

BEMIDJI CITY COUNCIL COUNCIL WORK SESSION AGENDA

Monday, June 22, 2026

**City Hall
317 4th Street NW
5:30 PM**



CALL TO ORDER/ROLL CALL

BUSINESS

- a) Personnel Policy Discussion
- b) Sanitary Sewer Line Replacement Project in Bemidji Rail Corridor Discussion
- c) City Parking Discussion

ADJOURN

CITY COUNCIL AGENDA ITEM



Meeting Date: June 22, 2026
Action Requested: Personnel Policy Discussion
Prepared By: Rich Spiczka, City Manager

Background:

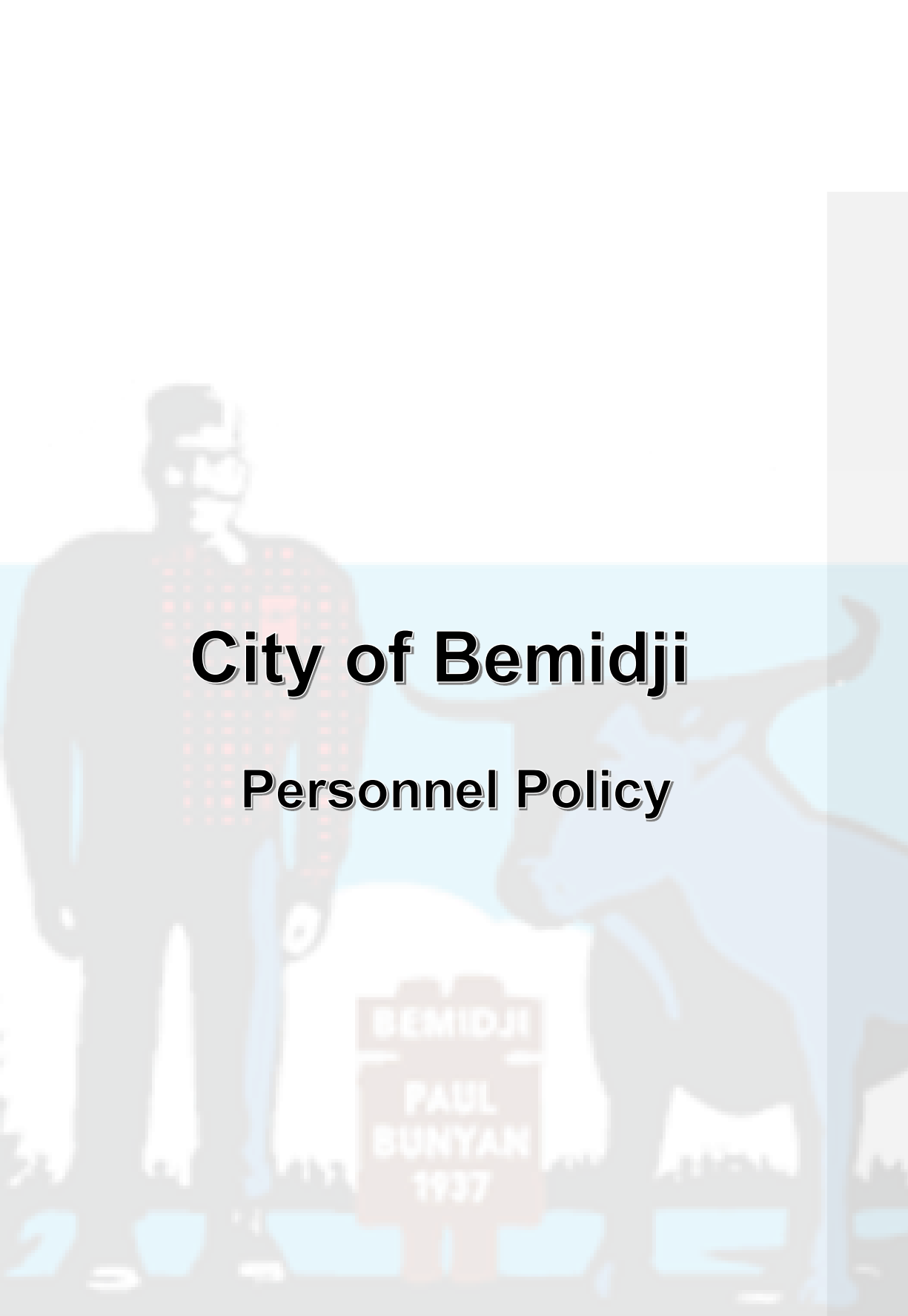
City staff has gone through a years plus long review of the Personnel Policy. They have basically been rebuilt to assure new legal requirements are met, better reflect the current environment and provide a template for modification as other things change over time. Council has had a couple of opportunities to reflect on the policy and I am asking for one final opportunity to ask questions, get clarification or discuss the policy.

The goal is to approve the personnel policy on the July 6th consent agenda assuming all clarity is provided and any necessary changes are made prior to that meeting.

Chad Arnesen, from Flaherty and Hood who has lead a lot of the legal work will be attending the meeting virtually in the event of questions or concerns.

Recommendation:

Personnel Policy Discussion.

A faded background image featuring a man in a plaid shirt and a bison. In the foreground, there is a wooden sign that reads "BEMIDJI PAUL BUNYAN 1937".

City of Bemidji

Personnel Policy

June 18, 2026

Summary of Change

Revision dated (insert date approved)

- Overall organization/structure, grammar, formatting, and removed all forms/agreements from body of policy
- Separated Substance Abuse & Testing from policy and created two separate policies, for MNDOT and non-MNDOT testing requirements.
- Update Section 1.01 General to address forms location, updates and corrections
- Addition of Section 1.02 Disclaimer
- Language and definition update to Section 1.06 Equal Employment Opportunity (EEO)
- Moved Code of Ethics to Article II
- Corrected 201.202 Types of Appointments to Section 3.02 Types of Employments
 - Updated Full-time definition as it relates to hours worked
 - Updated Part-time definition as it relates to hours worked
 - Added Part-time Benefits Eligible
 - Updated Seasonal Employment as it relates to working days
 - Added Internship
- Addition of Section 3.04 Hiring Procedures, subparagraph C Job Posting criteria
- Updated Section 3.04 Hiring Procedures, subparagraph D Selection Process
 - Added Subject Matter Expert
 - Correct Veteran's Preference laws
- Updated Section 3.04 Hiring Procedures, subparagraph E Appointment and Notification
 - Included Hiring Process flow chart
 - Updated written statement (offer letter) law requirements
 - Included background check criteria for Volunteers and Interns
 - Updated medical examination requirements
 - Clarified re-employment
- Updated Section 3.05 Nepotism Policy regarding supervision
- Expanded Section 4.04 Falsification of Records to address whistleblower protections and reporting procedures.
- Rewrite of Section 4.07 of Personal Communications & Acceptable Use
- Expanded Keys & Security in Section 4.08 Building Security to clarify building access, use and authorization
- Updated Section 4.09 Personal Appearance
 - Included scent sensitivities

- Clarified Employee uniform use
 - Added deviation from policy due to accommodation
- Expanded Section 4.11 Data Practices
- Updated Section 4.13 Travel and Per Diem to include City vehicle use
- Updated Section 4.16 Tobacco and Vaping Free
- Updated Section 4.17 Anti-Harassment Policy
 - Updated language to align with law and statute
 - Added information regarding retaliation to reporting
 - Added response methods
- Clarified Section 5.01 Work Week exempt employee
- Generalized Section 5.02 Working Hours based on department
- Added Section 5.03 Telework requirements and procedures
- Updated Section 5.07 Time Records to include falsification of record
- Expanded Section 5.08 Outside Employment requirements and procedures
- Updated Section 5.09 Paid Time Off
 - Added PTO bank for new employees
 - Removed Extend Sick Leave Bank
 - Added Medical Certification
- Added Section 5.10 Earned Sick and Safe Time (ESST)
- Updated Section 5.11 Holidays to include Juneteenth
- Updated Section 5.13 Reasonable Accommodations Related to Pregnancy to align with law
- Added Section 5.14 Light & Modified Duty
- Updated Section 5.16 Employee Leave
 - Requirements for bone marrow donation
 - Rewrite of Bereavement Leave
 - Expanded Judicial Appearances
 - Expanded FMLA related to Military
 - Added Athletic Leave of Absence
 - Added Leave without Pay
 - Updated Leave Donation process and procedures
- Rewrite of Article VI Discipline
 - Added No Contract Language
 - Added grievance actions
 - Added Right of Appeal
 - Added Merit Hearing Board process
 - Removed list of specific offenses
- Updated Article VII Fringe Benefits
 - Reorganization of VEBA information
 - Updated VEBA contribution amounts
 - Updated HSA contribution amounts and reduced explanation
 - Updated clothing allowance and requirements
- Updated values in Section 7.08 Other Benefits
- Added Section 8.03 Paid-on-call Firefighter pay period

- Added Section 8.04 Improper Deduction & Overpayment
- Updated Section 8.07 Severance Pay
 - Removed Vacation Severance
 - Added ESST
- Added Section 9.01 Employee Orientation new employee procedures
- Added Section 9.03 Membership & Dues
- Updated Article IX to Safety & Health
 - Added Section 10.02 Theft
 - Added Section 10.04 Illness and Center for Disease Control (CDC) Guidance

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Article I. INTRODUCTION

Section 1.01 General

- A.** It is the purpose of these Personnel Policies to establish a uniform system of personnel administration, to set forth standards for workplace performance and conduct, and describe Employee benefits for Employees of the City of Bemidji.

- B.** These policies are not intended to be all-inclusive or to cover every situation that may arise.

- C.** Human Resources is responsible for maintaining the accuracy, clarity, and consistency of all personnel policies. This includes reviewing and updating documents as needed to correct grammar, formatting, or structural issues that do not alter the intent or meaning of the policy. These routine updates may be made without formal approval; however, any changes that affect policy content or interpretation will follow the appropriate review and approval process.

D. All forms referenced in this policy are available on our designated forms website at [\[Insert Website URL\]](#). This site is regularly updated to ensure all forms are current and reflect the most recent policy requirements.

E. Employees are encouraged to report any errors, inconsistencies, or suggestions for improvement. All corrections and recommendations should be submitted in writing to Human Resources for review. Submissions will be evaluated, and updates will follow the appropriate approval process to ensure the policy remains clear, current, and aligned with applicable local, State and Federal laws and regulations.

Section 1.02 Disclaimer

A. Nothing in this handbook or any other written or unwritten policies, course of conduct, or practices by the City, creates, or is intended to create, an express or implied contract, covenant, promise or representation between the City and our employees.

B. The City may change or eliminate policies, or portions thereof, contained in this handbook at its discretion at any time, and without notice.

C. This handbook does not vest in any employee a right, benefit, or privilege which cannot be changed or eliminated by the City Council, in its exclusive discretion, at any time without notice to Employees.

D. Employment with the City is at-will, except as otherwise provided by law or contract. This means that employment may be terminated with or without cause at any time at the option of either the employee or the City. No supervisor or other representative of the City has authority to enter into any agreement to the contrary unless approved by the City Council.

Section 1.03 Scope

A. The Personnel Policies established and adopted for the City are set in the following articles. Upon adoption of these policies by resolution of the City Council ("Council"), the policies shall constitute, and be referred to as, the official "Personnel Policies" of the City of Bemidji ("City"). The provisions hereof shall apply to all Employees of the City, except, in the case of conflict between applicable statute or ordinance, the statute or ordinance shall prevail. Responsibility and authority for the implementation and administration of these policies is vested in the City Manager, except as otherwise specifically provided herein.

B. If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law. Any Employee within the jurisdiction of a personnel board or civil service commission established under Minn. Stat. Chapter 44, 419, or 420 is exempt from any provision of this part which is inconsistent with such a statute, or rules and regulations adopted thereunder.

C. Nothing in these policies is intended to modify or supersede any applicable provision of the Veterans' Preference Act or other State or Federal Law.

Section 1.04 Application

A. These policies and any amendment thereto, unless otherwise specified in the resolution adopting the amendment, shall be applicable to all present and future Employees of the City except Elected Officials, Appointed Board and Commission Members, and Volunteers.

B. The City reserves the right to alter or eliminate any benefit and to revise these policies. Any such alteration, elimination, or revision shall be applicable to current, as well as future, Employees.

C. Departments may have special work rules deemed necessary by the Department Head and approved by the City Manager for the achievement of objectives of that department.

D. The Council may vary rules and regulations by way of the City Manager's contract.

Section 1.05 Amendment to Policies

A. Amendments to these policies may be proposed by the Labor Management Committee, the City Manager, or any member of the Council. No part of this policy may be changed or deleted without said amendment being placed on the agenda of a regularly scheduled Council meeting for discussion, and a motion passed by a majority of the Council.

B. These policies supersede all previous Personnel Policies and can be amended at any time at the discretion of the City.

Section 1.06 Equal Employment Opportunity (EEO)

A. The City of Bemidji is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation, and selection for training.

B. The City will not discriminate against any Employee or Applicant on the basis of race, color, creed, religion, national origin, ancestry, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), sexual orientation, gender identity or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, Veteran status, familial status, political affiliation, or membership on a local human rights commission.

Section 1.07 Administrative Policy

A. The City Manager may issue administrative policies for the purpose of enforcement, implementation, or clarification of these personnel policies. Such policies shall be effective on the date specified and shall be placed on record.

B. These policies are open to public inspection during normal working hours. In case of any conflict between the personnel policies and any administrative policies, the personnel policies shall prevail. The Council may, by resolution, repeal any administrative policy.

C. Violation of these policies may result in disciplinary action in accordance with these policies and/or applicable collective bargaining agreement.

Article II. CODE OF ETHICS

Section 2.01 Dedication to Values

A. The proper operation of democratic government requires:

1. That public Employees be honest, impartial, and responsible to the people.
2. That government decisions and policies be made in the proper channels of the government structure.
3. That public employment is not used for personal gain, so that the public will have confidence in the integrity and ability of its government.

B. In recognition of these goals, this policy is established to guide all Employees.

Section 2.02 Dedicated Service

A. All Employees of the City should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

B. Employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

C. Employees should not exceed their authority, breach the law, or ask others to do so, and they should work in full cooperation with public officials and Employees unless prohibited from doing so by law or by the officially recognized confidentiality of their work.

Section 2.03 Conflict of Interest

A. No Employee, whether paid or unpaid, shall engage in any business or transaction, or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties.

B. Personal interest, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political associations. City Employees are to remove themselves from situations in which they must act or decide where that action or decision could be a perceived or actual conflict of interest or could result in a personal benefit for themselves or a family member. If an Employee has any question about whether such a conflict exists, consultation with the Department Head, City Manager, or City Attorney is recommended.

Section 2.04 Values and Principles

A. This list of principles incorporates the characteristics and values that most people associate with ethical behavior. An ethical decision systematically considers which, if any, of the following principles are involved. These principles should be used as a guide by all Employees.

1. Honesty – People are truthful, sincere, forthright, straightforward, frank, and candid; they do not cheat, steal, lie, deceive, or act deviously.
2. Integrity – People with integrity are principled, honorable, and upright; they are courageous and act on convictions; they will fight for their beliefs and will not adopt an "ends justifies the means" philosophy that ignores principles or be expedient at the expense of principles, be two-faced, or unscrupulous.
3. Promise-Keeping – A person worthy of trust keep promises, fulfill commitments, and abide by the spirit, as well as the letter, of an agreement.
4. Fidelity – People worthy of trust demonstrate fidelity and loyalty do not use or disclose information learned in confidence for personal or political advantage. They safeguard the ability to make independent, professional judgments by scrupulously avoiding undue influences and conflicts of interest.
5. Fairness – People who manifests a commitment to justice, the equal treatment of individuals, tolerance for and acceptance of diversity, and they are open-minded; they are willing to admit they are wrong and, where appropriate, change their positions and beliefs; they do not overreach or take undue advantage of another's mistakes or difficulties.
6. Caring – Concern for the well-being of others manifests itself in compassion, giving, kindness, and serving; it requires one to attempt to help those in need and to avoid harming others.
7. Respect – Ethical persons demonstrate respect for human dignity, privacy, and the right to self-determination of all competent adults; they are courteous, and decent.
8. Citizenship – In a democracy, responsible citizenship is an ethical obligation; it involves lawfulness by abiding by laws and rules of society, participation by voting and expressing informed views, social consciousness, and public service. Public sector

Employees have the additional responsibility of encouraging participation of others and a special obligation to respect and honor the democratic processes of decision making and avoiding unnecessary secrecy or concealment of information and assuring that the citizenry has all the information needed to exercise responsible citizenship.

9. Excellence – Ethical people are concerned with the quality of their work; they pursue excellence, they are diligent, reliable, industrious, and committed. A public sector Employee must be well informed and well prepared to exercise on behalf of the public authority.

10. Accountability – Ethical people accept responsibility for decisions, for the foreseeable consequences of their actions and inactions, and for setting an example for others. Persons in the public sector have a special obligation to lead by example, to safeguard and advance the integrity and reputation of the legislative process, to avoid even the appearance of impropriety, and to take whatever actions are necessary to correct or prevent inappropriate conduct of others.

11. Avoidance of the Appearance of Impropriety – Because of the unique importance of credibility and public trust, Employees must avoid even the appearance of impropriety.

Article III. EMPLOYMENT

Section 3.01 Affirmative Action and EEO

A. The City has occasion to receive various state and federally funded grants. Minn. Stat. Section 363A.36, Subdivision 1, encourages municipalities to establish and adopt affirmative action plans to address the employment of minority persons, women, and the qualified disabled, and to submit the plan to the Commissioner of Human Rights. The City has adopted the following policy statement as part of its Affirmative Action and EEO Plan:

1. *The City of Bemidji prohibits discrimination or harassment against any employee, applicant for employment, or third party contractor regardless of race, color, creed, religion, national origin, sex, sexual orientation, gender identity, gender expression, disability, age, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, or any other legally protected characteristic.*

2. *The City of Bemidji agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified women, minorities, and disabled individuals without discrimination in upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.*

3. *The City of Bemidji will use its best efforts to afford minority and female business enterprises with the maximum practicable opportunity to participate in the performance of subcontracts for construction projects that the city engages in.*

Commented [CHA1]: Change per Council committee request.

4. All solicitations and advertisements for Employees placed by the City of Bemidji (or on behalf of the City by subcontractors) will state that all qualified Applicants will receive consideration for employment regardless of their race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation, or status with regard to public assistance by advertising the phrase "The City of Bemidji is an Equal Employment Opportunity Employer."

Commented [CHA2]: If an MHRA statement is utilized, it should have its own numerated section, as the EEO Employer statement is for Title VII. MHRA and Title VII should not be conflated in a single policy statement.

5. Help wanted ads shall not indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for a particular job involved.

6. Special efforts will be made to include minority, female, and disabled persons on the personnel relations staff.

7. The City of Bemidji will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

8. The City of Bemidji fully supports incorporation of non-discrimination and Affirmative Action rules and regulations into contracts.

9. The City of Bemidji will evaluate the performance of its management and Supervisory personnel based on their involvement in achieving these Affirmative Action/Equal Employment Opportunity objectives as well as other established criteria. Any Employee of the City, or subcontractor to the City, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this Statement and Plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Affirmative Action laws, directives and regulations of the Federal State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 363 will be subject to appropriate legal sanctions.

10. The City of Bemidji has appointed staff to manage the Affirmative Action/Equal Employment Opportunity Program. Responsibilities include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. The City Manager of Bemidji will receive and review reports on the progress of the program. If any Employee or Applicant for employment believes he/she has been discriminated against, please contact the City Manager, 317 4th Street NW, Bemidji, MN 56601, or call 218-759-3565.

B. It is the policy of the City to recruit and select the best qualified people for positions within the City. The recruitment and selection process shall provide fair and equal opportunity for all qualified Applicants. If the position falls under a collective bargaining agreement, and all relevant job qualifications are equal, first consideration will be given to a current Employee within the applicable bargaining unit. This policy applies to all positions: Seasonal; Temporary; Permanent; Part-Time; and Full-Time, unless specifically waived by the City Council.

Commented [CHA3]: Capitalized as a term of art, defined per policy.

C. The City is an affirmative action, equal opportunity Employer and shall follow all applicable state and federal employment law.

D. A copy of the City's Affirmative Action and EEO Plan will be distributed to all Employees annually and/or upon revision.

Section 3.02 Types of Employment

A. Full-Time Employment – This employment is to a position which is computed at a full-time rate and for which all fringe benefits offered by the City are available, as specified in these policies, providing it is also a permanent position with Employees who are required to work 40 or more hours per week.

B. Emergency Employment – To prevent stoppage of public business, loss, or serious inconvenience to the public, the Department Head may authorize employment of a Temporary Employee, within the departmental budget. A vacancy of which a Department Head has had reasonable notice, or an employment condition of which they had, or might with due diligence have had previous knowledge, shall not be filled by an Emergency Employment.

C. Part-Time Employment – This is employment to a position which is paid at an hourly rate for Employees working less than 30 hours per week and for which the fringe benefits are not available, except as required by federal or state law or provided or elsewhere in these policies. Supervisors/Department Heads are responsible for tracking hours worked.

D. Part-Time Benefits Eligible Employment – This is employment to a position which is paid at an hourly rate for a work week of less than 40 hours but more than thirty 30 hours. Full health benefits are available with other fringe benefits pro-rated. Supervisors/Department Heads are responsible for tracking hours worked.

E. Temporary Employment – This is employment to a position predetermined at the time of hiring to be a period of six months or less. Temporary position also means a position occupied by a person hired as a temporary replacement.

F. Seasonal Employment – This is employment where the nature of the work or its duration are related to a specific season(s) of the year. regardless of whether the Employer anticipates that the same Employee will return to the position each season in which it becomes available. The entire period of employment in a year must be used to determine whether a position may be excluded as Seasonal when there is less than a 30-day break between one Seasonal position and a subsequent Seasonal position.

1. A period of 67 working days, or 100 working days if the Employee is under 23 and in school or off school during a break but enrolled for the upcoming academic year.

2. The 67-day maximum applies for a calendar year. In the event the Employee works in the same position at different times throughout the year, the days the employee works will be added together for purposes of reaching the applicable limit.

3. The time is calculated for all the time an individual (or individuals) works in a position. Time spent working in different positions are not counted together.

4. A Seasonal Employee is subject to Public Employees Retirement Association (PERA). The entire period of employment in a year must be used to determine whether a position may be excluded as Seasonal when there is less than a 30-day break between one Seasonal position and a subsequent Seasonal position.

