



# **PERSONNEL POLICY MANUAL**



CITY OF SAUK RAPIDS

RESOLUTION NO. 2005 - 104

A RESOLUTION ESTABLISHING A PERSONNEL POLICY MANUAL

WHEREAS, the City of Sauk Rapids desires to establish a collection of policies specifying employee rights, responsibilities, obligations, benefits, and workplace rules, and

WHEREAS, such policies should be written, collected, and maintained in one comprehensive policy manual and in an effort to ensure to the greatest degree possible, the equal availability, application, and enforcement of such policies.

NOW, BE IT RESOLVED BY THE CITY COUNCIL OF SAUK RAPIDS that the attached personnel policy manual be adopted; and

BE IT FURTHER RESOLVED that the City Council reserves the right to unilaterally and unconditionally modify and update the policy manual as deemed necessary from time to time; and

BE IT FURTHER RESOLVED, that the City Administrator be authorized to promulgate rules and procedures to enforce the policy manual and distribute the approved policy manual and subsequent updates to employees.

WHEREAS, all previously issued or established resolutions, policies or practices for any of the subjects covered herein, are hereby repealed, canceled, and terminated upon adoption of the attached Personnel Policy Manual and no longer shall be of any further force or effect and no employee or former employee shall have any rights or claims thereunder or based thereupon.

NOW, BE IT RESOLVED BY THE CITY COUNCIL OF SAUK RAPIDS that the above policies are hereby repealed upon adoption of the attached Personnel Policy Manual.

APPROVED AND ADOPTED by the Sauk Rapids City Council of the City of Sauk Rapids, County of Benton, this 9th day of November, 2005.

Mark Campbell, Mayor    ATTEST: Ross Olson, City Administrator

Amendments:

2006-10-09 to 2025-12-08

# ***CITY OF SAUK RAPIDS***

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## **PREFACE**

**Attached is the personnel policy manual as approved by the City Council of the City of Sauk Rapids. Its intent is to set forth written policies, procedures, and statements pertaining to employee rights, responsibilities, obligations, benefits, and workplace rules. This personnel policy manual is intended only as a general reference and not as a full statement of City policies and procedures. This policy manual applies to all City employees. In the event of a conflict between this document and any existing collective bargaining agreement or state or federal law, any of the latter three shall take precedence only for the language which is in conflict.**

**The importance of having such policies specified is to eliminate, or at least reduce to the greatest extent possible, any ambiguities that may exist relative to issues covered in the policy manual. It also helps to insure consistent application, availability, and enforcement of the policy manual's provisions.**

**I strongly recommend you become familiar with the contents of the personnel policy manual and use it as your primary source of information on personnel matters. The City reserves the right to make changes to these policies and procedures at any time, with or without notice, and to interpret these policies and procedures at the discretion of the City. No provision in this Personnel Policy Manual is intended to create a contract between the City and its employees.**

**If you have any questions about this document, please feel free to contact your City Council and/or the City Administrator.**

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## PERSONNEL POLICY

### CITY OF SAUK RAPIDS, MINNESOTA

#### SECTION 1. PURPOSE AND COUNCIL AUTHORITY

- 1.1** The City Council, being the elected representatives of the City of Sauk Rapids and charged with the responsibility of establishing policies for the operation and management of City affairs in accordance with the applicable laws and regulations of appropriate authorities declares that the following rules and regulations are hereby created to establish a uniform and equitable system of personnel administration of City of Sauk Rapids personnel. City policy is amended automatically as may be mandated by State and Federal laws.
- 1.2** Organization: It shall be the policy of the City Council to carry out the contents of this policy manual and control the administrative services through the City Administrator, and department heads in accordance with state law, City Code where applicable, and other provisions herein specified.

#### SECTION 2. SCOPE OF THIS POLICY

- 2.1** Personnel covered: Except as otherwise specifically provided, this policy manual applies to all employees of the City of Sauk Rapids, including employees whose employment is subject to the terms of a collective bargaining agreement.
- 2.2** Provisions superseded in certain cases: Any employee included in a collective bargaining agreement entered into accordance with the Public Employment Labor Relations Act (M.S. Sections 179A.01 to 179A.25) shall be exempt from any provision to this part which is inconsistent with such agreement. Nothing in this part is intended to modify or supersede any provision of the Veterans' Preference Act, Minnesota Statutes Sections 197.455, 197.46 and 43A.11.

#### SECTION 3. HIRING POLICY

- 3.1** **Policy.** The City recognizes the importance of establishing fair and efficient hiring procedures designed to select the most qualified candidates to fill positions in the City's workforce. Appointments to all positions shall be made without regard to race, creed, color, age, sex, religion, national origin, disability, marital status, status with regard to public assistance, membership on a local human rights commission, sexual orientation, or political affiliation. It is the policy of the City to utilize the following process for the recruitment, selection and promotion of well-qualified, competent employees. The procedures contained herein are not intended to supersede or conflict with negotiated provisions found in current AFSCME or LELS union contracts.

**3.2 Authorization.** All job openings (except interns, seasonal, & part-time liquor positions), whether replacements, promotions or for newly created positions, shall be subject to review and approval by the City Council. Such review and approval shall extend throughout the year and will be in addition to the authority vested in the City Council as part of the annual budget process. The City Council may request department heads to provide such information as is necessary in determining the proper classification and compensation for the position and to determine the economic impact of approving or denying the request to fill the position. Hiring of budgeted positions such as interns, seasonal & part-time liquor store positions may be hired at the department heads discretion, thus exempt from the process outlined within this policy. However, these department heads will forward hiring decisions to the city administrator and city council for ratification of these hires as soon as possible.

- a. **Process.** Department Heads shall notify the City Administrator, in writing, when a vacancy exists in their department, or when a new position is desired. The City Administrator will authorize filling vacancies in existing job classifications created through retirement, reassignment, resignation or termination in an effort to obtain replacements and accomplish promotions in a timely manner with approval of the City Council.

In the case of new positions or reclassifications, the City Administrator may ask the Department Head to create a job description in order to establish and define the position or to provide other information as requested. The City Administrator shall review the request for a new position or reclassification and forward it along with recommendations to the City Council by placing the request on the Council agenda for approval.

- b. **Announcement.** Upon receipt of approval to fill a current vacancy or create a new position, the Department Head shall prepare a job announcement which will include the following:

- A description of the duties and responsibilities for the job;
- The approved salary range with starting salary;
- Whether the position is full or part time; temporary, permanent or seasonal; and, whenever practical, the hours of employment for part time and seasonal;
- The minimum qualifications necessary for the position;
- Any licenses, certifications or specific job skills required;
- The location where applications can be obtained; and
- The application period and deadline for submitting applications.

- c. Posting. If the position is not filled as per applicable local collective bargaining agreements, all vacancies or new positions will be posted internally and externally for a period of at least seven calendar (7) days beginning from the first day that the job announcement is posted. The job announcement shall be posted on at least one bulletin board in City Hall, in the Public Works Facility, in the Municipal Liquor Store, and shall be forwarded to a newspaper of general circulation in the City of Sauk Rapids and/or other advertising media. The City will advertise job openings in a manner that ensures open competition, results in an adequate number of qualified applicants, and conforms to all applicable state and federal laws for the purpose of displaying employment notices.

**3.3 Selection Process.** The City will strive to hire and promote the best-qualified individuals which represent the best “fit” into the organization. The selection of employees shall be under the general direction of the City Administrator, the Personnel & Finance Committee, and the Department Head.

- a. Initial Screening. The City Administrator and the Department Head shall conduct an initial screening of applications received to determine that minimum qualifications have been met. Those applicants determined to be ineligible and who do not meet minimum qualification requirements will be informed of that fact in writing by Administrative staff.
- b. Selection Panel. The selection panel shall consist of at least three (3) individuals, to include: the City Administrator, the Department Head or supervisor, and at least one member of the Personnel & Finance Committee (when available). The City Council, whenever necessary and appropriate, may ask members of various boards and commissions serving in the City to participate on the selection panel.
- c. Selection Criteria. The selection process, determined by the selection panel, may consist of any one or combination of the following criteria: experience and training, written tests, oral interview(s), performance evaluations, work samples, reference checks, criminal background investigations and psychological exams (when not prohibited by law), and other acceptable selection techniques.

These methods will be used to evaluate only those criteria necessary to adequately perform in the position and will conform to all applicable state and federal laws. Veteran’s performance points, as provided by statute, will be added to the final score of all who meet statutory requirements.

- d. **Eligibility List.** The Department Head shall create and maintain a list of eligible applicants for each position opening or promotion based upon the criteria determined by the selection panel. The list of names may be kept for a period of up to twelve (12) months. If the position is reopened during the twelve month period, the Department Head may elect to consider the same list of candidates without re-advertising the position. The Department Head may, however, elect to re-advertise the position. In doing so, the eligibility list becomes null and void and the process outlined in these paragraphs starts over beginning with the request for position authorization.
- e. **Removal of Names from Eligibility List.** The name of a candidate may be removed from an eligibility list if the applicant: (1) has been appointed to another position; (2) has declined an appointment or interview; (3) has failed to respond to an inquiry within three working days; (4) is found to lack any of the preliminary requirements for the position; (5) is physically, mentally or emotionally disabled to perform the duties of the position and, reasonable accommodations of such disability not possible without undue hardship; (6) is addicted to the continuous or periodical, habitual or excessive use of drugs, narcotics or intoxicating liquors at the time of application or appointment; (7) has been found guilty of criminal, infamous or disgraceful conduct; or (8) has used any willful misrepresentation, deception, fraud, or false statement in connection with his/her application for employment or promotion.

**3.4 Appointment.** All appointments are subject to final approval by the City Council.

- a. The City will require a post-offer pre-employment physical examination for police, volunteer firefighters, and public works employees. A physical examination for the purpose of determining a person's capability to perform available employment will be required provided that: (a) an offer of employment has been made on condition that he or she meets the physical or mental requirements of the job; (b) the examination tests only for essential job-related abilities; (c) the examination is limited to determining whether the person's condition would prevent performance of the job; and (d) the examination will be required of all persons conditionally offered employment for the same position regardless of disability. The examination will be performed by a physician designated by the City and at the expense of the City.

Candidates for the City Administrator and any department head employee will be required to undergo a background check.

Pre-Employment Background Check (MN 299C 60.363). In accordance with federal, state, and local law, the City may conduct a pre-employment background check, including a criminal record check of candidates who have received a

conditional offer of employment. Volunteers working with children are required to undergo a criminal background check.

Upon appointment by the City Council, a hiring letter will be sent out by the Department Head that includes the appointment date, starting time, salary and other pertinent information. The remaining candidates will be notified in writing that the position has been filled. All new hires will be provided a copy of their current job description for which they are accountable.

- b. **Entry Level.** Non-union hires will be hired at the wage and benefit rate that corresponds to their level of education and experience as determined by the City Administrator and Department Head subject to approval by the City Council. Employees hired with a collective bargaining unit, shall be subject to the applicable wage and benefits established in the current labor agreement.
- c. **Orientation.** All new employees shall be provided an orientation to the workplace. General employment information should be covered during the orientation period. A copy of the Personnel Policy Manual will be given to each new employee.

**3.5 Preservation of Documents.** Applications, examination records, score sheets, and other documents of individuals who are declared ineligible during the initial screening or who score less than the minimum required on any examination and whose names are not placed on the eligibility list shall be retained by the Department Head for at least three (3) months after the establishment of the eligibility list. Applications, examination records, score sheets, and other documents of those individuals whose names appear on the eligibility list shall be retained by the Department Head for the life of the eligibility list plus three (3) months and then are destroyed.

**3.6 Interpretation.**

- a. **Instructions to Staff.** These policies represent instructions of the City Council to City staff regarding hiring for all positions covered by this policy. Where appropriate, the Council reserves the right to depart from these policies by vote of the Council. These policies are not intended to confer enforceable rights upon applicants or employees. The Council has the sole power to determine whether the policies have been properly followed and the extent to which an exception may be warranted.
- b. The City of Sauk Rapids complies with all laws applicable to the hiring procedure, including federal and state laws respecting discrimination and regarding veteran's preference. All hiring practices shall be governed by those laws as well as other policies of the City designed to implement State and Federal law.

- c. The provisions of this section shall be subject to the specific provisions of collective bargaining agreement(s) with City employees as may be applicable.

#### **SECTION 4. EMPLOYMENT AT WILL**

All City employees, other than employees whose employment is governed by the terms of a collective bargaining agreement which provides for termination of employment only for cause and other stated reasons, are employees at will. This means that the employee has the right to terminate his or her employment at will whenever he or she chooses, for any reason. Likewise, the City has the right to terminate its employment relationship with the employee whenever it chooses, for any reason. No provision in this personnel policy manual is intended to limit the rights of the City and its employees to terminate the employment relationship at any time, with or without cause.

#### **SECTION 5. COMPENSATION**

This section with regard to compensation does not apply to employees whose employment is subject to collective bargaining agreements (except 5.5, 5.6, 5.10, 5.11, and 5.12 which do apply to employees subject to collective bargaining agreements).

