange, the City requires standards of conduct and behavior calculated to best ensure good government for the citizens of Little Canada.

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules adopted by the Council and/or City Administrator. It is the policy of the City to administer disciplinary penalties without discrimination. Disciplinary action shall be for just cause and the employee may demand a hearing or use the grievance procedure of Section ~~19~~ 23 with respect to any disciplinary action which he or she believes is either unjust or disproportionate to the offense committed. The supervisor shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

### Disciplinary Action Steps

In most cases, disciplinary action against any employee shall be progressive and follow the steps listed below in numerical order. However, when an infraction is severe enough in the judgment of the City Administrator, any one or all of the first three actions may be omitted.

1. Oral reprimand.
2. Written reprimand. A written reprimand shall state that the employee is being warned for misconduct; describe the misconduct; describe past actions taken by the supervisor to correct the problem; urge prompt correction or improvement by the employee; include timetables and goals for improvement when appropriate; and outline future penalties should the problem continue. The employee shall be given a copy of the reprimand and sign the original acknowledging that he or she has received the reprimand. The signature of the employee does not mean that the employee agrees with the reprimand. The reprimand shall be placed in the City's file on the employee.
3. Suspension without pay. Prior to the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. Upon the employee's return to work, he or she shall be given a written statement outlining further disciplinary actions should the misconduct continue. An employee may be suspended pending investigation of an allegation. A copy of each written statement shall be placed in the employee's personal file, but if the suspension is for investigation and the allegation proves false, the statement shall be removed and the employee shall receive any compensation to which he or she would have been entitled had the suspension not taken place.
4. Dismissal. The City Administrator may dismiss any employee, but if the employee has completed a probationary period, a dismissal shall be made only for just cause. A dismissed employee will be notified by the previous posting of a summary of MN Stat. 181.931 to 181.935 or by furnishing the terminated employee a copy of those statutes at termination to inform the employee of his or her right to make a written request for the City's reasons for

termination. If requested, the City will provide reasons, in writing, within five working days. This notice will along with reasons, contain a statement indicating that the employee may respond to the charges both orally and in writing and may appear personally before the official having authority to make or recommend the final decision. The notice will also contain a statement that the employee is entitled to a hearing as provided within this section. If such a hearing is held, the dismissal shall not become effective until after the hearing.

### Other Disciplinary Actions

The following other disciplinary actions may be taken against any employee:

- a. Involuntary demotion.
- b. Forced transfer to a comparable position.
- c. Withholding a salary increase or decreasing the employee's salary.

### Hearing

In any case of suspension, dismissal, or demotion, the regular full-time or regular part-time employee shall be granted a hearing upon written request for such a hearing made to the City Administrator within five working days of notification of the action taken. The hearing shall be before the City Council. The hearing shall be held within 10 working days from the date the request is filed unless the City and the employee agree on a later date. Employees in the Learning and Evaluation Period are not entitled to such a hearing.

If after the hearing, the hearing body finds that the charges are sustained, the dismissal, suspension, or demotion shall be final in the absence of court action. If the body finds that the charges are not sustained, the employee, if he or she has not been suspended pending investigation, shall be reinstated and paid all back pay due for the period of suspension. If there has been no suspension, the employee shall be continued in the position as though the disciplinary action had not been taken. Findings by the hearing body shall be in writing and filed with the City Administrator within three days after completion of the hearing. The hearing body shall give written notice of the decision to the employee and to the disciplinary authority. If the disciplinary action involves the removal of a veteran, the hearing shall be held in accordance with MN Stat. 197.46.

### Major Work Rule Offenses

An employee shall be subject to immediate disciplinary action, without warning, up to and including discharge, for the violation of any of the following rules. Discharge may result for good cause other than those specified.

1. Incompetency and/or inefficiency in the performance of job duties.
2. Insubordination, which is the refusal to comply with the supervisor's instructions unless such instructions are injurious to employee's safety or health, or are considered to be an unlawful act.

3. Immoral or indecent conduct while on duty.
4. Intentional falsification of personnel records, time reports or other City records or reports.
5. Indulging in offensive conduct or using offensive language toward the public, or in public, or toward City officials, supervisors, or other employees.
6. Conviction of a felony or of a misdemeanor involving moral turpitude while an employee of the City.
7. Carelessness or negligence with the monies or the properties of the City.
8. Theft or intentional destruction of City property or another employee's property.
9. Sleeping on the job.
10. Intoxication, or being under the influence of intoxicants, drugs, narcotics or unprescribed psychoactive drugs or any other violation of Section ~~24~~ 25 regarding alcohol and psychoactive drugs.
11. Deliberate or careless conduct endangering the safety of normal operations of the City or other employees, including the provoking of or instigating a fight during working time or on City premises.
12. Inducing or attempting to induce any employee in the service of the City to commit an unlawful act or to act in violation of any lawful departmental or official regulation, order, or work rule.
13. Accepting any fee, gift or other valuable thing in violation of Section ~~18~~ 19 regarding receipt of gifts and other gratuities.
14. Soliciting political contributions from municipal employees, and engaging in political activities on or with City property or on City time.
15. Unauthorized use of City-owned equipment and vehicles
16. Failure to comply with safety rules and practices.
17. Chronic physical or mental incapacity to perform the work of the position.
18. Unauthorized absence or abuse of leave privileges.
19. Use of official position for personal advantage.
20. Abusive, threatening or coercive treatment of another employee or the public on

employer's time or premises.

21. Any violation of Section ~~26~~ [27](#), Harassment Policy.
22. Activity which has been determined to be incompatible with employment as provided in Section ~~18~~ [19](#) regarding outside employment.
23. Inattentiveness to work failing to start work at designated time, abuse of break or meal periods, quitting work before proper time, or leaving employer's premises during working hours without authorization from supervisor.
24. Any violation of CDL Laws.
25. Any violation of HIPPA Laws.

## SECTION ~~22~~ 23 - GRIEVANCE PROCEDURE

An employee who has a grievance may avail himself/herself of the grievance procedure in this section. The employee must present a grievance in writing, stating the nature of the grievance, the facts on which it is based, and the remedy requested within ten (10) days of the action from which the grievance arises or the date upon which the employee became aware of the grievable action. Such employee must submit his/her written grievance in the following sequence:

- (1) First step, the appropriate supervisor.
- (2) Second step, the City Administrator.
- (3) Third step, the City Council.

The decision in a grievance shall be made as follows (except that failure to receive a decision within the timelines stated shall entitle the employee to proceed to the next step):

- (1) The decision in the first step shall be rendered within ten (10) working days of presenting the grievance at the first step level. The employee may appeal the first step decision by filing an appeal with the City Administrator within fifteen (15) working days after the first step hearing date.
- (2) The decision in the second step shall be rendered within ten (10) working days of presenting the grievance at the second step level. The employee may appeal the second step decision by filing an appeal with the City Administrator within fifteen (15) working days after the second step hearing date.
- (3) The decision in the third step shall be rendered within fifteen (15) working days of presenting the grievance at the third step level.
- (4) Time frames may be extended with the mutual agreement of both parties.

Employees shall be entitled to representation of their own choosing in appealing any grievance decision.

### Waiver

If a grievance is not presented within the time limits set forth above, it will be considered “waived.” If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the city’s last answer. If the city does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step.

### The following actions are not grievable:

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

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

## SECTION ~~23~~ 24 - SMOKING POLICY

In recognition of the fact that the City of Little Canada has an interest in encouraging healthy life styles among its employees, and to assure that the City is in compliance with the Minnesota Clean Indoor Air Act, all City buildings and vehicles, in their entirety, shall be designated as tobacco free. The use of tobacco products and electronic delivery devices (including but not limited to cigarettes, cigars, chewing tobacco, snus, snuf, e-cigarettes, and vaping pens) in any form, is prohibited.

Employees who use tobacco products and wish to cease are encouraged to take advantage of tobacco cessation programs sponsored by their health care providers.

## SECTION ~~24~~ 25 - ALCOHOL AND PSYCHOACTIVE DRUG POLICY

The use of alcohol or of drugs which change the normal functioning of the central nervous system by either stimulating or depressing it (Psychoactive drugs) may seriously affect an employee's performance. They may also endanger the employee's health and safety as well as the safety of other employees. It is therefore appropriate that guidelines be established for the control of alcohol and drugs as they pertain to the employee and the employee's job with the City of Little Canada.

### ALCOHOL

1. Alcohol must not be consumed in any City building, office, vehicle, or on City premises, including parking lots, except during designated events as approved by the City Council; and no employee who is intoxicated may work or report for work.
2. Alcoholic beverages shall not be consumed anywhere during rest breaks, lunches, or other meals if the employee is to work thereafter on the same work day.