5. Supervisors and Department Heads are responsible for tracking days worked.

G. Internship – An intern is typically a student working for the City through a program offered by a school. Normally, internships are performed by students who have already graduated, or are preparing to graduate, from a program and are willing to do an internship to gain work experience in their field of study. Depending upon the program and the City, the internship may be paid or unpaid. All Internship appointments must be approved by the City Manager and coordinated through Human Resources/Payroll to ensure accurate record keeping, onboarding and pay.

H. Paid-On-Call (POC) – This is employment in the Fire Department which is paid at an hourly rate for calls and training based on availability and quota requirements.

I. Volunteer – City Volunteers are individuals who perform services as part of a City function and under the City's direction and supervision.

Section 3.03 Probationary Period

A. All Employees will be subject to a standard probationary period of 180 days from their first duty day following appointment. However, Seasonal or Temporary Employees will be subject to a probationary period of 30 days. The probationary period is an integral part of the selection process and shall be utilized for observing the Employee's work, for securing the most effective adjustment of the Employee for the position, and for rejecting any Employee whose performance does not meet the required work standards.

B. The City Manager may terminate an Employee at any time during the probationary period. The Employee so terminated shall be notified in writing by the City Manager of the reasons for the termination and shall not have the right to appeal unless they are a veteran, in which case the procedure prescribed in Minn. Stat. 197.46 shall be followed.

C. An Employee who fails to successfully complete the probationary period for a position to which they were promoted or transferred, shall be demoted to the position the Employee was in prior to the promotion or transfer, or be placed on a leave of absence without pay, at the discretion of the City Manager. When a vacancy arises in the class from which the Employee was promoted or transferred, such Employee shall be reinstated to that position.

D. At least 10 days prior to the expiration of the probationary period, the Employee's Supervisor shall complete and submit a Supervisory or Non-supervisory Performance

Evaluation for the probationary period for the Employee. Only authorized evaluation forms shall be used per the Performance Evaluations Policy.

E. Based upon the performance evaluation, Supervisors shall recommend to the City Manager that:

1. The Employee be moved to permanent status.
2. The Employee be terminated.
3. The probationary period be extended for another six months to allow for further training and/or observation.

F. The City Manager shall act upon the recommendation of the Employee's Supervisor.

G. The City Manager reserves the right to affirm the Supervisor's recommendation, overturn the recommendation, or modify it in any manner deemed appropriate.

H. In the absence of a Supervisor's recommendation, an Employee is deemed to have satisfactorily completed their probationary period.

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

Section 3.04 Hiring Procedures

A. Determination of Open Position – Department Heads shall notify the City Manager when a vacancy exists. Such notification will include a recommendation for replacement and any changes in the applicable position description.

1. The City Manager will determine if the position description is appropriate and if the position will be filled through open recruitment or by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. All Hiring Managers and Departments must follow the Hiring Process Steps flow chart and timeline.

2. Department Heads are required to obtain approval from the City Manager for all internships by completing the Internship Request form and providing any applicable supporting documentation.

B. Recruitment Protocol – If recruitment is deemed appropriate, the process shall include, at a minimum, the following:

1. City Application – Applicants for any City position will complete the online employment application located on the City's website.

2. Internal Recruitment – City Employees are notified via of position vacancies for a period of not less than five working days, or another period as stated in a relevant

Commented [CHA4]: Low risk as it empowers and obligates City Manager to make determinations implicitly legal and proper. Does not grant full discretion regardless of law, regulation, or policy.

bargaining unit contract. Interested internal Applicants shall complete the same application that is required of outside Applicants.

3. External Recruitment – An external recruitment may be conducted at the same time as the internal recruitment process. Positions shall be advertised by means of reaching the broadest range of diverse and qualified Applicants which may include but not limited to; newspaper, City's webpage or social media sites, internet job sites, newsletters, colleges, universities, and other job-related publications for a period necessary to attract qualified candidates, but not less than 10 calendar days.

C. Job Posting – The posting shall include, but is not limited to:

1. Title of position.
2. Salary scale.
3. A description of the essential responsibilities and duties.
4. Immediate Supervisor.
5. The application deadline.
6. Any test to be given.
7. Minimum qualifications.

D. Selection Process – The selection of Applicants shall include, but not be limited to, the following:

1. **Subject Matter Expert (SME) Review of Education, Training, and Experience** – A minimum of three SME's shall review all applications and apply standardized points to each application based on qualifications for the job.
 - a. The assigned SME's will be a combination of experts with experience related to the position, as well as other Employees of the City to provide an unbiased review of the applicants.
 - b. Ratings shall be based on a 100-point scale, with point values assigned to education, training, and experience prior to advertising the position. Those Applicants not meeting the minimum qualifications shall not be considered.
2. **Eligibility List** – Human Resources assists the Hiring Manager to create an eligibility list of qualified Applicants including those with Preferred qualifications. The eligibility list shall be valid for a minimum of 90 days from the date of establishment, but not more than two years.

Commented [CHA5]: Re concerns for Reasonable Accommodations: RA policies should remain in anti-discrimination policies.

Commented [CHA6R5]: Re eligibility list retention: no legal objection on time.

3. Testing – Applicants meeting minimum qualifications may be asked to participate in further testing conducted under the direction of the Department Head and Hiring Manager. This testing may vary depending upon the position but may include one or more of the following tests: written; ability; achievement; performance; physical agility; and/or dexterity. The Hiring Manager shall make test scores available to the individual who completes a test. Completed exams and/or answer keys to the exam shall not be provided to any Applicant.

4. Veteran's Preference – Veteran's Preference shall be afforded to a Veteran pursuant to Minn. Stat., Chapter 43A.11, and 197.455. The Veteran's Preference Law govern the granting of Veteran's Preference by the City. This policy is subject to change to comply with the most recent law.

5. Interview – Upon completion of the rating, and any other testing, the Hiring Manager should offer at least the top three candidates an interview. The interview shall be based on the use of structured questions relating to the responsibilities and duties to be performed in the position. The interview team may include the Department Head, any other direct Supervisor of the position, and additional staff as desired.

E. Appointment and Notification.

1. The Hiring Manager shall recommend the Applicant most qualified for the position in accordance with the Hiring Process Steps flow chart and timeline to the City Manager who will make the final hiring decision.

2. The Applicant selected for the position shall be notified in writing of the following information before their first day of work, pursuant to Minn. Stat., 181.55, Written Statements to Employees by Employers.

a. Position offered.

b. Anticipated starting date and time.

c. Position classification e.g., exempt/non-exempt, salaried/hourly, Part-Time/Full-Time, Department Head, etc.).

d. Compensation and any anticipated probationary increases.

e. Immediate Supervisor.

f. Any deviation from the personnel policies or collective bargaining agreement.

3. Reference and Background Checks – All offers of employment, to include Volunteers and Internships, shall be contingent upon successful reference checks and completion of any required criminal background investigation or other background investigation appropriate for the position and consistent with state and federal laws.

4. Medical Examination – Offers of employment may also be contingent upon the successful completion of state and federal examination requirements, including but not limited to a psychological and/or pre-employment physical, or medical examination.

5. All Applicants must be notified in writing, and by telephone if desired, as soon as practicable after they have been eliminated from consideration for the position.

F. Re-employment Policy – The City recognizes it may be beneficial to rehire a former Employee and will consider these applicants through the competitive process. Consideration for re-employment is consideration processes will comply with applicable laws, including federal and state discrimination laws, the Uniformed Services Employment and Reemployment Rights Act, and state military leave laws, as well as any applicable collective bargaining agreements. In some instances, hiring a former Employee may:

1. Reduce recruiting expenses.
2. Fill vacancies quicker.
3. Fill positions with personnel whose knowledge, skills, abilities, and efforts are known.
4. Require less orientation, training time and resources.

G. POC Firefighter Hiring Procedures – The City of Bemidji recognizes the value of allowing a regular full-time Employee to also serve as POC Firefighter with the Fire Department. By doing so, the City expects to help fill Fire Department vacancies, efficiently provide fire protection, and rescue services with staff already committed to serving the community and set an example for other Employers to allow their Employees to serve on the Fire Department and respond to emergency calls during normal work hours whenever possible. Therefore, the City will allow a regular full-time Employee, not currently a full-time firefighter, to serve as a POC Firefighter provided the following criteria and requirements are met:

1. A current Employee wishing to serve as a POC Firefighter must follow the normal hiring procedures for the position (including formal application, training and experience rating, written exam, oral interview, physical agility test, Fire Chief interview, pre-employment drug test, medical exam, and background investigation).
2. Any offer of employment as a POC Firefighter to an existing City Employee, or any offer of City employment to an existing POC Firefighter, shall be contingent upon the execution of an Agreement to Serve as POC Firefighter acknowledging details such as primary duties, priorities, Supervisor authority, compensation, and overtime hours. The Employee's regular full-time position shall be considered primary employment.
3. Exempt Employees may serve as a POC Firefighter but will not receive separate compensation from the City and are not eligible for overtime pay.

4. With Supervisor approval, an Employee will be allowed to respond to paged emergency calls with the Fire Department. However, the Supervisor and/or Department Head shall have full authority to approve or deny, for any reason, and the request to respond to an emergency call during regular working hours.

5. The Employee shall return to the primary position once the emergency call has ceased and accurately reflect the absence on the applicable timesheet.

6. When an affected Non-exempt Employee responds to POC emergency responses, calls, drills, meetings, training, or other approved activities during normal working hours, the use of compensatory time, paid-time-off (PTO) and/or floating holiday hours to fulfill their normal primary 40-hour workweek.

a. All Fire Department related hours will then be reported on a separate timesheet, treated as overtime hours, and paid at a rate of one and one-half times the hourly firefighter rate.

b. For example, a full-time City Employee also serves as a POC Firefighter. During the workweek, the Employee works 37 hours in the primary position and responds to a five-hour fire call (three of which were during normal working hours). The Employee will report 37 hours worked plus three hours of PTO on their normal timesheet and five hours on their Fire Department timesheet, which will be paid at a rate of one and one-half times the POC Firefighter rate.

7. All overtime related to POC hours must be paid (overtime hours accrued shall not be granted as compensatory time in lieu of overtime pay).

8. An Employee on pre-approved leave such as vacation, floating holiday or personal leave identified as PTO or compensatory time may respond to emergency calls. In this case, declared PTO, compensatory time and/or holiday hours will NOT be adjusted if the Employee responds to an emergency call, drill, meeting, training, or other approved activity as those hours should be reported on the Fire Department timesheet. An Employee responding to calls on a holiday will be paid at the normal POC Firefighter rate, unless otherwise stipulated in an executed labor agreement and/or the Fair Labor Standards Act (FLSA).

9. Department Heads have the authority to establish reasonable department-specific rules and guidelines to ensure the department operates as needed.

10. If an Employee violates any portion of this policy, the agreement may be terminated and/or the Employee may be subject to disciplinary action, up to and including termination.

11. Failure to comply with the criteria and requirements set forth in this policy may result in the retraction of the agreement and the City retains the right to retract the agreement at any time for any reason.

12. The agreement shall become null and void if/when an Employee retires, resigns, or is terminated from either the primary or POC position.

13. City Employees hired as a POC Firefighter may also be eligible to become members of the Bemidji Firefighter's Relief Association and receive the benefits provided to its members.

Section 3.05 Nepotism

A. No person serving as a member of the Council shall be eligible for employment with the City.

B. No Supervisor shall participate in decisions related to supervision/work direction, hiring, retention, promotion, or determination of the salary level of a member of their immediate family.

C. City Employees will not have direct supervisory responsibility for an immediate subordinate who is also member of their immediate family. This includes additional levels of supervision in the hierarchy.

D. For this policy, immediate family is defined as:

1. Spouse or domestic partner.
2. Parents (including stepparents and legal guardians).
3. Children (biological, adopted, stepchildren, or legal wards).
4. Siblings (including step- or half-siblings).
5. Grandparents and grandchildren.
6. In-laws (such as mother-in-law, father-in-law, son- or daughter-in-law).

E. The foregoing restrictions do not preclude consideration of a relative of an Elected Official or Supervisor for City employment except as specifically restricted herein. Evidence should be available demonstrating that procedures of the personnel policies were followed during the selection process and that the most qualified Applicant was selected.

F. A POC Firefighter may be granted an exception to this policy. Compensation, promotion, and discipline decisions must be reviewed by the City Manager in situations where an Employee is supervised by a relative.

Section 3.06 Change of Employment Status

A. Promotion Policy – Vacancies in positions are encouraged to be filled by the promotion of qualified a City Employee. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an

increase in compensation. Promotions may follow the hiring process or may be a process as determined by the City Manager, after consultation with the Supervisor assigned to that department.

B. Transfer – An Employee may be transferred to a similar position in a different department. An Employee desiring to be transferred should make a written request to the Supervisor for consideration when a vacancy occurs. The request must be approved by the current Supervisor, the City Manager, and the Supervisor receiving the Employee. Transfer of an Employee may be permitted when the Supervisor determines that the Employee meets the qualifications of the position, that the transfer is in the best interest of the City, and that further training and development of the Employee in the new position would be beneficial to the City.

C. Demotion – An Employee may be demoted to a position of lower grade at the discretion of the Supervisor, subject to the approval of the City Manager. Reasons for the demotion shall be detailed in a written statement.

D. Lay-off – If it is necessary to reduce personnel, Temporary Employees and those serving a probationary period in affected job classifications will be laid off before full-time Employees in those job classifications. The selection of Employees to be retained shall be based on merit and ability as determined by the Department Head, subject to the approval of the City Manager. Reduction of Department Head positions shall be at the sole discretion of the City Manager, in accordance with City Code 2-121. A minimum of a written two-week notice shall precede any lay-off.

E. Resignation and Retirement – An Employee electing to leave the municipal service in good standing, as determined by the City, shall file a written resignation with the Department Head at least 14 calendar days prior to the last day. Immediate supervisor or Department Head will submit a Personnel Action Form to Human Resources for processing.

1. Exempt Employees shall give 30 days' notice. The written resignation must state the effective date of the Employee resignation.

2. Exit interviews will be given to all Employees. Human Resources offers the exit interview either on paper questionnaire or digitally assigned. The interview can also be conducted by an Employee of choice in the event there is a conflict of interest.

3. Failure to comply with this procedure may be considered the cause for denying such Employee future employment by the City and denying termination benefits. Unexcused or unauthorized absences from work for a period of three consecutive workdays may be considered a resignation without proper notice.

F. Termination – An Employee terminated for misconduct will be denied termination benefits under the City Manager's discretion. Minnesota State Statute 268.095 Subd. 6 defines "employment misconduct" as any intentional, negligent, or indifferent conduct, on the job or off the job that is clearly a serious violation of the standards of behavior the Employer has the right to reasonably expect of the Employee.

G. Phased Retirement Option (PRO) – Pursuant to Resolution 5600 passed by the City Council on December 7, 2009, and amended on April 5, 2010, the City recognizes it may be beneficial to offer a Public Employees Retirement Association (PERA) PRO to certain staff either to enhance knowledge transfer to other staff, retain key staff until a replacement can be found, or to reduce the hours of staff for budgetary savings.

1. The City Manager will serve as the designated coordinator for the PERA PRO program and will identify Employees eligible to participate in the program, determine whether there is a benefit to the City in offering the program to those Employees, and will coordinate communication and implementation of the program to those suitable for the program.
2. If an Employee qualifies for the PRO and the City agrees to implement the option, prorated benefits shall be paid to the Employee in addition to their salary compensation. Prorated benefits include the cafeteria contribution, paid holidays, accrual of PTO, vacation and/or sick leave.

Article IV. EMPLOYEE RIGHTS AND RESPONSIBILITIES

Section 4.01 Employee Conduct

A. Upon employment with the City, an Employee becomes a representative of the City and is expected to:

1. Assist and serve citizens for whom they work.
2. Conduct themselves in a manner which reflects favorably on the City, and which demonstrates tact, courtesy, and good judgment.
3. Exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City Employee.
4. Comply with established policies, rules, and procedures and follow the instructions of their Supervisors and Department Heads.

Section 4.02 Employee Responsibilities

A. The primary responsibility of an Employee is to serve the residents of Bemidji.

B. Daily responsibilities include:

1. Always performing assigned duties to the best of their ability and continually striving to improve performance.
2. Always rendering prompt and courteous service to the public.

3. Reading, understanding, and complying with the rules and regulations as set forth in these policies, as well as departmental work rules.
4. Conducting oneself professionally toward residents and staff and responding to inquiries and information requests with patience and courtesy.
5. Reporting all unsafe conditions to an immediate Supervisor.
6. Maintaining good attendance while meeting the goals of the department.

Section 4.03 Performance Evaluations

A. An objective performance review system will be established by the City Manager or designee for the purpose of periodically evaluating the performance of City Employees. The quality of past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

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

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

D. Signing of the applicable Performance Evaluation form by the Employee acknowledges the review has been discussed with the Supervisor and does not necessarily constitute agreement. Failure to sign the document by the Employee will not delay processing.

Section 4.04 Falsification of Records

A. No person shall make false statements, certificates, marks, ratings, or reports regarding any test, certificate, or appointment held or made under the City personnel system, or in any manner commit or attempt to commit any fraud. Any Employee who makes false statements or commits, or attempts to commit, fraud to prevent the impartial application of these policies will be subject to immediate disciplinary action, up to and including termination of employment and possible criminal prosecution.

B. Whistleblower Protections – An Employee of the City who, in good faith, reports an activity that is illegal or dishonest to one or more of the parties may have whistleblower

Commented [JS7]: Add language to address the probationary review and annual review of employees.

"Employees are reviewed by a Supervisor prior to the expiration of their probationary period, and on their hire anniversary date"

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Commented [CHA8R7]: Hold, as evaluation system is not yet set. City will want flexibility where no specific policy practice is in place.

protections. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate City management officials are charged with these responsibilities.

1. Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota data practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

2. The City will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes to be retaliated against must contact the City Manager immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

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

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

Section 4.05 Gifts, Gratuities and Solicitations

A. No Employee of the City shall solicit, receive, or accept, directly or indirectly, any gift, gratuity, reward, favor, entertainment, remuneration, loan, or any other thing of monetary value, from any person who has, or is seeking to obtain, a contractual, business, financial, or other relationship with the City.

B. An Employee may be permitted to accept food and refreshments in the ordinary course of a business meeting or during an inspection tour where an Employee is properly in attendance. An Employee may be permitted to accept promotional material such as pens, pencils, notepads, calendars, and other items of nominal value that have not been solicited by the Employee.

C. Outside solicitations of any kind are not permitted in City buildings. However, City Employees are permitted to have sign-up sheets for school or organizational fundraisers provided the solicitation does not interfere with workplace performance and productivity.

Section 4.06 Access to and Use of City Property

A. City property is available for an Employee to use for official business. The Employee is responsible for the safekeeping and care of all such equipment. Personal use of City property is limited and requires prior approval by the immediate Supervisor or Department Head. This includes use of City vehicles, machinery, tools, equipment, buildings, telephones, fax machines, copy machines, office supplies, cellular phones, computers, internet services and any other property owned by the City. Disciplinary actions shall be taken in the event of abuse or misuse of City property, as determined by the City.

B. Personal Use of City Vehicles.

1. Personal use of a City vehicle is any use other than that which is required to perform assigned duties. Examples of personal use would include:

- a. Use of a City vehicle for commuting to and from the normal place of work.
- b. Taking a City vehicle home for the evening or for breaks.
- c. Shopping for and/or transporting items that are not job related.
- d. Transportation of family members or others not directly related to City business. However, family members attending a conference or seminar with a City Employee may be passengers in a City vehicle.
- e. Any other non-work use of a City vehicle.

2. Except in the case of an emergency, any ongoing personal use of a City vehicle must have prior City Manager approval. The City Manager, or Department Head may also direct an Employee to take a vehicle home on an occasional or incidental basis, if it is to the City's advantage to do so. City Manager approval does not remove the tax consequences of personal use.

3. Internal Revenue Services (IRS) rules and regulations will be followed when an Employee is allowed the personal use of a City vehicle. Those rules and regulations require the Employer to report vehicle benefits as income to the Employee on their annual Form W-2, Wage and Tax Statement. The amount of income will be determined by either a mileage rate (the current IRS mileage rate), or an imputed annual lease rate (the current IRS lease rate) less any business use.

4. The Employee must track and report any personal mileage accrued on a City vehicle to the Finance Department by December 15th of that calendar year.

C. Upon termination of employment, the Employee is responsible for returning all property, tools and equipment belonging to and/or furnished by the City. This includes items such as keys, cellular telephones, safety equipment, clothing, etc.

Section 4.07 Personal Communications and Acceptable Use

A. This policy serves to protect the security and integrity of the City's electronic communication and information systems by educating Employees about appropriate and safe use of available technology resources.

B. Computers are related equipment used by Employees and are the property of the City. The City reserves the right to inspect, without notice, all data, electronic mail (E-mail), 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 requested by the City Manager.

C. Beyond this policy, the Information Technology (IT) authority may distribute information regarding precautions and actions needed to protect City systems; all Employees are responsible for reading and following the guidance and directives in these communications.

D. Personal Use of City Equipment – The City recognizes that some personal use of City-owned computers and related equipment has and will continue to occur. Some controls are necessary to protect the City's equipment and computer network and prevent abuse of this privilege. Reasonable, incidental personal use of City computers and software is allowed but should never preempt or interfere with work. All use of City computers and software, including personal use, must adhere to provisions in this policy, including the following:

1. Employees shall not connect personal peripheral tools or equipment (such as printers, digital cameras, disks, Universal Serial Bus (USB) drives, or flash cards) to City-owned systems, without prior approval from a Supervisor. If permission to connect these tools/peripherals is granted, the Employee must follow the provided directions for protecting the City's computer network.

2. Personal files should not be stored on City computer equipment. This also applies to personal media files, including but not limited to MPEG Audio Layer 3 (MP3) files, Waveform Audio File Format (WAV) files, movie files, music files, or any other file created by copying a music Compact Disc (CD), Digital Video Disc (DVD), or files from the internet. The IT Authority staff will delete these types of files if found on the network, computers, or other City-owned equipment. Exceptions would be recordings for which the City has created, owns, purchased, or has a license.

3. City equipment or technology shall not be used for personal business interests, for profit ventures, political activities, or other uses deemed by the City Manager to be inconsistent with City activities. If there is any question about whether a use is appropriate, it should be forwarded to the Supervisor of the Employee for determination.