This section does not apply to volunteer firefighters (except 5.3, 5.5, 5.6, 5.9, 5.10, 5.11, and 5.12).

- 5.1** The City of Sauk Rapids has adopted the Job Grades, Grade Points and base salary ranges as provided by Baker Tilly US, LLP through its independent review and analysis of the City's job descriptions for each position. Attached are the following tables:

**Appendix A** – Grade Table & Points Scale Ranges

**Appendix B** – Job Grades by Position & Current Wage Scale as adjusted by the Sauk Rapids Adjustment Factor. It is noted that Longevity Pay is eliminated and integrated with the adopted wage scale retroactive to January 1, 2005.

- 5.2 Mayor, City Council, HRA Board, Advisory Park Board, Planning Commission, Joint Planning Commission, Recreation Board, & Housing Advisory Board compensation:** Monthly salaries and additional compensation for meetings other than the regularly scheduled city council meetings are provided in **Appendix C**.
- 5.3 Volunteer Firefighters:** Monthly, hourly rates, and annual retirement service credit compensation information is provided in **Appendix D**.

**5.4 Election Judges & Animal Control Officer:** Election judges and Animal Control Officer compensation rate is provided in Appendix C.

**5.5 Pay Equity Act:** Subject to Minnesota Statutes, Section 179A.01 to 179A.25 but notwithstanding any other law to the contrary, the City shall maintain equitable compensation relationships as prescribed by Minnesota Statutes Sections 471.991 to 471.999.

**5.6 Position Descriptions:** There shall be prepared and maintained a written job description for each position in the City. All job descriptions shall consist of a title, a description of distinguishing features of the job, typical examples of work performed and other pertinent information relative to the preparation and abilities necessary for the duties of the job. Specifications are descriptive and explanatory of the kind of work to be performed, but not necessarily inclusive of all duties to be performed.

The City Administrator may create a new job description when needed or abolish a job description when not needed upon approval by the City Council.

**5.7 Temporary, seasonal, and part-time employees:** Temporary and seasonal employees are not entitled to vacation leave, holidays with pay, bereavement, or other leaves of absence. They are eligible for the state mandated Earned Sick & Safe Time as noted in Section 8.10-Earned Sick & Safe Time. Part-time employees who work more than 1,040 hours in a calendar year are entitled to prorated sick leave, holidays, vacation, bereavement and other leaves of absence. The above stated benefits shall be prorated according to current hours actually worked. See Appendix C.

**5.8 Work hours:** Work schedules shall be established by the City Council. The regular work week for non-exempt employees is five, eight-hour working days in addition to a minimum of 30 minutes for a lunch period and two 15 minute rest breaks, Monday through Friday, except as otherwise established by the Department Head in accordance with custom and needs of the department required to maintain basic services. The City has absolute authority in establishing work schedules.

**5.9 Overtime:** Compensation for overtime worked by employees whose employment is subject to a collective bargaining agreement shall be governed by such agreement. All other non-exempt employees shall be compensated for overtime work at one and one-half times their regular rate of pay. It is recognized that to maintain basic services under unusual circumstances, emergencies and peak work loads, employees may be required to work overtime. Overtime, for non-exempt full-time employees, and temporary and seasonal hourly employees shall be paid at a rate of 1 ½ times the employee's regular rate for time worked in excess of forty (40) hours in a workweek including compensated absences. However, when determining hours

worked on a particular work day; comp time, vacation time, paid or unpaid leave time, or paid holidays taken on that day shall not be considered hours worked. For example, an employee may not take off two hours for a dentist appointment and then work two hours later that same day at the overtime rate.

### **COMPENSORY TIME OFF**

Employees may elect, upon approval of the Department Head, to receive overtime as compensating time off. **Accumulated maximum compensating time off shall not exceed 100 hours.** Compensatory time off shall also be earned at the rate of 1 ½ times the number of hours over 40 hours in a work week. Department heads and other exempt employees as determined under appropriate State and Federal regulations shall not be eligible for overtime. Employees request to use compensating time off will only be allowed if staffing or workload allows and must be pre-approved by the Department Head.

The City Administrator and all other employees exempt from the overtime requirements of FLSA and MFLSA will not be compensated for work in excess of 40 hours in any work week; however, they may take time off with pay at their discretion when it does not interfere with department operations or city hall staffing. Except for exigent circumstances, such time off with pay shall not be for an entire day.

- 5.10 Workweek:** The City's workweek is a regular recurring period of 168 hours in the form of seven consecutive 24-hour periods beginning at 12:01 a.m. Sunday and terminating at midnight Saturday.
- 5.11 Work Assignments.** Work assignments for employees in all departments shall be arranged by the department head for the best operation of the department. The City retains the full right and authority to assign and/or reassign job duties consistent with the tasks of the position.
- 5.12 Payment Procedure:** Salaries and wages shall be paid to employees of the City within the range established by the City Council for the position and in accordance with agreements in effect with recognized bargaining units. Regular wages for non-exempt full-time employees shall be based on a forty (40) hour week. Payment shall be made to the employee every other Friday. Exempt full-time employees shall receive an annual salary payable in the same number of installments as non-exempt employees. Part-time, seasonal, and temporary employees shall be paid hourly wages after submitting appropriately documented and approved time sheets for said work. Per [Minn. Stat. § 471.426](#), all city employee's who are paid through our payroll system, are required to have their checks directly deposited (Election Judges excluded).

**5.13 Implementation of Salary and Wage Increase.** Wage and salary increases become effective on January 1<sup>st</sup> of each year for all employees. When a payroll period spans the new year, the payment for the full pay period shall be calculated using the new year's compensation rate.

## **SECTION 6. BENEFITS**

The City reserves the right to add, eliminate, and change benefits offered to employees other than employees whose employment is subject to a collective bargaining agreement at any time in its discretion. The following sections with regard to benefits: vacation (except 7.4 which does apply to employees whose employment is subject to a collective bargaining agreement), sick leave (except 8.2, 8.7, and 8.8, which does apply to employees whose employment is subject to a collective bargaining agreement), accumulated sick pay and vacation pay policy, jury duty, rest periods, holidays, insurance benefits, and bereavement leave, do not apply to City employees whose employment is subject to a collective bargaining agreement with the City. The following sections with regard to benefits do not apply to volunteer firefighters: vacation, sick leave, accumulated sick pay and vacation pay policy, severance pay policy, leave of absence without pay (except 10.4 which does apply to volunteer firefighters), jury duty, rest periods, holidays, retirement plan, insurance benefits, medical reimbursement allowance, flexible benefits plan, employees optional benefits, and bereavement leave.

**SECTION 7. VACATION**

This section does not apply to employees whose employment is subject to a collective bargaining agreement (except section 7.3, which does apply to employees subject to a collective bargaining agreement).

This section does not apply to volunteer firefighters.

**7.1** Full time employees shall earn & accumulate vacation benefits as follows:

Step	Vacation Hours Per Year	Vacation Hours Per Bi-Weekly Payroll
1	80	3.08
2	80	3.08
3	88	3.38
4	96	3.69
5	120	4.62
6	120	4.62
7	128	4.92
8	130	5.00
9	132	5.08
10	136	5.23
11	144	5.54
12	152	5.85
13	160	6.15
14	168	6.46
15	170	6.54
16	172	6.62
17	184	7.08
18	184	7.08
19	184	7.08
20	200	7.69
21	210	8.08
22	210	8.08
23	220	8.46
24	220	8.46
25	240	9.23

*Employee's will be placed (remain) in the current vacation step that they were at in 2020 and move up to the next step in 2021 as many employee's have negotiated or been placed in different steps from prior vacation schedule transitions & are not necessarily reflective of years of service. Ex: If you were hired in 2011 with 10 years of service but were in vacation step 12 due to one of the above reasons, you would stay in step 12 in 2020 & move up to step 13 in 2021. All Employee's will move to the next step on January 1st of each year.*

Effective January 1, 2006, vacation shall be earned and accrued on a bi-weekly basis. Earned vacation days may be used in one-quarter (1/4) hour increments, with approval of the immediate supervisor.

**7.2** Each employee shall be entitled to use only those days of vacation earned.

**7.3 When taken:** Preference for vacation periods shall be made known to the Department Head at least as many days in advance as the length of the proposed vacation. Shorter notice of preference is permissible if the employee and the Department Head are able to agree on the proposed vacation. Scheduled vacations are subject to cancellation by the Department Head in case of emergency or if it would result in insufficient staffing levels.

**7.4 Accrual/Carryover:** No employee may waive vacation rights for the purpose of earning double pay. Employees eligible for compensatory time off may accumulate and carryover up to a maximum of 1 ½ times their annual vacation accrual as of December 31<sup>st</sup> of each year. Employees not eligible for compensatory time off may accumulate and carryover up to two times their annual vacation accrual as of December 31<sup>st</sup> of each year.

## **SECTION 8. SICK LEAVE / EARNED SAFE & SICK TIME (ESST) – FULL-TIME EMPLOYEES**

This section does not apply to employees subject to a collective bargaining agreement (except 8.2, 8.3, 8.4, 8.7, 8.8 and 8.10 which do apply to employees subject to a collective bargaining agreement).

For administrative purposes, Full-Time employee's Accumulated Sick Leave & ESST leave hours will be combined and all hours may be used under the ESST guidelines established in section 8.10.

Sick leave/ESST is a benefit to be viewed as immediate protection to the employee against illness, injury or disability. For their own health and the health of co-workers, sick employees should not report to work. The City Administrator or Department Head may send sick employees home if their performance is impaired or if they feel sickness is detrimental to the performance of other employees. The following restrictions are to be acknowledged:

- 8.1** The City may request a doctor's certification on any sick leave over three days to verify illness or ability to return to work or at the Department Heads discretion if deemed necessary.
- 8.2** When an employee finds it necessary to take sick leave/ESST, he/she shall report to the City Administrator/Department Head that they are sick as soon as possible. Continued or willful failure to report will be cause for the employer to refuse sick leave or take other disciplinary action.
- 8.3** Sick leave/ESST with pay will not be used for time lost from work when such time is compensated by worker's compensation or disability insurance.
- 8.4** Sick leave/ESST amount: Every full-time employee is entitled to sick leave with pay at the rate of 3.70 hours of sick leave each regular two-week pay period.

**8.5 Limits on Accumulation of Benefits**

Paid sick leave/ESST time cannot be borrowed before it has been earned and accrued. A maximum of 900 hours may be accumulated for severance pay purposes. Accumulations greater than 900 hours at the end of each calendar year will be handled as follows: 50% in cash payment to the Post Retirement Health Care Savings Plan and 50% banked until a maximum banked accumulation balance of 300 hours. The total combined accumulated sick leave balances may not exceed 1,200 hours. For this section (8.5), ESST hours are considered part of Sick Leave.

The sick leave/ESST hours to be paid out as referenced above, will be paid on the first regularly scheduled payroll after year end at the employee’s current pay rate.

Employees with total sick leave/ESST accumulations greater than 1,200 hours on January 1, will be paid out 50% of these hours as a cash payment to the Post Retirement Health Care Savings Plan and 50% will be forfeited.

Example:	<u>Severance Balance</u>	<u>Banked Hours</u>	<u>50% Hours Paid Out</u>
Balance @ 1/01/2007	900	100	0
Net Earned/Unused 2007		40	40
Balance @ 1/01/2008	900	140	0

General Rule. This policy applies to all full-time employees of the City not covered by a collective bargaining agreement. For this purpose, full-time employee means one employed by the City on a scheduled, regular basis of more than 30 hours per week.

- 8.6** Accumulated sick leave/ESST may be used as follows with respect to the employee and employee’s immediate family (spouse, child or parent, adult child, siblings, grandparents, & step-parents):
- a. Sick leave may be used for absence from work due to illness or disability, or to obtain medical or dental care not available during normal off-duty hours.
  - b. Sick leave may be used for absences from work due to illness or disability of an employee’s children in the absence of alternative care. Pursuant to M.S. 181.9413 (Child Care Leave), an employee may use personal sick leave benefits for absences due to an illness of the employee’s child for such reasonable periods as the employee’s attendance with the child may be necessary, on the same terms the employee is able to use sick leave benefits for the employee’s own illness. Attendance with the child will not be considered necessary to the extent that the child’s other parent is available and able to adequately care for the child or share in time away from employment to care for the child.

**8.7** Proof: to be eligible for sick leave with pay, an employee shall (1) report as soon as possible to his/her Department Head the reason for their absence; (2) keep their department head informed of their conditions.

Claiming sick leave/ESST, except as permitted in this policy manual, may be cause for disciplinary action up to and including dismissal.

**8.8** In conformance with the Minnesota Human Rights Act and the Federal Pregnancy Discrimination Act, disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions shall be treated the same as any other medical disabilities. A pregnant employee is eligible to use sick leave in accordance with the provisions of Section 8.7 above.

**8.9 Accrual during leave:** For the purpose of accumulating additional vacation or sick leave, an employee using earned vacation leave or sick leave is considered to be working.