### DRUGS

1. Common unprescribed psychoactive drugs are LSD, marijuana, heroin, etc. Psychoactive drugs, which may be prescribed but present a danger if improperly used, are barbiturates, dexedrine and similar preparations, tranquilizers, and commonly prescribed narcotics.
2. Non-prescription psychoactive drugs should not be taken by any employee at any time. Employees shall not be permitted to work while under the influence of psychoactive drugs unless the drug is being used strictly as prescribed by a licensed physician. Where the use of prescribed psychoactive drug interferes with the employee's performance or presents a health or safety hazard, the employee should be taken off that job or, with the concurrence of the prescribing physician, changed to an alternate drug.
3. Unless a psychoactive drug is taken strictly as prescribed by a licensed physician, it may not be kept or taken on City premises, including parking lots, or in any City vehicle or any vehicle being used for City business.
4. No employee who is under the influence of a psychoactive drug which was not prescribed for the employee by a licensed physician or which is not being taken strictly as prescribed, may work or report for work nor should any person who is under the influence of such a drug be permitted on City premises or in a City vehicle being used for City business.

Any employee who violates this section will be subject to discipline or dismissal pursuant to Section ~~24~~ 22 of this policy.

**SECTION 25 26 - ALCOHOL AND DRUG USE AND TESTING POLICY  
FOR ~~SAFETY-SENSITIVE~~ COMMERCIAL DRIVERS**

**Introduction**

The following is the policy of the City of Little Canada regarding testing associated with alcohol misuse and drug use by those employees operating motor vehicles which require a Commercial Driver's License. A discussion of the physical effects of alcohol and certain drugs on the body is included as well. The terms alcohol misuse, drug use and substance abuse are used interchangeably in this document. The name and telephone number of the person who can answer any questions you may have about the alcohol and drug rules and assist you in substance abuse situations appears on the last page of this policy.

**Terms and Abbreviations**

BAT ————— Breath Alcohol Technician  
CDL ————— Commercial Driver's License  
CMV ————— Commercial Motor Vehicle  
DHHS ————— Department of Health and Human Services  
DOT ————— Department of Transportation  
EAP ————— Employee Assistance Program  
EBT ————— Evidential Breath Testing  
MRO ————— Medical Review Officer  
us ————— The Employer  
you ————— The Driver/Employee

**Definitions**

Alcohol ————— The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration ————— Also called alcohol content, the alcohol in a volume of breath, (expressed as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test, such as a breathalyzer.

Alcohol Use ————— The consumption of any beverage, mixture or preparation, including medications, containing alcohol.

Breath Alcohol Technician ————— An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.

Confirmation Test ————— In alcohol testing: a second test, following a screening test with a result of 0.02 or greater, that provides quantitative measurement of alcohol concentration.

————— In drug testing: a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the alcohol

screening test.

~~Controlled Substances~~ — In this booklet, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- ~~\*~~ — Marijuana
- ~~\*~~ — Cocaine
- ~~\*~~ — Opiates
- ~~\*~~ — Phencyclidine (PCP)
- ~~\*~~ — Amphetamines, including methamphetamines.

~~Driver~~ — Any person who operates a commercial motor vehicle, (CMV) including:

- ~~\*~~ — Full-time, regularly employed drivers
- ~~\*~~ — Casual, intermittent or occasional drivers
- ~~\*~~ — Leased drivers
- ~~\*~~ — Independent, owner-operator contractors who are either directly employed by or under contract to an employer or who operate a commercial motor vehicle (CMV) at the direction of or with the consent of an employer.

~~Evidential Breath Testing Device~~ — A device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

~~Medical Review Officer~~ — A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history, and other relevant biomedical information.

~~Screening Test~~ — In alcohol testing: the initial test to determine if a driver has a prohibited concentration of alcohol in his or her system. In controlled substances testing: a screen to eliminate "negative" urine specimens from further consideration.

~~Substance Abuse~~ — Refers to patterns of substance use that result in health consequences or impairment in social, psychological and occupational functioning.

~~Substance Abuse Professional~~ — A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

### **Who is Covered by the Alcohol and Drug Rule?**

The Federal Highway Administration, Department of Transportation Alcohol and Drug ruling applies to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce,

and is subject to the commercial driver's license (CDL) requirements of part 383.

### **What is a Safety-Sensitive Function?**

A safety-sensitive function is defined as including any of the following circumstances and/or activities:

- \* ~~At a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the employer;~~
- \* ~~Inspecting service brakes, including trailer brake connections, parking (hand) brakes, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses, or warning devices for stopped vehicles;~~
- \* ~~Inspecting, servicing, or conditioning any (CMV) in operation;~~
- \* ~~At the driving controls of a CMV in operation;~~
- \* ~~While in or upon any CMV, except when resting in a sleeper berth;~~
- \* ~~Supervising or assisting in loading or unloading a vehicle;~~
- \* ~~Attending a vehicle being loaded or unloaded;~~
- \* ~~While in readiness to operate the vehicle;~~
- \* ~~When giving or receiving receipts for shipments loaded or unloaded;~~
- \* ~~performing the driver requirements of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, relating to accidents;~~
- \* ~~Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.~~

### **What Are the Alcohol and Drug Prohibitions?**

The DOT refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

~~Alcohol Prohibitions~~ are tied to the performance of safety-sensitive functions in the following ways:

1. ~~A driver may not report for duty or stay on duty:
  - a. ~~with a blood alcohol concentration of 0.04 or greater;~~
  - b. ~~if in possession of alcohol (unless it is being transported as cargo);~~  
NOTE: this includes any product (medication, food, or other product) containing alcohol, regardless of the alcohol content.
  - c. ~~if using alcohol;~~
  - d. ~~within four hours of using alcohol.~~~~
2. ~~A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight hours, whichever comes first.~~
3. ~~Drivers cannot refuse to submit to alcohol testing.~~
4. ~~Employers who know about any of the above acts cannot permit the driver to perform a safety-sensitive function.~~

The Federal Highway Administration bans the use of **controlled substances** by drivers.

### **Drug Prohibitions:**

1. ~~Drivers may not report for duty or stay on safety-sensitive duty while using any controlled substance. There may be an exception to this ruling if a physician has prescribed a substance and has advised you that it does not interfere with your ability to operate a vehicle in a safe manner.~~
2. ~~Drivers may not report for duty or stay on duty if they have tested positive for a controlled~~

substance.

3. ~~Employers who know about either of the above acts cannot permit the driver to perform a safety sensitive function.~~
4. ~~Employers may require drivers to report the use of any therapeutic drugs.~~

### **~~What Tests are Required and When Will I be Tested?~~**

~~There are five situations where testing can be done to determine the presence of alcohol and/or drugs.~~

#### **~~1. Pre-employment~~**

~~**When:** Before a new hire can perform any safety sensitive duties or when a person transfers into a safety sensitive function from elsewhere in the municipality.~~

~~NOTE: No person will be considered for a Driver's position who has had a positive drug and/or alcohol test within two years of his or her application.~~

#### **~~2. Post-accident~~**

~~**When:** Following an accident where~~

~~\* a life was lost,~~

~~\* the driver was cited for a moving traffic violation.~~

~~Post-accident alcohol testing should be done within two hours of the accident. If a test cannot be done within eight hours, it probably will not be done. Post-accident drug testing shall be done within 32 hours, or not done at all.~~

#### **~~3. Random~~**

~~Unannounced **random** testing is required on certain percentage of drivers each year.~~

~~**How:** The random selection process used shall ensure that each driver has an equal chance of being tested each time selections are made.~~

~~**When:** Drivers are randomly selected from the pool. Random testing for alcohol shall be completed just before, during or immediately after performing safety sensitive work. Random testing for drugs may be done at any time you are at work. Once you are notified that you have been selected for random testing, you must proceed immediately to the test site.~~

~~Random testing is done as follows:~~

~~\* 25% of all drivers shall be randomly tested for alcohol during the first year of the testing program. The number to be randomly tested in following years depends on the percentage of positive tests for the entire industry.~~

~~\* 50% of drivers shall be randomly tested for controlled substances during each year of the testing program.~~

#### **~~4. Reasonable suspicion~~**

~~**When:** If your supervisor has reason to believe that your behavior or appearance may indicate alcohol or drug use. Testing for reasonable suspicion is based on:~~

~~\* the observances of a trained supervisor,~~

~~\* specific, clearly stated observations concerning the driver's appearance, behavior, speech or body odor,~~

~~\* observations made for alcohol testing shall be made just before, during, or just after the~~