E. Personal Use of Digital Devices – Personal use of personal cellular or similar devices during work hours is at the discretion of the Supervisor.

F. System Hardware.

1. In general, the City will provide the hardware required for an Employee to perform assigned job duties. Requests for new or different equipment should be made to the Supervisor.

2. Only City staff may use City computer equipment. Use of City equipment by family members, friends, or others is strictly prohibited.

3. The Employee is responsible for the proper use and care of the City-owned computer equipment. City computer equipment must be secured while off City premises; do not leave computer equipment in an unlocked vehicle or unattended at any offsite facility. Computer equipment should not be exposed to extreme temperature or humidity. If a computer is exposed to extreme heat, cold, or humidity, it should be allowed to achieve normal room temperature and humidity before being turned on.

G. System Software.

1. In general, the City will provide the software required for an Employee to perform assigned job duties. Any requests for new or different software should be made to a Supervisor.

2. The Employee shall not download or install any software on a computer without prior approval from a Supervisor. Exceptions to this include any software approved by the IT Authority such as word processing updates, or other productivity software updates. The IT Authority may, without notice, remove any unauthorized programs or software, equipment, downloads, or other resources.

H. Electronic Mail (E-mail).

1. The City provides Employees with an e-mail address for work-related use. Some personal use of the City e-mail by Employees is allowed, provided it does not interfere with the work of the Employee and is consistent with all City policies.

2. Employee e-mails (including those that are personal in nature) may be considered public data for both electronic-discovery and information requests and may not be protected by privacy laws. E-mail may also be monitored as directed by City authorized staff and without notice to the Employee.

3. Employees must adhere to the following guidelines:

a. Never transmit an e-mail that you would not want your Supervisor, other Employees, members, City Officials, or the media to read or publish.

b. Use caution or avoid corresponding by e-mail on confidential communications (e.g., letters of reprimand, correspondence with attorneys, medical information).

c. Do not open e-mail attachments or links from an unknown sender. Delete junk or "spam" e-mail without opening it if possible. Do not respond to unknown senders.

d. Do not use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.

I. Personal Devices – Employees may choose to use their own equipment to read or compose e-mail or other City data as governed under this policy. Employees understand that by connecting their personal equipment to the City's e-mail server, their personal devices may be required to be surrendered for review for City data, or during electronic discovery or other court-ordered scenarios and the Employee agrees to grant access to the personal devices should such a situation arise.

J. Network Access – Personal computer equipment may not be connected to the City's network without prior approval of the City Manager. Personal equipment may be subject to password requirements or other electronic security measures as determined by the IT Authority.

K. Internet – The following considerations apply to all uses of the internet:

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

2. Reasonable personal use of the Internet is permitted. Employees may not at any time access inappropriate sites except for work purposes (e.g., law enforcement, City attorney's office). Some examples of inappropriate sites include, but are not limited to, adult entertainment, sexually explicit material, or material advocating intolerance of other people, race, or religions. If you are unsure whether a site may include inappropriate information, you should not visit it.

3. The City may monitor or restrict any Employee's use of the internet without prior notice, as deemed appropriate by the Supervisor of the Employee, in consultation with the City Manager.

L. Employees are prohibited from engaging in blogging during working time or while using City-owned equipment unless such activity is directly work related.

1. Employee blogging, including but not limited to the use of social media platforms outside of working hours and without using City equipment, must comply with the Minnesota Data Practices Act.

2. This includes avoiding the disclosure of trade secrets or other information regarding the City or any of its Elected Officials, Managers, or Employees which would constitute defamation. This is defined as the action of damaging the good reputation of someone; including slander (false spoken statement) or libel (published/written false statement).

3. Expect that if you publish online, the City or your co-workers will see it. Therefore, the City expects Employees to be fair, truthful, courteous, and respectful to Council

Members, Supervisors, co-workers, citizens, customers, and others associated with the City.

M. City Social Media.

1. Social networking in government serves two primary functions: to communicate and deliver messages directly to citizens; and to encourage citizen involvement, interaction, and feedback. Information, which is distributed via social media must be accurate, consistent, timely, and meet the information needs of City residents.
2. The City wishes to establish a positive and informative social media presence. City representatives have the responsibility to use the City's social media resources in an efficient, effective, ethical, and lawful manner.
3. The City will determine, at its discretion, how its web-based social media resources will be designed, implemented, and managed as part of its overall communication and information sharing strategy. City social media sites may be modified or removed by the City at any time and without notice.
4. City social media accounts are considered a City asset and administrator access to these accounts must be securely administered in accordance with the City's Computer Use Policy referenced above.
5. All social media websites created and utilized during the course and scope of an Employee's performance of job duties will be identified as belonging to the City, including a link to the City's official website.
6. Use of City's Social Media.
 - a. City Employees and agents with administrator access are responsible for managing social media. Facilities or departments wishing to have a new social media presence must initially submit a request to the City Manager. All approved websites will be clearly marked as a "City of Bemidji" site and will be linked with the official City website. No one may establish social media accounts or websites on behalf of the City unless authorized in accordance with this policy. All login information for social media accounts for the City must be provided to the City Clerk.
 - b. Administration of all social media must comply with applicable laws, regulations, and policies as well as proper business etiquette.
 - c. City social media accounts accessed and utilized during the course and scope of an Employee's performance of his/her job duties may not be used for private or personal purposes or for the purpose of expressing private or personal view on personal, political, or policy issues or to express personal views or concerns pertaining to City employment relation matters.

d. No social media may be used by the City or any City Employee to disclose private, confidential, or sensitive information. If there is any question as to whether information is private, confidential, or sensitive, contact the City Manager or City Attorney.

e. Be aware that content will not only reflect on the writer, but also on the City as a whole, including Elected Officials and other Employees. Any posts should adhere to the following:

i. Be free of grammatical errors.

ii. Be accurate.

iii. Not provide private or confidential information.

iv. Not negatively comment on community partners or their service.

v. Not provide information related to pending decisions that would compromise negotiations.

vi. Be aware that all content added to a site is subject to the Minnesota Data Practices Act and discovery in legal cases.

vii. Always keep in mind the appropriateness of content.

viii. Comply with any existing policy of ethical behavior established by the City.

f. Employees will not edit any posted comments to social media. If an Employee believes that a post or comment is abusive, obscene, defamatory, in violation of copyright, trademark, or other intellectual property right of any third party, or otherwise inappropriate or incorrect shall bring it to the attention of the City Manager and City Attorney. At no time shall comments or posts be removed without the approval of the City Manager and City Attorney.

g. At no time will any individual be "blocked" or not allowed to post on a City's social media page without the approval of the City Manager and City Attorney.

7. Personal Communications and Use of Social Media - It is important for City employees to remember that the personal communications of Employees may reflect on the City, especially if Employees are commenting on City business or commenting on issues that implicate their City employment. As City representatives, Employees share in the responsibility of earning and preserving the public's trust in the City. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all City staff will carry out City functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. Nonpersonal communications (performed within one's job duties) to members of the public must be always professional. The following guidelines apply to personal communications,

including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- a.** Do not share any private or confidential information you have access to as a result of your City position.
- b.** Any personal communications made on a matter of public concern must not disrupt the efficiency of the City's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any City department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing or sharing a social media post of another individual or entity.
- c.** Remember what you write, or post cannot easily be undone. It may also be spread to a larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible online, even if it is done after hours, from home and on home computers.
- d.** The City expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the City. Avoid using statements, photographs, video, or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment based on sex, race, national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status regarding public assistance or membership or activity in a local human rights commission.
- e.** If you publish something related to City business and there is liable to be confusion whether you are speaking on behalf of the City, it would be best to identify yourself and use a disclaimer such as, "These are my own opinions and do not represent those of the City of Bemidji."
- f.** City resources, working time, or official City positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the City's logo, email, or working time to promote a side business as a plumber; a parks Employee should not access a park with a key after hours; a clerk working at City Hall should not campaign for a friend running for City Council.

g. Personal social media account names or e-mail names should not be tied to the City (e.g., Bemidji Cop). They should not cause confusion to be an official City, e-mail, webpage, or social media account.

N. Media Requests – All Employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Any Employee who identifies a mistake in reporting should bring the error to the attention of the City Manager or other appropriate staff.

1. With exception of routine events and basic information that is readily available to the public, all requests for interviews, private data, information outside the scope of an Employee's job duties, or information from the media are to be routed through the City Manager, the appropriate department, City Attorney or City Clerk.

2. No Employee is authorized to speak on behalf of the City without prior authorization from the City Manager or designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings and websites.

3. When responding to media requests, Employees should follow these steps:

a. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify your immediate Supervisor or the City Manager of the request.

b. If the request is regarding information about City personnel, potential litigation, controversial issues, an opinion on a City matter, or if an Employee is unsure if the request is a "routine" question, ask the media representative's name, questions, deadline, and contact information and forward the request to the City Manager.

4. All news releases concerning City personnel will be the responsibility of the City Manager.

5. When/if the City Manager authorizes staff to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications, Employees must:

a. Identify themselves as representing the City. Account names on social media sites must be clearly connected to the City and approved by the City Manager.

b. Be respectful, professional, and truthful when providing information. In most cases, only information (not opinions or editorial comments) should be provided, and corrections must be issued when needed.

c. Not include personal opinions in official City statements. One exception is any communication related to promoting a City service. For example, an Employee could post the following on the City's social media page: "My family visited Cameron Park

this weekend and really enjoyed the new picnic shelter.” Employees who have been approved to use social media sites on behalf of the City should seek assistance from the City Manager on this topic.

d. Notify the City Manager if they will be using their personal technology (cellular phone, home computer, cameras, etc.) for City business. Employees should be aware that the data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

O. Presentation of the City – Requests for City information can become very time-consuming and expensive. The City may contain public access points for information about the City, and for access to City records and information. These systems should be operated only by persons specifically authorized and trained to place or remove data on such a system. Release of data to the public in other formats should be carried out through authorized channels.

P. **Cellular Phones** – ~~The Supervisor or Department Head recommends to the City Manager is an Employee requires a cellular device to facilitate the duties and responsibilities associated with their position. If the request is approved, one will be provided by the City, or the City will reimburse the Employee \$30 per month for access to the Employee's personal cellular phone, additional data access and voicemail charges. The City authorizes the use of an employee's personal mobile device for business-related calls, text messaging, emails, and other required work functions.~~

1. The City will reimburse qualifying employees up to \$30.00 per month, based on the qualifying employee's monthly mobile service plan and usage costs attributable to business use for the City of Bemidji.

2. To apply for Mobile Device Reimbursement, employees must ~~explain process seeking reimbursement~~. Reimbursement amounts may be reviewed and adjusted periodically.

~~1-3.~~ Employees should be aware that cellular phone records regarding City business are subject to the Minnesota Government Data Practices Act, which means the City may need access to the Employee's cellular phone records and possibly the device itself to provide the data being requested. Employee mobile devices remain the personal property of the employee. However, the City may require access to City or work-related data on the device for purposes of complying with legal obligations (e.g., litigation holds or discovery, subpoenas, data requests under the Minnesota Government Data Practices Act), or administrative matters such as internal investigations involving City or work-related data or records.

~~2-4.~~ Employees issued a City-owned cellular device may be required to provide login and password information in the event data from the device is subject to review.

Q. Violations – The City reserves the right to treat the misuse of these resources as any other act of employment in accordance with its personnel regulations. Violations of this

Commented [JS9]: Add in the summary of admin notice drafted for mobile reimbursement

Commented [CHA10R9]: Admin notice converted to policy.

Commented [CHA11]: Utilize current admin notice instructions.

policy will subject the user to discipline, up to and including discharge, as well as notification to law enforcement agencies when appropriate, or required by law.

R. Records Retention – Records retention schedules, based on the context of messages, are the same regardless of the medium - paper, voice, or electronic.

Section 4.08 Security and Access

A. Purpose.

1. The purpose of this policy is to establish clear, enforceable guidelines governing access to the City of Bemidji's building(s) and premises.
2. This policy is designed to ensure the security, safety, and efficient operation of the workplace by outlining the responsibilities and expectations for Employees regarding the use of access credentials and building facilities.

B. Definitions.

1. Applicant – An individual who has formally applied for City employment through the City's recognized formal application process for City hiring consideration.

4—

2. Employee – Any individual who is formally employed by the City, whether full-time, Part-Time, Seasonal, Temporary, Volunteer or on a contract basis, and who has been granted access to the City's building(s) and premises as part of their job responsibilities.

3. Guest – Any individual who is not Employee, contractor, vendor, or other authorized personnel of the City and who is permitted entry into the building for a specific purpose (e.g., business meetings, interviews, personal visits).

4. Building – Any structure or physical premises owned, leased, or otherwise occupied by the City, including any associated facilities, grounds, or areas that are under the City's control or management, and to which Employees, contractors, or authorized individuals are permitted access for work-related purposes.

C. Access Rights.

1. Employees are permitted access to City buildings for purposes directly related to their employment.
2. Access is limited to the Employee's designated working hours and areas unless authorized by their Supervisor or Department Head in conjunction with the duties and responsibilities of their job description.

D. Employee Access Control.

1. Employees must use only authorized entry points and swipe cards, keys, or access codes provided by the City to enter the Buildings, facilities, and premises.
2. Employees are not permitted to lend, share, or otherwise disclose access credentials (e.g., keys, swipe cards, codes) to unauthorized persons.
3. Employees must report disclosed, lost or stolen access credentials immediately to the Building Department or Human Resources.

E. Supervisor's Responsibility to Monitor Access.

1. Supervisors play a crucial role in ensuring that Employees comply with Building access protocols and security policies. In addition to the Employee's individual responsibility, Supervisors are tasked with monitoring and overseeing Employee access to the buildings to ensure the safety, security, and proper use.
2. Supervisors are responsible for ensuring that their Employees follow the City's Building access procedures, including adherence to working hours, authorized access points, and the appropriate use of access credentials (keycards, keys, security badges, etc.).
3. Supervisors must verify that Employees only access areas necessary for the completion of their job responsibilities and that unauthorized areas are off-limits.
4. Supervisors are required to regularly review Employee access logs, ensuring that any discrepancies or irregularities in access patterns are reported and addressed.

F. Security Protocols.

1. Employees must comply with all buildings, facilities, and premises security measures.
2. Employees should follow all posted signs and instructions regarding access points, emergency exits, and safety protocols.
3. Employees are prohibited from allowing non-employees (e.g., family members, guests, contractors) to enter the buildings, facilities, and premises alone unless authorized by the City.
4. Guests are only allowed to access certain areas of the Building based on the nature of their visit.

a. Employees must ensure that their guest only enters authorized areas and is not allowed to roam freely within restricted or secure zones (e.g., server rooms, employee offices, storage rooms, etc.).

b. Guest access is granted only for the specific time period necessary to complete the guest's business or visit. Once this time period has ended, the Employee is responsible for ensuring the guest exits the premises.

G. Use of Buildings.

1. Employees are only permitted to access areas of the Buildings, facilities and premises related to their specific job functions, including office spaces, break rooms, restrooms, and common areas.

2. Unauthorized access to restricted areas (e.g., server rooms, vaults, storage spaces, etc.), is prohibited.

H. Compliance with City Policies.

1. Employees are expected to adhere to all City policies and procedures related to security, including the City's Data Practices Policy and the Minnesota Government Data Practices Act, safety procedures, and emergency protocols.

2. Any suspicious activity, damage, or breaches of security must be reported to the building, facility and premises management or the appropriate authorities immediately.

I. Termination of Access.

1. Building access privileges provided to the Employee are contingent upon their employment with the City.

2. Upon termination of employment, the Employee's right to access the City's buildings, facilities and premises will be immediately terminated, and the following procedures will apply:

a. Immediate Termination of Access – Upon the termination of employment, whether during or after business hours, the Employee will no longer be permitted to access the Building(s). All access credentials, including keys, keycards, access codes, or other means of entry, must be returned to the City no later than their final day of employment.

b. Return of Access Credentials – It is the Employee's responsibility to return all Building access items, including but not limited to:

i. Company-issued keys.

ii. Access cards or fobs.

iii. Security badges.

iv. Any other materials used to gain access to the building(s) or restricted areas.

c. If the Employee fails to return these items on their final day or by the date specified by the City, they may be subject to financial charges for the replacement of lost or unreturned items and deductions for the cost of the items may be made from the Employee's final paycheck.

Section 4.09 Personal Appearance

A. Employee Appearance – Personal appearance and hygiene play an important role in projecting a professional image in the community and to the citizens, customers, and visitors that City Employee serve. It is important that an Employee's personal appearance reflects favorably on the City and the department.

B. As a City Employee, you are expected to:

1. Report for work with a neat and clean appearance in attire that is professional, appropriate, and suitable for your position.
2. Strive to project a professional image while at work and in the public eye.
3. Be conservative when selecting work attire.
4. Follow personal hygiene and daily grooming habits.
5. Avoid loose fitting clothing or items that may present a safety hazard in the workplace.

C. For those working in an office setting, business casual should be the minimum standard applied. Those working in the elements or unclean environments have a need for more rugged, durable clothing; however, the clothing should be clean, in good repair, and serviceable.

D. Although it is not possible to detail every article of attire that may or may not be appropriate, it is expected that Employees use good judgment and common sense when selecting attire. Supervisors are responsible for ensuring appropriate attire is worn during work hours.

E. Jewelry may be worn with caution, particularly in areas where the job requires use of tools and equipment, or is in proximity to moving parts, belts, machines, or vehicles.

F. Employees shall be considerate of others who may have scent sensitivities, allergies, or adverse reactions to certain odors (e.g., perfume, cologne, sprays).

G. Appropriate footwear shall be worn to ensure Employee safety and comfort, as determined, or directed by the Supervisor.

H. Employees should always consider each day's activities when determining attire. If an Employee is hosting or attending a meeting, attire should be planned accordingly. Supervisors can specify additional or alternative attire and grooming requirements based on the needs of the department or requirements necessary for Employee safety.

I. Clothing with the City logo is encouraged and, in some cases, required.

J. Department Heads and Supervisors are responsible for monitoring and enforcing this policy. The policy will be administered according to the following action steps:

1. If questionable attire is worn, or if there is a complaint received from a citizen, customer or co-worker, the Supervisor will hold a personal, private discussion with the Employee to advise the Employee regarding the inappropriateness of the attire.
2. If an obvious policy violation occurs, the Supervisor will hold a private discussion and ask the Employee to change attire immediately. In the event that this requires the Employee to return home, under most circumstances, the Employee will not be compensated for this time away from work.
3. Repeat violations of this policy will result in disciplinary action, up to and including termination.

K. Advertisements on Attire – Employee attire will not reflect any business advertisement, other than the manufacturer or designer name.

L. Employee Uniforms – All uniforms paid for or provided by the City will be worn as required. Items will be replaced upon return if deemed unserviceable by the Supervisor. Uniformed Employees choosing to wear hats will wear uniform hats only when on duty. Uniforms, including hats, are not to be worn when off duty. Upon termination of employment, the Employee is responsible for returning all items belonging to and/or furnished by the City.

M. Employees who need an accommodation associated with a protected status, such as religion or disability should speak with the Human Resources to obtain approval to deviate from this policy.

Section 4.10 Lunch and Rest Breaks

A. ~~Employees working a standard eight-hour day are entitled to one 15-minute break before 12:00 p.m., and one 15-minute break after 12:00 p.m. Employees should not normally be scheduled to work longer than three hours without a break. Employees who~~

Commented [CHA12]: Updated to reflect new state law requirements.

~~work other than normal schedules may take breaks depending upon the constraints of the working conditions within each department as determined by the Supervisor. Exceptions to expecting and nursing mothers apply. Employees are entitled to a rest break of at least 15 minutes or enough time to utilize the nearest convenient restroom, whichever is longer, within each four consecutive hours of work. Employees working for six or more consecutive hours are entitled to an unpaid meal break of at least 30 minutes.~~

Commented [CHA13]: To reflect updated state law and City admin notice.

B. Rest and Meal breaks are to be taken at times approved by the applicable Department Head. Supervisors will ensure that the Employee can take scheduled meal breaks. The meal break shall consist of 30 to 60 minutes without pay. Law enforcement and fire personnel will take meal breaks while on duty. Longer meal breaks can be arranged, with the approval of the applicable Supervisor.

A.-C. Nursing mothers and lactating Employees will be provided reasonable paid break times (which may run concurrently with already provided break times) to express milk. The City will provide a clean, private, and secure room (other than a bathroom) as close as possible to the Employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private. The City shall not terminate, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an Employee for asserting nursing rights or remedies.

B.-D. Supervisors are responsible for ensuring that breaks are scheduled to provide adequate personnel coverage during normal business hours.

C.-E. Employees working in City buildings may be required to take their break at the place provided for that purpose in each building (exceptions may apply based on Supervisor approval). Employees working outside may take their break at the location of their work project or work site. Employee duties involving traveling throughout the City may stop along the required route at a restaurant or other public accommodation for breaks.

D.-F. Department Heads may allow for the combining of breaks to accommodate departmental and/or Employee needs and/or to encourage physical activity but not to shorten the Employee's workday.

Section 4.11 Data Practices

A. The City conforms to the mandates of the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13.

B. The City Attorney acts as the Data Practices Compliance Official and receives questions or concerns regarding problems in obtaining access to data or other data practices problems within the City.

C. The City Clerk acts as the Data Practices Responsible Authority for collection, use, and dissemination of any set of data.

D. Employee records are maintained in a secure location. Personnel data is retained in separate personnel files, payroll/benefit files and medical files. Information is used to administer Employee salary and benefit programs, process payroll, complete state and federal reports and document Employee performance. Employees have the right to know what data is retained, where it is kept and how it is used. All Employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

E. Any request for City data must be in writing. The City has a data request form to facilitate these requests and assist in processing these requests in a timely fashion. If an Employee receives a request for City data, the Employee should forward the data request form to the requestor, and immediately inform the City Clerk of the request.

Section 4.12 Political Activity

A. City Employees are neither employed or retained in City employment based on their political activity, but rather based on merit, fitness, performance, and ability.

B. 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. An Employee of the City may not use official authority or influence to:

1. Compel a person to apply for membership in or become a member of a political organization.
2. Pay, or promise to pay, a political contribution.
3. Take part in political activity except when the City Manager approves political activity when it supports an official position of the City such as providing information to legislators on City projects or residing over local, state, or federal elections.

C. The City may not impose or enforce additional limitations on the political activities of its Employees.

D. If a City Employee becomes a candidate for political office, it is understood that a leave of absence without pay may need to be taken. If the needs of the City require the position to be filled during the leave of absence, the employment may be terminated.