**8.10 Earned Sick and Safe Time (ESST)**

All city employee's are eligible for ESST hours except City Council, Board Members & volunteer (paid on-call) firefighters.

Employees may use accrued earned sick and safe time (ESST) in the following circumstances:

**Eligible use.**

An employee may use accrued earned sick and safe time for:

(1) 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;  
or

(iii) need for preventive medical or health care;

(2) 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; or

(iii) who needs preventive medical or health care;

(3) 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 services 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; or

(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;

(4) closure of the employee's place of business due to weather or other public emergency 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 emergency;

(5) 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; or (ii) seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and

(6) 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 or not the employee or family member has actually contracted the communicable disease.

For the purposes of this subdivision, a public emergency shall include a declared emergency as defined in section 12.03 or a declared local emergency under section 12.29 of the Minnesota Statutes.

### **Notice of leave and documentation**

The City requires up to seven days' advance notice from employees when using earned sick and safe leave for foreseeable needs of time off. If an employee's need is unforeseeable, state law allows the employee to provide notice as soon as practicable. However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, earned sick and safe leave for a qualifying purpose.

The City is prohibited from requiring an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

When an employee uses earned sick and safe leave for more than three consecutive days, the City may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records, or related documentation to support safety leave). In accordance with the law, the City cannot require an employee using earned sick and safe leave to find a replacement worker to cover the hours the employee will be absent.

The City must maintain the confidentiality of earned sick and safe leave records, medical certifications, histories, and documents information pertaining to domestic abuse, sexual assault, or stalking, and any statement from the employee about the need for leave. These records must be kept separate from usual personnel files. Per the statute, employees may request the City to destroy or return records under earned sick and safe leave that are older than three years prior to the current calendar year.

When there is a separation from a City's employment and the employee is rehired within 180 days of separation, previously accrued earned sick and safe leave that had not been used will be reinstated. An employee is entitled to use accrued earned sick and safe time and accrue additional earned sick and safe time at the commencement of re-employment

### **Retaliation prohibited**

An employee returning from time off using accrued earned sick and safe leave is entitled to return to their employment at the same rate of pay received when the leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during earned sick and safe leave absences will continue to accrue as if the employee has been continually employed.

The City may not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting earned sick and safe leave rights, for requesting an earned sick and safe leave absence, or pursuing associated remedies.

#### Temporary, Seasonal & Part-Time Employees:

Will earn one (1) hour of ESST for every thirty (30) hours worked up to 48 hours per calendar year. If an employee does not work 80 hours or more in a calendar year these hours will be forfeited. These employee's may accumulate up to 48 hours in year one and up to 80 hours in year two. When an employee terminates employment, these hours are forfeited. If an employee is already a FT employee of the City earning ESST hours, that employee will be exempt from the Part-Time ESST accrual.

#### Part-Time Liquor Store Employee's:

Part-Time Liquor Store employee's will have the option at the end of each calendar year to carryover up to 48 hours in year one & up to 80 hours in year two of ESST or take their full balance of hours as a payout in January of the following calendar year on a date designated by the Finance Dept. at their current rate of pay. When an employee terminates employment, these hours are forfeited.

#### Full-Time City Employees:

Full-time (FT) employee's earn 3.70 hours of sick leave each regular two-week pay period.

The ESST hours are considered "Sick Leave" hours and are to be combined with all FT employee's regular Sick Leave Accumulated accruals when calculating the 900 & 1,200 hour accrual caps & payouts.

FT employee's must notify their Dept Head & designate on their time sheet if they are using ESST sick leave, otherwise sick leave will be considered to be used from their regular sick leave balance first until that balance is exhausted.

## SECTION 9. SEVERANCE PAY POLICY – LEAVE DONATION POLICY

This section does not apply to volunteer firefighters.

### 9.1 Eligible Employees

- a. General Rule. The City shall provide severance pay to those employees whose full-time employment ends.

### 9.2 Amount

Upon severance through retirement, disability, or death, an employee, his/her beneficiary, or their estate will be entitled to 100% of their allowable accumulated hours for severance purposes, unused sick leave, vacation leave and comp time. For this section, ESST hours are considered part of Sick Leave. Payment shall be determined on the basis of the employee's rate of pay in the last period prior to severance and paid as follows:

- A. Upon the death of an employee, his/her beneficiary, or their estate will be entitled to 100% of their allowable accumulated, unused sick leave, vacation leave and comp time. Payment shall be determined upon the basis of the employee's rate of pay in the last pay period prior to severance and paid on the final check from the city.
- B. Upon retirement or disability, the employee will be entitled to 100% of their allowable accumulated, unused sick leave, vacation leave and comp time. Payment shall be determined upon the basis of the employee's rate of pay in the last pay period prior to severance and paid as follows:

100 % of the employee's allowable (900 hours) accumulated sick leave for severance pay purposes will be deposited into a Post Retirement Health Care Savings Plan.

100 % of the employee's allowable accumulated vacation leave will be deposited into a Post Retirement Health Care Savings Plan.

100% of the employee's allowable accumulated comp time will be deposited into a Post Retirement Health Care Savings Plan. (4-9-12)

Any allowable severance accumulated amounts stated above and not deposited into the Post Retirement Health Care Savings Plan that are to be paid out upon severance, are to be paid directly to the employee on their final check from the city.

Employees whose employment terminates other than by retirement, death or disability, shall be paid their allowable accumulated leave balances (for severance purposes) through regular payroll as taxable wages to that employee.

**\*\*Disability as defined in this section shall mean full disability as determined by PERA, which will issue a full disability ruling if disability is expected for one year or more in length.**

### 9.3 Time

The City shall provide the severance pay on the payday immediately following the employee's severance date.

### 9.4 Definitions

The following special definitions apply to this section:

- a. "Full-time Employment" means employment with the City which is regularly engaged in on a scheduled, regular basis, of more than 30 hours per week.
- b. "Pay" means the eligible employee's regular basic salary or wage (before any payroll deductions) for full-time employment, as in effect on the severance date.
- c. "Severance Date" means the last date on which the employee performs duties in full-time employment.

### 9.5 LEAVE DONATION POLICY (10/24/2011)

The intent of this administrative policy is to allow for the transfer of accrued vacation, sick leave, or comp time from one employee to another employee who has or is about to exhaust all other available leave. A transfer of leave may occur when an employee is undergoing health-related treatment/therapy or unable to work for a period of time for health related, catastrophic circumstances. The City Administrator reserves the right to determine eligibility for transfer on a case-by-case basis and shall consider the intent of this policy and the ability of the City to accommodate an extended leave. Any requests for transfers of leave shall be submitted to the payroll department on a "**Donated Leave Authorization**" form(See **Appendix M**). The City Administrator will determine if the request shall be approved, with the decision being final. The existence of a request to donate does not guarantee that a donation will be approved. Exercise of the leave transfer policy shall not establish a precedent or practice and shall not be subject to a grievance procedure. This administrative policy may be modified, suspended or terminated at any time.

Employees may transfer accumulated vacation, sick leave, personal, or comp time to another employee under the following terms and conditions:

1. All donations from a donor's accumulated leave balances will be credited to the recipient's accumulated leave account and the recipients' use shall be subject to the policies governing the use of accumulated leave balances.
2. The recipient must first use all accrued sick leave balances, vacation leave, compensatory time and floating holidays before being eligible to receive donated leave. Accrued leave balances earned after the donation event must also be used as accumulated before using additional donated leave.
3. An employee receiving worker's compensation payments, disability benefits, or other similar insurance payments are not eligible to receive donated leave.
4. Any donation of leave must be in one hour increments, but no more than 40 hours per year from any one donor.
5. No donation of leave shall be permitted where the donation causes the donor's accrued sick leave to drop below 40 hours.
6. The donated leave will be transferred at the donor's pay rate and used at the recipient pay rate.

7. This administrative policy will not affect department budgets. In those situations where a donated leave request will require a budget revision (including, but not limited to, whether a replacement worker is required for the worker on leave), then any donated leave requests will be subject to City Council review and approval.
8. The donor must submit the authorization form (see appendix M) prior to the transfer of leave balances.
9. Upon the recipient recovery, any unused balance of donated leave will be returned equally to all participating donors based on a percentage of individual donation in relation to the total donated for each recipient's case.
10. Donors and recipients are advised that donations may have tax implications; donations are not a deductible expense for the donor, but may be considered income for the recipient.

## **SECTION 10. LEAVE OF ABSENCE WITHOUT PAY**

This section does not apply to volunteer firefighters (except 10.4 which applies to volunteer firefighters.)

- 10.1** The City Administrator may grant a leave of absence without pay not to exceed ten (10) consecutive days within any calendar year without loss of benefits, including insurance, upon approval of the department head.
- 10.2** School conference and activities leave: Pursuant to M.S. 181.9412, the City will grant employees leave of up to a total of sixteen (16) hours during any school year to attend school conferences or classroom activities related to the employee's child, provided the conferences or classroom activities cannot be scheduled during non-work hours. 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 reasonable effort to schedule the leave so as not to disrupt unduly the City operations. This leave shall be without pay except that the employee may substitute any accrued paid vacation leave or applicable comp time off.
- 10.3** Parental leave: Pursuant to M.S. 181.941, the City shall provide a parental leave to an employee who is the natural or adoptive parent in conjunction with the birth or adoption of a child. The City requires that any available sick leave be used & the City may allow the use of, vacation and/or comp time during such leave. No City provided benefits shall accrue during a parental leave without pay. However, the employee shall be eligible to continue group insurance at the employee's own expense. Parental leave shall be granted to adoptive parents pursuant to M.S. 181.92.
- 10.4** Federal Family Medical Leave Act: In accordance with the Federal Family and Medical Leave Act, the City of Sauk Rapids will grant job-protected, family and medical leave to eligible

employees for up to twelve (12) weeks per twelve (12) month period for any one or more of the following reasons.

- a. The birth of a child, care for such child, or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the twelve (12) month period following the child's birth or placement with the employee); or
- b. To care for an immediate family member (spouse, child or parent) if such immediate family member has a serious health condition; or
- c. The employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position.
- d. If an employee elects FMLA leave, the City requires that any available sick leave be used & the City may allow the use of vacation and/or comp time during such leave.
- e. For FMLA purposes, the twelve month period is based upon a calendar year.

**10.5** Unapproved absences: An employee must receive prior approval for an absence from work. An employee absent from duty without approval of the employee's Department Head or designee may be subject to disciplinary action up to and including discharge. An employee who is absent from work, without approval, for three (3) consecutive work days shall be considered to have voluntarily resigned from employment with the City. This section shall apply to full-time, part-time, temporary, and seasonal employees.

## **SECTION 11. FIRE DUTY**

Volunteer fire department employees who also are City employees in other positions will be granted a leave of absence without pay for fire calls or they may use accrued vacation or comp time for the leave of absence time.

## **SECTION 12. JURY DUTY**

This section does not apply to employees whose employment is governed by a collective bargaining unit.

This section does not apply to volunteer firefighters.

An employee in the service of the City shall be granted leave of absence upon a jury duty; appearance in Court, legislative committee or other body as a witness in a proceeding involving the Federal Government, the State of Minnesota, or a political sub-division thereof, in response to a subpoena or other direction by proper authority; or attendance in court in connection with his/her

official duties, upon notification to the Department Head or the City Administrator. In the case of jury duty, the employee's compensation from the City during their leave shall equal the difference between their regular compensation and compensation paid for jury duty. The Department Head should report any employee on jury duty to the finance department. Employee's failure to report jury duty pay to the finance department shall be cause for disciplinary action.

### **SECTION 13. MILITARY LEAVE**

Every employee to whom Minnesota Statutes Section 192.26 or 192.261 or U.S.C.A., Title 38, Section 2021 applies is entitled to the benefits afforded by those sections subject to the conditions therein prescribed. A leave application must be made out prior to such duty and on return, evidence supplied as to dates of such duty performed. The employee shall not lose any seniority or rights or benefits (other than wages or salary for work performed) determined by seniority for time engaged in training or reserve and shall not lose any pay or other rights or benefits for time engaged in training or reserve, up to a total of the first fifteen (15) days of such leave in any calendar year. In the case of such first fifteen (15) days of leave, the employee's compensation from the City during their leave shall equal the difference between their regular compensation and compensation paid for military leave. Department Heads should report any employee on military leave to the finance department. Employee's failure to report military leave pay to the finance department shall be cause for disciplinary action.

### **SECTION 14. REST PERIODS**

This section does not apply to volunteer firefighters.

All full-time employees will be entitled to a 15 minute break in the morning and a 15 minute break in the afternoon at times designated by the department head or City Administrator.

## **SECTION 15. HOLIDAYS**

**15.1** This section does not apply to employees whose employment is subject to the terms of a collective bargaining agreement.

This section does not apply to volunteer firefighters.

Full-time City employees may observe certain holidays with pay unless such employees are required to be on regular duty. When a holiday falls on Sunday and it is customarily celebrated on the following Monday, such Monday shall be considered a holiday and any holiday that falls on a Saturday, the preceding day shall be a holiday. Employees required to be on duty on a holiday may be given compensatory time off and/or additional benefits.