~~performance of a safety sensitive function.~~

### **Important points:**

- ~~\* The supervisor who makes the observation and determines that reasonable suspicion testing should be done, may not conduct the alcohol test on the driver.~~
- ~~\* Alcohol testing for reasonable suspicion must be done within two hours of the observation. Tests that cannot be done within eight hours of the observation shall not be done.~~
- ~~\* You cannot report for duty or stay on the job while under the influence of alcohol or while impaired by alcohol as shown by behavior, speech, or performance that indicates alcohol misuse. You will not be allowed to continue to perform safety sensitive duties until:~~

~~Your alcohol concentration is less than 0.02.~~

~~or~~

~~24 hours have passed from the time of initial observation.~~

- ~~\* Action regarding alcohol misuse cannot be taken against a driver unless an alcohol test was administered or was refused by the driver.~~

### **5. Return to duty and follow-up**

#### **When:**

- ~~\* Return to duty testing is required for drivers who violate prohibitions and are returning to work. In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required.~~
- ~~\* Follow up testing is required when a driver returns to a safety sensitive function. A minimum of six tests shall be performed during the first year back in a safety sensitive position. However, follow up testing may continue for up to five years.~~

### **What Happens if I Refuse to be Tested?**

~~As part of the alcohol and drug rule, you must submit to alcohol and drug testing. If you refuse to be tested, you cannot continue on the job. Refusal to test is considered to be any time you either fail to provide enough breath for alcohol testing or enough urine for controlled substances testing without a valid medical reason after being notified of the testing requirements, or if you clearly obstruct the testing process.~~

### **How is Alcohol Testing Done?**

- ~~1. Alcohol testing is done by a certified Breath Alcohol Technician, or BAT, in a private setting where no one but you and the BAT can see or hear the test results. An evidential breath testing device (EBT) approved by the National Highway Safety Administration must be used.~~
- ~~2. The BAT will ask you for identification. You may ask for the BAT's identification as well.~~
- ~~3. To complete the test, you must blow forcefully into the mouthpiece of the testing device. The BAT must show you the test result on the testing device.~~
- ~~4. A screening test is done first. If the reading is less than 0.02, you will sign the certification and fill in the date on the form. The test will be reported as negative to the employer.~~
- ~~5. If the reading is 0.02 or greater, a confirmation test must be done (after 15 minutes, but within~~

20 minutes of the first test). You will be asked not to eat, drink, belch or put anything in your mouth. These steps prevent the buildup of mouth alcohol, which could lead to an artificially high result.

6. If the screening and confirmation test results are not the same, the confirmation test result is used.

**If you refuse to be tested or to sign the testing form, the BAT will immediately notify your employer.**

### **How is Drug Testing Done?**

1. Drug testing is done by analyzing a urine sample, which is collected in a private location.
2. Urine specimens are divided into two containers by the collection site person — in your presence. These two samples, called "primary" and "split", are sent to a testing laboratory certified by the Department of Health and Human Services (DHHS).
3. At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required.
4. The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.
5. If the first test is positive, the Medical Review Officer (MRO) will notify you to find out if there is a medical reason for the drug use. If you can document why the substance is being taken and the MRO finds it is a legitimate medical use, the test may be reported as negative to the employer.
6. After being notified that the first test was positive, you have 72 hours to request a test of the split specimen. If you make this request, the split specimen is sent to another DHHS-certified lab for the test.
  - a. If you do not contact the MRO within 72 hours, but can prove to the MRO that you had a legitimate reason for not doing so, the MRO can order the split specimen tested.

**Removal from safety-sensitive duty as required by the DOT following a positive drug test is not delayed to await the result of the split specimen test.**

7. If the analysis of the split sample does not confirm the presence of a drug, the MRO cancels the test and reports this to the DOT, to the employer, and to you.

### **What are the Consequences of Violating the Alcohol or Drug Prohibitions?**

#### **Alcohol violations:**

- a. Removal from safety-sensitive functions.
- b. Following a violation, a driver cannot return to a safety-sensitive duty until an evaluation has been done and any recommended treatment has been completed.
- c. Anyone with an alcohol concentration of 0.02 or greater, but less than 0.04, cannot return to safety-sensitive duties for at least 24 hours.

#### **Drug violations:**

- a. Removal from safety-sensitive functions.
- b. A driver cannot return to a safety-sensitive job until an evaluation has been done, recommended

therapy is completed, and a verified negative drug test is produced.

### **Where Can I Go for Help?**

The alcohol and drug rule requires us to provide you with an opportunity for treatment. The ruling does not, however, require us to hold a job open for you or to pay for rehabilitation.

\* ~~These issues are handled according to our alcohol and drug policy.~~

\* ~~If you violate an alcohol or drug prohibition, you must be evaluated by a substance abuse professional to determine what help is needed.~~

Before you can return to a safety-sensitive job, you must:

- a. ~~have an alcohol concentration of less than 0.02, or a verified negative drug test (depending on the violation)~~
- b. ~~complete recommended treatment~~
- c. ~~complete a minimum of six follow-up tests within the first year back to work (follow-up testing may be done for up to five years after return to work).~~

**~~If you have not violated alcohol or drug prohibitions, but would like further information or assistance on alcohol or drug issues, you may do so on a confidential basis through your Employee Assistance Program.~~**

### **~~What are the Effects of Alcohol and Drugs on the Body?~~**

~~**Alcohol**, a nervous system depressant, is the most widely abused drug. About half of all auto-accident fatalities in this country are related to alcohol abuse. A 12-ounce can of beer, a 5-ounce glass of wine and a 1 1/2-ounce shot of hard liquor all contain the same amount of alcohol. Each 1/2-ounce of alcohol takes the average body about one hour to process and eliminate. Coffee, cold showers, and exercise do not hasten sobriety. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink. In large doses, alcohol can dull sensation and impair muscular coordination, memory, and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and can cause permanent brain damage. On the average, heavy drinkers shorten their life spans by about ten years.~~

### **~~Other Effects:~~**

- \* ~~Greatly impaired driving ability~~
- \* ~~Reduced coordination and reflex action~~
- \* ~~Impaired vision and judgment~~
- \* ~~Inability to divide attention~~
- \* ~~Lowering of inhibitions~~
- \* ~~Hangover, which can be accompanied by headaches, nausea, dehydration, unclear thinking, unsettled digestion and aching muscles~~

~~**Marijuana**, also known as "pot", "weed", "grass", and other street names, alters the user's sense of time and reduces the ability to perform tasks requiring concentration. The drug has a significant effect~~

on judgment, caution, and sensory/motor functions.

Marijuana stays in the body for 28 days, unlike alcohol, which dissipates in a few hours.

#### **Other Effects:**

- \* ~~Impaired driving for at least 4-6 hours after smoking one "joint"~~
- \* ~~Restlessness~~
- \* ~~Inability to concentrate~~
- \* ~~Increased pulse rate and blood pressure~~
- \* ~~Rapidly changing emotions and erratic behavior~~
- \* ~~Altered sense of identity~~
- \* ~~Dulling of attention~~
- \* ~~Hallucinations, fantasies and paranoia~~
- \* ~~Reduction or temporary loss of fertility~~

**Cocaine** is a stimulant drug which increases heart rate and blood pressure. As a powder, cocaine is inhaled, ingested, or injected. Cocaine is also used as free-base cocaine known as "crack" or "rock", which is smoked. The crack "high" is reached in 4-6 seconds and lasts for about 15 minutes. Many people mistakenly believe that, because it is smoked, crack is safer than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive drugs known today. The most dangerous effects of crack are that its use can cause vomiting, rapid heartbeat, tremor and convulsions. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heat regulating center in the brain is also disrupted, dangerously high body temperatures can occur. With high doses, brain functioning, breathing, and heart beat are depressed, which can lead to death.