Section 4.13 Travel and Per Diem

A. Employees required to travel outside of the area in the performance of duties will have authorized travel expenses paid for by the City. No payment will be made for meals during

training events held in the Bemidji area. Employees will not be reimbursed for a meal when the cost of the meal was included in the training fee. All travel must be done in the most reasonable, cost-effective manner as determined by the City.

B. General.

1. City Employees may be authorized to travel time and expenses to attend conferences, conventions, schools, or to conduct official City business. Travel needs, including registration, should be anticipated in advance.

2. It is the intent of the City to pay for or reimburse the Employee for necessary transportation, food, lodging, registration, and authorized miscellaneous expenses. Alcohol is not reimbursable.

a. Employees and Officials are expected to secure accommodation and services, which are economical and fitting for the occasion.

b. Employees attending the same function are encouraged to share transportation as practical and reasonable as possible.

c. Employees will use appropriate and available department vehicles owned by the City before utilizing their personal vehicle.

3. Time spent on attending or traveling to and from training programs and meetings, for which attendance has been authorized by the Department Head, shall be considered time worked and compensated in accordance with FLSA, unless attendance is voluntary, or the program or meeting is not directly related to the Employee's job.

C. Authorization – Pre-authorization from the City Manager is only necessary for out-of-state travel. Supervisor approval is required for all travel expenses. If the Employee intends to supplement the travel time with PTO, this should be indicated on the travel request. Employees are still required to account for all normal work hours for scheduled shift(s) in the form of time-off or hours worked.

D. Method of Travel – Transportation must be by the most economical means possible in terms of cost and time. If other means are used for travel, reimbursement will only be up to the least expensive alternative. If the Employee prefers to drive, any extra time required due to driving shall be taken as PTO, unless approved by the City Manager.

E. Travel Expense Reimbursements – Employees shall be reimbursed for travel by submitting the Travel Reimbursement Form (MR-2) to the Finance Office.

1. Expense reimbursements apply to Employees only. Costs associated with spouses, children, or other individuals not officially representing the City are not eligible for reimbursement.

2. Arrangements for lodging and payment of registration fees can be handled at the department level. Manual checks will not be authorized for lodging or registration fees.

3. City credit cards may be used to pay for travel expenses but may not be used to pay for meals.

F. Accounting for Expenses – Claims must be submitted within five business days after returning from travel. Submissions after this time will not be reimbursed without City Manager approval.

1. The following information is required for accurate reimbursement:

a. Transportation – Mileage allowance at the current IRS allowed rate. Airfare, bus, taxi, rideshare services, or other means reimbursed at actual cost.

b. Lodging – Employee should utilize the City issued credit card to pay for lodging costs. Actual cost substantiated by receipt.

c. Meals – Reimbursement for meals will be based on the General Services Administration standard out-state Contiguous United States (CONUS) rates. A partial day meal allowance will be paid if less than a full day of travel is utilized. A full day meal allowance will be paid, provided the Employee departs by 7:00 a.m. and does not arrive earlier than 7:00 p.m.

d. Miscellaneous – Registration fees, parking, taxi, telephone, and other reasonably necessary expenses will be reimbursed at actual cost. Telephone reimbursement must be for documented City business purposes.

2. Each claimant must account for expenses in the following manner:

a. Submit receipts for lodging, transportation (other than mileage), registration fees and any other miscellaneous items.

b. If a receipt is lost or not available, a written verification detailing the facts must be submitted and approved by the City Manager.

G. Mileage Reimbursement.

1. The City will reimburse Employees for the use of a personal vehicle for conducting City business. Mileage will be reimbursed at the current IRS approved mileage rates. The Employee must substantiate the time, place, distance, and business purpose of each trip.

2. For use of a City-owned vehicle, expenses will be paid for actual receipted items (e.g., gas, repairs, etc.).

3. Unsubstantiated mileage expenses are subject to income tax withholding and payroll taxes.

H. City-owned Vehicles.

1. To provide for the most efficient means of transportation and to facilitate necessary off/on hour duties pertaining to a department, the City may provide a vehicle for specified departments or job classifications to be used while performing job related duties for the City.

2. The City will provide all fuel, maintenance, insurance, and repairs for the designated vehicle.

3. The City Manager shall assign the City-owned vehicle to the Employee. The vehicle shall be used for the purposes of performing City-related job duties and subject to the following conditions:

a. Perform routine operational checks and maintenance on assigned vehicles and equipment. Failure to perform and maintain the vehicle/equipment is grounds for disciplinary action including, but not limited to, payment for repairs.

b. May be permitted to drive the vehicle to and from their residence per Supervisor approval.

c. Will not use the vehicle for personal use. Any personal use of City-owned vehicles shall be documented and approved by the City Manager.

d. Shall obey all laws for operation of a motor vehicle.

e. Shall be obligated to pay any fines assessed against the Driver for violation of any laws and regulations.

f. Shall possess and maintain a current and valid Minnesota Driver's License, and any appropriate classification as required for the assigned vehicle.

4. It will be the City policy to comply with all current income tax laws as they pertain to personal use of Employer-provided vehicles.

I. Liability Insurance and Driver's License Requirements.

1. The City expects all Employees required to drive as part of the duties indicated in the job description to drive safely and legally while on City business and to maintain a good driving record. Employees shall not drive in conjunction with City business without a valid Minnesota Driver's license of the appropriate classification, whether driving a City-owned vehicle or their own personal vehicle. The driving records of City Employees driving as part of the duties indicated in the job description, or occasionally driving for City business, are subject to annual review of driving records.

2. An Employee using a privately owned vehicle while on City business is eligible for expense reimbursement only if liability insurance is maintained on the personal vehicle in the amounts required by state law. Evidence of such insurance shall be carried in the vehicle and the City may, at any time, require the Employee to provide proof of insurance.

Section 4.14 Purchasing Policy

A. Introduction – Minnesota Statutes, Section 471.382, allows cities to make purchases with credit cards. The use of credit cards enables the City to conveniently obtain certain goods and services and reduce petty cash payments and Employee reimbursements.

B. Purpose – The purpose of this policy is to establish guidelines for the use of credit cards to maintain clear accounting controls. It will also provide Employees with a flexible and convenient method to purchase materials, supplies, and services for the City when it is deemed efficient to do so.

C. Cards – Department Heads may be issued a credit card for use within each department.

D. Using a Card – All purchases made with the credit card are subject to Supervisor approval. Each purchase must be accompanied by supporting documentation from the vendor.

E. Monthly credit card statements, along with supporting documentation, must be submitted to the Finance Department within the first five (5) business days of a month, unless there is good cause.

F. Prohibited Use – Cards will not be used for meals, cash advances, gambling, alcoholic beverages, or personal expenses. Misuse of a card by an Employee will result in disciplinary action.

G. Lost or Stolen Card – Lost or stolen cards must be reported immediately to the Finance Department and financial institution that issued the card. Responsibility for the security of the card rests with the Department Head.

H. Card User Responsibilities – Every card user must take all precautions to ensure the card is kept secure and used only for legitimate City business purposes. Supervisors and Department Heads are responsible for ensuring that issued cards are used for proper City expenses.

Section 4.15 Volunteerism

A. The following guidelines are established for City Employees performing volunteer activities:

1. All volunteerism that impacts an Employee's regular work schedule must have prior approval from his/her Supervisor, Department Head, or City Manager.

2. City vehicles shall not be used for transportation to and/or from the volunteer site, unless it is a City sanctioned volunteer activity, and must be approved by the Department Head or City Manager.

3. If the volunteer project or program requires the Employee to be called during the Employee's regular assigned shift and all other requirements of this policy are met, any time away from work shall be considered unpaid leave or the Employee may use accumulated PTO or vacation leave.

4. Employees performing volunteer work for other organizations will not be covered by the City's worker's compensation, medical liability insurance, or professional liability insurance while performing the volunteer work.

Section 4.16 Tobacco and Vaping Use

A. The City of Bemidji does not allow the use of tobacco or vaping products in City-owned facilities, vehicles, or equipment. All use of tobacco or vaping products is prohibited within 10 feet of primary public entrances and exits, open windows or ventilation intakes of all City-owned buildings and facilities.

B. All other City and County ordinances must be adhered to regarding the use of tobacco and vaping products in adjacent parking lots, park land, trails, and recreational facilities.

C. Compliance procedures for City-owned facilities will be appropriately signed. The emphasis on enforcing the Tobacco and Vaping Free Policy is through voluntary compliance. However, Employees violating the policy may be subject to disciplinary action. All Employees are authorized and encouraged to communicate this policy with courtesy, respect, and diplomacy, especially regarding visitors.

Section 4.17 Anti-Harassment Policy

A. The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

B. Applicability – Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, and firefighters.

C. Abusive Customer Behavior – While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

Commented [CHA14]: Fully revised per model respectful workplace policies for municipalities.

D. If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

E. Types of Disrespectful Behavior – The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

1. Violent behavior: Includes the use of physical force, harassment, bullying or intimidation.

2. Discriminatory behavior: Includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, familial status, or status with regard to public assistance, veteran status, membership on a local human rights commission, pregnancy, childbirth, or related medication conditions, reserve or National Guard status, military service, citizenship, or any other basis protected by law, except where there is a bona fide occupational qualification.

3. Offensive behavior: May include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout City, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or Department Head.

4. Sexual harassment: Can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b. Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- c. Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

F. Sexual harassment includes, but is not limited to, the following:

1. Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
2. Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
3. Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

G. Possession and Use of Dangerous Weapons – Possession or use of a dangerous weapon (see attached definitions) is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. This includes employees with valid permits to carry firearms.

H. The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

I. Employee Response to Disrespectful Workplace Behavior – Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a violation of this policy, they are encouraged to follow the steps below:

1. Politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.
2. If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or Department Head or his or her designee(s). The person to whom you speak is responsible for

documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

3. In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, Department Head, or Police Department. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to a supervisor or Department Head.

J. Supervisor's Response to Allegations of Disrespectful Workplace Behavior – Employees who have a complaint of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to a Department Head, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

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

2. Step 2. If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The investigator will obtain the following description of the incident, including date, time and place:

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

3. Step 3. The supervisor must notify the Department Head about the allegations.

4. Step 4. As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

5. Step 5. After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

6. Step 6. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and the extent permitted by law.

K. Special Reporting Requirements – When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the Department Head who will assume the responsibility for investigation and discipline.

L. If the Department Head is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City's legal counsel who will confer with the City Manager regarding appropriate investigation and action.

M. If the City Manager is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, a report will be made to the City's legal counsel who will confer with the City Council or designated committee regarding appropriate investigation and action.

N. Confidentiality – A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

O. Retaliation – Consistent with the terms of applicable statutes and City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

A. Harassment is defined as unwelcome behavior and can be unlawful when directed at a person in a protected class. Harassment based on race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, and age, or any other legally prohibited characteristic by any City Employee is strictly forbidden as mandated by Title VII of the Civil Rights Act of 1964 and by the Minnesota Human Rights Act.

1. Unlawful harassment often involves a hostile work environment, which is a pattern of offensive comments or behavior that affects a person's ability to perform the job. Harassment can include bullying, rude behavior, or disrespect for co-workers, but this type of conduct is only illegal when based on a protected class. However, such behavior is not acceptable and will not be tolerated by Employees or on City premises. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

a. These may include offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs, offensive objects, drawings, pictures, or gestures, physical assaults or threats.

b. Unwelcome touching or comments about a person's hair, body, clothing, or personal effects related to the person's protected class is prohibited.

c. Repeatedly or deliberately misgendering a person, including using gendered personal references that do not align with another person's identity.

d. Repeatedly or deliberately mispronouncing a person's name, related to the person's protected class, including use of an unwelcome nickname, or shortening a name without permission.

e. Repeated or deliberate comments, behavior, or other interactions that communicate hostility or bias toward a person who might identify as being a member of a protected class.

f. Following, stalking, intimidation.

g. Malicious interference with work performance.

h. Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication.

i. Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication.

j. Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment.

~~2. Substantiated violations of this policy by an Employee will result in disciplinary and corrective action. No Employee shall be subject to harassment, reduction in employment status, benefits, pay, or loss of advancement opportunity for filing a complaint or testifying in an investigation or appeal proceeding. Employees are strongly encouraged to report all incidents of protected class harassment and discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report incidents to: Any of the agency's managers or supervisors or human resources.~~

B. Definitions—The following definitions shall apply:

~~1. Harassment~~—Behavior intended to disturb or upset; behavior that is found to be threatening or disturbing; unwelcome conduct, which is intimidating, offensive, abusive, or hostile. Unwelcome conduct or communication that is based on actual or perceived membership in one or more protected classes, including stereotypes of one or more protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace.

~~2. Sexual Harassment~~—Sexual harassment is further defined to include unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal, non-verbal or physical conduct or communication when:

~~a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations, public services, education, or housing.~~

~~b. Conduct or communication has the purpose or effect of interfering with an individual's employment, public accommodations or public services, education, housing, or creating an intimidating, hostile or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the Employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.~~

~~3. Types of Sexual Harassment~~—Sexual harassment may be either verbal or physical and range from sexist jokes and comments to sexual assault. The blatant forms of sexual harassment are readily recognized. More subtle sexual harassment, however, can be equally destructive of good Employee practices, demoralizing to Employee relations and debilitating to Employee work performance. Examples of illegal behavior include:

~~a. Unwanted sexual comments, innuendos, or suggestions.~~

~~b. Suggestive or sexist remarks about a person's clothing, body, or sexual activity.~~

~~c. Unwanted and unnecessary touching, brushing against, patting, or pinching.~~

~~d. Suggestions, requests, or demand for sexual favors accompanied by implied or overt threats or promises.~~

~~e. Display of pictures of objects depicting nude, scantily clad or suggestively posed people.~~

~~f. Unwelcome and/or repeated suggestions regarding, or invitations to social engagements or other activities.~~

~~g. Any indication expressed or implied, that an Employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of sexual favors to any other Employee, Supervisor, or Manager.~~

~~h. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.~~

~~4. Reporting Authority—One who receives a report of alleged harassment. Normally this would be a Department Head, Supervisor, City Manager, or City Attorney.~~

~~5. Bullying—Repeated harassment or abuse of a psychological nature.~~

C. Expectations.

~~1. All Employees are expected to treat each other and the public with respect and to assist in fostering an environment that is free from unwanted harassment.~~

~~2. The City urges that conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate.~~

~~3. Management has the obligation to provide an environment free of harassment and the City is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all Employees is required.~~

D. Procedures—The following informal and formal procedures should be followed in processing allegations of harassment.

1. Informal Procedure.

~~a. Employees who feel they have been victims of harassment, or Employees who are aware of such harassment, should immediately report their concerns to his or her Supervisor or Department Head, City Attorney, or the City Manager.~~

~~b. If the alleged perpetrator is an Elected Official, Supervisor or Department Head, the Employee shall make a complaint of the alleged harassment to the City Manager or City Attorney. If the alleged perpetrator is the Mayor or Council Member, the Employee shall make a complaint of the alleged harassment to the City Manager or City Attorney.~~

c. Supervisors and/or Department Heads shall immediately notify the City Manager or City Attorney of the report. The City Manager or City Attorney shall immediately initiate an investigation of the alleged harassment and shall attempt to resolve the matter to the satisfaction of all parties.

d. In addition to making the report, the Employee is also encouraged to take the following steps:

i. Make it clear to the harasser that the conduct is unwelcome and document that conversation.

ii. Document all occurrences of harassment.

iii. Submit the documented complaints to a Supervisor, Department Head, City Attorney, or the City Manager. Employees are strongly encouraged to put the complaint in writing.

iv. Document any further harassment or reprisals that occur after the initial complaint is made and report the further harassment to a Supervisor, Department Head, City Attorney, or City Manager.

2. Formal Procedure—Any City Employee who believes they have been subjected to harassment shall be requested, but is not obligated, to submit a signed, written statement to the reporting authority regarding the alleged harassment.

a. The written complaint should contain a description of the behavior and/or communication that precipitated the alleged harassment, including the time, place, and date of the harassment as well as any witnesses.

b. A copy of a Harassment Report form should be made available to all Employees to facilitate the reporting process.

3. Interim Action—After receiving the report, the Reporting Authority may need to take interim action to ensure that any harassment is abated. The nature of the action to be taken by the Reporting Authority may vary from case to case, but it should ensure that any harassment is effectively stopped and that there be no retaliation or intimidation toward the reporting Employee for making the report.

4. Retaliation.

a. The City will not tolerate retaliation or intimidation directed towards anyone who reports employment discrimination, serves as a witness, participates in an investigation, or takes any other actions protected under federal or state discrimination laws, including when requesting religious or disability accommodations.

b. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. While each situation is very fact dependent, retaliation can include, but is not limited to, 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 is engaged or may engage in activity in furtherance of the EEO laws.

c. 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.

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

1.) Immediate Supervisor.

2.) Department Head.

3.) City Manager.

ii. Supervisors who have been approached by Employees with claims of retaliation will take the complaint seriously and promptly report the allegations to the City Manager to decide how to proceed in addressing the complaint.

d. City may discipline any individual who retaliates against any person reporting alleged violations of this policy. The City may also discipline any individual retaliating against any participant in an investigation, proceeding, or hearing relating to the report of alleged violations.

e. Disciplinary Action — If the complaint is substantiated, corrective or disciplinary action may be taken against the perpetrator including a corrective action plan involving treatment, therapy, or education on sexuality, or any other disciplinary action available by law up to and including termination.

5. Appeal Process — If disciplinary action does not resolve the situation to the party's satisfaction, the complainant can request that the issue is reviewed by the City Manager for an appropriate course of action.

6. Further Remedy — Filing a complaint does not preclude an Employee from seeking action under the Minnesota Human Rights Act or other applicable laws.

7. Any Employee making a false complaint or provides false information during an investigation may be subject to disciplinary action, up to and including termination.

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

Section 4.18 – Disrespectful Behavior

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

1. Violent Behavior, including the use of physical force, harassment, bullying, or intimidation.

2. Discriminatory Behavior, including 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 regarding public assistance.

3. Offensive Behavior, including rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name-calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above.

B. It is not possible in this policy covers every example of offensive behavior. Accordingly, Employees are encouraged to discuss with their fellow Employees and Supervisor what is regarded as offensive, considering the sensibilities of Employees and the possibility of public reaction. If an Employee is unsure whether a particular behavior is appropriate, the Employee should request clarification from their Supervisor or the City Manager.

C. Response to Disrespectful Behavior towards Employees.

1. All Employees should feel comfortable calling their Supervisor or another Manager to request assistance should they not feel comfortable with a situation involving the public. If the situation involves violent behavior, call the police, ask the individual to leave the area, and/or take other reasonable action.

2. If Employees see or overhear what they believe is a violation of this policy, Employees should advise a Supervisor, the City Manager, or City Attorney promptly.

3. Employees who believe disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a Supervisor. In the event the disrespectful behavior occurring involves the Employee's Supervisor, the Employee should contact the City Manager or City Attorney.

a. If the Employee feels comfortable doing so, professionally, but firmly, tell the person that is engaging in disrespectful behavior how you feel about the actions. Politely request the person to stop the behavior due to feeling intimidated, offended, or uncomfortable. If practical, bring a witness to this discussion.

b. If you fear that informing the offender may lead to adverse consequences, or if the issue is not resolved through direct communication, report the matter to your

Supervisor, Department Head, City Manager, or City Attorney. The person selected to speak to is responsible for documenting the issues and for providing a status report to immediate Supervisor on the matter.

c. In some situations, such as with an offender from the public, it is preferable to avoid one-on-one interactions. Talk to a Supervisor about available options to ensure there are others available to help with transactions with the offender.

d. The City urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. It is vitally important you promptly notify a Supervisor, the City Manager or City Attorney of your concerns. An Employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it promptly to a Supervisor or the City Manager.

e. A reasonable expectation of time required to correct offensive behavior will be communicated to the Employee to ensure that adequate action is being taken in a reasonable amount of time to resolve the complaint/concern. If the Employee believes that the incident has not been resolved within the said time, the next step is to report the incident to the City Manager or City Attorney.

D. Supervisor's Response to Allegations of Disrespectful Workplace Behavior.

1. Employees with a complaint of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a Supervisor must report the allegations promptly to the City Manager. A Supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, Supervisors will use the following guidelines when an allegation is reported:

a. If the nature of the allegations and input from the victim warrant a simple intervention, the Supervisor may choose to handle the matter informally. The Supervisor may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring the conduct not reoccur.

b. Supervisors will be encouraged to ask the reporting Employee what actions are wanted. When an Employee comes forward with a disrespectful workplace complaint, it is important to note the City cannot promise complete confidentiality, due to the need to investigate the issue properly. However, an investigation process will be handled as confidentially as practical and related information will only be shared on a need-to-know basis and in accordance with the Minnesota Data Practices Act and/or any other applicable laws.

c. If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. Formal investigations will be prompt, impartial, and thorough. The person being interviewed may have a person of choice present during the interview. The investigator will gather all information which is relevant to the incident.

~~d. To facilitate fostering a respectful workplace environment, all Employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment.~~

~~e. The Supervisor must notify the City Manager about the allegations (assuming the allegations do not involve the City Manager).~~

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

~~g. After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether disciplinary action will be taken.~~

~~h. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Data Practices Act.~~

~~i. The City will take reasonable and timely action, depending on the circumstances of the situation.~~

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

~~F. Documentation — Supervisory staff are to provide appropriate and adequate documentation of all actions taken regarding claims of harassment to Human Resources.~~

Article V. HOURS OF WORK

Section 5.01 Work Week

A. The standard work week shall be 40 hours, plus up to 30 minutes per day of uncompensated time for lunch or a meal, except for Exempt Employees.

B. The City's work week is declared to be a seven consecutive day period commencing at midnight Saturday and ending at midnight the following Saturday.

Section 5.02 Working Hours

A. Normal working hours for each Employee are determined by each department and are based needs, and on hours of operation. Supervisors may require/approve Employees working other schedules as dictated by departmental needs and based upon the nature of the assignment. Flexible hours may be established on a departmental basis if it does not interfere with staff coverage for the department.

B. Employee absence from work must be reported to a Supervisor as soon as possible in advance of the absence. In case of an unexpected absence, Employees must report the reason as soon as practical to his/her Supervisor, prior to the scheduled start time if possible. Tardiness or failure to use the established reporting process will be disciplined accordingly.