Full time employees shall receive eight (8) hours pay at their regular straight-time hourly rate or one day's salary for each of the following holidays they are not required to work:

New Year's Day

Martin Luther King Day (3rd Monday in January)

President's Day (3rd Monday in February)

Good Friday four (4) hours off

Memorial Day (Last Monday in May)

Juneteenth (June 19<sup>th</sup>)

Independence Day (July 4<sup>th</sup>)

Labor Day (1<sup>st</sup> Monday in September)

Columbus Day (2nd Monday in October)

Veterans Day (November 11<sup>th</sup>)

Thanksgiving Day (4<sup>th</sup> Thursday in November)

Friday after Thanksgiving Day

December 24<sup>th</sup>

December 25<sup>th</sup>

Personal Leave Day (As scheduled & approved by Dept Head-cannot carryover into next year or receive pay in lieu of)

## **SECTION 16. RESIGNATION**

Any employee wishing to leave the City's employment in good standing except for mandatory retirement under Section 17 shall file with his/her Department Head, at least fourteen (14) days (unless otherwise specified within an employees employment agreement) before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment and forfeiture of accumulated benefits.

## **SECTION 17. EMPLOYEE RIGHTS AND RESPONSIBILITIES**

- 17.1** Employee Rights: It shall be the policy of the City of Sauk Rapids to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial employment, advancement and general working conditions, without regard to race, creed, color, age, sex, religion, national origin, disability, marital status, status with regard to public assistance, membership on a local human rights commission, sexual orientation, or political affiliation age, race, creed, sex, sexual orientation, or national origin.
- 17.2** Employee Responsibility: Each employee has direct responsibility to their supervisor. Any questions as to certain phases of work, working conditions, problems, clarification of duties or other matters are to be taken directly to their supervisor by the employee or designated representative.

## **SECTION 18. DISCIPLINE, SUSPENSION AND DISMISSAL**

This section shall not apply to employees whose employment is subject to the terms of a collective bargaining agreement.

The City Administrator and Department Head may discipline, suspend or dismiss an employee under supervision. Dismissals shall be approved by the City Council.

## **SECTION 19. RETIREMENT PLAN**

This section does not apply to volunteer firefighters.

City employees earn retirement benefits under the Minnesota Public Employees Retirement Association (PERA) and Social Security. Contributions will be made by the employee and the City pursuant to State and Federal laws.

## **SECTION 20. DISCRIMINATION**

No person shall be employed, promoted, demoted, or discharged by the City or in any way favored or discriminated against because of race, creed, color, age, sex, religion, national origin, disability, marital status, status with regard to public assistance, membership on a local human rights commission, sexual orientation, or political affiliation, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, M.S. Sections 179A.01 to 179A.25. No person who is over 18 years of age shall be discriminated against with reference to City employment in any way forbidden by Federal or State laws. The City shall maintain employment practices for Affirmative Action consistent with State and Federal laws.

## **SECTION 21. EMPLOYEE RECOGNITION AND SERVICE AWARDS POLICY**

**21.1 Policy:** It is the policy of the City to recognize employees as a valuable asset in service-oriented city government and to recognize employees who have shown loyalty, dedication, and commitment to their work.

### **21.2 Length of Service and Retirement Recognition:**

- a. Each Department Head shall maintain a current list of the dates employees began their work for the City.
- b. The Department Head shall confirm the employee's anniversary date one month before the event and so notify the City Administrator.
- c. The City Administrator and the Mayor shall provide for the appropriate plaques/service awards, and gifts as follows on the following employee anniversary dates (2020):  
5, 10, 15 years - Plaque/Service award or \$50 gift card from a Sauk Rapids Business.  
20, 25 years – Plaque/Service award and \$75 gift card from a Sauk Rapids Business.  
30, 35, 40 years– Plaque/Service award and \$100 gift card from a Sauk Rapids Business.  
Retirement – Plaque/Service award and \$200 gift card from a Sauk Rapids Business.

### **21.3 Award Presentation Ceremony:**

- a. Presentation of awards shall be presided over by the Mayor and City Council and may be held in conjunction with a regularly scheduled Council meeting at the Council's discretion.
- b. Awards may be publicized in newspapers, newsletters, and other appropriate media.

## **SECTION 22. WORKERS COMPENSATION**

This section is subject to provisions of collective bargaining agreements as may be applicable.

**22.1** The law provides that if covered public employees continue to receive a salary while receiving workers' compensation benefits, the City should deduct the amount of the workers' compensation benefits from the salary. It is the employee's responsibility to report any work related injuries or illness to their Department Head as soon as possible. Any money received for time loss by the workers' compensation carrier should be reported to the payroll department immediately. Failure to notify the administrative or payroll departments could result in disciplinary action.

- 22.2** a. Employee uses sick leave on days off until first workers compensation check arrives.

- b. Employee must report workers compensation checks received and the value of the workers compensation check is subtracted from the gross pay of the employee's next check, before taxes and other deductions are made.
- c. The value of the workers compensation check divided by the employee's hourly rate determines the amount of sick leave credited back to the employee's accumulated sick leave account.
- d. The net result is that the City makes up the difference between the workers compensation check received and his or her regular rate of pay.
- e. Using this procedure, employees keep workers compensation checks that are paid without tax deductions and the City is not deducting taxes from the value of a workers compensation check received.
- f. Subsequent workers compensation checks are reported by the employee and steps b and c are followed.

## **SECTION 23. HARASSMENT**

The City is committed to providing a work environment that is free of discrimination. Employees at all times should treat other employees respectfully and with dignity. Harassment based upon a person's sex, race, color, religion, gender, national origin, age, disability, creed, marital status, status with regard to public assistance, membership on a local human rights commission, or sexual orientation is unlawful under federal and/or state law, and will not be tolerated.

The City will not tolerate the harassment of any employee by any other employee, supervisor, customer, vendor and other non-employees. The City is committed to maintaining an employment atmosphere free of harassment, intimidation, or coercion.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her sex, race, color, religion, gender, national origin, age, disability, creed, marital status, status with regard to public assistance or sexual orientation, or that of his/her relatives, friends, or associates and that:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Harassment includes, but is not limited to, the following:

1. epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, disability, creed, marital status, status with regard to public assistance, membership on a local human rights commission or sexual orientation;
2. written or graphic material that denigrates or shows hostility of aversion toward an individual or a group because of sex, race, color, religion, gender, national origin, age, disability, creed, marital status, status with regard to public assistance, membership on a local human rights commission or sexual orientation that is placed on walls, bulletin boards or elsewhere on Company premises, or circulated in the workplace.

Sexual harassment is any unwelcome sexual advance, request for sexual favor and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, as a term or condition of employment;
2. Submission to or rejection of such conduct is used as a factor in any employment decision affecting any individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with any employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is behavior that is not welcome, that is personally offensive, and that fails to respect the rights of others. Sexual harassment does not refer to behavior or comments of a socially acceptable nature. Mutually respectful and non-coercive interactions between employees that are acceptable to both parties are not considered to be sexual harassment. Examples of sexual harassment may include, but are not limited to, the following:

1. Unwelcome sexual flirtations, advances or propositions.
2. Verbal abuse or innuendo of a sexual nature.
3. Unwelcome physical contact or objectionable physical proximity.
4. Jokes or remarks of a sexual nature that are considered offensive or use of offensive or demeaning sexual terms.
5. Any indication, express or implied, that an employee's job security or conditions of employment depend or may depend on the granting of sexual favors to or enduring sexual harassment by any other employee or supervisor.

6. The dissemination of materials (cartoons or articles, etc.) which have a sexual content to employees who may find such materials offensive.

Harassment is a serious offense and will not be tolerated. Likewise, retaliation against an employee who makes a charge of harassment will not be tolerated.

Any employee who feels that he or she is being subjected to harassment in any form; or who believes he or she has witnessed harassment, should immediately contact a supervisor or the City Administrator. An investigation into the complaint will be made as soon as possible. If an investigation of a complaint of harassment reveals that an employee has engaged in actions or conduct constituting harassment or retaliation, disciplinary action up to and including discharge may be taken by the City Council.

No retaliation of any kind will occur because an employee has reported an incident of suspected sexual harassment.

## **SECTION 24. OUTSIDE EMPLOYMENT**

The purpose of this section is to establish standards for the reporting of outside employment to protect both the City and employees from engaging in an activity which might be construed to be a conflict of interest between the employee's regular duties with the City and the outside employment.

Full-time employees are required to notify the City Administrator, or designee, relative to engaging in any other employment, activity or enterprise for private gain. The City Administrator, or designee, shall monitor and may prohibit the outside employment, activity or enterprise of employees for private gain, after giving consideration to the following conditions:

1. The outside activity does not interfere with the employee's ability to perform required job duties for the City.
2. Private gain or advantage will not be realized from the use of City time, staff, facilities, equipment, supplies, or influence of City employees.
3. Private gain or advantage shall not be realized for the performance of an act which the employee would be required or expected to perform as part of the employee's job duties.

At the discretion of the City Administrator, or designee, approval of outside employment for private gain may be withdrawn.

An employee's failure to disclose participation in non-City employment which is or may be construed to be a conflict of interest may result in disciplinary action up to and including discharge.

Use of City time, staff, facilities, equipment, supplies or influence of City employees for private gain or advance is prohibited. Such occurrences may result in disciplinary action up to and including discharge.

## **SECTION 25. INSURANCE BENEFITS**

Unless otherwise required by law, this section does not apply to employees whose employment is subject to a collective bargaining agreement.

This section does not apply to volunteer firefighters unless specifically noted.

### **25.1 Health Insurance:**

The employer will provide health insurance plan to the employees from a provider as determined by the employer. The employer will pay 90% of the premium for the health insurance coverage for the employee and their dependents. The employee will pay the remaining 10%.

#### Health Reimbursement Account:

The employer will provide a health reimbursement account (HRA) plan to the employees from a provider determined by the employer if the employer provided health insurance plan is a high deductible plan. The employer will pay 100% of the costs for the HRA for the employee and their dependents up to designated amounts per Plan.

#### Affordable Care Act (ACA):

If an employee is considered full-time under the ACA but not the City, (meaning the employee averages 30+ hours per week each year but less than 40 hours per week each year), the city may be required to offer affordable minimum essential coverage to that employee as part of the Employer Shared Responsibility Requirements.

Any employee that is defined by the above definition is eligible for the following in the City's group health insurance to be determined annually.

### **25.2 Dental Insurance:**

The employer shall pay for the entire premiums for dental insurance for the employee and dependants. The employer shall select the provider and the coverage at its discretion.

### **25.3 Life Insurance:**

The employer shall provide a group term life insurance policy with a value of \$50,000.00 (03/24/08) for each employee and \$10,000.00 for each spouse, and \$5,000.00 for dependents over six months. The Employee must be actively at work and spouse/children must NOT be totally disabled. Age reduction is 65% of original amount at age 70; 50% at age 75. The premium shall be paid by the employer.

**25.4 Long-Term Disability Insurance:**

The employer shall provide all full-time employees with long term disability insurance coverage's providing at least 60% of covered monthly earnings to a maximum monthly benefit of \$3,000.00. The benefit period shall be to age 65 and integrated with social security and workers compensation. The qualifying period shall be three months with a 3% COLA. The premium shall be paid by the Employer.

**25.5 Accident & Critical Illness Insurance (for Paid On-Call Firefighters Only):**

- a) The employer shall provide Critical Illness Insurance for all active Paid On-Call Firefighters with a benefit amount of \$10,000. (12/9/2019)
- b) The employer shall provide Accident Supplement Insurance for all active Paid On-Call Firefighters. (6/11/2012)

25.6 The City reserves the right to add, change, or eliminate insurance benefits at any time in its discretion.

**SECTION 26. FLEXIBLE BENEFITS PLAN**

This section does not apply to volunteer firefighters.

The City shall provide a Flexible Benefits Plan that enables employees to pay for certain expenses which they may have with pre-tax dollars.

**SECTION 27. MEDICAL REIMBURSEMENT ALLOWANCE**

This section does not apply to employees whose employment is covered by a collective bargaining agreement.

This section does not apply to volunteer firefighters.

**27.1 Individual.** The City will pay for medical reimbursement of up to \$950.00 per employee on an annual basis. The City will reimburse out-of-pocket, covered expenses, including annual eye exams, incurred by the employee upon proof of billings or paid receipts from the employee, up to the \$950.00 annual limit per employee.

**27.2 Group.** The City will also allocate an additional \$50.00 per employee each January to reimburse up to an additional \$250.00 per employee per annum for such expenses for employees who exceed their individual \$950.00 amount. Requests for reimbursement from this allowance may only be made on a first come-first served basis and will be available only to the extent funds remain available from the City's \$50.00 per employee allowance each year and any unused dollars in any one year will be carried over into the succeeding years.

