

**CITY OF ST. AUGUSTA**  
**CITY COUNCIL WORKSESSION MEETING**  
**November 21, 2023**  
**5:30 pm**  
**AGENDA**

1. Call Meeting to Order – Mayor Zenzen.
2. Personnel Policy Review/Update to include Employee Earned Sick and Safe Time
3. Adjourn.

REMINDERS:            Thanksgiving Holiday, Thursday and Friday, November 23 and 24, City Hall  
                              Closed  
                              Planning Commission Meeting, Monday, December 4, 6:30pm  
                              Regular City Council Meeting, Tuesday, December 5, 2023 7pm

**CITY OF ST. AUGUSTA**

**PERSONNEL POLICY**

**ADOPTED 1/02/07**

## **Purpose**

The purpose of the St. Augusta personnel policy is to establish a uniform and equitable system of personnel administration for all employees of the City of St. Augusta. This handbook provides information to you, as an employee of the city, about certain terms and conditions of your employment. It is not, and should not be considered, an employment contract. As discussed later, your continued employment, and the conditions of that employment, are solely within the City's discretion. The handbook summarizes policies and programs related to your employment. All other policies, including the City's safety policy, shall be observed and considered a part of this personnel policy.

While the City will take every effort to keep your employee handbook current, the information and policies described in this handbook may be changed in any way at any time at the sole discretion of the St. Augusta City Council. You are responsible for complying with the current city policy at all times.

These policies apply to all employees of the City of St. Augusta, except if provisions of a contractual agreement between the City Council and the City Clerk-Administrator differ, provisions of the contract will prevail.

The City of St. Augusta is an Equal Employment Opportunity Employer. This means that you and all of your coworkers, as well as applicants for employment, will be treated equally without regard to race, color, creed, age, physical or mental disability, religion, sex, sexual orientation, national origin, marital status or status with regard to public assistance. Harassment of any sort, including sexual harassment, will not be tolerated.

## **Applicability:**

### **General**

The policies set out in this handbook apply to all City of St. Augusta employees except the following:

1. All elected officials and members of city boards, commissions and committees,
2. Volunteer Firefighters and other volunteer personnel,
3. Consultants rendering professional services,
4. Other persons or firms retained by the City on a contract or sub-contract basis,
5. Temporary and emergency employees – as defined herein,

### **Union – Collective Bargaining Units**

The provisions of the policies and procedures included in this handbook shall apply to all organized personnel who work under negotiated agreements with the City. In the event of a conflict between the terms of an employee agreement and the personnel policy, the negotiated agreement shall take precedence and supersede the policies set out in this handbook. Employees subject to union or other collective bargaining contracts shall be regulated by the terms of that contract when the terms of that contract conflict with these policies.

### **Separate Contracts**

The provisions of the policies and procedures set out in this handbook shall apply to any employee working for the City under a separately approved employment contract. In the event of a conflict between the terms of a separate employment contract and these policies the terms of the employment contract shall take precedence and supersede the policies set out in this handbook.

### **Pre-Employment**

An applicant or employee, including volunteer firefighters, appointed to a position must be of sufficient health to satisfactorily perform the essential duties and responsibilities of the position, as described in the applicable job description.

**Merit and/or Fitness Examination.** When required by law or the City Council, applicants merit and/or fitness for a position will be ascertained by written, oral or other examinations designed to evaluate the ability of the applicant to carry out the requirements of the position for which the applicant has applied and the examination is conducted.

**Physical & Psychological Exam.** After a conditional offer of employment has been made, applicants may be required to undergo and pass an appropriate pre-placement health screening, and may be required to undergo a physical and/or psychological examination prior to appointment to a position. A qualified party approved by the City will conduct conditional offer pre-employment physical or psychological examinations required by the City. The City will pay the total cost of such conditional offer, pre-employment examinations. A medical evaluation report shall be prepared and filed with the Clerk-Administrator and included in the employee's personnel file.