C. To comply with the health care reform law while avoiding penalties, Part-Time Employees will be scheduled as needed and in a manner which ensures positions retain their Part-Time status as intended.

D. Employees in Part-Time and Temporary positions will not be permitted to work thirty 30 hours or more each week, including hours worked, paid leave (such as annual leave or holiday leave).

E. All shifts, including scheduled trades or picked-up shifts, must be pre-approved by the Supervisor. Working a shift without prior approval may result in discipline, up to and including termination of employment.

F. In some rare instances, a Part-Time, Seasonal, or Temporary Employee may be offered health insurance to comply with federal health care reform laws and regulations.

Section 5.03 Telework

A. As necessary, the City may create positions that telecommute either as a regular work schedule or as a portion of the work schedule. A specific and detailed telework agreement outlining the provisions of the telecommuting arrangement must be developed and approved by the Department Head, and final approval from the City Manager prior to implementation.

B. Telework Procedures and Guidelines.

1. Telework is the practice of working from an alternative location. Telework is a business management strategy that when reasonable and practical, can have a positive effect on productivity, transportation, business costs, recruitment, reasonable accommodations, and retention.

2. Telework should not adversely affect other operational needs of the City and is voluntary for the Employee and at the sole discretion of management and/or the Employee's Supervisor. An Employee is not entitled to a telework arrangement, it is management's prerogative to establish a telework arrangement.

C. Definitions.

1. Permanent/Principal Work Location – The City's worksite to which an Employee is permanently assigned.

2. Alternative Work Location – A work location away from the permanent/principal assigned location or other City facility. Examples of an alternative work site can be a home office, a work center, or an approved officer in a remote location not on City premises.

3. Telework Hours – Work schedule, including hours and days of work, agreed to by the teleworker and the City, reflected in the Telework Agreement, during which the Employee will be teleworking.

4. Teleworker – An Employee that performs telework pursuant to a Telework Agreement between the City and the Employee.

5. Telework – “Working at a distance.” Work performed at an alternative location linked via an approved network connection to the City. Telework is a work arrangement between the City and the Employee when supported by business justifications and provided solely at the Employer’s discretion. A Telework arrangement may be agreed upon in one of the following manners:

a. An Employee works primarily at an alternative work location away from the permanent/principal workplace either in their home or another approved remote location and only intermittently works at the permanent/principal located as needed (no dedicated office space is established on City premises).

b. An Employee splits time spent between an alternative work location, in a home or another approved remote location, and a permanent/principal workplace on a routine schedule (e.g., Employee may work two 2 days from a home office and the remainder is in the City office).

6. Mobile Worker.

a. Primary job functions of mobile workers are completed in the field generally requiring an Employee to meet and work with clients/customers located on-site throughout the City (e.g., engineering technicians and building inspectors).

b. Mobile workers are not considered teleworkers but are responsible for providing proper equipment control, maintenance, and data security privacy of work product. This definition does not include positions where driving is a continuous task (e.g., Police Officers, Maintenance Workers, and Public Works Operations Technicians).

7. Situational Remote Worker.

a. An Employee working from home or an approved remote location on a short-term or intermittent situation basis. This may also include incidental work being completed on an extended leave when work is required to be performed to keep a project or task moving forward while out of the office.

b. Occasional work at home or approved remote location must comply with all terms and conditions of the Teleworking Policy and must meet all requirements of the FLSA. These Employees are not required to fill out a telework agreement. However, Supervisory discussion and pre-approval by the Department Head and City Manager is needed before an Employee may work from home or an approved remote location.

D. Selection Criteria.

1. Supervisors should assess each request for telework on a case-by-case basis, considering at a minimum the following criteria:

- a. The needs of the department/work unit.
- b. The Employee's duties and responsibilities.
- c. Overall costs and who is responsible for those costs. The arrangement should be at the least cost neutral for the Employee and City.
- d. Employee's current and past job performance.
- e. Expectations for future performance by the Employee and how performance will be measured.
- f. Positive or negative effects on the quality of customer service.
- g. Positive or negative effect on the work unit, department, division, and City as a whole.
- h. Availability of high-speed internet at the alternative work site.
- i. Availability of electronic equipment and software.
- j. Availability of adequate equipment and workspace at the alternative work site.
- k. Employee has demonstrated essential work skills, such as time management, organizational skills, self-motivation, and the ability to work independently.
- l. Individual department parameters.
- m. Telework is NOT:
 - i. A viable work arrangement for all positions or well suited to all Employees.
 - ii. An approved arrangement to complete personal or non-City endeavors during work hours.
 - iii. Considered a contract or guarantee of continued employment.
 - iv. A benefit or an extension of the workday.

2. Employees authorized for telework are required to read and sign the Telework Agreement.

Section 5.04 Unauthorized Absence

A. Any unauthorized absence of an Employee may result in disciplinary action. An Employee who is absent for three consecutive days, without proper notice to their Supervisor, may be considered to have voluntarily resigned.

B. If the Supervisor determines extenuating circumstances existed, the absence may be changed to leave, with or without pay, at the discretion of the Department Head, after consultation with the City Manager. This policy does not preclude the City from administering discipline for unexcused absences of less than three days. Individual departments may establish more specific report procedures.

Section 5.05 Compensatory Time

A. The City shall keep records of all accrued compensatory time.

B. Overtime to be credited as compensatory time shall be awarded only if the work was approved in advance by the appropriate Supervisor or in a situation determined to be an emergency by the Supervisor or City Manager.

C. Eligibility for compensatory time and other overtime payment requirements will be governed by the FLSA, as amended, and applicable regulations. The maximum accumulation of compensatory time shall be 100 hours. Once an Employee reaches the 100-hour maximum, no further comp time may accrue. All further overtime will be paid.

D. FLSA Non-Exempt Employees.

1. As governed by the FLSA, non-exempt Employees must be paid the minimum wage (or more) and are entitled to overtime pay for any time worked beyond 40 hours each week. Department Heads shall determine if overtime is necessary due to workload, staffing levels, or emergency needs. Employees shall not normally work overtime without prior approval of their Supervisor.

2. Employees shall be paid one and one-half times the regular rate of pay for all hours worked over 40 in the workweek or they may elect to accrue compensatory time off at that same rate. "Hours worked" shall include PTO, sick leave, compensatory time, and holiday hours declared by the Employee in that workweek.

3. To compute overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked. Overtime will be calculated to the nearest one-quarter hour.

4. Eligible Employees shall note election of overtime compensation or compensatory time on time sheets. At the time of separation from employment with the City, any remaining compensatory time shall be cashed out at the rate of the Employee's existing hourly wage.

E. FLSA-Exempt Employees.

1. Exempt Employees are not granted the protections of the FLSA and are, therefore, not entitled to overtime pay or compensatory time.

a. Exempt Employees are expected to work the hours necessary to fulfill their responsibilities and meet the performance expectations outlined by the Supervisor and/or the City Manager.

b. Generally, to meet these expectations and for reasons of public accountability, exempt Employees are ordinarily expected to be present at the applicable work site during regular operating hours for the department or City, as well as any other appearance or meeting requirements. Exempt Employees may be required to work more than 40 hours a week based on the need of the City.

2. Exempt Employees are required to use accrued paid leave when on personal business or away from the office for four hours or more, on a given day. Absences of less than four hours do not require use of paid leave as it is presumed the Employee regularly puts in work hours above and beyond the normal workday or workweek requirement. Exempt Employees must communicate an absence to the Supervisor or the City Manager.

3. If an 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.

Section 5.06 On-Call Time

A. Hourly Employees will be compensated for on-call time in accordance with the applicable collective bargaining agreement.

Section 5.07 Time Records

A. To comply with FLSA, hours worked, and any leave time used by non-exempt Employees are to be accurately recorded on the City timesheet and submitted to the Supervisor as required by the Finance department.

B. Supervisors are responsible for verifying the accuracy of the time records submitted. Reporting false information on a timesheet may be cause for disciplinary action, up to and including termination.

Section 5.08 Outside Employment

A. An Employee may engage in employment outside of City employment if the other employment does not create either the appearance of or the potential for a conflict of interest with the development, administration or implementation of policies, programs, services, or any other operational aspect of the City. In order to protect the Employee and City, Employees are encouraged to communicate with their supervisor any outside employment which may have the potential to, or have the appearance of, a conflict with the Employee's work at the City.

B. For this policy, outside employment refers to any non-City employment or consulting work for which an Employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with City employment. The following is to be considered when determining if outside employment is acceptable:

1. Outside employment must not interfere with a full-time Employee's availability during the City's regular hours of operation or with a Part-Time Employee's regular work schedule.
2. Outside employment must not interfere with the Employee's ability to fulfill the essential requirements of the position with the City.
3. The Employee must not use City equipment, resources, or staff in the course of outside employment.
4. The Employee must not violate any City policies because of outside employment.
5. The Employee must not receive compensation from another individual or Employer for services performed during hours for which there is compensation by the City. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
6. No Employee will work for another Employer, or for personally owned businesses, while using any paid sick leave from the City for those same hours.
7. Departments may establish more specific policies as appropriate, subject to the approval of the City Manager.

Section 5.09 Paid Time Off (PTO)

- A. It is the policy of the City to provide Employees with the necessary time away from work.
- B. Employee PTO can be utilized for any purpose, subject only to necessary request/approval procedures consistent with policy and labor contracts.
- C. Accrual Rates.

1. PTO will accrue at the following rates:

Years of Service	Approximate Accrual Rate (hours per year)	Accrual Rate (hours per paycheck)
0-1	160	6.15
2-4	176	6.77
5	208	8.00
6-10	216	8.31
11-14	232	8.92
15	248	9.54
16 +	264	10.15

2. When a new Employee starts, the Supervisor, with the approval of the City Manager, may prorate up to forty 40 hours of PTO banked time to the new Employee while on probation.

- D. Use of PTO.

Commented [JS15]: Update to revised table

Commented [JS16R15]: Same info just better table

of Service		Tier		Minimum Months	
		Maximum Months of Service			
		Accrual Rate			
1	0	11.99	6.15385		
2	12	47.99	6.76924		
3	48	59.99	8.00000		
4	60	119.99	8.30770		
5	120	167.99	8.92308		
6	168	179.99	9.53847		
7	180	999	10.15385		

1. PTO is accrued per pay period and may be used after it is earned.
2. Non-scheduled use must be requested prior to the beginning of a shift or per departmental practices. Non-scheduled PTO requests may be denied depending on staffing needs.
3. Probationary Employees may use PTO as it is earned.
4. Maximum PTO accrual is 100 days, which is the equivalent of 800 hours.
 - a. Any hours over 800 after year end will be capped and removed from the Employee's balance.
 - b. The 800-hour cap will be applied on the first paycheck in January, which includes December 31st in the pay period and any amounts accrued for that pay period remain in the total.

c. Example: First pay date in January.

Beginning PTO Balance	810.00
Accrual for pay period	+10.15
PTO used	-8.00
New Balance	812.15
Hours lost	-2.00
Capped Balance on pay stub	810.15

- d. PTO must be used in increments of 15 minutes, which is the equivalent of 1/4 hour.
- e. Employees receiving worker's compensation, short-term disability, or long-term disability may use accrued PTO hours to return 100 percent of their net salary.
- f. Previously accrued grandfathered sick leave hours must be used prior to beginning an unpaid leave of absence for medical reasons.
- g. An Employee taking an unpaid leave of absence for other than medical reasons must use all accrued PTO hours before beginning the unpaid leave.

E. Conversion Option.

1. Employees may convert their PTO hours from the end of the previous year to cash as follows:
 - a. Years of Service include all years worked for the City (including full-time, Part-Time, and Seasonal positions). This can also be adjusted by starting at a higher accrual rate due to previous work experience.
 - b. Hours of Conversion Allowed will be based on an Employee's Actual Years of Service or the Years of Service associated with their Accrual Rate.

Years of Service	Hours of Conversion Allowed
0 – 5	60 hours per year
6 – 10	80 hours per year
11 – 14	100 hours per year
15+	120 hours per year

2. An Employee may request the conversion option a maximum of three times a year during the months of April, July, and December.

a. Notification must be in writing and turned into Payroll the Wednesday prior to the date of the pay period in which payment is to be received. Timesheets are due for the payout.

b. The conversion option will be included in the regular payroll check and taxes will be deducted from the money requested.

3. Non-exempt (hourly) Employees may cash out any or all accumulated compensatory time balances in conjunction with PTO cash out dates. Exempt (salaried) Employees may cash out PTO hours if the total hours cashed in are within the table of Hours of Conversion Allowed listed above.

F. Eligibility – All regular full-time City Employees eligible for benefits can participate in the PTO program. Part-Time Employees working 30 or more hours per week on an annual basis shall accrue PTO on a pro-rata basis.

G. Termination Benefits.

1. Upon termination of employment with the City, except for misconduct described in Section 3.06. PTO will be paid at the Employee's hourly wage rate multiplied 100 percent of their balance.

2. Severance benefits will be paid to Employees with extended sick leave banks in accordance with provisions in the appropriate bargaining agreements or personnel policies.

3. Termination pay cannot be used to extend the Employee's date of termination beyond the last scheduled workday unless approved by the City Manager.

H. Medical Certification.

1. Good attendance is an essential job function for all City Employees. If unplanned absences are excessive, a statement from a physician may be required. This certification is to state the nature and duration of the illness or injury and verify that the Employee is unable to perform the duties and responsibilities of the position. Leave may be denied for any Employee required to provide a doctor's statement until such a statement is provided.

2. Following a medical absence, a statement from a physician attesting to the Employee's ability to return to work and safely perform the essential functions of the job may be required before the Employee is permitted to return to work. The statement shall indicate the nature of the illness or medical condition, clearly describe

any work restrictions, and/or attest to the Employee's ability to return to work with or without reasonable accommodation.

Section 5.10 Earned Sick and Safe Time (ESST)

A. For the purposes of this section only, the following definitions apply:

1. **Employee** – A person who is employed by the City, including Interns, Temporary or Part-Time Employees, who perform work on behalf of the City for at least 80 hours in a year for the City. For the purposes of this section, an Employee does not include elected officials, independent contractors, POC Firefighters or Employees who are provided with paid leave equal to or exceeding the amounts in Minn. Stat. §181.9446.
2. **Family Member** – As defined in Minn. Stat. §181.9445.
3. **Safe Time** – The need for time off under the circumstances described in Minn. Stat. §181.9413(b).
4. **ESST** – Leave, including paid time off and other forms of paid leave, shall be compensated at the same hourly rate the Employee normally earns and may be used for the same purposes and under the same conditions as outlined in Minn. Stat. §181.9447.
5. **Domestic Abuse** – As defined in Minn. Stat. §518B.01.
6. **Stalking** – As defined in Minn. Stat. §609.749.

B. Accrual of ESST.

1. An Employee accrues a minimum of one hour of ESST for every 30 hours worked up to a maximum of 48 hours of ESST in a year. Employees may not accrue more than 48 hours of ESST in a year.
2. Employees are permitted to carry over accrued, but unused ESST into the following year. The total amount of accrued but unused ESST for an Employee must not exceed eighty 80 hours at any time.
3. Employees begin to accrue ESST at the commencement of employment of the employee or January 1, 2024, whichever is later.
4. Employees may use ESST time as it is accrued.

C. Use of ESST.

1. An Employee may use accrued ESST time for:
 - a. An Employee's:
 - i. Mental or physical illness, injury, or other health condition.

- ii. Need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition.
 - iii. Need for preventative medical or health care.
- b. Care of a family member:
 - i. With a mental or physical illness, injury, or other health condition.
 - ii. Who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition.
 - iii. Who needs preventative medical or health care.
- c. Absence due to domestic abuse, sexual assault, or stalking of the Employee or Employee's family member, provided the absence is to:
 - i. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.
 - ii. Obtain services from a victim service organization.
 - iii. Obtain psychological or other counseling.
 - iv. Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking.
 - v. Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.
- d. Closure of the Employee's place of business due to weather or other public emergencies, or an Employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergencies.
- e. The Employee's inability to work or telework because the Employee is:
 - i. Prohibited from working by the Employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency.
 - ii. Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public health emergency and such employee has been exposed to a communicable disease or the City has requested a test or diagnosis.
- f. When it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the Employee or family member of the Employee in the community would jeopardize the health of others because of the exposure of the Employee or family member of the employee to a

communicable disease, whether the Employee or family member has contracted the communicable disease.

g. To make arrangements or attend funeral services or a memorial or address financial or legal matters arising after the death of a family member.

2. An Employee shall give reasonable notice of the need to use ESST to their Supervisor, in writing, if the need for use is foreseeable. If the need is unforeseeable, the Employee shall give notice of the need to use ESST to their supervisor, in writing, as soon as practicable.

a. Notice may be provided as follows:

i. A court record or documentation signed by a Volunteer or Employee of a victim's services organization, an attorney, a police officer, or an antiviolence counselor.

ii. For time to care for a family member, a written statement from the Employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose.

b. Within one business day of receiving the notice, the Supervisor shall provide the documentation to the City's Human Resources.

D. Termination, Separation, or Transfer.

1. Upon an Employee's termination, resignation, retirement, or other separation from employment with the City, and has been rehired within 180 days of separation from the City, the previously accrued unused ESST will be reinstated.

2. Upon transferring to another department or position within the City, an Employee will retain any unused ESST that has been accrued.

Section 5.11 Holidays

A. Each Employee shall receive a total of 88 holiday hours per year. Non-Union Employees shall observe the following paid holidays:

Holiday	Calendar Date
New Years Day	January 1st
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25th

1. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.

2. When it falls on a Sunday, the following Monday shall be observed.

3. When a holiday falls within a period of paid leave (e.g., vacation, sick leave, etc.) the Employee shall be paid at their normal rate of pay for the holiday and the holiday shall not be subtracted from the accrued leave.

B. If a permanent, full-time FLSA non-exempt Employee is required to work on a holiday, the Employee shall receive one and a half times their regular rate for all hours worked on the holiday. They will also be entitled to eight hours of holiday pay for that day or an alternate day off. All Employees covered under a collective bargaining contract should refer to the agreements in the current contract.

C. Permanent, full-time Employees will receive eight hours pay for a holiday. Permanent, Part-Time Employees will receive prorated holiday pay based upon their normally scheduled hours. Any Employee on a leave of absence without pay is not eligible for holiday pay.

D. Employees wanting to observe holidays other than those officially observed by the City may request either to use PTO or unpaid leave for such time off.

E. In addition to the above holidays, one additional day off per year, with pay, shall be granted to each individual Employee by mutual agreement between the Supervisor and the Employee. Such a day off with pay shall be considered a "floating holiday." Floating holidays cannot be accumulated from one year to the next. If a floating holiday has not been taken by December 31st of any given year, the holiday is forfeited.

F. Employees are expected to provide their reasonable accommodation for excused absences. Reasonable Accommodations includes qualifying disability, religious beliefs, pregnancy, a formal request is not necessary, however the employee is expected to submit a notice for their Supervisor's review.

Section 5.12 Emergency Closings

A. Adverse Weather Conditions.

1. City facilities will be open during adverse weather. Due to individual circumstances, each Employee will need to evaluate the weather and/or road conditions when deciding to report to work or leave early.

2. Employees not reporting to work or leaving early must use paid time off, compensatory time or time without pay; modify the work schedule or make other reasonable schedule adjustments with Supervisor approval.

3. Sworn Police Officers and Public Works Maintenance Employees will generally be required to report to work regardless of conditions.

4. Decisions to cancel departmental programs (e.g., special events or recreation programs) will be made by the respective Supervisor or the City Manager.

B. Emergency-Related (e.g., Toxic Spill or Hostage Situation) – When a short-term emergency of less than eight hours exists, the City Manager or a designee may choose to close one or all City offices. Unless determined otherwise by the City Manager, Employees will not have to use vacation time without pay, sick leave, or compensatory time for the time the offices are closed.

C. Closing Protocol During Regular Office Hours – When an emergency has been declared during normal business hours (Monday through Friday, 8:00 a.m. to 4:30 p.m.), the City Manager or a designee should notify all the building sites affected by the emergency in a timely manner. It will be the responsibility of the designated person at each site to notify the Employees.

D. Closing Protocol During Non-Office Hours – When an emergency has been declared during other than normal business hours (after 4:30 p.m. on normal business days, or between 4:31 p.m. Friday through 7:59 a.m. Monday), the City Manager or a designee should provide notification to the area radio stations of such determination. This notice should be in as timely a manner as possible.

Section 5.13 Reasonable Accommodations Related to Pregnancy

Commented [CHA18]: Model policy for Pregnancy RA utilized.

A. The City will attempt to provide reasonable accommodations to employees with health conditions related to pregnancy or childbirth:

1. More frequent restroom, food, and water breaks.
2. Seating.
3. Limits on lifting over 20 pounds.

4. Additional accommodations may be reasonable depending on the situation, including temporary transfers details or assignments to less stressful position should one be available.

5. Unless such accommodations impose an undue hardship for City, an interactive process with respect to an Employee's request for a reasonable accommodation will be considered.

Additionally, the City will provide reasonable accommodations, including, but not limited to, temporary leaves of absence, modification in work schedule or job assignments, seating, more frequent or longer break periods and limits to heavy lifting to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed health care provider or certified doula, unless the employer demonstrates the accommodation would impose an undue hardship on the operation of the employer's business. In accordance with state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

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

The City will not terminate, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting reasonable accommodations pregnancy rights or remedies.

5.

B. Reasonable Work Time for Nursing Mothers.

1. Nursing and lactating mothers will be provided reasonable break times to express milk for children following birth, unless it would cause undue business disruption.

2. Whenever possible, the paid break time should run concurrently with any existing break periods. The City will provide a space, other than a bathroom, that is as close as possible to the Employee's work area. This space will be private, shielded from view, free from intrusion by coworkers and the public, and equipped with an electrical outlet to allow a nursing mother to express milk in privacy.

Commented [CHA19]: This is addressed in break policies.

Commented [CHA20]: Removed and addressed in break policy update.

Section 5.14 Light and Modified Duty

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

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

C. Employees unable to perform the essential requirements of the assigned position must notify the Supervisor in writing as to the nature and extent of the temporary disability, including the ability to perform the essential functions, duties, and requirements of the position.

1. This notice must be accompanied by a statement from a physician containing a diagnosis, current treatment, and any work restrictions related to the temporary disability.