**27.3 Limitations-New Employees.** New employees will be credited with a pro-rata portion of the \$950 in the year of their hire. New employees are not eligible for this benefit until they have met their six month probation at which time the new employee will be credited pro-rata retroactive to their start date. Unused amounts from the \$50.00 per employee allowance will accrue and carry over into subsequent years until the total accrued amount equals \$250.00 for each then full-time employee, at which time unused amounts will no longer accrue.

**27.4** The City reserves the right to add, change, or eliminate medical reimbursement benefits at any time in its discretion.

## **SECTION 28. TRAINING, CONFERENCES, SEMINARS & TRAVEL**

### **28.1** *Resolution 2025-15*

1. The City supports engaged employees in efforts to promote the City and develop the employee's professional skills.
2. Promotion of the City and the development of an employee's skill can occur at various events. The City defines an "event" for the purposes of this policy as one that is:
  - a. Organized for professional purposes;
  - b. Requires payment of fees by the City; and
  - c. Attendance is appropriate as a function of the employee's position as a City employee.
3. All requests for employee attendance at events shall be made to the City Administrator in writing.
4. Requests shall include an explanation of how the event attendance relates to the criteria listed in this policy and include a cost estimate.
5. The City Administrator shall be responsible for approving employee attendance at events, in the Administrator's sole discretion.
6. The Mayor or EDA Chair shall be responsible for approving the City Administrator's attendance at events, in their sole discretion.
7. The following criteria will be considered in approving attendance at an event:
  - a. The employee's request for attendance is made in advance of the event.
  - b. The subject matter of the event is directly job-related and relevant to the performance of the employee's work responsibilities.
  - c. Consideration will be given to the employee's job description, work requirements, and training goals when determining if an event relates to the employee's work responsibilities.
  - d. The expenditure of public funds at the event meets a public purpose.
  - e. The event is not solely organized for personal or social purposes.

8. Attendance at events will be considered hours worked and compensated in accordance with the Fair Labor Standards Act.
9. Events requiring air travel or multiple days of out of state lodging, shall be approved by the Council. Nothing shall preclude the City Administrator from seeking the opinion of the Council for approval of employee attendance at an event.

Nothing in this policy shall obligate the City to pay for any or all fees associated with attendance at an event, subject to any agreement made through an employment contract or other provisions of the personnel policy. The City may choose to only pay for a portion of the fees associated with an employee's attendance at an event. Portions of an event not determined to be relevant to an employee's position as a City employee, will not be considered hours worked

**28.2** Continuing education leading to a degreed program is not eligible for reimbursement under this policy unless required and approved by the City Council in advance.

**28.3** The City of Sauk Rapids recognizes that its Elected Official(s) may at times receive value from **traveling out of the state** for workshops, conferences, seminars, events and other assignments. **Appendix J** sets forth the policy and the conditions under which out-of-state travel will be reimbursed by the City.

Documented travel, lodging, meal and conference costs shall be reimbursable pursuant to the City's Expense Allowance Policy as it may be amended from time to time

## **SECTION 29. SAFETY**

**29.1** Safety Statement: The City Council, Administration and staff of the City of Sauk Rapids, jointly as a team, are concerned for the safety of each other and the citizens served. Therefore, it is unacceptable that injury or property damage occur on public property due to foreseeable and correctable hazards. Employees are to acknowledge their responsibility to provide safe working conditions for their co-workers and a safe environment for the public. Accidents cause suffering and financial loss to the victim and the victim's family. Accidents also cause unnecessary expenditure of public funds. Workers' compensation losses result in expenditures of tax dollars for medical expenses, compensation and time lost from work. Other costs include, but are not limited to, employee time lost for accident investigation, damage to tools and equipment, and overtime of temporary personnel to cover the time missed by the injured employee. The Safety Policy is adopted separately by the City Council.

## **SECTION 30. USE OF CITY PROPERTY**

### **30.1 USE OF TECHNOLOGY & COMMUNICATION SYSTEMS**

*This policy applies to all employees, elected officials, contracted consultants, volunteer firefighters, other volunteers, and members of city boards, commissions and committees.*

The City is committed to the utilization of new technologies and provides a variety of electronic tools including, but not limited to: telephones (including wireless), voice mail, computers, facsimile machines, pagers, mobile radios, electronic mail (e-mail) systems, Internet access and a browser for employees whose job performance would be enhanced by the technology, The City's electronic communication tools are City property intended for business-related purposes. Users should keep in mind that electronic mail drafted on behalf of the City is subject to government data practices law and should be drafted with as much care and accuracy as any other written materials.

Employees using the City's electronic communication systems are acting as representatives of the City and inappropriate communications can give rise to claims of discrimination, harassment, defamation and copyright infringement. As such, employees must act in such a way not to damage the reputation of the City by creating, reviewing, storing, transmitting, or intentionally receiving communications, files, or documents that are or could be interpreted as being intimidating, harassing, unlawful, or containing hostile, degrading, sexually explicit, pornographic, discriminatory, or otherwise offensive references. Any communication that violates applicable laws and regulations is not allowed.

Individuals should not have an expectation of privacy in connection with electronic communications and should use the systems accordingly. Users expressly waive any right of privacy in anything they create, store, send, or receive using the City's computer equipment, e-mail system, or internet access. The contents of electronic communications sent by, between and/or to individuals covered by this policy may be disclosed within or outside the City without the permission of the individual at any time deemed necessary by the City and for any purpose not specifically prohibited by law. The City reserves the right to randomly monitor all electronic communication systems. Therefore, by using the City's electronic communications systems, an employee voluntarily consents to monitoring. Passwords should not be given freely to employees other than a department manager or supervisor. However, employees are required to provide their password to their supervisor immediately upon request. If a password is forgotten, the City may reset the password.

No electronic communication system is completely secure and therefore not intended to transmit sensitive or confidential materials. Employees must exercise caution and care when transferring such material in any form.

Incidental and occasional personal use of the City's electronic communication systems is acceptable, provided it is done with supervisory approval and it complies with the following:

1. Is done on the employee's personal time.
2. Does not interfere with the business use of such resources.
3. Does not interfere with any employee's job responsibilities.
4. Does not result in an incremental expense for the City.
5. Is not to be used for any form of advertising, solicitations, or promotions, political or religious messages, or commercial purposes.
6. No abusive, profane or offensive language is used.

Unless otherwise noted, all software on the City's computer systems or the Internet should be considered copyrighted or licensed work. Therefore, employees are prohibited from downloading, duplicating, or modifying any such software or files without permission from the copyright or licensed holder. Users are expressly prohibited from illegally copying any other materials protected by copyright law or making that material available to others for copying.

Modifying existing hardware, installing new hardware or software, or downloading software or files from the Internet without the expressed approval of the department manager is prohibited.

Violations of this policy may result in disciplinary action up to and including termination. If necessary, the City will advise appropriate officials of any illegal violations. Violations of this policy may subject the violator to criminal prosecution under federal and/or state law and civil liability. Users are also responsible for financial obligations resulting from their unauthorized use of the systems.

### **30.2 For Future use.**

**30.3 Use of City Vehicles:** City owned vehicles are to be used only for City business. Only City employees may drive City vehicles, and persons other than City employees are allowed as passengers only when it is necessary for conducting City business. Department Heads may approve taking City vehicles home during non-working hours, when the circumstances permit, for City business. Travel beyond the local area must be approved by the Department Head so it is known where the vehicle will be at all times. City vehicles are not to be used for family purposes nor for other pleasure use at any time. A certificate of insurance showing automobile insurance coverage is to be filed with the City Clerk for City employees using their own vehicles for official City business.

**30.3 Use of Public Property:** Employees, Department Heads or other persons, may not use, nor allow the use of any personal property, lands, or buildings of the City of Sauk Rapids for private interests, use or enjoyment of any employee, Department Head or other person. No private property shall be removed from any City Department, land or building for any private use, purpose, or enjoyment, and no employee, Department Head or any other person shall be in any building of the department after normal working hours, unless they are there for the purpose of official City business.

## **SECTION 31. EMPLOYEE PERFORMANCE EVALUATION**

This section is subject to specific provisions of collective bargaining agreements as may be applicable.

**31.1** All full-time and part-time employees will undergo a performance evaluation after their six-month anniversary date from their initial date of employment. Subsequent evaluations will generally take place not less than once per year and will be conducted by the immediate Department Head and/or City Administrator. Copies of evaluations will be kept in the employee's personnel files. Employee recognition and performance feedback are the most important characteristics of the evaluation process.

**31.2** Position opportunities will be posted and the information made available to all interested individuals. Employees may initiate a job change by applying for the vacancy.

## SECTION 32. EMPLOYEE'S OPTIONAL BENEFITS

This section does not apply to volunteer firefighters.

- 32.1 Deferred Compensation:** At an employee's option there is available a deferred compensation plan ICMA-RC that they may participate in for an additional retirement plan, tax shelter, and flexible investment program. This plan is regulated under Section 457 of the Internal Revenue Code and is considered a 457 plan. Additional information is available from the Finance Director.
- 32.2 Group Life Insurance Program:** An active non-retired member of PERA, may enroll in a life insurance program through Public Employees Retirement Association of Minnesota (PERA). Premium is paid 100% by the employee through a payroll deduction. Additional information is available through the Finance Director.

## SECTION 33. EMPLOYEE CONDUCT

- 33.1 General:** Employees are expected to use available working hours to the best advantage in carrying out work-related duties. The conduct of an employee on the job shall be such that it does not bring negative public opinion about the City. The following are general rules of behavior relative to an employee's political activities:
- a. An employee of the City may express personal opinions on political subjects and candidates and take an active part in political management and political campaigns as long as it does not interfere with the employee's job performance or job duties and such activities occur outside of the work place.
  - b. An employee of the City may not, directly or indirectly, during working hours or on City property, solicit or receive funds for political purposes.
  - c. An employee of the City may not, at any time, use authority or official influence as a result of their employment to compel any person to do any of the following: apply for membership in any political organizations; pay or promise to pay any assessment, subscription, or contribution for political purposes; or take part in any political activity.
- 33.2 Solicitations:** Employees may solicit donations, contributions, or promote appropriate fund raising activities by posting the event or item on bulletin boards in the employee break rooms in the City whereby an employee may voluntarily make a donation or participate in the activity. Certain fund raising activities sponsored by the City may be exempted from this provision.

The home addresses and home telephone numbers of City employees shall be withheld from all persons, businesses or organizations.

**33.3 Use of Alcohol and Illegal Drugs:** Employees are prohibited from manufacturing, possessing, using, dispensing, or distributing alcohol or illegal drugs or narcotics during working hours or on City property. Employees shall not report to work under the influence of alcohol or illegal drugs. Employees who engage in any of these activities are subject to disciplinary action up to and including discharge.

As a condition of employment, the employee will abide by the terms of this section and notify the City in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

Employees of the Liquor Store and Police Department are exempt from the applicable distribution and possession provisions above as they are required for the execution of their regular duties.

The City's Drug and Alcohol Testing Policies are attached as **Appendix E** – Drug and Alcohol Testing Policy (Non-DOT) and **Appendix F** – Employee Drug and Alcohol Testing Policy (Commercial Drivers).

#### **SECTION 34. PERSONNEL RECORDS**

The City Administrator, or his/her designee, shall maintain a personnel record for each employee. The personnel record shall show the employee's name, title, department, salary, change in employment status, disciplinary actions, and other such information as may be considered pertinent.

#### **SECTION 35. EXPENSE ALLOWANCE AND REIMBURSEMENTS POLICY**

All reimbursements must be requested within 60 days after they were incurred for proper treatment as tax-free reimbursements under IRS Publication 463.

All City employees (except City Administrator & Department Heads & Council excluded from 35.1 a & b) are subject to the following rules:

##### **35.1 Meal Allowance Limits When out of Town or on City Business**

- a. Allowance for meals when out of town or on City business for the day.  
\$59 per day;
- b. Allowance for individual meals when out of town or on City business for a partial day:  
Breakfast - up to \$14.00  
Noon meal - up to \$17.00  
Evening Meal - up to \$28.00
- c. Up to 15% gratuity may be added.
- d. Itemized receipts must accompany expense claim vouchers; and

- f. Alcoholic beverages are not reimbursable.

**35.2 Travel Allowance:**

- a. The rate of reimbursement in accordance with IRS regulations;
- b. Coach Air Fare

**35.3 Hotel/Motel Accommodations**

Occupancy in middle or lower price range.

**35.4 Registration, other**

- a. Employees are required to have Department Head approval for all conferences, coursework, and workshops attended.
- b. Registration should be made and paid in advance when possible.

**35.5 Reimbursement of Clothing**

Below is the list of safety items that the City of Sauk Rapids will purchase or reimburse full-time public works employees with the Public Works Director's approval in the streets, parks, or water & sewer departments:

Ear Plugs & Ear Muffs

Hard hats

Raincoat

Firefighter's/Cover Boots

Safety Vest

Chaps & Toe Guards for Chain Saw Use

City of Sauk Rapids hats

Winter Jackets at Public Works Director's discretion.

Safety harness to accommodate the size of all employees.