#### **Other Effects:**

- \* ~~A rush of pleasurable sensations~~
- \* ~~A heightened, but momentary, feeling of confidence, strength, and endurance~~
- \* ~~Accelerated pulse, blood pressure and respiration~~
- \* ~~Impaired driving ability~~

- \* ~~Paranoia, which can trigger mental disorders in users prone to mental instability~~
- \* ~~Irritation of the nostrils and nasal membrane~~
- \* ~~Mood swings~~
- \* ~~Anxiety~~
- \* ~~Reduced sense of humor~~
- \* ~~Compulsive behavior, such as teeth grinding or repeated hand washing.~~

~~**Amphetamines** are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Some common street names for amphetamines are "speed", "uppers", "black beauties", "wake-ups", "footballs", and "dexies".~~

~~People with a history of sustained low-dose amphetamine use quite often become addicted, believing that they need the drug to get by. These users frequently keep taking amphetamines to avoid the "down" mood they experience when the drug wears off.~~

~~Even small, infrequent doses can produce toxic effects in some persons. Restlessness, anxiety, mood swings, panic, heart rhythm disturbances, paranoid thoughts, hallucinations, convulsions and coma have been reported. Long-term users often have acne resembling measles, trouble with their teeth, gums and nails, and dry, dull hair. Heavy, frequent use can produce brain damage resulting in speech disturbances.~~

~~**Other Effects:**~~

- \* ~~Loss of appetite~~
- \* ~~Irritability, anxiety, depression~~
- \* ~~Increased heart rate and blood pressure~~
- \* ~~Difficulty in focusing eyes~~
- \* ~~Exaggerated reflexes~~
- \* ~~Distorted thinking~~
- \* ~~Perspiration, headaches, dizziness~~
- \* ~~Short-term insomnia~~

~~**Opiates** include heroin, morphine, codeine and narcotics used to relieve pain and induce sleep. Heroin, also called "junk" or "smack", accounts for 90% of the narcotic abuse in this country.~~

~~Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal and cannot even be obtained with a physician's prescription.~~

~~Most medical problems are caused by the uncertain dosage level, the use of unsterile needles, contamination of the drug, or the combination of a narcotic with other drugs. These dangers depend on the specific drug, its source and the way it is used.~~

~~**Other Effects:**~~

- \* ~~Short-lived euphoria~~
- \* ~~Impaired driving ability~~
- \* ~~Drowsiness, followed by sleep~~
- \* ~~Constipation~~

- \* ~~Decreased physical activity~~
- \* ~~Reduced vision~~
- \* ~~Change in sleeping habits~~
- \* ~~Possible death~~

~~Phencyclidine or PCP, also called "angel dust", was developed as a surgical anesthetic in the late 1950s. Later, due to its unusual side effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today, it has no lawful use and is no longer legally manufactured.~~

~~PCP is a very dangerous drug. It can produce violent and bizarre behavior even in people otherwise not prone to such behavior. More people die from accidents caused by erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body.~~

~~PCP scrambles the brain's internal stimuli and alters how users see and deal with their environment. Routine activities such as driving and walking become very difficult.~~

~~Low doses produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation and convulsions.~~

#### **Other Effects:**

- \* ~~Impaired driving ability~~
- \* ~~Drowsiness~~
- \* ~~Perspiration~~
- \* ~~Repetitive speech patterns~~
- \* ~~Incomplete verbal responses~~
- \* ~~Blank stare~~
- \* ~~Thick, slurred speech~~
- \* ~~Involuntary eye movement.~~

#### **Purpose and Objectives**

The City of Little Canada ("City") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation ("DOT"), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver's license (CDL) to perform their duties.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the “Certificate of Receipt” portion.

Because changes in applicable law and the City’s practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

### **Persons Subject to Testing & Types of Tests**

All employees are subject to testing who job duties include performing “safety-sensitive duties” on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disable commercial motor vehicle.

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

### **Pre-Employment Testing**

All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate’s DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above and review the testing history if feasible before the employee first performs safety-sensitive functions for the city. Beginning in 2020, an applicant must provide consent to the city, and successfully pass a full query of the Federal Motor Carrier Safety Administration’s Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

### **Post-Accident Testing**

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffics violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

<u>Type of accident involved</u>	<u>Citation issued to the DOT covered CDL driver?</u>	<u>Test must be performed by the City</u>
i. <u>Human fatality</u>	<u>YES</u>	<u>YES</u>
	<u>NO</u>	<u>YES</u>
ii. <u>Bodily injury with immediate medical treatment away from the scene</u>	<u>YES</u>	<u>YES</u>
	<u>NO</u>	<u>NO</u>
iii. <u>Disabling damage to any motor vehicle requiring tow away</u>	<u>YES</u>	<u>YES</u>
	<u>NO</u>	<u>NO</u>

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

#### **Post – Accident Controlled Substance Testing**

Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

#### **Post- Accident Alcohol Testing**

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

#### **Random Testing.**

Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which

each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

For 2020, federal law requires the City to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

### **Reasonable Suspicion Testing.**

When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

### **Return-to-Duty Testing.**

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional (“SAP”) evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

### **Follow-Up Testing.**

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver’s return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver’s return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

### **Cost of Required Testing.**

The City will pay for the cost of pre-employment, post-accident, random, and reasonable substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

### **Prohibited Conduct**

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

### **Under the influence of alcohol when reporting for duty or while on duty**

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than

0.04, will be removed from duty for 24 hours, escorted home and placed on PTO leave, Compensatory or another appropriate leave of absence for hours missed from work.

### **On-Duty Use of Alcohol**

No driver may use alcohol while performing safety-sensitive functions.

### **Pre-Duty Use of Alcohol**

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

### **Alcohol Use Following an Accident**

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

### **Refusal to Submit to a Required Alcohol or Controlled Substance Test**

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to an including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.

- Engages in conduct that clearly obstructs the test process.

### **Altering or attempting to alter a urine sample or breath test**

A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

### **Controlled Substance Use**

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

### **Controlled Substance Testing**

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the City also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the City's Alcohol and Psychoactive Drug policy.

### **Collection and Testing Procedures**

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

### **Alcohol Testing**

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device)

or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”) at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver’s first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a “negative” test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver’s inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

### **Controlled Substance Testing**

The City will use a “split urine specimen” collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver’s privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or “primary,” and B, or “split”) with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee’s failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a “confirmatory retest” will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must

contact the City who will direct the driver to contact the MRO.

### **Review of Test Results**

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO's supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual's medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second "B" container) tested at the driver's expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee's failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

### **Notification of Test Results**

#### **Employees**

The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive and will inform the driver which controlled

substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

### **Right to Confirmatory Retest.**

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

### **Dilute Specimens**

Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

### **Consequences for Drivers Engaging in Prohibited Conduct**

#### **Job Applicants**

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

#### **Employees**

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- **Removal from Safety-Sensitive Functions**  
No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home but be escorted to his or her home. The driver will then be placed on PTO, Compensatory or other appropriate leave of absences for hours missed from work.

- **Notification of Resources Available**  
The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

- **Discipline**  
The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.
  
- **Evaluation, and Return to Duty Testing**  
Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.
  
- **Follow-Up Testing**  
If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.
  
- **Refusal to test**  
All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.
  
- **Responsibility for Cost of Evaluation and Rehabilitation**  
Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.
  
- **Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse**  
In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the City will report the following information to the Clearinghouse within three business days:
  - ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;

- ✓ A negative DOT return-to-duty test result;
- ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
- ✓ Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121) of:
  - On duty alcohol use pursuant to § 382.205;
  - Pre-duty alcohol use pursuant to § 382.207;
  - Alcohol use following an accident pursuant to § 382.209;
  - Controlled substance use pursuant to § 382.213;
- ✓ Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

### **Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles**

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

### **Maintenance and Disclosure of Records**

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the city will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

### **Policy Contact for Additional Information**

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact your immediate supervisor, human resources or the City Administrator to obtain additional information.

### **Definitions**

- **Accident:**

Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

**Alcohol Concentration (or Content):** Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

**Alcohol Use:** Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

**Applicant:** Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

**Breath Alcohol Technician or BAT:** Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

**City:** Means City of Little Canada.

**City Premises:** Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

**Collection Site:** Means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

**Commercial Motor Vehicle:** Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

**Confirmation (or Confirmatory) Test:** For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, “Confirmation (or Confirmatory) Test” means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

**Controlled Substance:** Means those substances identified in 49 C.F.R. § 40.85. Marijuana, amphetamines, opioids, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 C.F.R. § 382.107; 49 C.F.R. § 40.85.

**Department of Transportation or DOT:** Means the United States Department of Transportation.

**DHHS:** Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

**Disabling Damage:** Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

**Driver:** Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

**Drug:** Has the same meaning as “controlled substance.”

**Employee seeking a transfer:** Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

**Evidential Breath Testing Device or EBT:** Means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

**Federal Motor Carrier Safety Administration or FMCSA:** Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

**Medical Review Officer or MRO:** Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

**Performing (a Safety-Sensitive Function):** Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

**Positive Test Result:** Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

**Reasonable Suspicion:** Means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable

Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

**Safety-Sensitive Function:** Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a city plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

**Screening Test (also known as Initial Test):** In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens form further consideration. 49 C.F.R. § 382.107.

**Substance Abuse Professional” or “SAP”:** Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 40.281.

**The following person is designated by the employer to answer questions about these matters:**

City Clerk/[Human Resources Manager](#) (651) 766-4047

**Our testing facility is:**

**OnSite Drug Testing & Consulting**

[www.guardguys.com](http://www.guardguys.com)

[70 County Road C West, Suite 702, Little Canada, MN 55117](#)

~~MedTox Labs, Inc.~~

~~402 W. Co. Rd. D~~

~~St. Paul, MN 55112~~

~~(651) 636-7466~~

~~(800) 832-3244~~

~~**This lab is certified to perform controlled substance testing according to DHHS/NIDA regulations.**~~

~~**The following organization should be contacted for confidential assistance with drug and/or alcohol problems:**~~

~~Health Partners~~

~~Information Line...952-883-5000~~

~~Toll-Free.....1-800-883-2177~~

### **Policy Modification**

The employer retains the right to modify this policy to conform to changes in regulation or law.