2. The notice must include the anticipated timeline for returning to work without restrictions, confirming the ability to meet all essential duties and functions outlined in the City's job description, along with a written request for light duty. Upon receiving this written request, the Supervisor must forward a copy of the report to the City Manager. The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

Commented [CHA21]: Requirement of medical documentation is recommended as to allow the City to perform the interactive RA process to address inability to perform *essential* functions. Interim accommodations upon request prior to receiving documentation may be provided, but the City should engage in the FFD/RA process for any disabling condition, including pregnancy.

D. It is at the discretion of the City Manager whether to assign light duty work to the Employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six months.

E. If the City offers a light duty assignment to an Employee on leave for workers compensation, the Employee may be subject to penalties if there is refusal to perform

such work. The City will not, however, require an Employee who is otherwise qualified for protection under FMLA to accept a light duty assignment.

F. The circumstances of each Employee performing light or modified duty will be reviewed regularly. Any light duty and modified work assignment may be discontinued at any time.

Section 5.15 Family and Medical Leave Act (FMLA) of 1993

A. It is the policy of the City to provide family and medical leave in accordance with the federal FMLA and state law. If leave qualifies as FMLA under both state and federal laws, entitlement will be used under each law at the same time, to the extent permitted by law.

B. Federal FMLA provides that an eligible Employee may take a total of 12 workweeks of leave during any 12-month period for one or more of the following:

1. Birth of a child, including prenatal care.
2. Placement of a child with the Employee for adoption or foster care.
3. To care for the spouse, child, or parent of the Employee, with a serious health condition.
4. A serious health condition that makes the Employee unable to perform the essential functions of their position.
5. A covered military member's active duty or call to duty, or to care for a covered military member known as Military Caregiver and Qualified Exigency Leave.

C. Employees are eligible for this leave if they have been employed by the City for at least 12 months and have worked a minimum of 1,250 hours during the preceding 12-month period.

1. Employees must use accrued paid leave concurrent with FMLA. After the accrued paid leave is exhausted, the remaining will be unpaid.
2. No paid leave shall accrue during the unpaid portion of FMLA .
3. Pursuant to FMLA, the City will continue health benefits during this period under the same conditions applicable to active Employees.
4. Upon return, the Employee shall be returned to the former position or equivalent position with equivalent Employee benefits, pay and other terms and conditions of employment.

D. The length of FMLA cannot exceed 12 weeks in any twelve 12-month period. The leave year is calculated based on a "rolling" 12-month period measured backward to the date of any FMLA usage.

E. A 30-day advanced notice is required for planned health events, such as births or medical treatment. Other cases require as much advance notice as practical. Employees

requesting leave are required to notify Human Resources, to initiate the process and complete the required documentation.

F. Under certain circumstances, if the Employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the City may require the Employee to repay the portion of the monthly cost paid by the City for group health plan and/or other benefits.

- 1.** If an Employee does not return to work following the 12 weeks of FMLA, the Employee may be subject to COBRA continuation.

- 2.** If the Employee fails to pay their share of the premiums owed to the City during FMLA leave and does not return to work, their coverage may be terminated. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA.

- 3.** If the Employee does not return from FMLA leave and coverage ended sometime during the FMLA due to lack of payment, there is no COBRA election available. For COBRA to apply, the Employee must have been covered on the day before the qualifying event. In this situation, the qualifying event would occur at the time the Employee did not return from FMLA.

G. Employees not eligible for FMLA have no continuation of benefits outside of COBRA. This policy establishes a uniform application for non-FMLA medical leaves of absence granted by the City Manager.

H. City Subsidy – For Employees granted non-FMLA leave by the City Manager, the City will pay half of the insurance premiums that were previously paid by the City. The Employee portion shall be paid monthly, in advance. This subsidy shall continue for the duration of the leave granted.

Section 5.16 Employee Leave

A. Depending on an Employee's situation, more than one form of leave may apply during the same period (e.g., FMLA is likely to apply during a worker's compensation absence). An Employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

- 1.** Bone Marrow Donation Leave – Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours, unless agreed to by the City, to undergo medical procedures to donate bone marrow, in accordance with Minn. Stat. 181.945. The City may require a statement from a physician of the purpose and length of the leave requested. If there is a medical determination that the Employee does not qualify as a bone marrow donor, the paid leave of absence granted to the Employee prior to that medical determination is not forfeited.

- 2.** Elections and Voting Leave.

- a.** Every Employee eligible to vote in an election has the right to be absent from work for the purpose of voting during the date of that election, without penalty or deduction from salary or wages because of the absence. An Employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an Employee (Minn. Stat. 204C.04, Subd. 1).

b. Full-time Employees serving as an Election Judge for the City will be paid at the same rate as their full-time position for any duties and responsibilities related to performance of an Election Judge.

3. Bereavement Leave.

a. Leave may be taken consecutively or dispersed to cover events or responsibilities related to bereavement. The authorized leave is not chargeable to any accrued leave and will be treated as an "approved holiday" for pay purposes.

b. Permanent, Part-Time Employees will receive prorated bereavement leave based upon their normally scheduled hours.

c. Full-time Employees may use up to 24 hours of bereavement leave.

d. The following relationships of the Employee are eligible:

i. Spouse or domestic partner.

1.) Siblings of spouse or domestic partner.

2.) Parents and grandparents of the spouse or domestic partner.

ii. Children, wards, or stepchildren.

iii. Parents, stepparents, or guardians.

iv. Siblings or stepsiblings.

v. Grandparents.

vi. Grandchildren.

vii. Parent of the Employee's child.

e. Employees requiring additional leave for bereavement are able to request an unpaid leave of absence, use accrued PTO, or request leave donation.

4. Judicial Appearances Leave.

a. Jury Duty.

i. Regular full-time and Part-Time Employees will be granted paid leaves of absence for required jury duty. Employees are required to notify the Supervisor as soon as possible after receiving notice to report for jury duty.

1.) Such Employees will be required to turn over any compensation received for jury duty, minus mileage reimbursement, to the City to receive regular wages for the period.

2.) Time spent on jury duty will not be counted as time worked in computing overtime. Employees excused or released from jury duty during regular working hours will report to regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

3.) The Employee will be responsible for notifying Payroll of jury duty by providing applicable documentation provided by the Clerk of Court. Employees will receive their check with \$20 and mileage per day.

4.) Temporary and Seasonal Employees are typically not eligible for compensation for absences due to jury duty but can take leave without pay subject to Department Head approval. However, if a Temporary or Seasonal Employee is classified as exempt, they will be compensated for time spent on jury duty.

b. City Related Court Appearances – Employees will be paid at the regular wage to testify in court for City-related business. Any compensation received for court appearances (e.g., subpoena fees) arising out of or in connection with City employment, minus mileage reimbursement, must be turned over to the City.

c. Victim and Witness Court Appearances.

i. An Employer must allow a victim or witness, subpoenaed, or requested by the Prosecutor, to attend court for the purpose of giving testimony.

ii. The Employer is also required to allow reasonable time off from work to attend criminal proceedings related to the victim's case if the victim is the spouse or immediate family member (e.g., parent, spouse, child, or sibling) of such victim.

5. Military Duty and Military Family Leave.

a. State and federal laws provide protection and benefits to Employees called to military service, whether in a reserve or on active-duty status. Such Employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the Employee is engaged in reserve training or active service not exceeding a total of 15 days in any calendar year.

b. The leave of absence is only in the event the Employee returns to employment with the City as required upon:

i. Being relieved from service.

ii. Prevented from returning by physical or mental disability or other cause not the fault of the Employee.

iii. Required by the proper authority to continue in military or naval service beyond the 15-day paid leave of absence. Employees on extended unpaid military leave will receive fifteen 15 days paid leave of absence in each calendar year, not to exceed five years.

c. Where possible, notice is to be provided to the City at least ten 10 working days in advance of the requested leave. If an Employee has not yet used the fifteen 15 days of paid leave when called to active duty, any unused paid time will be allowed for the active-duty time, prior to the unpaid leave of absence.

d. Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

e. Eligibility for continuation of insurance coverage for Employees on military leave beyond fifteen 15 days will follow the same procedures as for any Employee on an unpaid leave of absence.

f. Under FMLA, eligible Employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use the 12 weeks leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include:

- i. Attending certain military events.
- ii. Arranging alternative childcare.
- iii. Addressing certain financial and legal arrangements.
- iv. Attending certain counseling sessions.
- v. Attending post-deployment reintegration briefings.

g. FMLA also includes a special leave entitlement that permits eligible Employees to take up to 26 weeks of leave to care for a covered service member during a single twelve 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, with one of the following:

- i. A serious injury, or illness incurred in the line of duty on active duty may render the servicemember medically unfit to perform duties for which the servicemember is undergoing medical treatment, recuperation, or therapy.
- ii. In outpatient status.
- iii. On the temporary disability retired list.

6. Emergency Services Volunteer Leave.

a. For this policy, emergency services include fire departments, ambulance services, first responder services, Red Cross and the Salvation Army.

b. City Employees responding as volunteers to provide emergency services during regular working hours will not be penalized for response, provided previous permission is received from the Department Head or Supervisor.

i. The Employee is allowed to respond to an emergency call and is expected to return to work when the emergency is over.

ii. The Employees will be paid by the City for normal working hours. No overtime will be authorized. Any additional volunteer work must be done after regular working hours or approved as vacation time. Department Heads and/or Supervisors may impose additional restrictions.

iii. Department Heads may limit participation if City needs to dictate an Employee's presence, responses have been too frequent or time consuming, or Employees have abused the response privilege. Abuse may also result in disciplinary action.

7. Parental Leave.

a. Pregnancy and Parenting Leave. Employees are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child as eligible for up to 12 weeks of unpaid leave and must begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice, which is at least 30 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy.

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

a.

i. Pursuant to WESA, Employees working 20 hours or more per week, are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota.

1.) Female Employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions, as well as a biological or adoptive parent in conjunction with the birth or adoption of a child are eligible for up

Commented [CHA22]: Updated model policy for parental leave offered.

~~to 12 weeks of unpaid leave and must begin within 12 months of the birth or adoption of the child.~~

~~2.) In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.~~

~~ii.—i.~~ Employees should provide reasonable notice, when possible. If the leave must be taken is less than three days, the Employee should give as much notice as practicable.

~~iii.—ii.~~ Employees are required to use accrued leave (e.g., sick leave, PTO leave) during Parental Leave. If the Employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently.

~~iv.—iii.~~ The Employee is entitled to return to work in the same position and at the same rate of pay the Employee was receiving prior to commencement of the leave.

1.) Group insurance coverage will remain available while the Employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the Employee will be responsible for the entire premium unless otherwise provided in this policy (e.g., where leave is also FMLA qualifying).

2.) For Employees on an FMLA absence as well, the Employer contributions toward insurance benefits will continue during the FMLA leave absence.

b. School Conference and Activities Leave.

i. Pursuant to Minnesota law, any Employee who has worked an average number of hours equal to at least half the full-time equivalent may take unpaid leave for up to a total of 16 hours during any 12-month period to attend school conferences or classroom activities.

1.) The Employee's child (to include foster children) must be under 18, or under 20 and still attending secondary school, provided the conference or classroom activities cannot be scheduled during non-work hours.

2.) When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the Employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the City.

3.) Employees may choose to use vacation leave hours for this absence but are not required to do so.

3.)—4.) For purposes of this section, an Employee's "child" includes foster children.

c. Sick or Injured Childcare Leave – Employees are allowed to use ESST for absences related to the illness or injury of their child, insofar as the Employee's presence is necessary. Leave must be granted on the same terms the Employee is able to use sick leave benefits for own illness or injury.

d. Adoptive Parents – In addition to FMLA and the Minnesota Parental Leave Law, Minn. Stat. 181.92 provides that adoptive parents be given the same time off as biological parents. When the leave begins is up to the adoptive parent but must begin before or at the time of the child's placement in the adoptive home. The leave must be for the purpose of arranging the child's placement or caring for the child after placement.

~~e. Nursing Mothers – Minn. Stat. 181.939 and WESA provides reasonable paid break time for nursing mothers to express milk for nursing a child for one year after birth. The City will provide a room (other than a bathroom) as close as possible to the Employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.~~

Commented [CHA23]: Stricken in favor of parental leave and MPL updates in policies.

8. Athletic Leave of Absence.

a. Pursuant to Minn. Stat. §15.62, Employees who qualify as members of the United States team for athletic competition on the world championship, Pan American, or Olympic team in a sport sanctioned by the International Olympic Committee, shall be granted a leave of absence without loss of pay or other benefits for the purpose of preparing for and engaging in the competition.

b. In no event shall the paid leave exceed the period of official training camp and competition combined, or 90 calendar days a year whichever is less. The Employee shall provide documentation establishing their participation on said team and in said event.

9. Administrative Leave – An Employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the City Manager.

10. Leave without Pay.

a. Employees must use all accrued leave prior to taking a leave of absence without pay.

b. Leave without pay of five days or less, may be granted by the Department Head.

c. Leave without pay of greater than five days may be granted to an Employee with the written approval of their Department Head and action by the City Manager. A written request shall be made by the Employee to their Supervisor for leave without pay. The City Manager may extend such leave up to a maximum of one year if circumstances warrant such action.

d. No other type of leave shall accrue during a leave without pay.

e. Educational and sabbatical leave are considered leave without pay.

f. The City may temporarily fill a position during an Employee's period of leave without pay.

g. Fringe benefits shall not accrue during a period of leave without pay, nor will the City make any contributions during such a period to retirement or group insurance programs. However, qualified Employees may participate in the group insurance programs during such periods, provided the Employee deposits, in advance with the City, the amounts necessary to cover the total cost of the premiums for each month of the leave.

h. Employees in a leave without pay status are not required to perform the duties and responsibilities of their job description or position. The Department Head or Supervisor has discretion in the continued use of City-owned equipment or property. Employees are required to keep their Supervisor informed on a regular basis as to their return status or any other needs related to their employment with the City.

i. Any City-owned equipment may be required to be returned at the discretion of the Supervisor or Department Head. This includes but is not limited to keys, vehicles, computers, cellular devices, and access cards.

B. Suspension of Paid Leave – The City reserves the right to postpone all leaves for an Employee, or recall an Employee from paid leave, in the event of an emergency, except during a period of authorized sick leave.

C. Leave Donation.

1. The City supports giving Employees a chance to donate their unused leave to coworkers who have used up or will soon use up their leave.

2. **Effect on Accrued Balances** – The City will subtract the hours (not the dollar value) of donated leave from the accrued balances of the Employee making the donation and credit those hours to the requesting Employee. Once a donation is made, it is irrevocable.

3. Employees may request donated leave by submitting a Request for Donated Leave form to Human Resources for approval by the City Manager.

4. Employees may donate accrued leave to any other Employee by submitting a Donated Leave Authorization form to Human Resources.

5. Donations will be processed in the order received. The City may authorize 20 additional hours above the needed amount. In the event the donation request has been reached, or the period for the donation has lapsed, the donation will be returned to the donating Employee.

Section 5.17 Minnesota Paid Leave

1. **Purpose.** ~~This policy is established to comply with the Minnesota Paid Leave Law,~~

Commented [CHA24]: Updated per MPL implementation

which establishes a public insurance program administered by the Minnesota Department of Employment and Economic Development ("DEED"), providing eligible employees with paid leave for family and medical reasons beginning January 1, 2026 ("MPL"). The City of Bemidji provides MPL Minnesota Paid Leave ("MPL") benefits to eligible employees through an approved equivalent plan administered by The City of Bemidji's designated MPL insurance carrier instead of through DEED. This plan provides time off, payments, and job protections that are equal to or greater than those offered under the Minnesota Paid Leave Law. The MPL plan is funded by premium contributions payable to the City of Bemidji's designated MPL insurance carrier and split between employers and employees pursuant to Minn. Stat. sec. 268B.14, subd. 3.

2. Employee Application and Eligibility. To apply for MPL benefits, employees must apply with the City of Bemidji's designated insurance carrier by completely filling out all necessary information in the designated insurance carrier's application, along with all other required information and documents.

3. Employee eligibility based on such application is determined solely by the City of Bemidji's designated MPL insurance carrier.

4. Employee Notification Required. Employees must provide the City of Bemidji with at least thirty (30) days' notice before their MPL begins if the need for leave is foreseeable. If the leave is not foreseeable, employees must notify the City of Bemidji as soon as possible.

If the employee does not provide the City of Bemidji with at least thirty (30) days' notice when the need for leave is foreseeable, the employee must explain why it was not possible or practicable upon request from City of Bemidji.

In addition, employees are required to comply with any and all City of Bemidji policies and procedures for requesting leave, including but not limited to the following City of Bemidji Personnel Policies:

- 201.401 — Workweek
- 201.402 — Working Hours
- 201.403 — Unauthorized Absence
- 201.407 — Time Records
- 201.408 — Outside Employment
- 201.409 — Paid Time Off
- 201.410 — Holidays
- 201.414 — Types of Employee Leave
- 201.415 — Donation of Leave

Employees that fail to comply with relevant City of Bemidji policies and procedures are subject to discipline, up to and including termination from employment.

5. Certification and Documentation Requirements. Employees seeking MPL benefits are required to provide copies of any certification of eligibility or other relevant medical documents to the City of Bemidji Human Resources Coordinator on the same day that they are submitted to the City of Bemidji's designated MPL insurance carrier for MPL benefit consideration.

6. Intermittent Leave. Employees taking intermittent MPL are required to provide the City of Bemidji with a schedule of the workdays the employee needs off as soon as possible. Employees taking intermittent leave must make a reasonable effort to schedule the intermittent leave.

Consistent with other forms of leave provided by the City of Bemidji, employees may take intermittent leave in increments of eight hours for regular full-time employees, or the hours equivalent of a working day for other job classifications not subject to a regular 40 hours per week, 8 hours per day working schedule. If eligible for intermittent leave, the City of Bemidji allows a maximum of 480 hours of intermittent leave in any 12-month period. After reaching the maximum amount of allowed intermittent leave, employees may request continuous MPL provided the continuous leave does not exceed the maximum amount of MPL allowed by law.

7. Concurrent Leaves. Employees taking MPL, whether intermittently or continuously, that are concurrently eligible for Family and Medical Leave Act ("FMLA") and/or pregnancy/parenting leave under Minn. Stat. sec. 181.941 will automatically be placed on such leaves to run concurrently with MPL.

8. Supplemental Benefits. Employees are permitted to use their available paid leave time as a supplemental benefit while on leave under MPL.

9. Health Insurance. Employees taking MPL will continue to be covered under the City of Bemidji's group health insurance plan under the same conditions and at the same level of City of Bemidji contributions as would have been provided had they been continuously employed during the leave period. Employees are responsible for their portion of premiums due on the coverage. Employee premiums must be paid to the City of Bemidji Human Resources Coordinator. Payment must be received by the City by the first day of the month and made via either:

- (a.) Check made payable to "City of Bemidji" by hand delivery at City Hall; or
- (b.) Electronic payment to the City of Bemidji, through the City's electronic payment system, by credit card or automated clearing house (ACH) payment.

10. MPL Fraud. An employee may be found to have committed misconduct if they obtain or attempt to obtain benefits to which the individual is not entitled. Reporting false information to the City of Bemidji's designated MPL insurance carrier and/or the City of Bemidji will be cause for discipline, up to and including termination.

Article VI. DISCIPLINE

Section 6.01 General

A. The objective of this policy is to establish a standard disciplinary process for Employees in the City. Supervisors are responsible for maintaining compliance with City standards of Employee conduct. Employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable City policies.

B. Discipline will be administered in a non-discriminatory manner. An Employee believing that discipline applied was either unjust or disproportionate to the offense committed may

pursue a remedy through the grievance procedures. The Supervisor and/or City Manager will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Section 6.02 No Contract Language Established

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

Section 6.03 Process

A. The City may elect to use progressive discipline, a system of escalating responses intended to correct behavior rather than to punish the Employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate; however, the City Manager must approve dismissals. Nothing in these personnel policies implies that any City Employee has a contractual right or guarantee to the job being performed.

B. Reprimands will be completed on the applicable template, added to the Employee's personnel file and a copy provided to the Employee.

C. The following are descriptions of the types of disciplinary actions:

1. Verbal reprimand – Formal spoken warning given by a Supervisor to an Employee for violating workplace rules, policies, or expectations. This is annotated on a memorandum, documenting that the reprimand has occurred and is signed by the Supervisor.
2. Written reprimand – Formal written warning given by a Supervisor to an Employee for violating workplace rules, policies, or expectations. This warning is documented through a memorandum to establish a clear record that the reprimand has occurred. The memorandum is signed by the supervisor and acknowledged by the Employee's signature, indicating receipt and awareness of the warning.
3. Suspension with or without pay – Temporary removal of an Employee from the workplace as a disciplinary measure, pending investigation, or as a consequence of misconduct or policy violations.
4. Demotion – Reduction in an Employee's job rank, position, responsibilities, or pay. It may involve transferring the Employee, with changes in title, duties, salary, or supervisory status.
5. Salary Change – Reduction in an Employee's pay as a consequence of misconduct, policy violations, or ongoing performance issues.
6. Dismissal – Involuntary termination of an Employee's employment due to serious or repeated violations of workplace rules, policies, or performance standards.

Section 6.04 Grievances

A. It is the desire of the City to address grievances in a just and efficient manner. Both Supervisors and Employees are expected to make every effort to resolve problems as they arise. It is also recognized that there may be grievances which will be resolved only after a formal grievance and review process.

B. The following actions are not considered a grievance and are not meant to be all inclusive or exhaustive:

1. 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.
2. Pay increases or lack thereof.
3. Merit pay awards.

C. Appeal Procedures:

1. Any dispute between an Employee and the City relative to the application, meaning or interpretation of these policies cannot be reached, the following steps shall be taken, in the order listed, until resolution is achieved:

a. Step 1 – The Employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the policy allegedly violated, and the remedy requested to their proper Supervisor within seven calendar days after the alleged violation or dispute occurred. The Supervisor shall make inquiry into the facts and circumstances of the grievance and attempt to resolve the grievance promptly and fairly and will notify the Employee of his/her grievance decision, in writing, within seven calendar days.

b. Step 2 – If the Employee is dissatisfied with the Supervisor's decision and the grievance is not settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested by the Employee to the City Manager within seven calendar days of the Supervisor's decision. The City Manager shall investigate as deemed necessary within 14 calendar days after the receipt of the Employee's request for review and respond to the Employee in writing of the decision. The decision of the City Manager is final for all disputes apart from those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

c. Step 3 – 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 based on 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. Any of the foregoing time limits may be extended by mutual written consent of the Employee, Supervisor and City Manager.