All safety equipment required by OSHA for employees' job description

Steel toed boots – the city will reimburse employee up to \$150 every two years.

Non-prescription(plain) safety glasses. The City does not reimburse or provide safety glasses with magnifying glass or “cheaters” that is not prescription glasses.

Prescription safety glasses- the city will reimburse the employee up to \$100 for prescription safety glasses once every two years that have the side safety shields. The employee is responsible for any costs that exceed \$100.

### **35.6 City of Sauk Rapids Logo Clothing:**

Employees that are not receiving a clothing reimbursement or allowance, etc. may receive up to two (2) shirts per year (with the City of Sauk Rapids and/or Logo) that is appropriate for wear at work. The annual cost allowance and style of shirt to be approved by the City Administrator and to be ordered City wide annually.

### **35.7 Reimbursement Procedures**

A signed expense voucher must be submitted with proper receipts and itemization of claimed expenses, including date(s) attended and name of conference or course taken. Per [Minn. Stat. § 471.426](#), all city employee's who are paid through our payroll system, are required to have their checks directly deposited.

## **SECTION 36. BEREAVEMENT LEAVE**

**36.1** In the event of the death of the immediate family, a regular, full-time employee may take as funeral leave, without deduction from sick leave, three (3) work days, one of which is the day of the funeral, with pay, provided that they are regularly scheduled work days. Additional time up to a maximum of three (3) days of sick leave may be used when needed upon approval of the Department Head. "Immediate family" is to be defined as the employee's Husband or Wife and the employee's biological or step:

Mother, Father, Child(ren), Sister, Brother, Grandchild(ren), Grandparents, and Mother/Father-in-law.

Additional time up to a maximum of three (3) days of sick leave may be used when needed upon the approval of the Department Head.

**36.2** An employee may use one (1) day of sick leave to attend the funeral of the employee's spouse's grandparents or close relative. Close relative is defined as the employee's:

Aunt, Uncle, First Cousin, Niece, Nephew, Sister/Brother-in-law, Step-Sister/Brother-in-law. Additional time up to a maximum of three (3) days of sick leave may be used when needed upon the approval of the Department Head.

**36.3** A regular employee selected to be a pall-bearer for a deceased employee of the City will be allowed adequate time to serve up to one (1) funeral leave day with pay or up to four (4) hours for honorary pall-bearer.

## **SECTION 37. PURCHASE POLICY**

In general, each department shall make purchases for the requirements of the City. Purchases shall not be separated into smaller purchasing components in order to avoid requirement of this policy or the Uniform Municipal Contracting Law (Minn. Stat. §471.345). The goals of this policy are to ensure all purchases are consistent with state law, establish appropriate internal controls, create appropriate documentation, secure the best value with public funds, and provide clear direction for City staff. Ultimately, all purchases must be approved by the Council for payment. To facilitate a sound and cost effective purchasing operation, City departments shall follow the following procurement methods:

### **General Purchases less than \$5,000**

Purchases under \$5,000 will be allowed by staff in the course of normal business with approval by the Department Head. Department Heads must determine fund availability within the approved department budget. Staff will attempt to purchase all goods and services at the lowest possible cost. The Department Head may give approval for certain employees to make recurring purchases less than \$2,500 without additional approval.

### **General Purchases over \$5,000 but less than \$8,500**

Purchases \$5,000 and over must be approved through the Department Head and by the City Administrator prior to purchase. Department Heads must submit a written request for purchase that identifies fund availability within the approved department budget.

## **Public Works**

The general purchase limit for the Public Works and Utility Directors, without prior City Administrator or City Council approval, is \$10,000. The large-scale use of consumable Purchases over \$10,000 but less than \$175,000 for automotive gasoline, diesel fuel, lubricants, fuel additives, road salt, sand and aggregate, and water treatment chemicals may be purchased without prior City Council approval when approved by the Department Head prior to purchase. The Public Works Director shall attempt to obtain at least two quotations or utilize a competitively bid state contract. All purchases must be presented to the City Council at the next regularly scheduled council meeting for ratification.

## **Exceptions**

Certain expenses incurred by the City are ordinary but time sensitive, and Council or City Administrator pre-approval is problematic. The following exceptions are made to the purchase limits set by this purchase policy and these expenditures may be made with approval of the appropriate Department Head regardless of the purchase amount:

1. Utility bills, including electrical, fuel oil, natural gas and telephone
2. Fringe benefit and other payroll related costs
3. Postage
4. Mandatory police, fire, and public works training
5. Liability insurance, including workers' compensation
6. Mandated licenses, permits, and fees to the State of Minnesota and U.S. Government
7. Taxes that are not payroll related
8. Sewer services provided by the City of St. Cloud under a contract approved by City Council
9. Professional services under a contract approved by City Council
10. Goods provided under a requirements contract approved by the City Council
11. Debt Service principal and interest
12. Road maintenance materials
13. Municipal liquor store inventory

This purchase policy is not applicable to investments; investments are subject to a separate policy.

## **Emergency Purchases less than \$175,000**

Emergency purchases exceeding \$10,000 but less than \$175,000 may be made without prior Council approval where:

1. Public health or public safety will be threatened if the approval of the purchase is delayed until the next regularly scheduled City Council meeting or a special City Council meeting; and
2. The purchase is requested by the Department Head and City Administrator, and consented to by the Mayor and one additional Council member prior to purchase.

Notice must be promptly sent to the entire City Council. The purchase must be presented to the City Council at the next regularly scheduled City Council meeting for ratification. While the Uniform Municipal Contracting Law permits purchases less than \$25,000 to be made in the open market, the Administrator and appropriate Department Head shall attempt to obtain at least two quotations if practical for all emergency purchases.

### **Emergency Purchases over \$175,000**

Under Minnesota's Emergency Management Act (Minn. Stat. §12.01-12.61), the City has the authority to enter into contracts during an emergency without following many normally required procedures when the Mayor issues a proclamation declaring an emergency, and the steps listed in Minn. Stat. § 12.29 are completed. No emergency purchases exceeding \$175,000 shall be made without City Council approval at a special council meeting or as authorized under the Emergency Management Act.

### **Uniform Municipal Contracting Law**

*\$0-\$25,000.* While the Uniform Municipal Contracting Law permits purchases less than \$25,000 to be made in the open market, the Department Head and Administrator shall attempt to obtain at least two quotations for any purchase greater than \$2,500. All purchases must be presented to the City Council at the next regularly scheduled council meeting for ratification.

*\$25,001 to \$175,000.* If a purchase or contract cost is expected to exceed \$25,000 but not to exceed \$175,000, staff may, in the Department Head's discretion, use the sealed bid process or make the contract by direct negotiation. If direct negotiation is used, staff must get at least two quotations and keep them on file for at least one year. Approval of the City Council is required in advance of the purchase except as listed in this policy.

### ***Over \$175,000***

Cities must use the sealed bid process for contracts estimated to exceed ~~\$100,000~~ \$175,000 for other purchases not listed in this policy. The Department Head or designee shall prepare contract and bid specifications in conjunction with the project. The City Council shall approve the specifications and authorization to place and advertise for bids. Following the bid opening and bid analysis, the City Council may approve or deny the purchase or contract. Public improvement contracts will follow other requirements as outlined in Minnesota Statutes. Contracts for professional services are exempt from the bidding requirements of Uniform Municipal Contracting Law.

### **Credit Card Purchases**

All credit card use shall comply with the credit card purchasing policy within the Sauk Rapids City Personnel policy. The purchase limits established in this policy shall apply to all credit card purchases.

### **Change Orders**

From time to time, it may be necessary to modify the work approved by the City Council in a construction contract through a change order. All requests for change orders must be certified as true, correct and accurate by the maker to avoid fraudulent requests.

The City Administrator, upon recommendation of the City Engineer and approval of the Mayor, has the authority to approve a change order only in the following limited circumstances:

1. A delay in obtaining prior Council approval jeopardizes the public health, safety and welfare; or
2. The City Council granted specific authority for approval of change orders to the City Administrator as part of the resolution accepting the bid.

The change order must be presented to the City Council at the next regularly scheduled City Council meeting for ratification.

## **SECTION 38. CREDIT CARD PURCHASING POLICY**

Minnesota Statutes, Section 471.382 adopted into law on April 7, 2001, allows cities to make purchases with credit cards. The use of credit cards enables cardholders to conveniently obtain certain goods and services and reduce petty cash payments and employee reimbursements.

### **PURPOSE**

The purpose of this policy is to establish specific guidelines that the City of Sauk Rapids will follow related to the use of credit cards for City purchases to help protect the City from potential loss or misuse of credit cards.

### **AUTHORIZED USERS**

The following City of Sauk Rapids employees who are otherwise authorized to make purchases on behalf of the City are authorized to use a credit card for certain purchases:

- City Administrator
- Department Heads
- Support Staff as directed by authorized users listed above for a specific purpose or use.

### **AUTHORIZED TRANSACTIONS**

Credit cards may only be used to purchase goods and services for the express use by the City of Sauk Rapids. Credit card use should be limited to the following purchases:

- Expenses related to training seminars and conferences
- Purchases with vendors who do not provide vendor billing
- Purchases with vendors which will be used infrequently

### **UNAUTHORIZED TRANSACTIONS**

Use of the credit card for personal use is strictly prohibited. The card users will be held personally liable for purchases not authorized and approved by the City Council.

### **DOCUMENTATION**

Itemized invoices or itemized receipts are needed to support items charged on credit card since credit card statements lack sufficient detail to comply with Minnesota Statute 412.271, Subd. 2 and 471.38. For purchases in which a receipt is not normally available, a copy of the completed application or order form should be used as a receipt.

## **RESPONSIBILITIES**

Card users are responsible for the following:

- Sign statement agreeing to terms of this credit card policy (Appendix I)
- Ensure the credit card is kept secure and used only by the cardholder
- Ensure the credit card is not used to make personal purchases
- Ensure the credit card is only used for appropriate City purchases
- Ensure that extreme caution is used with credit card transactions over the telephone or internet
  
- Ensure that itemized receipts or invoices for purchases are received from vendors and reviewed for accuracy
- Ensure that receipts/invoices are coded, approved by department head and submitted to Accounts Payable department at City Hall in a timely manner
  
- Ensure that problems with billings are resolved with the vendors
  
- Notify the Finance Director and/or the credit card company if your credit card is lost or stolen
- Return the credit card for cancellation to the Finance Director prior to leaving employment with the City of Sauk Rapids.

City of Sauk Rapids Finance Department is responsible for the following:

- Reconcile invoices to the monthly credit card statements
- Assist card users in resolving billing problems with vendors
- Include listing of credit card claims with approval of bills by City Council
- Pay off all credit card charges on a monthly basis by the due date to prevent finance charges from being incurred and/or creating additional debt for the City
- Monitor application of the requirements of this credit card policy

## **LOST OR STOLEN CARD**

Keep the credit card in a secure location. It should be accessible only to the cardholder. If the credit card is lost or stolen, notify the Finance Director immediately. If the loss is discovered after hours, weekends, holidays or if the Finance Director is unavailable, notify the credit card company immediately.

## **LOSS OF PRIVILEGES**

Failure to comply with the provisions of this credit card policy may result in revocation of credit card privileges, in addition to potential disciplinary action, including termination of employment. The following are some examples of violations:

- Unauthorized purchases
- Personal purchases
- Loaning the credit card to an unauthorized user
- Failure to provide receipts for charges in a timely manner

## SECTION 39. CODE OF ETHICS

**Subd. 1. Policy and Purpose.** It is imperative that all persons acting in the public service not only maintain the highest possible standards of ethical conduct in their transaction of public business but that such standards be clearly defined and known to the public as well as to the persons acting in public service.

The proper operation of a democratic government requires that public officials be independent, impartial, and responsible to the people. Governmental decisions and policies must be made in the proper channels of the governmental structure. Public office may not be used for personal gain. Citizens must have confidence in the integrity of their government officials.

In recognition of these goals, there is hereby established a Code of Ethics for elected or appointed public officials and city employees. The purpose of this Code is to establish ethical standards of conduct for such persons by establishing acts which are incompatible with the City's best interests and requiring disclosure of private or financial interest in matters involving the City. The provisions and purposes of this Code are declared to be in the best interests of the City of Sauk Rapids.

**Subd. 2. Scope of Persons Covered.**

- a. Except as qualified herein, the provisions of this Code of Ethics are applicable to the Mayor, all members of the City Council, all appointed city officials, and all city employees.

**Subd. 3. Other Laws Applicable.**

- a. Persons covered by this code may be subject to a number of statutory provisions regarding conflict of interests. The City expects its employees and officers and appointees to become familiar with these provisions, which include: Minn. Stat. Section 471.87 (personal interest in public contract); Minn. Stat. 412.311 (personal interest in public contract) Minn Stat. 609.42 (bribery); Minn Stat. 609.43 (official misconduct, failure to perform official duties) Minn Stat. 609.44 (refusal to surrender official incidents of office to successor); Minn. Stat. 13D.01 13D.07 (open meeting); Minn. Stat. 471.895 (prohibited gifts); Minn. Stat. Chapter 211A and 211B (Campaign practices); Minn. Stat 469.113 (housing authority conflicts).
- b. Compliance with Program Requirements. Some grants, programs or contracts administered by the City contain specific conflict of interest requirements. The City expects that any city employees, officers, and appointees will be familiar with requirements applicable to the grants, programs or contracts in which they may be involved.