~~I have received a copy of Little Canada's Alcohol and Drug Use and Testing Policy for Safety Sensitive Drivers and have been provided information on the following:~~

- ~~1. The person designated by the employer to answer questions about these materials;~~
- ~~2. Who is subject to alcohol misuse and controlled substance requirements;~~
- ~~3. Explanation of a safety-sensitive function;~~
- ~~4. What driver conduct is prohibited;~~
- ~~5. Circumstances for drug and/or alcohol testing;~~
- ~~6. Procedures used to test for the presence of drugs and/or alcohol;~~
- ~~7. The requirement that employees submit to controlled substance and alcohol testing;~~
- ~~8. An explanation of what constitutes a refusal to submit to testing;~~
- ~~9. The consequences for drivers violating the prohibitions of this rule, including the immediate removal of the driver from safety-sensitive functions;~~
- ~~10. The consequences for drivers found to have an alcohol concentration level of 0.02 or greater, but less than 0.04; and~~
- ~~11. Information concerning the effects of alcohol and controlled substance use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.~~

~~Signature: \_\_\_\_\_ Date: \_\_\_\_\_~~

~~Please print name: \_\_\_\_\_~~

**CITY OF LITTLE CANADA**  
**CITY EMPLOYEE AND APPLICANT\*\***  
**NOTIFICATION AND DRUG SCREENING CONSENT FORM**

I acknowledge that I have received and understand the City's Controlled Substance and Alcohol Testing for Commercial Drivers (DOT) Policy.

I agree to comply with the City's policy on controlled substance and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including termination. If I am an applicant, I understand my conditional job offer will be withdrawn if I refuse to test or test positive for a controlled substance.

I hereby consent to undergo controlled substance and/or alcohol testing pursuant to said policy, and I authorize collection of a urine and/or breath sample from me for these purposes.

I understand that the procedure employed in this process will insure the integrity of the sample and is designed to comply with medical and legal requirements.

I consent to the release of the controlled substance and/or alcohol test results in accordance with the City's Controlled Substance and Alcohol Testing (DOT) Policy to the selected Medical Review Officer (MRO), and within the City on a need-to-know basis, and to additional parties in accordance with written authorization or as otherwise required by applicable or state law.

I further understand that the results of this testing may affect my employment status, as described in the policy as well as federal law updates, as applicable.

In the event of a post-accident test, the drug and/or alcohol test result(s) may also be provided to the workers' compensation insurance carrier.

I understand that if I am an applicant, the City will conduct a "full query" of the Federal Motor Carrier Safety Administration's Clearinghouse to determine whether a record exists for me. In addition, I understand that if I become or am an employee, the City will, at least once a year, conduct a limited query of the Clearinghouse to determine whether a record exists for me. Therefore, I hereby consent to the City conducting limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse for purposes of my candidacy and throughout the duration of my employment, as applicable.

I also understand that if the limited query conducted by the City indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the City without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the City to conduct a limited query of the Clearinghouse, the City must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

\*\* As an applicant I understand I will need to register with the FMCSA Clearinghouse to complete the registration process before I can respond to employer consent requests or access my driver record in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. Visit <https://clearinghouse.fmcsa.dot.gov/register> and click Go to login.gov.

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**Drug Screening Refusal of Consent**

I hereby refuse to submit to the drug and alcohol testing process.

I have seen a copy of the City's Controlled Substance and Alcohol Testing for Commercial Drivers (DOT) Policy and understand that, if I am an applicant, my refusal to submit to testing will subject me to withdrawal of the City's conditional offer of employment, and if I am an employee, my refusal to submit to testing will subject me to disciplinary proceedings including, but not limited to, employment discharge.

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

If employee refuses to sign, indicate "Refused to sign".

**DATA PRIVACY NOTICE**

The information collected pursuant to this policy is used to determine your eligibility for employment and the performance of certain safety sensitive functions. You are not required to provide information and submit to the tests, but your failure to do so will result in the City withdrawing a conditional job offer or you may be disciplined (up to and including discharge) from employment, whichever may apply. The results of the tests performed will be private data and will not be released to other employers, governmental agencies, or persons without the written consent of the employee tested, except as otherwise provided by regulation and law pursuant to a court order. Only those individuals with a necessity to perform their functions under this policy will have access to the test results.

## SECTION ~~26~~ 27 - HARASSMENT POLICY

The City is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

Discriminatory behavior includes inappropriate remarks about, or conduct related to a person's legally protected characteristic such as race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance

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

### Applicability

Maintaining a work environment free from harassment is a shared responsibility. This policy is applicable to all city employees, volunteers, applicants, contractors/vendors, members of boards and commissions, City Council members, and members of the public both in the workplace and other city-sponsored social events.

Any employee who violates this section will be subject to discipline or dismissal pursuant to Section ~~18~~ 19 of this policy.

An employee who believes he or she has been harassed by a co-worker, supervisor, or agent of the City should promptly report the facts of the incident or incidents and the names of the individuals involved to his or her supervisor or in the alternative, to the City Administrator. Supervisors should immediately report any incidents of harassment to the City Administrator (651-766-4040). The City Administrator will investigate such claims and take appropriate action.

Claims of harassment against the City Administrator should be reported to and will be investigated by the City Attorney ~~(651)-224-3781~~.

### Retaliation

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

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

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

1. Immediate supervisor;
2. Your supervisor's supervisor;
3. City Administrator;
4. Mayor or City Councilmember
5. In the event an employee feels retaliation has occurred by the City Administrator or the City Council, then reporting may be made to the city attorney.

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

Consistent with the terms of applicable statutes and city personnel policies, the city may discipline any individual who retaliates against any person who reports alleged violations of this policy. The city may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations.

## SECTION ~~27~~ 28 - WORKERS' COMPENSATION

Workers' Compensation insurance provides compensation to employees who have a work-related injury or disease. The compensation includes partial wage replacement and full payment of reasonable medical and rehabilitation costs. In case of death, workers' compensation benefits are paid to the employee's dependents.

### Workers' Compensation Procedures:

1. All injuries must be reported to the employee's immediate supervisor within 72 hours of the injury. A supervisor's accident report form must be filed.
2. Employees or their representatives must report serious injuries/death within 24 hours of occurrence to the City Administrator. Other injuries that require the employee to miss three calendar days must be reported to the insurance company within ten days.

## SECTION ~~28~~ 29 - RIGHT TO KNOW

Any employee routinely exposed to hazardous substances or harmful physical agents as defined in the Minnesota Employee Right to Know Act of 1983 (Laws 1983, Ch. 316, Minn. Stat. 182.65-182.675) shall be trained before being assigned or reassigned work exposing the employee to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where information about hazards is stored in the workplace, how the hazards are labeled, and where to obtain specific information. The City Administrator shall provide for such training and for compliance with the "Minnesota Employee Right to Know Act of 1983", including the establishment of specific policies to insure compliance with the State law and regulations. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

## SECTION ~~29~~ 30 - SAFETY POLICY

~~The City of Little Canada recognizes the need and importance of safety for each of its employees. The purpose of the safety policy is to institute a basic plan for accident prevention. The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the city. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and has established safety policies and procedures for accident prevention.~~

Employee injuries and accidents can mean untold suffering for the injured person and his/her family. The loss of limb, impaired vision or other crippling injuries are often sobering examples of a neglectful attitude towards safety. Individual and family suffering resulting from a disability injury are recognized as a primary loss to the employee so severe that no dollar value can be placed upon it.

The success of a safety program demands more than basic rules and plans. It must be a living workable program through cooperation and support of all levels of management and employees. The responsibilities of the City Administrator, supervisors, and staff are defined so that each will know what is expected of them.

The importance of safety consciousness must be emphasized in every task performed. Supervisors must instill awareness of safety and have an obligation to effectively place it in operation through their personnel. Compiling accident statistics and recognizing job hazards mean little unless they are used as a tool from which to build a preventive accident program for the future.