D. Right of Appeal.

1. All non-union Employees have the right to appeal disciplinary action for a suspension, dismissal, or demotion, through the Merit Hearing Board (Board) as established in the City Code. Verbal and written reprimands cannot be appealed to the Merit Hearing Board.

2. Requests for appeal through the Merit Hearing Board shall be directed to the City Manager and must be received within 21 calendar days of the disciplinary action.

E. Merit Hearing Board Process.

1. Pursuant to City Ordinance 2-328, the Board will meet when requested by a superior officer of the City after a request has been made to the secretary of the Board, with a date and time indicated, or if a request is made by an Employee to the City Manager, at a date and time set by the Board. A 10-day notice shall be given before the date of said hearing. The Board can reschedule any hearing date.

2. The Board has the authority to make its own investigation into the matter once received, and call for a hearing. The Board has the authority to issue subpoenas, administer oaths, compel attendance of witnesses, and by proper subpoena compel the production of books, papers, and other documentary evidence and things. If a hearing is called, the following procedures will take place:

a. The Employee has the right to an attorney; however, it shall be at the Employee's own expense.

b. The Employee, counsel for the Employee and the Attorney for the City or designee shall have the right to attend the hearing.

c. The Board shall have the power to direct the way the hearing shall be conducted and have the power to permit introduction of evidence in such manner and such form as the Board deems advisable to assist in a proper determination of the cause and to promote fairness and justice in the matter under consideration.

d. Any witnesses that are called to testify will do so under oath. The opposing party or counsel will have the ability to cross examine any witness called.

e. At the end of the evidentiary portion of the hearing, the Board shall deliberate either on the same day, or a date set by the Board within 10 days of the end of the hearing. The deliberation shall be confidential.

f. The Board shall make written findings within 10 days of the date of the end of the hearing and file with the Secretary and the City Clerk. The findings will be sent to all parties involved by the City Clerk.

g. The findings of the Board are final. The Board may make recommendations to the City Manager for a final decision. If a final decision is made, the City does not

have the right to appeal. An Employee not satisfied with the Board's decision has the right to consult an attorney to determine appropriate steps.

F. If the Employee is a Veteran, the Board shall provide the Veteran such rights as accorded to under the applicable statutes of the State of Minnesota.

Article VII. **EMPLOYEE BENEFITS**

Section 7.01 Fringe Benefits

A. The benefits the Council deem appropriate may be offered to Employees and are subject to annual policy and budgetary action. Fringe benefits may be increased, decreased, or eliminated at any time by action of the Council, and such action may apply to all current and future Employees. All benefits commence, or begin to accrue, on the first day of employment unless otherwise stipulated.

B. New Employees will start benefits on the first day of the month following the start of employment. If the new Employee starts on the first of the month, then the benefits start that same day.

C. The Fringe Benefit Contribution (FBC) is paid only with the first and second paychecks in any given month. The first such payment will start with the first paycheck from which health insurance premiums are withheld. The first FBC on the first paycheck of the month is for the first half of that month. The second FBC on the second paycheck of the month is for the second half of that month.

D. Any Employee leaving employment will receive a prorated FBC for the last month of employment based on the number of days worked versus the number of working days in their final month of employment, regardless of whether the Employee continues health insurance through the final month of employment.

D-E. The City may provide a variety of Employee benefits as part of its benefits package, subject to budget approval. All benefits are subject to change, including modification or termination, at any time the City, consistent with applicable laws and collective bargaining agreements. Such changes may apply to current and future employees. Eligibility for benefits will be determined by the terms of each benefit plan, applicable law, and City policy. Employees should refer to official plan documents and enrollment materials for detailed information regarding benefits, including eligibility, coverage, costs, and enrollment requirements.

Section 7.02 Health and Medical Insurance Types of Benefits

A. Insurance Benefit Plan – It is the policy of the City to maintain an insurance benefit plan (Plan) for Employees which may include, but is not limited to, the following group coverage:

1. Health/Medical insurance.
2. Life insurance.
3. Dental insurance.

Commented [JS25]: Condense Employee Benefits section to list mandatory and elected benefits, as well as a basic procedure for elections and qualifying events. I owe F&H insert for this section.

Commented [CHA26R25]: Revised to reflect more generalized policy in favor of providing employees specific plan information. Simple personnel policies lend to easier policy management as benefits change over time.

Commented [JS27]: Benefits are split 50/50 for the months that there are two pay periods. In months where there is a third pay period there are no benefit deductions.

Commented [JS28R27]: "The Fringe Benefit Contribution (FBC) for voluntarily elected benefits are paid only with the first and second paychecks in any given month and are equally distributed. In the event a month has a third pay period no FBC is distributed. Any FBC distribution for mandatory benefits may be deducted from the third pay period."

??

4. Vision insurance.

5. Disability insurance.

6. Other group insurance that may become available through the action of the Council. Paid leave

7. Accident, hospital, and critical illness insurances

8. Dependent day care flexible spending

9. Retirement and deferred compensation plans

10. Health savings and reimbursement arrangements (HAS, VEBA, FSA)

11. Public Employees Retirement Association (PERA)

B. The availability, and structure of benefits may vary by type of appointment, classification, or collective bargaining agreement and are governed by applicable plan documents.

C. For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact the Human Resources/Payroll Clerk for more information on benefits.

6.

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B. Qualified Employees—Employees scheduled to work 30 hours per week or more, are qualified Employees.

1. In accordance with the federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible Employees and their dependents that work an average, or are expected to work 30 or more hours per week, or the equivalent of 130 hours or more per month. To comply with health care reform laws and avoid penalties, Part-Time Employees will be scheduled based on business needs in a way that maintains their Part-Time status as intended.

2. The City will pay on a pro-rated basis for Employees scheduled to work a minimum of thirty 30 hours per week, but less than 40 hours per week.

3. The Plan shall not be available to Employees appointed to temporary, emergency, Seasonal, or intermittent positions.

C. Waiver of Coverage—Single health insurance coverage is mandatory for all Employees working a minimum of 30 hours per week. Employees may not be excluded from coverage, even if the Employee is covered through a similar employment benefit of a spouse or significant other.

D. Start Date—New Employees are required to complete all actions related to benefits within five working days from the first day of employment. Enrollment in the selected Plan

shall begin on the first day of the month following the Employee's first day of work. If the Employee's start date is on the 1st of the month, their insurance is effective immediately.

E. Continuation of Coverage— Coverage under the Plan terminates with the termination of employment or the last day of the month for which the premium is paid.

1. Coverage may be continued, at the Employee's expense, under Minn. Stat. 471.61, Subd. 2b, which states:

"A unit of local government must allow a former Employee and the Employee's dependents to continue to participate indefinitely in the Employer-sponsored hospital, medical, and dental insurance group that the Employee participated in immediately before retirement, under [certain] conditions."

2. Terminating Employees are required to notify the Finance Office of their intent to continue coverage.

F. The Consolidated Omnibus Budget Reconciliation Act (COBRA) Administrator for the City will handle continuation benefits when a qualifying event occurs.

1. Employees, their spouse and covered dependents will have the opportunity to continue group health benefits for a period of up to 18 months under the provisions of federal COBRA when group health benefits would otherwise end.

2. Certain qualifying events may be extended to 36 months.

3. Qualifying events may include:

a. Voluntary or involuntary termination of the covered Employee's employment other than by reason of gross misconduct.

b. Reduction of hours of the covered Employee's employment.

c. Change in marital status.

d. Death of the covered Employee.

e. A dependent child ceases to be dependent under the applicable requirements of the Plan.

f. A covered Employee becomes entitled to benefits under Medicare.

4. In the event of divorce or a child's loss of dependent status, the Employee or a family member must notify the plan administrator within 60 days of the occurrence of the event.

Section 7.03 Enrollment and coverage~~Voluntary Employees' Beneficiary Association (VEBA)~~

A. Benefit enrollment, effective dates, and continuation of coverage are governed by the terms of applicable plans and by state and federal law.

B. Employees are responsible for completing required enrollment materials within established timelines. The City provides administrative notice of benefit renewal information to eligible employees prior to annually established benefits enrollment.

C. Changes to benefits are subject to qualifying life event criteria and are managed by the benefits coordinator. Qualifying events include:

1. Change in employment status to full-time.
2. Birth, adoption, or placement of adoption.
3. Death of a family member.
4. Divorce or annulment.
5. Dependent loss of coverage.
6. Marriage.

D. Continuation of coverage will be administered in accordance with applicable laws and plan documents.

A. The VEBA is an Employer-sponsored trust used to help eligible Employees who exercise their option to enroll in the high deductible health insurance program to pay for qualified medical expenses.

B. The City maintains a "Cafeteria Plan" with a health Flexible Spending Account (FSA). Eligible health expenses will be paid from the FSA first, until an individual's FSA exhausted and from the VEBA Plan second. The VEBA Plan year will begin and end on the same dates as the high deductible health insurance program unless the Employee also has an HSA, then medical comes out of HSA first. VEBA and medical flex are limited to dental and vision.

C. Benefits provided through the VEBA — Employer shall provide the Health Reimbursement Arrangement for Active Employees as described in the VEBA Plan and Trust.

D. Administration and Investment Fees and Expenses.

1. Administration fees under the Premium Saver Option shall be paid by the Employer. The participant directs the investment in mutual funds made available through the administrator for HSA and VEBA accounts. Investment Fees are paid from the accounts of participants choosing to invest.

2. When an individual is no longer entitled to contributions under VEBA (e.g., enrollment in other health coverage) or employment termination, administration and investment fees shall be paid from individual's account in VEBA. Administration and investment fees are subject to change as the Employer negotiates new administration arrangements.

3. All participants in VEBA shall be issued a debit card. This is used for claims paid by Employees for uninsured medical expenses are automatically reimbursed from VEBA, if the Employee has funds available in the account.

E. Employer Contributions:

1. Contributions — Employer will make monthly contributions to individual accounts for qualifying non-union members in accordance with the following schedule:

a. Each qualified Employee electing single coverage under the group health plan receives \$200.

b. Each qualified Employee electing Family or Employee + Child(ren) coverage under the group health plan receives \$150.

c. Contribution amounts for any union bargaining unit will be determined by the Labor Agreement.

d. All contributions shall cease on the date the Employee is no longer covered under the high deductible health plan. If the Employee dies without a spouse or legal dependent for federal tax purposes, and to the extent required to protect the tax status of the health reimbursement arrangement, amounts remaining in the account shall be forfeited and applied to reduce administrative expenses or future Employer contributions to the Plan.

2. High Deductible Health Plan — Employer shall make available a high deductible health plan to all qualified Employees electing to participate in the Plan. The high deductible health plan provides that deductibles and out-of-pocket maximums may be increased each year to keep pace with inflation.

F. The VEBA Plan and Trust is intended to constitute a Voluntary Employees' Beneficiary Association under Section 501(c)(9) of the Internal Revenue Code. It is comprised of two documents, as follows:

1. The Minnesota Service Cooperatives Employee Benefits Trust Agreement, originally effective June 30, 2002, and as restated effective November 1, 2007, by and among Minnesota Service Cooperative VEBA Committee and MG Trust Company, Trustee. The Trustee may be replaced from time to time in accordance with laws and best practices for competitive bidding of governmental contracts.

2. The Minnesota Service Cooperative VEBA Plan may be replaced from time to time in accordance with laws and best practices for competitive bidding of governmental contracts.

3. High Deductible Plans are available.

Section 7.04 Retirement and Post-Employment BenefitsHealth Care Savings Arrangements for Active Employees

A. The City may offer post-employment or retirement-related benefits, including health care savings arrangements or similar programs, as determined by the City.

B. Eligibility, contributions, and use of such benefits are governed by plan documents, applicable law, and collective bargaining agreements where applicable.

A. The City has adopted Health Reimbursement Arrangements for Active Employees. The Employer will also make available a major medical health plan with high deductible options. For those electing one of these plans, the Employer will contribute a fixed amount to a Voluntary Employees' Beneficiary Association (VEBA) and/or Health Savings Account (HSA) established in the Employee's name.

B. These Health Reimbursement Arrangements for Active Employees and various health plan choices are made available through the Northwest Minnesota Service Cooperative. The VEBA option is governed under Section 501(c)(9) of the Internal Revenue Code and the HSA is governed by Section 223 of the Internal Revenue Code. A detailed description of these arrangements is available upon request.

C. Eligibility—All non-union Employees, and others as provided for in their collective bargaining agreements, are eligible to receive Employer contributions to their individual accounts.

D. Employer Contributions.

1. If a non-union Employee is eligible to participate, the City will make a monthly contribution to individual account(s) (VEBA, HSA or both) in accordance with the following schedule:

a. \$200 for each qualified Employee who elects single coverage under the group health plan.

b. \$150 for each qualified Employee who elects family or Employee + child(ren) coverage under the group health plan.

c. Contribution amounts for any union bargaining unit will be determined by the Labor Agreement (union contract).

E. Employee Contributions—If an Employee is eligible to participate, they may elect to contribute additional funds to their HSA as permitted by the Internal Revenue Code.

F. Administrative Fee—Administrative fees allocable to individual accounts of active Employees shall be paid by the City. Administrative fees allocable to the individual accounts of former Employees, including retirees, shall be paid from individual accounts. Administrative fees shall be paid from the individual accounts of all participants in the event the Health Reimbursement Plans are terminated.

G. Impact on Other Arrangements—This policy supersedes and revokes all previous policies on this matter, including, to the extent applicable, other written or oral statements of policy and procedure that address other welfare benefits. The policies and procedures outlined herein are not intended to create any contractual rights or duties and will be applied at the City's discretion. Although contributions made to Employee accounts in the

Health Reimbursement Arrangement for Active Employees are irrevocable, the City may amend or terminate its contributions policy at any time.

Section 7.05 Post-retirement Health Care Savings Arrangement Additional Benefits and Programs

Section 7.05

A. Annual Event

1. The City may host an annual event to recognize the service and achievements of Employees and Elected Officials. Attendance is provided at no cost

B. Eye Care Reimbursement

1. Eligible Employees may receive reimbursement for vision-related expenses not covered by insurance, up to \$150 per year. Up to \$20 of this amount may be used for non-prescription eyewear. Reimbursement form and supporting documentation are required.

C. Clothing Allowance

1. The City may provide a clothing allowance for Employees as determined by the City or applicable collective bargaining agreements.

2. Allowance amounts are established by the City annually. Employees may purchase attire up to the established amount. Any thing above the established amount is the Employee's responsibility.

3. All items ordered with clothing allowance will have the City logo.

4. Employees are required to submit request form for processing.

D. Safety Footwear

1. Employees required to wear safety footwear may receive reimbursement as follows. Eligibility and approval are determined by the City:

2. Full-time Employees:

3. Up to the amount established in the applicable labor agreement.

4. Up to \$80 per calendar year.

5. Seasonal, temporary, intern, and part-time Employees: up to \$80 per calendar year.

E. Employee Recognition

1. The City may recognize Employees for service and milestones, including retirement.

2. Departments may provide awards consistent with the following guidelines:

3. 10–14 years of service: up to \$75

4. 15–20 years of service: up to \$125

5. 21+ years of service: up to \$175

6. The City may also sponsor a retirement recognition event with costs up to \$125. Additional expenses beyond established limits are the responsibility of Employees.

A. To assist eligible Employees, pay for medical expenses in retirement, the City has adopted the Post-retirement Health Care Savings Arrangement. This arrangement provides for individual medical reimbursement accounts funded with Employer contributions. If eligible for this benefit, the Employee and dependents may draw on the account after retirement for the tax-free reimbursement of medical expenses. Money contributed to the account will be held in trust.

B. The Post-retirement Health Care Savings Arrangement is made available through the Minnesota Service Cooperatives VEBA Plan and Trust. It is intended that this arrangement constitutes a Voluntary Employees' Beneficiary Association under Section 501(c)(9) of the Internal Revenue Code. A detailed description of this arrangement is available upon request.

C. Eligibility—The following group or groups of Employees are eligible to receive Employer contributions to their individual accounts:

1. Eligible Employees—Non-Union Regular Employees who are aged 54 or older.

2. Excluded Employees:

a. Collectively bargained Employees if accident and health benefits were subject to good faith bargaining.

b. Part-Time Employees whose customary weekly employment is less than 30 hours.

c. Seasonal Employees whose customary annual employment is less than seven months.

3. Eligible Employees choosing to participate will automatically be enrolled in the Post-retirement Health Care Savings Arrangement on the retirement date or the date that the City contributes to your account, whichever occurs first.

D. Retirement—Subject to the age and service requirements for eligibility the "retirement date" shall be the earlier of the following:

1. Date of employment termination. The term "retirement" may be defined under other policies or Employee benefit plans of the City.

2. The date of total disability.

3. The date of a medical leave of absence as determined by other policies or Employee benefit plans of the City.

E. Source of Funding—The Post-retirement Health Care Savings Arrangement is funded entirely with City contributions.

F. Employer Contributions—If an Employee is eligible to participate in the Post-retirement Health Care Arrangement, the City will make contributions to the VEBA in an amount equivalent to the following:

1. Unused Sick Pay—Within 60 days of the effective date of retirement, the City shall contribute 50 percent of the amount of the Employee's unused sick leave into their VEBA. The Employee is not eligible to receive this amount in the form of taxable cash compensation. For example, if an Employee has 180 hours of unused sick leave, 90 hours would be paid into the Employee's VEBA account (180 hours x 50% = 90 hours).

2. Unused PTO—Within 60 days of the effective date of retirement, the City shall contribute 100 percent of the amount of the Employee's unused PTO or vacation into their VEBA. The Employee is not eligible to receive this amount in the form of taxable cash compensation.

G. Administrative Fee—Administrative fees allocable to the individual accounts of former Employees, including retirees, shall be paid from the individual accounts.

H. Impact on Other Arrangements—This policy supersedes and revokes all previous policies on this matter, including, to the extent applicable, other written or oral statements of policy and procedure that address the payment of accumulated sick pay, vacation pay, severance pay, or other welfare benefits. The policies and procedures outlined herein are not intended to create any contractual rights or duties and will be applied at the City's discretion. Although contributions made to your account in the Post-retirement Health Care Savings Arrangement are irrevocable, the City may amend or terminate its contribution policy at any time.

Section 7.06 Life Insurance

A. The City provides a \$30,000 term life insurance policy for all Employees working a minimum of 30 hours per week; this coverage is mandatory unless a collective bargaining agreement states otherwise. Life insurance for the Employee's dependents, as well as increased coverage amounts, is optional at the Employee's expense.

B. Employees have the option to purchase additional life insurance through PERA, at their own expense, which includes minimal coverage for dependents.

Section 7.07 Disability Insurance

A. Employees have the option to purchase Short-term and/or Long-term Disability Insurance. If loss of work occurs due to disability, the Employee is paid according to the schedule of benefits described in the disability policy. Coverage is available at the Employee's expense.

Section 7.08 Other Benefits

A. Flexible Spending Account—The City has a Flexible Spending Account (FSA) integrated into the Plan.

1. The FSA plan is for Employees who choose to pay for certain medical and daycare expenses on a pre-tax basis. The Employee must declare the amount to pay on a pre-tax basis each year. The total amount declared by the Employee will be withheld from the first two paychecks of the month. The Employee may request the maximum IRS-allowed contribution amount for medical/health care expenses.

2. The maximum amount for daycare expense is \$5,000. When expenses are incurred, the Employee shall complete a reimbursement voucher to receive reimbursement for the expenses from the plan administrator. If at the end of the year, the Employee's actual expenses are less than the estimated expenses, the Employee forfeits those funds. Claims may be made up to 90 days after yearend or retirement date, whichever is earlier. Reimbursement forms can be obtained through the portal for the administrator of HSA and VEBA accounts.

B. Deferred Compensation Plan—Each Employee has the option of participating in the qualified Deferred Compensation Plans offered.

C. PERA—Membership in PERA is automatic and mandatory for public Employees meeting position eligibility requirements set by Minn. Stat. 353. Employees meeting those requirements will be enrolled as a member in PERA, where contributions are made by the Employee and the City to a Coordinated Plan, to help plan for a successful and secure retirement.

D. Annual Event—The City holds an annual event and awards presentation to recognize the longevity and significant achievements of its Employees and Elected Officials. All Employees and Elected Officials are entitled to attend this event without cost.

E. Eye Care Reimbursement—City Employees eligible for benefits will receive up to \$150 per year for reimbursement on prescription eyeglass costs (including frames and contact lenses) that are not covered by insurance. The City will allow Employees to use up to \$20 of their \$150 annual allowance to purchase reading glasses, in lieu of prescription glasses. Any applicable invoices or receipts must be submitted along with the Eye Care Expense form, signed by both the Employee and Supervisor, to the Finance Office for processing.

F. Dental Insurance—Employees have the option to purchase dental insurance coverage through the City's Plan.

G. Clothing Allowance.

1. Non-union Public Safety Employees required to wear a uniform in their position will be given a clothing allowance like that of the respective labor union members.

2. Other Non-union Employees that are required to wear safety related clothing for purposes related to the duties and responsibilities in their job description, are identified by the Department Heads and assigned the dollar amount prior to issuance of the clothing allowance payment by the Finance Office.

Commented [JS29]: "Other Non-union Employees that are required to wear safety related attire or equipment for purposes related to the duties and responsibilities in their job description, will be provided appropriate safety equipment or safety wear to be purchased by each individual department"

??

3. Union Employee uniforms are dictated by labor agreement.

4. Full-time, non-union staff not required to wear a uniform in their position will be given a clothing allowance which is set annually by the City Manager to purchase City wearables. All City wearables purchased by the City will have a City logo embroidered or printed on the item.

H. Safety Footwear.

1. Full-time, non-union Employees required to wear safety footwear will receive an annual reimbursement towards the purchase price of the approved safety footwear. This amount shall be equal to the dollar amount recognized in the current Local 49 labor agreement.

2. Seasonal, Temporary, Interns, and Part-Time Employees required to wear safety footwear will be reimbursed up to \$80 per calendar year towards the purchase price of approved safety footwear.

3. Department Heads shall determine which Employees are required to wear safety footwear and will present a copy of the Employee's receipt to the Finance Office with their signature approving the payment.

I. Employee Recognition.

1. The City will sponsor a recognition event up to \$125 for retiring Employees. In addition, Departments are authorized to purchase gifts or awards for retiring or resigning Employees for the following years of service:

a. 10-14 years of service — award with a value up to \$75.

b. 15-20 years of service — award with a value up to \$125.

c. 21+ years of service — award with a value up to \$175.