**Subd. 4. Identification or disclosure of Conflicts and Potential Conflicts of interest.**

All persons covered by this code will disclose Potential Conflicts and Conflicts of interest to

an appropriate third party for independent evaluation. “Conflict” shall have that meaning as defined in Subdivision 5. A “Potential Conflict” shall be defined as follows:

- a. Engages or intends to engage in a business or transaction which may reasonably be perceived as incompatible with the proper discharge of one or more official city duties; or
- b. May reasonably be perceived as tending to impair the persons independent judgment or action in the performance of city duties; or
- c. Sponsors, advocates or acts upon City legislation which may affect the covered person’s personal or financial interest which differs materially from that of the public at large.

Each covered person has an obligation to identify Potential Conflicts of interests so that potential for a Conflict may be independently assessed. When there is a Potential Conflict or appearance of Conflict, it must be disclosed and independently evaluated. City employees will disclose any Conflict or Potential Conflict to their immediate supervisor and to the City Administrator on the Conflict Disclosure Form. City Council members will disclose any Conflict or Potential Conflict to the Council. Members of Boards and Commissions will disclose any Conflict or Potential Conflict to the City Administrator and to the Board or Commission on which they serve. All others will disclose to the City Administrator.

Only Conflicts and Potential Conflicts as defined by this Section or other applicable law are required to be disclosed. It is anticipated that employees and members of the Council, Boards, or Commissions will have questions about when a Conflict or Potential Conflict exists and whether or not disclosure is appropriate. They are encouraged to contact the City Administrator or City Attorney with their questions.

Members of the Council, Boards, and Commissions will follow the following process when disclosing:

- A. When the Conflict or Potential Conflict is known sufficiently prior to the meeting at which the action related to the Conflict will occur:
  - i. The individual will fill out a Conflict Disclosure Form, describing the basis for the Conflict.
  - ii. If the matter involves a Potential Conflict, the individual should provide the Conflict Disclosure Form to and seek the opinion of the City Administrator, who may confer with the City Attorney, to determine the existence of a Conflict.
  - iii. If, after review, it is determined that a Conflict does not exist, the determination will be certified on the Conflict Disclosure Form.
  - iv. If a Conflict does exist, the Conflict Disclosure Form will be provided to the other members of the Council, Board, or Commission prior to the meeting and the individual will abstain from discussing and acting on any matter

related to the Conflict.

- B. When the Conflict or Potential Conflict becomes known at the meeting, or there is otherwise insufficient time to proceed as described in Item A of this Subdivision 4:
- i. The individual will fill out the Conflict Disclosure Form and provide it to the other members of the Council, Board, or Commission prior to the meeting.
  - ii. If there is not enough time to fill out the Conflict Disclosure Form prior to the meeting at which the action on the matter related to the Conflict will be taken, the individual will fill out the form after the meeting and the Form will then be distributed to the other members.
  - iii. In either case, the individual should seek an oral determination on the Conflict or Potential Conflict prior to acting. If it is determined that there is no Conflict, the determination will be certified on the Conflict Disclosure form when it is filled out after the meeting.
  - iv. If it is determined that there is a Conflict, the individual will abstain from discussing and acting on any matter related to the Conflict.

\*In all cases, the Conflict Disclosure Form will be filed with the City.

**Subd. 5. Conflicts Prohibited.**

No person covered by this Code shall engage in any Conflict of interest. A “Conflict” of interest shall be defined as follows:

- a. Engaging in a business or transaction which is incompatible with the proper discharge of the person’s official duties, or which would tend to impair the person’s independent judgment or action in the performance of his official duties.
- b. Holding a direct or indirect financial interest which is incompatible with the proper discharge of the person’s official duties, or which would tend to impair the person’s independent judgment or action in the performance of his official duties. A financial interest includes ownership of stocks, bonds, notes or other securities.
- c. Having a direct or indirect personal interest which is incompatible with the proper discharge of the person’s official duties, or which would tend to impair the person’s independent judgment or action in the performance of his official duties.
- d. For City employees, the holding of a private or other public position in addition to the person’s primary public position which interferes or may interfere with the proper discharge of the public duty.

- e. Use of confidential information, obtained as a result of public position, for personal gain.
- f. Holding investments which will or may interfere with the proper discharge of public duty.
- g. Representation for profit of private interests before City governmental agencies.
- h. Participation as a public representative in a city transaction in which the person has a direct or indirect financial or other personal interest.

**Subd. 6. Employment/Appointment of Family Members.**

- a. For the purpose of this subdivision, the term “immediate family” shall mean a person’s mother, father, step-mother, step-father, brother, sister, step-brother, step-sister, son, daughter, step-son, step-daughter, grandparents and step-grandparents.
- b. No person shall be involved in the evaluation, recommendation, interview, selection, promotion or any other aspect of the hiring process of a member of his or her immediate family for any type of employment including, but not limited to: full time employment, part time employment, permanent employment, temporary employment, contractual employment, and appointment to any board or commission.

**Subd. 7. Gifts**

- a. Gift Defined. A gift includes transfer of money, property, favor, services, loans (other than loans not intended to influence official action and which are made in the ordinary course of business at usual and customary terms, including interest, repayment schedule and security), travel, entertainment, hospitality, or things having any value or promise of future economic benefit. A gift does not include transactions made in the ordinary course of business in exchange for reasonable and fair payment.
- b. Solicitation of Gifts Prohibited. Unless specifically exempted herein, no person subject to this Code shall directly or indirectly solicit any gift for that person, nor for another person subject to this Code, from a citizen of Sauk Rapids, or from a person, firm, corporation having any business, administrative, legislative, contractual or any other relationship with the City or any of its departments or agencies.
- c. Gifts from Certain Entities Prohibited. Unless specifically exempted herein, no person subject to this Code shall directly or indirectly receive any gift from any corporation or limited liability company, labor union, partnership, or professional association.
- d. Gifts from Persons Having Business with City Prohibited. Unless specifically exempted herein, no person subject to this Code shall directly or indirectly accept or receive any gift from a citizen of Sauk Rapids, or from a person, firm, corporation having any business, administrative, legislative, contractual or any other relationship with the City or any of its departments or agencies.

- e. Employees. Employees in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the City for any activity related to the duties of the employee unless otherwise provided by law.

However, the acceptance of:

- (1) Gifts or services of nominal value; or
- (2) Gifts or services when given to individual employees to assist them in the performance of their duties in times of emergency.

shall not be a violation of this Subdivision.

- 1. Department Heads shall be responsible for determining whether or not a gift or service falls within this exemption.
- 2. In the event there is a question or as to whether a gift or service is exempt, the Department Head should consult with the City Administrator. The City Administrator's determination shall be final.
- 3. The Department Heads will coordinate with the City Administrator to track gifts and services. The City Administrator shall periodically review with the Department Heads the gifts and services their employees are receiving. From these reviews, the City Administrator will develop policies and guidelines to ensure that this exemption is being applied consistently and in keeping with the spirit and intent of this Code.

("Employees" is defined for the purpose of this paragraph E to include only those employed with City who are not "elected" or "appointed" officials as defined in Paragraph e of this Subdivision)

- f. Exemptions for elected and appointed officials. Consistent with Minnesota Statute Section 471.895, the following items are exempt from regulation under this ordinance for elected and appointed officials only:
  - 1. A contribution as defined in section 211A.01, subdivision 5;
  - 2. Services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
  - 3. Services of insignificant monetary value;
  - 4. A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

5. A trinket or memento of insignificant value;
6. Informational material of unexceptional value;
7. Food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program;
8. A gift given because of the recipient's membership in a group, a majority of whose members are not local officials, and an equivalent gift is given or offered to the other members of the group;
9. A gift given by an interested person who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family; or
10. A gift given by a national or multi-state organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

("elected" and "appointed" officials is defined for purposes of this Subdivision to include all members of the city council, appointed boards, commissions, and committees, as well as the City Administrator, Finance Director, Building Official, Department Heads, and those employees with the authority to make decisions that may impact someone financially).

- g. Disposition of gifts. Any gift not authorized by this subdivision may be returned to the donor or transmitted to the Finance Director or turned over to the city to be used by the city or to be sold, with the proceeds of such sale deposited into the general fund of the city. The Finance Director shall be notified within seven (7) days of the receipt of any non-monetary property not authorized by this subdivision.
- h. More restrictive measures. Department heads may adopt more restrictive measures dealing with the definition of the word "gift" and prohibitions on the acceptance of gifts. Such measures must be in writing, must be reviewed by the city attorney, and approved by the city administrator.

**Subd. 8. Use of City Property.** A city employee shall not use or allow the use of city time, supplies or city-owned or leased property and equipment for the employee's private interests or any other use not in the City's interest, except as provided by law or in accordance with provisions found in this Code or in the currently adopted Personnel Policy.

**Subd. 9. Political campaigns are not conducted on City time.** No person employed by the City shall engage in political campaigning while on the job during working hours.

**Subd. 10. Enforcement.** A Violation of this ordinance shall, in the case of employees, be grounds for disciplinary action, and, in the case of all others, be grounds for admonishment, sanction,

removal, or such other action deemed appropriate under the circumstances. Nothing contained herein shall be construed as preventing prosecution under applicable state laws.

## **SECTION 40. CODE OF CONDUCT**

### **Subd. 1. Policy and Purpose.**

- A.** It is the policy of the City of Sauk Rapids to provide a safe, secure and healthy environment for employees, public officials and citizens when engaged in city business. The City is committed to working to maintain a work environment free from acts or threats of violence, harassment, intimidation and other disruptive behavior.
- B.** Acts of violence, threats, harassment, intimidation and other disruptive behavior in the workplace will not be tolerated. All reports of such conduct will be taken seriously and will be dealt with in a timely and appropriate manner. The behavior described above can include oral or written statements, gestures, or expressions that communicate either a direct or indirect threat. Individuals who commit such acts may be removed from city property and may be subject to disciplinary action, criminal penalties, or both.
- C.** The cooperation of all persons subject to this Code is needed to implement this policy effectively. They should not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If they observe or experience any behavior prohibited by this Code, by anyone engaged in city business or acting on behalf of the city in any way, it should be reported immediately to any city employee or city official who will initiate the appropriate action.
- D.** Councilmember's statutory duties are performed primarily by the Council as a whole. The Council, and not individual members, supervises administrative officers and employees. Individuals do not give orders or otherwise supervise City employees, unless directed to do so by the Council. The Council as a unit, however, has complete authority over all administrative affairs in the City; this authority is primarily implemented through the City Administrator. It is the policy of the Council that each Council person will respect the abilities, experience, and dignity of each City employee.

### **Subd. 2. Council Conduct with City Staff.**

- A.** The Council adopts the following policies regarding council conduct with City Staff:
  - 1. Questions of City staff and/or requests for information shall be directed to the City Administrator, City Clerk, or Department Heads. Materials supplied to a Council member in response to a request will be made available to all members of the Council.

2. Except as part of an official council employee evaluation or disciplinary proceedings, council members shall never express concerns about the performance of a City employee in public. Council members do not criticize the conduct or performance of employees to the employee directly, or to the employee's supervisor. Comments about staff performance shall be made to the City Administrator in accord with personnel procedures.
3. Individual Council members may not attempt to influence staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
4. Routine secretarial support will be provided to all Council members incident to their official duties. Requests for additional staff support, even in high priority or emergency situations, shall be made to the City Administrator who is responsible for allocating City resources in order to maintain a professional, well-run City government.

**B.** The Council adopts the following policies regarding council conduct with the public:

1. The Council and its members will endeavor to conduct proceedings without signs of partiality, prejudice, or disrespect toward individuals participating in a public forum.
2. The Mayor (or Acting Mayor in the Mayor's absence) will determine and announce limits on speakers at the start of the public meeting. Generally, each speaker will be allocated ten (10) minutes. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. Subject to reasonable rules set by the council, no speaker will be turned away unless exhibiting inappropriate behavior. The Mayor's rulings made pursuant to this subdivision are subject to reversal by a majority vote of the Council.
3. Only the Mayor (or Acting Mayor), and not individual Council members, can interrupt a speaker during a presentation. Upon conclusion of a presentation, consistent with any rules established for the hearing, Council members may question speakers. The Council does not belligerently challenge or belittle speakers.
4. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.

**C.** The Council adopts the following policies regarding council conduct in unofficial settings.

1. It is appropriate for Council members to give a brief overview of City policy when asked about a specific issue by constituents and to refer to City staff for further information. Councilpersons lack power to overtly or implicitly promise Council action, or to promise that City staff will perform or expedite a specific service or function (fix a pothole, rush a permit, etc).
2. The Council endeavors to maintain an atmosphere that respects each member. It is unacceptable to make derogatory personal comments about other Council members.