If a medical evaluation report indicates that an otherwise eligible applicant for employment has a mental or physical condition which causes such applicant to be considered as a serious health risk, or whenever the applicant is reported to have a condition that may substantially affect the applicant's ability to perform the essential duties and responsibilities of the position involved, the City may declare the applicant ineligible for consideration for appointment to the position.

**Reference Checks.** The City Clerk-Administrator will be allowed to conduct reference checks for any and all applicants to verify information provided in the applicant's application for employment. Items to be verified may include, but are not limited to: previous employment, reasons for leaving previous places of employment, educational attainment, and other relevant information. Reference checks with current employers will be conducted at the time a candidate is a finalist when candidates so request.

**Background Investigations.** The City Council may request the Stearns County Sheriff's department or other law enforcement agencies to provide criminal history data contained in the Minnesota Criminal Justice Information System. This information must only be about the finalists for city positions of employment. The City Council will obtain the written consent of the finalist before the data is requested. Failure to provide this consent may, at the discretion of the City Council, disqualify the applicant from the prospective position.

**Drug & Alcohol Testing.** All offers of employment made by the City to applicants for positions requiring a commercial drivers' license are subject to the condition of passing a pre-employment drug and alcohol test; and the applicant's written consent authorizing former employers to release to the City all information on the applicant's alcohol tests with a concentration of 0.04% or greater, positive controlled substance tests, and refusals to be tested within the preceding two years; pursuant to federal and state laws, and the City's "Drug and Alcohol Free Workplace Policy".

## **Position Classification and Compensation**

**Position Classification Plan.** The position classification plan adopted by the City Council includes all positions covered by this provision of the policy. Positions may be changed into classes if the positions are similar in terms of the range of difficulty and responsibility. New classes may be created if a new position is created and no classes in which it might be included exist in the current classification plan.

**Compensation Plan.** The employee compensation plan is adopted by the City Council and constitutes the official employee compensation plan for all positions in the municipal service, except where labor agreements take precedence. The City Council may amend the compensation plan at any time that it deems necessary in the interest of the City of St. Augusta, good personnel administration, or as recommended by the City Clerk-Administrator.

**Types of Employment.** Employment with the City of St. Augusta may be on full time, regular part time, limited part time, seasonal, or temporary basis, or any other status designated when

employed, at the sole discretion of the City Council. These categories are described/defined as follows:

- Full-time - Regularly scheduled to work forty (40) hours per workweek for fifty-two weeks per calendar year.
- Regular Part-time – Regular work schedule of at least twenty (20) hours per workweek for fifty two (52) weeks per calendar year.
- Limited Part-time – Irregular work schedule, or regular work schedule of less than twenty (20) hours per week, or regularly scheduled to work fewer than thirty (30) weeks per calendar year.
- Seasonal – Routinely employed from year to year by the city to work during a limited or specified time period, for example Park Maintenance or Seasonal Snow Plow operator.
- Temporary – Hired to work for the city for a limited period of time.

**Fair Labor Standards Act – Exempt and Non-Exempt Positions.** As prepared.

## Work Schedule and Compensation

**Work Schedule and Hours.** The City Council is the sole authority in determining work schedules. For scheduling purposes the standard workweek begins at 12:01 am each Monday, and ends at midnight each Sunday. The regularly scheduled work week for full-time exempt and non-exempt employees is eight (8) hours per day and forty (40) hours per week, including rest periods and excluding lunch periods. Hours worked in excess of forty (40) per work week by non-exempt employees will be compensated as over-time hours, as discussed later.

Beginning on November 11, 2013 all regular full time employees will follow the winter work schedule for the months of October through April. The winter work schedule will have all regular full time employees working a forty (40) hour schedule per week. The winter time schedule will run Monday through Friday from 8am until 4:30pm. The summer time schedule for office staff will be the same as the winter time schedule and for public works staff will run Monday through Friday from 7am until 4:30pm. Both the summer and winter time schedules are subject to change based on conditions beyond the City's control. *Needs to be cleaned up*

Non-Exempt employees are/will be allowed and encouraged to adjust their hours worked during a workweek so that total hours worked that week do not exceed forty hours with the approval of their immediate supervisor.