### Reporting Accidents and Illnesses

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

### Safety Equipment/Gear

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

### Unsafe Behavior

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

## SECTION ~~30~~ 31 - POLITICAL ACTIVITY

- A. Any employee is not precluded from becoming or continuing to be a member of a political club or organization or from attendance at a political meeting or enjoying entire freedom from all interference in casting such employee's vote or from seeking or accepting election or appointment to public office.
- B. City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no city employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the city to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.
- ~~BC~~. Any employee who becomes a candidate for any public office (other than a City office) may be required to take a leave of absence without pay and shall perform no duties connected with the position held by such employee while a candidate, if such candidacy interferes with such employee's normal duties of employment. If the needs of the municipal service require the denial of a leave of absence and the employee's candidacy interferes with such employee's normal duties, such employee may be required to resign or, failing to do so, will be subject to dismissal by the City Council.
- ~~ED~~. If an employee becomes a candidate for a position on the City Council, such employee shall be required to take a leave of absence for the duration of the candidacy. If elected or appointed to a City Council position, the employee shall be required to resign from his previous position as an employee of the City. If he fails to resign, he shall be dismissed from such position by the City Council.

## SECTION ~~31~~ 32 - CITY EMPLOYEE SUGGESTION PROCEDURE

### Policy:

It is the policy of the City to encourage and welcome suggestions from all City employees. Resource limitations and requirements of City government may limit implementation of some suggestions. However, even a small percentage of suggestions implemented realizes a gain for the organization, which is only possible with the initial employee input.

### Definitions:

- A. Suggestions are constructive ideas which will:
  - 1. Improve an established operation or procedure by the use of a more economical procedure that will save money, time, or materials.
  - 2. Make an operation easier, more practical, faster, or avoid delay.
  - 3. Eliminate duplication of work and unnecessary paper work.
  - 4. Improve working conditions, safety, and welfare of employees or the public without increased costs.
  - 5. Provide better services to the public without increased costs.
  - 6. Improve public relations.
  - 7. Enhance the appearance and/or image of the community.
  
- B. Those communications which are not considered suggestions are:
  - 1. Ideas that do not pertain to City operations.
  - 2. Dissatisfactions which fail to offer a constructive solution.
  - 3. Petitions: Formal written requests made by several people for an action or item.
  - 4. Solutions to problems that an employee might normally be expected to offer as part of his/her job.
  - 5. Requests for additional equipment of a common nature or for obvious replacements, repairs or maintenance.

Procedure:

- A. Employees are expected to first verbally submit the suggestions to the immediate supervisor for his/her consideration. If the suggestion cannot be adopted, an explanation shall be made to the employee by the employee's immediate supervisor of the reasons for that decision.
- B. If the employee is dissatisfied with the response given by the supervisor, he/she may then verbally submit his/her suggestion to the City Administrator.
- C. The same channels of communication will be followed in the written procedure as was followed in the verbal, with all communication carried out in written form from the employee to the supervisor to the City Administrator.
- D. Each suggestion submitted by a City employee will be noted in the employee's personnel file as an indication of interest and initiative. Whoever receives the employee's suggestion will be responsible for notifying the City Administrator's office of the employee's idea for this purpose.
- E. Implemented suggestions will be recognized as the contribution of the employees offering them by including a copy in his/her personnel file, by notice on the employee bulletin board, and by letter of commendation to the employee with copies to members of the City Council.

## SECTION ~~32~~ 33 – UNIFORM POLICY

### General

Maintenance employees of the Public Works and Parks & Recreation Departments will be provided with the clothing necessary to perform their job in a safe and comfortable manner. Every effort will be made to make sure the appearance of employees is similar, neat, and orderly. The City reserves the right to change the color or style of clothing provided.

### Pants

Full-time employees will be provided an annual allowance of up to \$200 for the purchase of work pants. ~~The p~~Pants worn at work must be blue jeans or other approved work pants and must be free of holes or significant fraying. The respective department heads reserve the right to inform employees of inappropriate jeans and request that they not be worn on the job if they are unsatisfactory in appearance. Employees will purchase the jeans as needed and will receive reimbursement subject to the employee providing a receipt for the purchase. ~~a lump sum payment annually from the City to cover those expenses based on a uniform rate for pants to be set by the City Council from time to time. The rate will be examined annually and adjusted if necessary to match any fluctuation in the cost of jeans.~~

### Shirts

Each employee will be provided with logo t-shirts for wearing while at work. Employees also have the choice of wearing ANSI II compliant, reflectorized t-shirts during warm weather months in lieu of a logo t-shirt. Long sleeve t-shirts are also an option. All short sleeve and long sleeve t-shirts will be City-approved colors with a Little Canada logo on the chest. Crew neck and/or hooded sweatshirts will also be provided to employees on an as-needed basis. The sweatshirts will be City-approved colors with a Little Canada logo on the chest. All shirts will be provided at no cost to the employee. Approximately once a year, employees will have the opportunity to replace old, worn t-shirts and sweatshirts with new ones.

### Winter Gear

The City will provide all Public Works and Parks & Recreation employees with two winter jackets; a lighter one and a heavy one for extreme cold. Winter coveralls or bib overalls will also be provided depending on each employee's preference. Winter gloves and stocking hats will also be provided. All winter gear will be provided at no cost to the employee.

### Footwear

The City will provide an allowance of up to \$200 for full-time Public Works and Parks employees to purchase steel-toed footwear. Footwear is to be replaced on an as-needed basis, with the determination of need to be made by the Public Works Director. When possible, employees should keep an older, yet functional, pair of safety boots at the shop to be utilized for tasks such as blacktopping. In no case will the per employee reimbursement of up to \$200 occur more often than once per year. Employees may use this allowance to purchase winter boots only if they are steel-toed. Regular, non-steel-toed winter boots shall be purchased at the employee's expense.

## SECTION ~~33~~ 34 - EMPLOYEE/COUNCIL SUNSHINE FUND

The following are the criteria established for an Employee/Council Sunshine Fund to cover instances such as weddings, hospitalizations, funerals, etc. of regular full-time and regular part-time employees and Council Members. Each regular full-time and regular part-time employee, as well as Council Members, will be asked to donate \$10 to the Fund initially, which will be administered as outlined below. We are anticipating collecting to replenish the fund at the time its balance falls below \$50. The amount of future contributions will be determined based on our experience with the Fund.

### SUNSHINE GIFTS:

\$25.00 - Weddings (Cash)	Employee/Council Member Only
\$25.00 - Baby (Cash)	Gift for Baby (Incl. adoptions)
\$50.00 - Hospitalization (Flowers)	Employee/Council Member/Spouse (Must be hospitalized for a minimum of 3 days - does not include childbirth or hospitalization for tests.)
\$50.00 - Memorial or Flowers	Death of Employee, Council Member, or member of immediate family (Spouse, children, parents, or parents-in-law)
	Please Note: It is our recommendation that Memorials for past Employees or past Council Members as well as their immediate family, as outlined above, consist of a card only.
\$25.00 - Resignation	Employees with 10 years of service or more
\$50.00 - Retirement	Employees with minimum of 10 years employment with the City and at least 55 years of age.

## SECTION ~~34~~ 35- SEVERABILITY

Each provision of the Personnel Policy is deemed severable from every other provision. Any provision of the Personnel Policy found to be invalid or void shall not affect the validity of the remaining provisions, unless the Court finds any remaining provisions, standing alone, incomplete and incapable of being executed in accordance with the Council's intent.

## SECTION ~~35~~ 36– SOCIAL MEDIA POLICY

### **Purpose**

The purpose of this policy is to ensure the proper use of the City of Little Canada’s social media sites by its employees and establish procedures for creating an overall social media presence for the City in a positive and informative fashion for the general public. Social media users have the responsibility to use these resources in an efficient, effective, ethical and lawful manner pursuant to all existing City and departmental policies. The City of Little Canada has an overriding interest and expectation in deciding what is “spoken” on behalf of the City on social media sites. This policy establishes guidelines for the use of social media.

### **Scope**

This policy applies to any existing or proposed social media web sites sponsored, established, registered or authorized by the City of Little Canada. This policy also covers the private use of the City’s social media accounts by all City representatives, including its employees and agents, Council members, appointed board or commission members and all volunteers to the extent it affects the City. Questions regarding the scope of this policy should be directed to the City Administrator.

### **Definition**

Social media are internet and mobile-based applications, websites and functions, other than email, for sharing and discussing information, where users can post photos, video, comments and links to other information to create content on any imaginable topic. This may be referred to as “user-generated content” or “consumer-generated media.”

Social media includes, but is not limited to:

- Social networking sites such as Facebook, LinkedIn, Twitter, and mobile apps
- Blogs
- Social news sites such as Reddit and BuzzFeed
- Video and photo sharing sites such as YouTube, Instagram, Snap Chat, and Flickr
- Wikis, or shared encyclopedias such as Wikipedia
- An ever-emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above

As used in this policy, “employees and agents” means all City representatives, including its employees and other agents of the city, such as independent contractors or Council members.