2. Funds will come from the budget of the department for which the Employee works. Any additional food, refreshments, gifts, or activities will be Employee-paid.

Article VIII. ~~Article VI.~~ SALARY AND REIMBURSEMENT ADMINISTRATION

Section 8.01 Payroll

A. The Finance Department handles all payroll, fringe benefit administration and issues surrounding it. Questions regarding these issues should be addressed to the Finance Department.

B. Payroll deductions will only be permitted for City-sponsored and pre-tax benefit options, or as required by law.

Section 8.02 Salary Schedule

- A. The Finance Director is responsible for implementing the salary schedule approved by the City Council.

Section 8.03 Pay Periods and Paydays

- A. Employees shall be paid every two weeks. Timesheets cover a two-week period starting on Sunday and ending on Saturday. POC Firefighters are paid monthly. Timesheets must be submitted to the Finance Office by 10:00 a.m. on the Monday prior to payday. Department Heads will establish internal timelines to provide ample time to collect, review, approve and submit timesheets to the Finance Office.
- B. As provided for in Minnesota law, the City requires direct deposit for all Employees being paid by its payroll and expense reimbursement systems. Employees are responsible for updating their bank account information as necessary.
- C. Direct deposits are made and pay stubs are available to Employees on the Friday following the end of the payroll period in the applicable payroll system. If payday falls on a holiday, direct deposits and pay stubs will be available after 4:00 p.m. on the prior workday.
- D. All payroll period hours are compensated at the rate in effect at the end of the pay period.

Section 8.04 Improper Deduction and Overpayment

- A. Employees should promptly notify their Supervisor if they believe an improper deduction, overpayment, or any other type of error has occurred. If the City determines it has made an improper deduction from a paycheck, it will reimburse the Employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.
- B. In cases of improper overpayments, Employees are required to promptly repay the City the amount of the overpayment. The Employee can write a personal check or authorize a deduction from pay to cover the repayment. The City will not reduce an Employee's pay without written authorization by the Employee. Once the overpayment has been recovered in full, the Employee's year to date earnings and taxes will be adjusted to reflect accurately on their Form W-2 and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year.
- C. In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required. Any overpayments not repaid in full within the calendar year of the overpayment are considered "prior year overpayments" and the Employee must repay not only the net amount of the overpayment, but also the federal and state taxes the City has paid on their behalf. The City can recover the overpaid Social Security and Medicare taxes. Accordingly, the Employee will not be required to repay the taxes without submitting a written statement. The overpayment amount will remain taxable in the year of the overpayment since the Employee has access to the funds. The Employee is not entitled to file an amended tax return for the year but may be entitled to a deduction or credit with respect to the

repayment in the year of repayment. Employees should contact their tax advisors for additional information.

Section 8.05 Reimbursement

- A.** As a recipient of payments from the City, Employees are required to utilize the Payroll Direct Deposit/Expense Reimbursement Electronic Funds Transfer (EFT) Program.
- B.** All EFT payments are automatically and securely deposited into the Employee's designated checking or savings account.

Section 8.06 Final Pay

- A.** Employees who have been terminated for any reason from the City shall receive a final pay settlement at a maximum of two weeks from the date of termination, coinciding with the normal payday, unless otherwise permitted by state or federal law.

Section 8.07 Severance Pay

A. Employees leaving employment voluntarily, or otherwise separate from City employment are eligible to receive monthly retirement benefits under the provisions of PERA or the Police/Fire Benefit Association, shall be granted severance pay based on the following conditions and rates:

1. Conditions.

- a.** Voluntary termination.
- b.** Termination of employment due to health reasons, service-connected injury, or illness.
- c.** In the event of Employee's death, severance pay shall be paid to the beneficiary.
- d.** Severance pay cannot be used to extend the Employee's date of termination beyond the last scheduled workday, unless approved by the City Manager.

2. Rates.

- a.** Employees covered under the PTO Policy – Upon voluntary termination of employment by the Employee, the City will payout accumulated PTO at the Employee's existing hourly wage rate.
- b.** Grandfathered Sick Leave Severance – All Employees shall be entitled to a payout equal to one-half of their accumulated sick leave hours. This is a maximum of 480 hours pay. Payment of unused sick leave shall be based on the Employee's existing hourly wage. In the event of death, severance pay shall be paid to the beneficiary.
- c.** Compensatory Time – All non-exempt Employees shall be entitled to a payout of accumulated compensatory time at the Employee's existing hourly wage rate.

- d. ESST – Not paid out upon termination of employment.

Section 8.08 Minnesota Wage Disclosure Protection Law

A. Under the Minnesota Wage Disclosure Protection Law, which is included in the WESA, Employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. §13.43), specifically lists an Employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in personnel policies. In accordance with Minn. Stat. §181.172, the City may not:

1. Stop an Employee from telling anyone about wages or conditions of employment.
2. Require an Employee to sign a waiver that takes away the right to tell others about their wages or working conditions.
3. Treat an Employee differently after disclosing wages or working conditions to another person.

B. The City is prohibited from retaliating against an Employee for disclosing wage information. Under the Wage Disclosure Protection Law, an Employee may pursue legal action against the City and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5075 or (800) 342-5354.

Article IX. ORIENTATION, TRAINING AND DEVELOPMENT

Section 9.01 Employee Orientation

A. Supervisors shall be responsible for providing time for all Employees to attend New Employee Orientation during the first week of employment at a date determined by Payroll and their Supervisor. New Employees are not authorized to begin orientation until the offered start date of employment with the City.

1. Orientation shall include review of City benefits, services, insurance and Workers' Compensation coverage, personnel policies, internal communications, fringe benefits, safety procedures, payroll and employment forms and any other policies, procedures or programs which may affect employment.
2. Orientation will be provided on an ongoing basis as policies and procedures are created or revised.

B. Acknowledgment of Personnel Policies – Each Employee shall be given a copy of the personnel policies; and read, acknowledge receipt, and agree to abide by them.

Section 9.02 Employee Licensing, Education, Training and Development Opportunities

A. The City promotes staff development as an essential, ongoing function needed to maintain and improve cost effective quality service to its residents. The purpose is to ensure that Employees develop and maintain the knowledge and skills necessary for

effective job performance. Employees are encouraged and will be given the opportunity to further develop their work-related skills through continuous training. Employees planning to attend training and/or development that is required by job description, must have Supervisor approval, and comply with the City's Travel and Per Diem Policy. The Supervisor and/or City Manager are responsible for determining job-relatedness to approve or deny attendance.

B. City Initiated Training or Required Licensing – When an Employee attends a conference, seminar, training program, or school at the request of their Supervisor, or to obtain or maintain a City or state mandated license or certificate relevant to the assigned position, authorized expenses incident to the training and authorized by the Supervisor shall be paid by the City.

C. Training Requested by the Employee – At the request of the Employee, the actual cost of training or schooling authorized by the Supervisor may be reimbursed after satisfactory completion of training. The actual cost of the training shall be determined by the Supervisor, considering: the individual's salary for the duration of the training, travel and living expenses, tuition, registration costs, textbooks, supplies, authorized incidentals, and other costs as the Supervisor deems appropriate.

Section 9.03 Membership and Dues

A. The City will pay membership costs and/or dues to various professional organizations provided membership is directly related to the Employee's position and/or affects the betterment of City services.

B. Normally one City membership per agency is allowed, as determined by the City Manager and department funds are available. Upon separation of employment, individual memberships remain with the City and are transferred to another Employee by the Supervisor.

C. The Employee is required to provide an invoice for reimbursement indicating pertinent information to receive payment.

Section 9.04 Loss of Driver's License

A. Employees driving or operating any City vehicles and/or equipment, must notify a Supervisor immediately if their Driver's License is revoked, lost, stolen, cancelled, restricted, or suspended and must keep the Supervisor informed of any changes thereafter. The City will determine appropriate action on a case-by-case basis.

B. Employees must notify a Supervisor immediately if a Federal, State or City mandated license or certificate required for their position has been, or is going to be cancelled, revoked, suspended, or expired. The City will determine appropriate action on a case-by-case basis.

Article X. SAFETY AND HEALTH

Section 10.01 Safety

A. It is the policy of the City to maintain a safe and healthy environment for both its Employees and the customers it serves. To maintain the highest level of safety, Employees shall familiarize themselves with the safety procedures specific to position and, when provided, Employees are required to wear personal protective equipment. To assist with safety needs, a first-aid kit will be in each City building and in each City vehicle.

B. The City shall always provide the safest working conditions possible. Pursuant to Minn. Stat. 182.653 Subd.8, the City will review and provide training on its AWAIR (A Workplace Accident and Injury Reduction) Program annually. In addition, it is the duty of each Department Head to establish safety regulations, instruct Employees in accident prevention and provide safety meetings on a regular basis.

C. The City shall provide the proper tools and equipment necessary to ensure a safe work environment and prevent occupational injuries and illnesses.

1. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department.

2. It shall be the duty and responsibility of each Employee to operate and use all tools and equipment in a safe and careful manner.

3. Where safety equipment is required by Federal, State, or local rules and regulations, it is a condition of employment that such equipment be worn and used by those respective Employees.

4. Each Employee shall be responsible to ensure that all safety equipment, policies, and rules are used and always followed, and it shall be the Employee's responsibility to become familiar with the safe and proper use of any tool or piece of equipment before its use.

5. Any Employee who has a question concerning a safety practice should inquire of their Supervisor.

D. The City will comply with all provisions of the Minnesota OSHA (MNOSHA) Hazard Communication Standard (HAZCOM) and will provide the required technical and health related information regarding hazardous substances in the workplace according to the specified procedures in the act.

E. Employees are required to be familiarized with the quickest path to the nearest emergency exit or designated tornado shelter area in City buildings. Every City building will conduct at least one fire drill and one tornado drill annually. The tornado drill will coincide with the State-wide Tornado Drill during Severe Weather Awareness Week in April and the fire drill will coincide with National Fire Prevention Week in October.

F. All Employees are responsible for complying with all the provisions of the City's safety policy and for reporting any unsafe conditions.

G. All Employees are required to complete mandatory training assigned to them based on job descriptions, facility, and work assignments. Training is delivered in person, as well as digitally depending on the needs and availability of the Department.

Section 10.02 Theft

A. Employee Theft.

- 1.** Employee theft refers to the unauthorized use or misappropriation of the City's property or assets by an Employee. This includes, but is not limited to, stealing cash, merchandise, supplies, equipment, or intellectual property. Employee theft can also involve fraudulent activities, such as falsifying time sheets or expense accounts, or using company resources for personal gain.
- 2.** The City of Bemidji has a zero-tolerance stance on Employee theft. We take all allegations of theft seriously and will investigate them thoroughly. The severity of theft will determine disciplinary action, up to and including termination.
- 3.** If an Employee is suspected of theft, please report it immediately to a Supervisor, or the HR Coordinator. All allegations of Employee theft will be investigated thoroughly and fairly. The investigation process may include:
 - a.** Interviews with witnesses and the accused Employee.
 - b.** Review of relevant documentation, such as financial records or security footage.
 - c.** Collection and preservation of evidence.
 - d.** A thorough review of the facts to determine whether there is sufficient evidence to support the allegations.

B. Non-Employee Theft.

- 1.** Instances of theft of City property are to be immediately reported to a Supervisor and Law Enforcement.

Section 10.03 Accidents

A. If an Employee is involved in an accident resulting in personal injury, causes damage to City-owned equipment, or causes damage to public or private property while operating a City vehicle, or a privately owned vehicle (in the performance of official City business), the Employee shall:

- 1.** Get medical attention, if necessary.
- 2.** Contact law enforcement.
- 3.** Notify Supervisor immediately.

4. Complete the State of Minnesota Department of Administration Vehicle Crash/Damage Notice form or any other reports required by State law.

5. Provide information and copies of all reports filed to an immediate Supervisor.

B. The Supervisor shall report the incident to the Finance Director or designee as soon as possible.

Section 10.04 Illness and Center for Disease Control (CDC) Guidance

A. In the interest of public health and workplace safety, all Employees are expected to follow current guidelines from the CDC regarding contagious illnesses.

B. General Expectations.

1. Stay Home When Sick. Employees who are feeling unwell or exhibiting signs of a potentially contagious illness, such as respiratory symptoms, gastrointestinal issues, unexplained fatigue, or other general signs of illness, should stay home and avoid coming to work. Employees may use applicable accrued PTO or ESST to cover absences related to illness in accordance with leave policies.

2. Symptom-Free Requirement. Employees should not return to work until they are free of symptoms that could indicate a contagious condition for at least 24 hours, without the use of medication to manage those symptoms.

3. Communicable Conditions. In the event of a confirmed diagnosis of a communicable disease (such as COVID-19, influenza, or other CDC-monitored illnesses), Employees must follow current CDC guidance related to isolation, testing, return-to-work timing, and workplace safety precautions.

C. Notification and Documentation.

1. Employees must notify their Supervisor as soon as possible if they are unable to work due to illness.

2. A medical release may be required for extended absences or for certain illnesses, especially those that may impact others in the workplace.

3. Documentation will be handled in accordance with applicable privacy and employment laws.

D. Exposure and Workplace Safety.

1. Employees who have been exposed to someone with a communicable illness should monitor themselves for symptoms and follow CDC guidance regarding any testing or precautions.

2. The company may implement temporary workplace measures (e.g., remote work, increased cleaning, mask use) during times of increased public health concern.

Section 10.05 Workers' Compensation

A. Workers' Compensation insurance provides wage replacement benefits to City Employees becoming ill or injured due to a position with the City. All worker compensation claims are processed through the Finance Department.

B. Reporting Requirements –Minnesota Workers' Compensation Laws and State and Federal OSHA require that all occupational injuries or illnesses be reported immediately to the Employee's Supervisor, and the Minnesota Department of Labor and Industry Workers' Compensation Division. First Report of Injury and Supervisor Report forms must be completed by the Employee and Supervisor.

1. If the injury is not an emergency, the City's third-party managed care provider must be contacted to determine proper treatment. If the injury is an emergency, the Employee should report to the hospital emergency room.

2. Forms must be submitted to the Payroll Accountant within 24 hours of the incident.

C. Workers' Compensation Benefits – Injured Employees are entitled to weekly compensation, as defined by Minn. Stat. 176.101.

1. Eligible Employees will be compensated at the rate of 66 2/3% of their average weekly wage at the time of injury, subject to the maximum established by law.

2. No workers compensation benefits are payable for the first three days in which an individual is disabled unless the disability continues for 10 calendar days. However, should the disability last less than 10 days, the City will provide the Employee with regular base pay for these three days, to be treated as an approved workers compensation holiday for timekeeping purposes.

3. All compensated hours must be accounted for appropriately on timesheets.

- a. Marked as "Workers' Comp" with a "WC" pay code next to the hours.

- b. Appointments are annotated on Employee timecards "time missed due to injury or illness."

- c. Attendance at medical appointments should be for actual hours and travel time.

D. Workers' Compensation Calculations.

1. When an Employee misses work due to a Workers' Compensation injury, compensation will be a combination of payments from Work Comp Insurance and Workers' Compensation holiday pay, to ensure net pay (after taxes/take home) is not less than the average for the previous 12 months.

2. The previous 12 months of net pay is calculated and averaged to ensure that regular overtime is accounted for in the calculation. Recent position changes, pay

increases, or significant change in elected deductions will be considered for the average pay calculation.

E. City Salary and Benefits.

1. The City will continue payment of the monthly Employer contribution for an Employee receiving Workers' Compensation benefits for a period not to exceed 18 months, consecutively or intermittently. After 18 months, the Employee has the option to continue coverage by making premium payments to the Finance Office.
2. Paid time off, sick and vacation leave will accrue while an Employee is receiving Workers' Compensation payments as though the Employee is still working.
3. Accrued leave may not be used to supplement net pay.

F. Return to Work – When an Employee has missed work due to an occupational injury or illness, a physician's statement to return to work is required. This release form shall state any conditions which the Employee must abide by concerning the amount or type of work that is allowed.

Section 10.06 Damaged and Lost Personal Property

A. The City may reimburse Employees for damaged or lost personal property while performing normal work-related activities. This reimbursement shall be at the discretion of the City Manager.

COUNCIL AGENDA ITEM



Meeting Date: June 22nd, 2026 Work Session

Action Requested: Discuss Sanitary Sewer Line Replacement Project in Bemidji Rail Corridor

Prepared By: Samuel C. Anderson, DPW/City Engineer

Background:

Back in March, City Council authorized professional services for the design & bidding services for the replacement of an existing 21" sanitary sewer line with a new 24" sanitary sewer line that must be completed to not impact the future construction of the YMCA and hotel/event center. Over the last couple months we've identified factors that provide justification for a future street reconstruction project, potentially in 2027, and this would allow for a revised sanitary sewer alignment opportunity. Staff would like to discuss these opportunities with Council as it'll affect the final sanitary sewer replacement design and bid package still planned for this year.

Future timing and scope of a street reconstruction project near the Bemidji Rail Corridor area has some flexibility. Staff haven't prepared formal cost estimates, but planned to incorporate that project planning into the upcoming July Public Works Committee agenda in discussing 2027 street improvement projects.

Recommendation

Staff are seeking Council input and direction on recommended design change for sanitary sewer replacement project in the Bemidji Rail Corridor.

Exhibit A

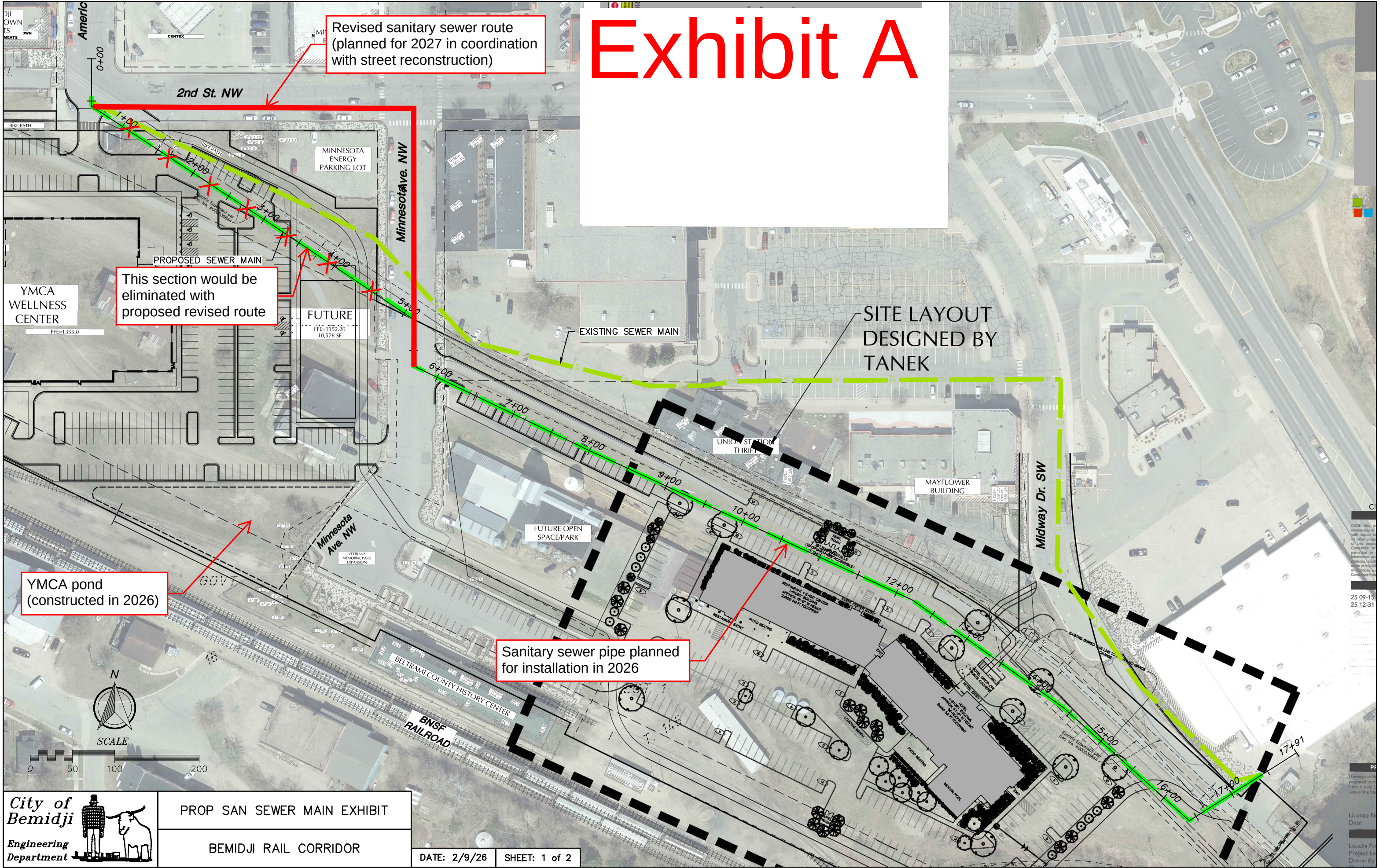


Exhibit B

Potential 2027 Street Reconstruction Project

Opportunity for storm water upgrades and sanitary sewer route within city right of way in lieu of easement

Required access improvements to accomodate new YMCA entrance

Newly constructed YMCA pond with HDPE liner

Opportunity to install new watermain under RR tracks and abandon existing 1916 4" water main

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Overview Exhibit - Exhibit B

1:2,257

Date: 6/17/2026

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.





Existing conditions – on 2nd Street NW looking east toward Minnesota Ave. NW



Existing conditions – on America Avenue NW looking north toward 3rd Street NW

CITY COUNCIL AGENDA ITEM



Meeting Date: June 22, 2026
Action Requested: City Parking Discussion
Prepared By: Rich Spiczka, City Manager

Background:

The City has had numerous conversations regarding parking both internally amongst staff, externally in the community and many inquiries at council meetings and with councilors in recent months, if not years. The idea of parking in Bemidji has many layers and circumstances. The goal of the discussion is to find out how council would like to proceed with exploring, vetting and addressing parking concerns in the City. Some questions to pose to council:

- What concerns do you hear in regard to parking?
- How would you prioritize the concerns you have?
- What ideas does the council have in exploring how to improve parking in the City?
- What information do you think is important to your decision making process?

Some items to keep in mind to guide discussion:

- The City has to balance parking availability with other services the city provides like enforcement, plowing, street maintenance, etc.
- Parking concerns exist in both the residential and business communities.
- City staff has a desire to move a Downtown Study forward, likely in 2027, which parking will be a part of.

Recommendation:

Provide staff feedback and direction as to how to proceed.