Conditions may arise which require employees to work over-time hours with little or no advance notice, such as, but not limited to: snow, sleet, equipment breakdown or other circumstances. The City is not required to provide advance notice in these situations. Failure to work over-time is not grounds for dismissal unless the overtime work is required because of an emergency. Each employee has an obligation to try to work overtime when requested, unless circumstances prevent the employee from working.

It may be necessary to establish regular shifts for some employees or departments based on a schedule other than the standard eight (8) hour workday, or days other than Monday through Friday. The standard forty (40) hour workweek will still apply to those positions, and the

employees affected by these shifts will receive at least two weeks notice of the establishment of such a work schedule, or of being assigned to such a shift.

**Work Attire.** All maintenance employees will be required to wear designated safety apparel. The designated safety apparel includes highly visible reflective vests, t-shirts or coats and steel toed boots that must be worn at all times and other safety gear which will be required when doing tasks that require more safety equipment. This extra gear will include safety glasses, gloves and other apparel depending on the task.

The safety t-shirts and vests will be provided by the City. A boot allowance of \$75/year will be given to all full time maintenance employees annually on a reimbursement basis. The employee must present an invoice or receipt showing the boots that were purchased to be eligible to receive the boot allowance.

**Over-time Pay.** Hours worked in excess of forty (40) per standard work week by part-time and full-time non-exempt employees will be compensated for at one and one-half (1-1/2) times the employee's regular rate of pay. For the purpose of computing overtime compensation, overtime hours shall not be pyramided, compounded or paid twice for the same hours worked.

**Compensatory Time.** Non-exempt employees may choose to accept compensatory time as compensation for over-time hours worked, at the employee's discretion. A non-exempt employee may choose compensatory time at a rate of one and one-half (1-1/2) hours of compensatory time for each overtime hour worked over 40 hours per standard work week, in lieu of accepting over-time pay for those over-time hours. Compensatory time may be used in increments of at least one half hour, as approved by the employee's supervisor. Employees may accrue no more than 80 hours of compensatory time, and Public Safety employees may accrue no more than 160 hours of compensatory time. *Employees will receive over-time pay for unused compensatory time when their employment with the city ceases.*

Non-exempt employees will show on their time card if they wish to receive compensatory time for overtime hours worked rather than over-time pay.

**Compensation for working (scheduled or non-scheduled) on a paid holiday.** The regular work schedule for employees in designated positions may require them to work on city holidays, which are listed later in the manual. Circumstances may also arise which require employees to work on a holiday when not otherwise scheduled. Non-exempt employees will be compensated at the rate of one hour of pay for each hour worked on a paid holiday, plus pay for the entire holiday at the employee's regular pay rate.

## Time Off

**Holidays.** Full-time and regular part-time employees receive the following as paid holidays:

<u>Holiday</u>	<u>Date</u>
New Years Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February

Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving (in lieu of Columbus Day)	Fourth Friday in November
Christmas Day	December 25

*- Need to add Juneteenth*

For the purposes of this policy, when a holiday falls on a Saturday, the preceding Friday will be considered the holiday. When a holiday falls on a Sunday, the following Monday will be considered the holiday.

Note: State statute requires that no public business be conducted on the holidays listed. Also, the policy for when the scheduled holiday falls on a Saturday or Sunday is also spelled out in State Statute (§645.44 subd. 5).

**Vacation.** Full-time employees will accrue paid vacation leave as follows:

Employment Years

- During 1<sup>st</sup> through 5<sup>th</sup> year – 10days/yr
- During 6<sup>th</sup> year – 11 days/yr
- During 7<sup>th</sup> year – 12 days/yr
- During 8<sup>th</sup> year – 13 days/yr
- During 9<sup>th</sup> year – 14 days/yr
- During 10<sup>th</sup> year – 15 days/yr
- During 11<sup>th</sup> through 15<sup>th</sup> year – 18 days/yr
- After 15 Years - 20days/yr

Regular Part-time employees will accrue vacation based on the ratio of time they normally work in relation to a 40-hour work week. For example, a regular part-time employee who normally works 20 hours per week, will accrue half the vacation time as a full time employee.