## **Guidelines**

1. It is the policy of the City of Little Canada that social networking sites shall be used for City business to release news and other public information in addition to traditional distribution outlets. Routine social media posts and comments by residents are considered “transitory correspondence,” as defined by the Minnesota General Records Retention Schedule. These messages are not required to be retained. However, messages that are in the nature of a complaint, grievance or similar more serious nature should be documented by using a “screen capture” and retained pursuant to the retention schedule.
2. The City Administrator and his/her designee(s) may respond to comments posted on social media sites when appropriate.
3. The City Administrator and his/her designee(s) are authorized to post information to social media sites. Prior to posting information to social media sites: all content must be verified as factual, verbal consent must be received if the city is using someone else’s image, name, words (such as an article or testimonial), and content must be thoroughly proof-read (when possible, use someone other than yourself).
4. The City Administrator and his/her designee(s) will monitor City content on social media sites to ensure that it adheres to all applicable City policies. Information posted on social media sites shall be consistent with the City of Little Canada’s mission, vision, and values. User comments that violate the City’s Comment Policy (see below) will be removed.
5. All official City presences on social media sites or services are considered an extension of the City’s information networks and must comply with all City policies. No one may establish social media accounts or websites on behalf of the City unless authorized in accordance with this policy.
6. Employees authorized by the City Administrator to represent City government through social media outlets must conduct themselves at all times as representatives of the City. Violations of this policy may constitute just cause for discipline as described in the City’s Personnel Policy.
7. Social media use will be reviewed as needed to assess effectiveness, evaluate performance, and provide suggestions for changes or improvements.
8. Violation of this policy may result in information being removed from social media sites.

## **Disclaimer and Comment Policy**

It is the City of Little Canada’s goal to provide information and news about the City of Little Canada using Social Media Networks including, but not limited to Facebook and YouTube. The City reserves the right to shut down any of its social media sites or accounts for any reason without notice.

The City’s site(s) is/are operated by the City of Little Canada. The City of Little Canada reserves the right, at its sole discretion, to change, modify, add or delete any comments or posts, photos and videos at any time. Residents’ opinions and feedback are welcome so long as they are presented in an

objective and respectful way that allows for a continued information relationship. While these sites provide an open forum, they are intended to maintain respect for those who participate (i.e. family-friendly). Please keep all comments clean.

The views, postings or opinions expressed on this site do not necessarily reflect those of the City of Little Canada.

The City of Little Canada has the right to reproduce any pictures or videos that are posted on its social media sites, in any of its publications or websites or any other media outlets.

Advertising – The City of Little Canada does not endorse any product, service, company or organization advertising on its social media pages. The ads that appear on the pages are sold, posted and maintained by Facebook, Twitter, Instagram, etc.

Privacy Policy – Please note that the City of Little Canada does not share information gathered through its social media sites with third parties for promotional purposes. However, any information you provide to the City, including private or direct messages, is subject to the Minnesota Data Practices Act. This law classifies certain information as available to the public upon request.

## **Personal Social Media Use**

The City of Little Canada respects employees and agents' rights to post and maintain personal websites, blogs and social media pages, and to use and enjoy social media on their own personal devices during non-work hours. While every employee has a right to speak out on the issues facing the community, state and nation, they must take great care to make it clear that their personal opinions are their own and do not represent the official position of the City. It is important for employees to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business, supervisors or City policies. The following guidelines apply to personal communications including various forms of social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, personal endorsements, email, City correspondence, newsletters and cable television.

1. Remember that what you write or post is public, and will be so for a long time. It may also be spread to large audiences without your knowledge or permission. Use common sense when using email or social media sites. As a representative of the City, your posts are synonymous with the City, and as such, your opinions can be perceived as those of the City. Refrain from sending or posting information that you would not want your supervisor or other employees to read, or that you would be embarrassed to see in the newspaper or viewed by your parents, spouse or loved ones.
2. The City of Little Canada expects its employees to be truthful, courteous and respectful toward supervisors, coworkers, citizens, customers and other persons associated with the City. Do not engage in name-calling or personal attacks.
3. Refrain from making disparaging comments about the workplace, policies, or supervisors, or discussing internal employment disputes on social media. Assume anything written about a co-worker or supervisor will be read by that co-worker, your supervisor and many others.

4. Employees should not comment on social media or publish something related to City business without identifying themselves and using a disclaimer such as, “I am an employee of the City of Little Canada. However, these are my own opinions and do not represent those of the City of Little Canada.”
5. If you wish to write an opinion based upon your work experience, you should not make reference to the City if you are not discussing City business. For example, you should write, “As a police officer....” Rather than “As a Little Canada Police Officer....”
6. City resources, working time or official City positions must not be used for personal profit or business interests, or to participate in personal political activity. For example, an employee must not use the City’s logo, email or working time to promote his/her side business.
7. Personal social media account handles and email addresses should not be tied to the City (e.g. a handle like “LittleCanadaOfficer” or use your City email address when posting).

Occasional access to personal social media websites during work hours is permitted, but employees and agents must adhere to the guidelines outlined in the City’s Computer Use policy and the City’s Harassment policy. Employees and agents should also review the Ownership section of this policy (below).

There may be times when personal use of social media (even if it is off-duty or using the employee’s own equipment) may spill over into the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include:

- Friendships, dating or romance between co-workers
- Cyber-bullying, stalking or harassment
- Release of confidential or private data; if there are questions about what constitute confidential or private data, contact the City Clerk.
- Unlawful activities
- Misuse of city-owned social media
- Inappropriate use of the City’s name, logo or the employee’s position or title
- Using city-owned equipment or city-time for extensive personal social media use

Each situation will be evaluated on a case-by-case basis because the laws in this area are complex. If you have any questions about what types of activities might result in discipline, please discuss the type of usage with the City Administrator.

## **Data Ownership**

All social media communications or messages composed, sent, or received on city equipment in an official capacity are the property of the City, and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The City of Little Canada also maintains the sole property rights to any image, video or audio captured while a City employee is representing the City in any capacity.

The City retains the right to monitor employee's social media use on city equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

### **Policy Violations**

Violations of this policy may constitute just cause for discipline, up to and including discharge.

## SECTION 36 37– WORKFLEX POLICY

The City of Little Canada supports a work environment that enables work-life balance. Workplace Flexibility, or Workflex, can help the organization retain valuable employees and reduce turnover costs by providing a way for staff to more effectively meet the demands of their work and personal responsibilities. By allowing this flexibility, employee engagement can be enhanced while simultaneously increasing productivity and decreasing stress.

In order to participate in the Workflex program, an employee's work and responsibilities must be conducive to a flexible work arrangement without causing significant disruption to performance and/or service delivery. The employee is expected to continue to perform all duties as assigned.

### **Exceptions to this policy:**

*Accommodations* - The policy does not cover specific accommodation requests related to injuries or workers compensation. If an employee has a qualified accommodation request to be made, they must speak with HR and their Supervisor about the specific accommodation.

*Occasional/Special Circumstances* – This policy does not apply or limit occasional use of a modified schedule or telecommuting for special circumstances. Those decisions should continue to be made on a case-by-case basis with supervisors and the City Administrator.

This policy is not an entitlement; it is not a city-wide benefit; and it in no way changes the terms and conditions of employment with the City. The employee's salary, benefits and work status will not change as a result of this agreement. Department Heads or the City Administrator may discontinue schedules approved in accordance with the policy at any time.

### **Policy Guidelines:**

This policy applies to full-time (FT) and regular part-time employees and provides guidelines when considering or requesting Workflex within your department or division.

### **Types of Workflex:**

Below are the types of Workflex covered by this policy:

- A. Flexitime: A 40-hour workweek is completed but there is flexibility in establishing arrival and departure times. Days of the workweek may have varying start and end times, but the pattern should recur predictably over each workweek. Department heads identify a core set of hours in which some or all employees must be present.
- B. Flexible Work Hours: Employees work a set weekly schedule, work 8-hour days with start/end times varying from the standard City Hall work schedule of 8:00 a.m. – 4:30 p.m.

Example:

	Start Time	End Time	Department has coverage from 7 a.m. to 5:30 pm.
Employee A	7 a.m.	3:30 p.m.	
Employee B	9 a.m.	5:30 p.m.	
Employee C	8 a.m.	4:30 p.m.	

Flexible Work Schedule: Employee’s total hours for the week equal 40, but their daily hours may vary and deviate from a standard 8-hour day, while still following a consistent schedule week to week.

Example:

Core Hours: 10:00 AM – 3:00 PM

Monday	Tuesday	Wednesday	Thursday	Friday	Total Hours Worked
8 a.m. – 5:30 p.m.	10 a.m. – 5:30 p.m.	9 a.m. – 5:30 p.m.	10 a.m. – 5:30 p.m.	8 a.m. – 5:30 p.m.	40 hours
9 hours	7 hours	8 hours	7 hours	9 hours	

- C. Compressed Schedules: A traditional 40-hour workweek is completed in less than the standard (5) workdays. It involves longer but fewer workdays, so that you can complete traditional 80 hours during each biweekly pay period in less than the traditional 10 workdays (note: agreements must be put in place with unions for non-exempt/hourly employees).

The two most common schedules are:

- 4 - 10 in which you work (4) 10-hour days each week of the pay period and have one day off each week.
- 5/4 - 9 in which you work (8) 9-hour days and (1) 8-hour day in the pay period, having a set dayoff every other week (requires HR approval for non-exempt employees).

- D. Remote Work: Work conducted at home or another off-site location on a regular basis. Due to the limited number of city staff members, remote work requests of up to a maximum of twenty (20) hours per pay period or 25% of regularly scheduled work hours per pay period will be considered as part of an employee’s regular work schedule.

Roles and Responsibilities

Eligibility - Department Directors and the City Administrator must consider the following items before executing a Workflex arrangement:

- A. The most appropriate Workflex schedule for the employee and the department, and the nature of the employee’s position.
- a. Not all positions are eligible for all types of Workflex. A position that has a primary responsibility of 1) providing customer service or 2) requires on-site presence to complete job functions would not be eligible for remote work, but may be eligible for a

- flexible or compressed schedule, depending on department coverage.
- b. Employees must be meeting performance expectations. An employee that has received a written warning within the past six months (depending on the situation) or an employee that rates lower than meets expectations on dependability may be ineligible for Workflex.
- B. Differentiation of Workflex that occurs throughout the department depending on the business and service coverage needed, as well as the duration of the agreement.
- a. A consistent flexible work arrangement may not be feasible due to business needs or position responsibilities of an employee. In such instances, a department head and employee may agree to an occasional use agreement. Where appropriate, an employee may request to work remotely or alter their arrival/departure time to accommodate a business or personal need. It is beneficial to offer some flexibility, if possible, rather than being inflexible. If you are unable to accommodate a regular Workflex request, consider approving a periodic or seasonal request.
- C. The impact of arrangement will have on customer service, departmental and City operations.
- a. Workflex schedules should be tailored to responsiveness and productivity; service to internal and external customers comes first, followed by department needs. Department Heads should keep this in mind when approving Workflex and should not approve when it will have a significant adverse impact to the department's internal and external customers. Examples of adverse impact include: a reduction of the department's productivity or a diminished level of services furnished to the public.
- D. Employment status
- a. Exempt Employees: Exempt employees are expected to work the number of hours necessary to fulfill their responsibilities and effectively perform their duties, which often requires work in excess of 40 hours or 80 hours per pay period. A Workflex arrangement does not change those expectations.
  - b. Non-exempt Employees: Department Heads should not approve work schedules that will require the City to pay overtime. The City Administrator or City Clerk/HR Manager must be involved prior to the approval of a compressed workweek to confirm that the employee is not scheduled for more than 40 hours in a workweek.

Workflex arrangements will be evaluated for effectiveness and may be discontinued at any time at the discretion of the employee or the Department Head or City Administrator. In the case of non-disciplinary action, a week's notice should be given whenever possible to allow for adjustments. Workflex Agreements are valid for a one-year time period unless otherwise terminated sooner by the City or the employee.

### Workflex Agreement

Once a Workflex Request Form has been completed, and an arrangement has been agreed upon by the employee, supervisor, and/or department head, the Workflex Agreement form (found in H:Shared Folder/Employee Information) should be completed and signed, with a copy given to the employee, and the original forwarded to the City Clerk/HR Manager. The City Administrator will then review and approve a final agreement.

## Workers' Compensation

Employees working from a location within their home are responsible for maintaining their work environment as a safe and productive workspace. Workers' Compensation will apply only to injuries arising out of and in the course of employment as defined by Minnesota Workers' Compensation Law. The City is not responsible for injuries unrelated to such work activities that might occur in the defined off-site worklocation or elsewhere.

## Services and Equipment

Equipment needs for remote work are determined on a case-by-case basis between the supervisor and the employee. The City will not provide remote work equipment unless it is justified based on the needs of the department and the nature of the work assignment. The City does not provide home internet service to support remote work arrangement, nor does it guarantee access to a computing device for the arrangement.

Remote work employees are responsible for ensuring the protection of the City's equipment and information accessible from their homes or other remote workspaces. All employees must follow the city Computer Use Policy found in this Personnel Policy and Metro-INET policies that can be found on their website at <https://support.metro-inet.us/policies>. No on-site after-hours support will be provided by Metro-INET.

## City Policies

Employees who work remotely must adhere to all of the City's normal policies and procedures. Especially relevant are those policies related to information technology, computer security and data protection.

## Salary and Benefits

Workflex does not impact an employee's salary, benefits or seniority. Workflex should not result in a non-exempt employee working over 40 hours in each week, and it is still the employee's responsibility to monitor hours closely to avoid overtime, unless prior supervisor approval is granted.

### *A. Holidays*

If a holiday falls on an employee's scheduled day off as a result of Workflex, the supervisor will work with the employee to make appropriate schedule adjustments to accommodate the holiday. Employees must continue to use paid leave time as appropriate. Employees participating in Workflex will continue to receive the same number of holiday hours. Workflex arrangements should not result in additional overtime liability during a holiday week except in extenuating circumstances as authorized by the City Administrator.

### *B. Special Circumstances*

Employees may be required to periodically revert to the normal workday schedule (5 days a week) and location (in office) in order to ensure department or division coverage during periods of extended vacation or sick leave, or other circumstances as deemed appropriate by the employee's

supervisor or department head.

### Liability

The following criteria regarding Liability and Data Privacy/Security will be considered when making flexible workplace arrangements:

- A. The City of Little Canada shall have no liability to third parties for injuries or property damage occurring at the employee's home. The employee will remain responsible for such injuries and damages and should consult with their Homeowner's or Renter's insurance agent to protect themselves.
- B. Employees are responsible for submitting claims for stolen or damaged City-owned equipment to their Homeowner's or Renter's insurance company and for filing a police report with their local police department. The employee's supervisor and Metro-INET should be consulted in the event of any damage to or loss of City property.
- C. In accordance with the Occupational Safety and Health Administration (OSHA) Home Worksite Directive (CPL 2-0.125), OSHA will not hold employers liable for employees' home offices, and does not expect the employer (City of Little Canada) to inspect the home office of their employees.
- D. The City has the right to visit the site area to determine if it meets the safety standards; such visit will be scheduled with a minimum 24-hour advance notice.

### Data Privacy/Security

The legal status of all data used by the employee remains unchanged by his/her participation in the flexible workplace.

- A. Employees will take all necessary precautions to secure and prevent unauthorized access to all data used in the performance of their work responsibilities and agree to follow all pertinent policies, laws and rules regarding data privacy.
- B. Documents, reports, data or software products created as a result of work-related activities are the property of the City and are subject to City policies and MN State law.
- C. Handling and disposal of documents, reports and data will be in accordance with state and federal law and City of Little Canada policy.

### Additional Conditions

- A. City employees are ambassadors of the community and should always conduct themselves professionally and uphold organizational values regardless of where the employee is located.
- B. Employees working remotely are still held to the same job responsibilities and expected level of service. They are subject to the same terms and conditions of employment and should track and record all hours worked in the same way that they would if they were working in the office.

- C. The employee agrees to be accessible by phone, virtual computer software or email within a reasonable time period during the agreed upon work schedule. Depending on the employee's position and the needs of the City, the work schedule may include core hours during which the employee must be available.
- D. Meetings and Trainings already established should not be rescheduled because of off-site work arrangements. Employees are expected to continue scheduled meetings in person if the department head or supervisor prefers even on days previously approved for remote work. An employee's engagement levels and participation should not be adversely impacted by Workflex.
- E. Release or destruction of any public records should only be done at the official location according to statute and regulation. Computerized files are official records and shall be similarly protected, including, but not limited to, virus protection.

Failure to comply with any provision(s) of the agreement or this policy will result in immediate termination of the agreement and may further be grounds for discipline.

## CITY OF LITTLE CANADA PERSONNEL POLICY

I hereby acknowledge ~~receipt~~ receiving an emailed copy of the City of Little Canada Personnel Policy. I understand that I am responsible for being informed on the policies, procedures, and information contained in the Personnel Policy. If I have any questions or problems related to the information received, it is my responsibility to bring it to the attention of my supervisor.

I have been informed that an electronic copy of the most current version of the Little Canada Personnel Policy is accessible to all employees in the Little Canada "H Drive" at:

**H:\Shared Folder\Employee Information**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name