Vacation time will be accrued on a calendar year basis, with vacation leave accrued on a pro-rata basis from date of employment to December 31. If an employee begins employment between January 1 and June 30, the year hired will count as the first year of employment for vacation benefits; if the employee begins between July 1 and December 31, the following year constitutes the first year for vacation determination. The vacation allocated on January is considered earned and will be available to use beginning with the first business day of the year. Employees who earn and accrue vacation time may carry over no more than half the time they would normally accrue annually unless specifically approved by the City Council. Employees may choose to cash in unused vacation time, in December, at a rate of 50%. For example, an employee who accrues 10 days per year and who carried over 5 days from the previous year and only used 5 days this calendar year may cash in the remaining 10 days and receive pay for 5 days. The City will pay the employee for any unused vacation time when employment is terminated.



Vacation leave is to be approved by the employee's immediate supervisor. Requests for more than one day of vacation leave to be submitted at least one week in advance.

**Sick Leave.** After the first full month of employment, probationary and full time employees will accrue paid sick leave at the rate of four ( 4) hours per month, regular part-time employees will accrue paid sick leave at the rate of two ( 2) hours per month. Full-time employees may accrue no more than 480 hours (60 days) of sick leave; Regular part-time employees may accrue no more than 240 hours (60) days of sick leave. Accrued sick leave totaling more than 80 hours (10 days) may be cashed in at a rate of 50% of current earnings. Employees will be eligible to receive a cash payment for any unused sick leave at a rate of 25% of current earnings at the time of retirement or termination.

Sick leave may be granted under the following circumstances:

1. When an employee is are unable to perform work duties due to illness or disability (including pregnancy).
2. For an employee to attend appointments for medical, dental, chiropractic, or other care providers.
3. When an employee has been exposed to a contagious disease of such a nature that the employee's presence at the work place could endanger the health of others with whom the employee would come into contact.
4. To care for an employee's injured or ill children, including stepchildren or foster children, for such reasonable periods as attendance with the child may be necessary.
5. To care for a member of the employees "immediate family" (individuals who are living in the employee's household and who are dependent on the employee).

To use sick leave, and be granted paid leave from work under this policy, employees need to:

1. Notify his/her supervisor of the pending absence from work as soon as possible after the scheduled start of the work day for each day absent, and the nature of the illness or reason the employee will be absent from work;
2. Keep his/her supervisor informed of his/her condition, or the condition of the family member, in the event of an absence longer than one day;
3. An employee who is absent more than 3 days will provide a statement from a doctor regarding the employee's absence from work.

Absences from work caused, or contributed to by, pregnancy, miscarriage, childbirth and recovery, or related factors and causes, are considered temporary disabilities, and shall be treated as any other illness in connection with employment and this policy.

Any employee who by reason of sickness or injury receives workers' compensation benefits may keep the workers' compensation benefits and receive from the City additional differential benefits from their accumulated sick leave, but in any case the employee's total compensation, including leave and workers' compensation benefits shall not exceed the employee's net base rate of compensation.

Any employee who improperly claims sick leave shall be subject to disciplinary action as set out elsewhere in this document, including loss of compensation and/or dismissal.

**Accrual of Leave during Vacation or Sick Leave.** An employee using earned vacation or sick leave will accrue vacation and sick leave at the standard applicable accrual rate when using vacation or sick leave. For the purpose of calculating the accrual of vacation and sick leave, an employee using earned vacation or sick leave will be considered to be working.

**Parental (Maternity/Paternity) Leave.** See MN Statutes § re: Parental Leave  
Full time and regular part time employees employed by the City for at least one year may request unpaid leave of absence in connection with the birth or adoption of a child. The leave may not exceed six (6) weeks, and must begin not more than six (6) weeks after the birth or adoption of the child. An employee using this leave is entitled to return to work in the same position and at the same rate of pay the employee was receiving before leave began.

This leave will count towards FMLA leave used if the employee has any FMLA leave remaining at the time this leave commences. The two leaves will run concurrently until the twelve week FMLA leave is exhausted. An employee may use accrued vacation or sick leave or compensatory time for either FMLA leave or Parental Leave. However, use of accrued sick leave or vacation leave is not required for the portion of leave counted as parental leave.

**Family and Medical Leave of Absence (FMLA) Policy**

The US Family and Medical Leave Act of 1993 permits eligible employees (as defined under the Act) to take up to 12 weeks of unpaid leave during a twelve month period for the following reasons: birth of a child; placement of a child with the employee for adoption or foster care; for a serious health condition (as defined under the Act) which makes the employee unable to perform his/her job; to care for the employee's spouse, son or daughter, or parent who has a serious health condition (as defined under the Act).

Eligibility: Employees who have been employed by the City of St. Augusta for at least 12 months and who have worked at least 1,250 hours during the 12 months preceding the requested leave are eligible for FMLA leave.

Notice of Request for FMLA Leave: Employees seeking to use FMLA leave must file a request for FMLA leave to the Clerk-Administrator at least 30 calendar days before the leave would begin where the leave is foreseeable. Employees must notify the Clerk-Administrator as soon as practical if circumstances require that FMLA leave begin in fewer than 30 days.

Medical Certification: If the leave is for a medical reason, the requesting employee must provide a medical certification to the Clerk-Administrator in a timely manner. The certification must

state the date of the requested leave's onset, the probable duration of the leave, and the appropriate medical information regarding the requested leave. If the leave is for the employee's own serious health condition, the certification must also state that the employee is unable to perform the functions of his/her job. If the leave is for an ill or injured family member, the certification must state that the employee is needed to care for the family member and include an estimate of the amount of time needed. The City reserves the right to require a second and third medical opinion (at the City's expense) and to require re-certification, at reasonable intervals, of the continuing need for the leave. The City also reserves the right to require a fitness for duty medical certification at the end of a leave taken for the employee's own serious health condition.

Intermittent Leave: Family and Medical (FMLA) Leave may be taken intermittently or on a reduced schedule if such a leave is deemed to be medically necessary. The City may require the employee to transfer, temporarily, to an alternative position, with equivalent pay and benefits, to better accommodate the requested intermittent leave. All requests for intermittent leave will be evaluated on a case by case basis.

Job Protection: An employee returning from FMLA leave will be reinstated in his/her former position, or a position equivalent in pay, benefits and other terms and conditions of employment. The employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been terminated had the employee not been on leave, the employee is not entitled to reinstatement in a former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system under a collective bargaining agreement, as if the employee had not taken FMLA leave.

Health Care Coverage The City will continue to pay its share or portion of the premium for employee health care coverage while an employee is on an approved FMLA leave. It will be the responsibility of the employee to pay the employee share of the insurance premium. If an employee's contribution to the payment of medical insurance is more than 30 days late, the City may terminate the employee's insurance coverage (subject to COBRA requirements). The City reserves the right to recover any and all insurance premiums paid on behalf of an employee who chooses not to return to work following FMLA leave.

Use of Accrued Sick Leave, Vacation and Compensatory Time. During the FMLA leave, employees must use accumulated compensatory time prior to taking an unpaid leave. Employees may choose to use accrued vacation and sick leave while on FMLA leave. Benefits such as sick leave or vacation will not accrue during the time of unpaid leave; however, any benefits accrued prior to commencement of the unpaid leave will not be lost.

Policy Statement: This FMLA Leave of Absence Policy is meant to conform with applicable law(s). Therefore, further clarification of specific terms and requirements of this policy can be found in the Federal Regulations interpreting the US Family and Medical Leave Act of 1993.

**Bereavement Leave.** A maximum of five (5) days paid leave may be granted upon request in the event of a death in the employee's immediate family. For the purpose of this specific policy,

immediate family will consist of spouse, child, parent, sister, brother, step parent, foster parent, stepchild or foster child, grand parent and employee's mother in law and/or father in law. Up to two additional days of bereavement leave may be granted, when approved by the Clerk-Administrator, in the event of the death of the employee's spouse, child or parent. A one day bereavement leave with pay may be granted upon request in the event of the death of other relatives or when the employee serves as pall-bearer. Bereavement leave may also be taken in the event of death of other persons living in the employee's household, regardless of the relationship with the employee.

**Jury or Witness Duty.** Employees called for jury duty or subpoenaed as a witness in court, or volunteers to serve as a witness in court, shall receive their usual compensation for days they are scheduled for work. The employee is to remit any payments, per diem or fees, except actual expenses related to this service. If an employee is excused from court duty prior to the end of the work shift, the employee shall return to work or make arrangements for a leave for the balance of the day, with or without pay.

**Military.** Minnesota Statutes Sections 192.26 and 192.61 provide that an employee of any municipality who is a member of the National Guard, the Naval Militia, the Officer's Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or any other reserve component of the military or naval forces of the United States is entitled to a leave of absence without loss of pay, seniority status, efficiency rating or benefits for the time such employee is engaged in training or active service not exceeding a total of fifteen (15) days in any calendar year. Eligible employees shall be paid the difference between their regular pay rate and their lesser military pay provided such off-set is provided by law.

The leave of absence is only in the event the employee returns to employment immediately upon being relieved of military or naval service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the 15 day period allowed for the paid leave of absence. Notice will be given to the City at least fifteen (15) working days in advance of the required absence. The 15 day advance notice may be waived under certain circumstances that are not in the employee's reasonable control.

In accordance with State law, eligible employees will be granted an unpaid leave when called to active duty. If the employee has not used their fifteen days of paid military leave when called to active duty, any unused paid time will be allowed prior to the unpaid leave of absence. Eligibility for continuation of insurance will follow the same procedures as for any terminated or laid off employee when called to active duty. The unpaid leave of absence will not be considered work time for purposes of vacation and sick leave accrual.

Employees returning from unpaid military leave have the right to return to their job or to another job of similar status and pay upon completion of active duty in accordance with state and federal laws.

**Pay periods and pay days**

The bi-weekly pay periods will begin at 12:00am on Friday of the first week and run through 11:59pm Thursday of the second week. Payday will be the Thursday ending the pay period unless a holiday falls on that Thursday then the payday will be the previous Wednesday.

Travel expenses and mileage for approved travel will be reimbursed at the standard IRS rates with receipts.

**Probationary period.** The probationary period shall be regarded as an integral part of the terms and conditions of employment.

Any original appointment as a regular employee shall be subject to an initial probationary period. During the probationary period an employee may be transferred or dismissed at the City's sole discretion for any reason. A probationary employee shall have no right to appeal such a decision. Prior to expiration of the initial probationary period, the employee's performance shall be evaluated in writing by the employee's supervisor and given to the City Clerk-Administrator with a recommendation that the employee be dismissed or a statement that the employee has successfully completed the probationary period and can be considered a regular employee. All employees will have a six month initial probationary period.

**Performance Evaluations**

The Clerk-Administrator will conduct an annual performance review on all full and regular part-time employees

**Discipline Generally.**

The City shall have the right to discipline employees as the City Council deems necessary. The City shall have the right to lay off employees independent of the discipline process when the City Council deems necessary.

**Discipline Process**

The following disciplinary measures are intended only to provide examples of types of discipline that may be imposed by the City. They are not meant to be exclusive, or to require the City to exhaust any particular step, in any particular order, or in any particular circumstance. The type of discipline imposed will be based upon the nature and severity of the infraction and the conditions surrounding the incident. The City retains the sole discretion to determine what behavior warrants disciplinary action and what type of disciplinary action will be imposed. The City reserves the right to terminate employees at any time when it believes such discipline is warranted.

Disciplinary actions taken by the City may include, but are not necessarily limited to the following:

- a) Immediate Termination

An employee may be terminated from employment as a first or last disciplinary step.

b) Demotion

An employee may be demoted for disciplinary reasons if the City determines that such demotion is necessary.

c) Suspension

An employee may be suspended when the employee's behavior warrants such disciplinary action.

d) Probation

An employee may receive a specific probationary period determined by the Administrator/Clerk or City Council to rectify behavior which requires disciplinary action.

e) Employee Warning

An employee may receive a verbal or written warning from the Administrator/Clerk or City Council to rectify behavior which requires disciplinary action.

#### REQUEST FOR RECONSIDERATION AND OPTIONAL HEARING PROCEDURE

a) The procedures outlined in this section of the Agreement are established to provide a review and reconsideration at the employee's request of the application of discipline under this policy.

b) Request for Reconsideration. A request for reconsideration of any discipline imposed by the City may be made and shall be processed in the following manner:

STEP 1. If the discipline was imposed by the Administrator/Clerk, the employee shall first make a written request for reconsideration by the Administrator/Clerk. Within ten days of such request, the Administrator/Clerk shall provide a written reply to such request. If the disciplinary action is upheld, the Administrator/Clerk shall state the reasons for upholding the disciplinary action.

STEP 2. If the employee is not satisfied with the response to the request for reconsideration, or if the discipline was imposed by the City Council, the employee may request a hearing before the City Council to reconsider the discipline. At such hearing, the employee may appear and present information or argument to the Council relating to the event or events giving rise to the disciplinary action and the

disciplinary action imposed. The City Council may take action on the reconsideration request at such hearing, but in any event shall take action on such reconsideration request within 45 days.

Nothing in this Personnel Policy shall be applied in a manner that limits a veteran's rights granted under Minn. Stat. 197.46.

## **Benefits**

PERA

## **Use of City Vehicles, Equipment and Property**

Any employee on City business shall use a City vehicle if an appropriate city vehicle is reasonably available. Use of City vehicles, when not part of routine city operations or part of the employee's routine responsibilities and duties of employment, must be approved by the immediate supervisor.

The use of City vehicles for personal reasons is prohibited. Violations of this provision may subject the employee to disciplinary action.

All employees using or operating City vehicles must have a valid drivers license as required for the type of vehicle being operated and follow all traffic regulations; any traffic violation issued to an employee is strictly the employee's responsibility. An employee who receives a DWI, on or off duty, may be subject to dismissal based on the skills required to perform the duties of the position.

Smoking is prohibited in all City vehicles.

City Employees shall not be allowed to use vehicles, equipment or facilities for personal use unless expressly authorized by the City Council.

### **Reasonable Suspicion Drug and Alcohol Testing**

Consistent with Minn. Stat. § 181.951, subd. 3, employees will be subject to alcohol and controlled substance testing when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol or a controlled substance; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol or a controlled substance or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol or drugs may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample, and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all City employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify [Human Resources/the City Administrator] of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.



### **Training, and Meal/mileage Reimbursements**

Periodically, employees will be required or allowed to attend professional training outside of the City of St. Augusta or to use their own personal vehicle for City business. **All overnight travel must be pre-approved.**

Mileage will be paid for anyone using their own vehicle at the current standard IRS Rate (\$.55/mile in 2009). Forms should be submitted to the City Administrator as soon as possible after incurred to be reimbursed with the bi-monthly payables.

Meal Allowance limits when out of the City or on City Business. Itemized receipts must be presented for reimbursement as soon as possible after incurred to be reimbursed with the bi-monthly payables. A maximum of \$35 will be reimbursed for a full day's meals. Alcoholic beverages are not reimbursable.

Hotel/Motel Accommodations when the stay has been pre-approved will be allowed at a standard two queen/one king room rate. Individuals who upgrade for any reason will be required to cover the difference.

Out of State Travel will only be allowed in special circumstances and must also be pre-approved.

**The City Council amended the meal reimbursement amount at their meeting on April 5, 2022 to \$50/day.**