**Subd. 3. Scope of Persons Covered.** The provisions of this Code shall apply to all employees, elected officials, department heads, other “exempt” employees, members of boards/commissions/committees, and citizen volunteers engaged in city business or representing the city in any way. Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act of 1971, as amended, or who is subject to other statutory requirements, shall be exempt from any provision of this Code which is inconsistent with or less restrictive than such agreement or statute.

**Subd. 4. Definitions.** For the purpose of this section, the following terms and phrases will have the meaning herein assigned to them.

- A. “Censure” – means a written, official expression of disapproval for misconduct on the part of an elected or appointed official.
- B. “Misconduct” – means willful improper conduct which, but this Code, is subject to disciplinary sanctions.
- C. “Complaint” – means a report of alleged misconduct delivered in person, via mail, or electronic means.
- D. “Complainant” – means the person who is making the complaint.
- E. “Public official” – includes any of the following:
  1. Members of the City Council;
  2. The mayor;
  3. Members of boards/commissions/committees;
  4. The following individuals for as long as their titles are exempt or unclassified:
    - (a). Finance Director
    - (b). Chief of Police
    - (c). Deputy Chief of Police/Police Captain
    - (d). City Administrator
    - (e). Deputy City Administrator
    - (f). Community Development Director
    - (g). Director of Public Works
    - (h). Building Official
    - (i). Liquor Store Manager

- (j). Public Works Assistant Directors
- (k). Assistant Finance Director
- (l). Administrative Secretary
- (m). Labor relations and/or personnel director

**Subd 5. Employee Conflict Resolution**

- A. The fair and prompt resolution of an employee's job-related conflicts and concerns is essential to the creation of a positive working environment. The following employee conflict resolution guidelines are designed to help employees and their supervisors work together to resolve job-related problems and conflicts. Employees will follow these guidelines as soon as possible after conflict or concern arises. The fact that a dispute is pending does not afford an employee with an excuse for failing to attend to duties.
- B. The City Administrator may intervene in, and alter, the dispute resolution process as appropriate to protect employees from harassment, discrimination, abuse or other inappropriate behavior, or may refer the matter to the City Attorney or appropriate governmental authority.
- C. If a conflict, concern or problem arises, the employee will discuss it with the person with whom there is a conflict or concern, unless the circumstances and nature of the problem make the discussion inappropriate, unsafe or counterproductive. The two individuals will discuss the problem and decide on a mutually acceptable resolution. This applies to conflicts among employees or with a Supervisor.
- D. If a conflict or concern with another individual is not satisfactorily resolved, (and the concern does not involve the employee's supervisor) the employee will discuss the problem with their Supervisor. They will discuss the conflict or concern and work on constructive steps to resolve the conflict or concern together.
- E. If the problem is not satisfactorily resolved, the employee and Supervisor will discuss the problem with a Department Head, if applicable. They will discuss the conflict or concern and work on constructive steps to resolve the conflict or concern together.
- F. If the problem is not satisfactorily resolved, the employee, Supervisor and Department Head will discuss the problem with the City Administrator. They will discuss the conflict or concern and work on a mutually acceptable resolution within 5 working days.
- G. The employee may submit a written statement to the City Administrator regarding the incident if the previous steps have not resolved the conflict. The City Administrator may include input from employees with knowledge of the fact or concern. After any further discussion, and review of the facts, the City Administrator will attempt to work out a mutually acceptable resolution within 5 working days after receiving the written statement.

- H. In the event that a conflict or concern is not resolved, or the City Administrator does not respond, the employee may submit a written statement to the Mayor (or to such other Council person as the Council may designate to handle conflict resolution matters) who in his discretion may seek Council action on the matter.
- I. In the event that the conflict or concern puts any employees' safety at risk, or there is an illegal activity taking place, the City Administrator should be contacted immediately. If the conflict or concern putting the employee's safety at risk is caused by the City Administrator, or the City Administrator is involved with an alleged illegal activity, the employee should contact both the Mayor and Chief of Police directly.
- J. Where a collective bargaining agreement provides conflict resolution relief, initiation of the conflict resolution procedure herein does not stay or delay the deadlines for notification under a collective bargaining agreement unless the parties agree in writing to a delay.
- K. Where an employee has a conflict or concern involving a councilperson, the employee will raise that concern in the first instance with the City Administrator. Subject to review by the Council, the City Administrator may initiate a conflict resolution procedure involving that Councilperson, and may make such modifications in the procedure as may be appropriate under the circumstances. Where an employee alleges official misconduct, or other unlawful conduct by an elected official, the Council shall assign responsibility for investigation and shall determine the manner of review, with the advice of the City Attorney.

**Subd. 6. Complaints Regarding Council or Appointive Board Conduct.**

- A. The Council will appoint a committee of two of its members to supervise the administration of complaints regarding the conduct of council members or members of appointed boards. Each member shall serve for a period of two years with one of the members being initially appointed for a one-year term. Thereafter, the membership of the Committee will rotate, so that a one new member will be appointed each year. Whenever a complaint is directed to the conduct of a council member on the committee, the council will replace that council member with an alternate on all proceedings on that matter.
- B. When a citizen (other than an employee) registers a complaint about the conduct of a councilperson, that complaint will be forwarded to the City Administrator, who will notify the committee and the party complained against of the nature of the complaint. At the initial step, the City Administrator will contact the citizen and the party complained against and attempt to resolve the matter informally. If the matter can be resolved informally, to the satisfaction of the citizen, the Administrator will report to the Committee on the resolution of the complaint or concern.
- C. The administrator's conduct of conflict resolution under this subdivision will be subject to the review of the Committee.

- D. If the administrator is unable to resolve the complaint to the satisfaction of the citizen, the administrator will make a recommendation to the Committee as to whether further action by the Committee may be appropriate. The Committee may meet with the person complained against, or jointly with the complainant and person complained against, may designate an individual to engage in mediation or conflict resolution, may recommend changes in behavior or conduct, may determine that no action is appropriate, may refer the matter to the City Attorney, may refer the matter to the entire council for action or may take such other action as may reasonably be appropriate.
- E. In all respects the actions of the Committee are subject to the review and direction of the full council.
- F. In cases of repeated problems of a similar nature, where the Committee is unable voluntarily to obtain compliance with code of conduct standards, or in extraordinary circumstances involving a single act of misconduct, the Committee may recommend that the Council publicly admonish or censure a Council member.

**Subd. 7. Discipline (Corrective Action); in general.**

- A. City Employees covered by this Code shall be subject to disciplinary action for failing to fulfill their duties and responsibilities. Certain city employees are employed at will; this ordinance does not alter the at-will employment relationship of those employees. The City may terminate the employment of an employee at will without resorting to disciplinary proceedings. The conduct of disciplinary proceedings shall not waive or impair the City's right to terminate an employee at will. This ordinance provides for disciplinary action to redress violations of the provisions of this ordinance. It does not limit the authority of the City as employer to discipline for other reasons.
- B. The City Administrator shall implement disciplinary and corrective action in accordance with the City's personnel manual, or other disciplinary procedures which may be adopted by the City Administrator, subject to Council review. The City Council reserves the right to amend, suspend or waive provisions of the City's personnel manual and to adopt procedures appropriate to a particular case.
- C. Evidence of the following acts are examples of cause that justify disciplinary or corrective action under this ordinance:
  - 1. Negligence in the performance of duty;
  - 2. During the period of employment, a felony or gross misdemeanor conviction, any conviction involving moral turpitude, or any conviction based on abuse or misuse of employment powers, duties or responsibilities including a violation of the Code of Ethics;

3. Insubordination, including, but not limited to: refusal to obey a lawful order which a superior is entitled to give and have obeyed; refusal to do assigned work which thereby causes, or is likely to cause, loss or injury to the City or to the public; or, failure to observe legal or administrative policies, standards, and procedures specifically including local, State and federal safety and equal employment opportunities, duties and responsibilities;
4. Inducing or attempting to induce an officer or any employee of the City, including employees otherwise excluded from this Code, to commit an unlawful act, or to act in violation of any lawful and reasonable administrative rule or order;
5. Possession or use of intoxicating substances or narcotics while on duty without a prescription from a licensed physician;
6. Carelessness or negligence in the handling or control of City property;
7. Being habitually tardy or being absent from work without permission;
8. Dishonesty in the performance of employment duties and responsibilities;
9. Use of City time, equipment, or information for outside employment or any other personal benefit, except to the extent authorized by the personnel manual.
10. Sexual harassment, discrimination, or engaging in verbal abuse or violation of the City's Personnel Policy dealing with such matters.
11. Violation of City policies, or other good and sufficient reasons as determined by the City Administrator;
12. Making false or misleading or slanderous statements about city employees or officers.

**Subd 8. Written Disciplinary Form.**

- A. The personnel manual shall provide for a form upon which a supervisor (including the City Administrator) may initiate disciplinary action under this ordinance (See Appendix K & L). A supervisor may act upon the written complaint of another employee or such other information as the supervisor believes may justify disciplinary action.
- B. Supervisors will keep a record of all complaints or concerns in the personnel file of the affected employee sufficient to show the nature of the charge or concern and the manner in which the matter was handled and disposed of. If the charge or concern is determined to be without merit, the file will so reflect.

- C. An employee or citizen may file a formal written complaint alleging misconduct by an employee covered under this code. The allegation shall be handled under applicable law and procedures, including the data practices act.
- D. Where a formal written complaint is filed against an employee, within 72 hours of the date/time that the incident was initially reported, the original Complaint Form will be forwarded to the department head that supervises the accused employee. If the department head is the person being accused or when accusations are made against appointed members of boards and commissions, the completed Complaint Form shall be forwarded to the City Administrator. If the City Administrator is the subject of the accusation, the original Complaint Form shall be forwarded to the Council.
- E. Unless confidentiality is provided by law, the person specified in Subparagraph “d” (above) shall immediately forward a copy of the complaint form to the accused employee/city official using Form 2 (Employee/Public Official Notification).

**Subd. 9. Suspension from Duties.**

- A. City employees. The City Administrator may summarily suspend with or without pay and relieve from duty an employee accused of misconduct pending an investigation into the allegations. An employee normally shall be summarily suspended when:
  - 1. He/she is under investigation for a felony crime when the proof is great, or serious misconduct when the presumption is great.
  - 2. He/she is physically or mentally unable to perform duties satisfactorily (as determined by his/her supervisor).
  - 3. No crime or misconduct is alleged, but activity resulting in death or great bodily harm to a human being, due to its severe nature, requires intense and prudent investigation.
- B. Members of boards and commissions. The City Council may suspend the activities of appointed members of any board or commission pending an investigation into alleged misconduct. Members of boards and commissions will normally be suspended or censured for reasons found above.

**Subd. 10. Investigations of Misconduct.**

- A. Subject to direction by the City Administrator, the department head, or other person identified in Subd. 7 (d), is responsible for the initial review and subsequent investigation of a misconduct complaint. The City Administrator may assign the investigation to such other person as the City Administrator deems appropriate under the circumstances.
- B. If, during the course of the misconduct investigation, a possible criminal violation is noted, a copy of the misconduct complaint and all relevant information gathered to

that point shall be forwarded to the police department for appropriate action. Referral of the complaint for prosecution by criminal authorities does not preclude the furtherance of disciplinary sanctions imposed under this Code.

- C. Any person, who is subject to a misconduct investigation, shall be afforded all rights and protections provided by law, labor agreement, and department/city policies.

**Subd. 11. Disciplinary Review Procedures.**

- A. The City Administrator may implement a progressive disciplinary process designed to resolve disciplinary matters informally, at the supervisor level, at the level of City Administrator, or at the Council. All disciplinary actions may be reviewed by the Council. No such process shall alter the at-will employment status of employees at will.
- B. Notifications. When a department head or supervisor intends to initiate disciplinary action, the department head will provide written notice to the employee and will provide an informal opportunity to respond to the proposed action.
- C. Whenever possible, the department head shall notify the employee of the final disposition of the case no later than thirty (30) business days after said final disposition.
- D. If the employee agrees to a disciplinary action, the employee will complete a written form acknowledging that agreement and waiving any right to a hearing that may exist.
- E. If the employee disagrees with a disciplinary action, the employee may seek review of the action under procedures established by the City Administrator. For actions which do not involve termination, suspension without pay or other discipline providing a direct financial loss to the employee, the employee has the right to seek review by the City Administrator. For actions involving termination, suspension without pay or other discipline providing a direct financial loss to the employee, the employee may seek review by the City Administrator, and may request the Council review the decision of the City administrator.
- F. If an employee wishes to seek review at the next level, the employee must file a written request for review within 10 calendar days of the date of the notice of discipline.
- G. The City Administrator has authority to implement all forms of discipline, subject to review by the Council, except termination. The City Administrator has authority to recommend termination, but implementation of a termination decision requires Council action. If the Administrator recommends a termination, the employee will be notified of the recommendation, and the recommendation will also be conveyed to the Council. If an employee wishes to appeal from a recommendation of disciplinary termination, the employee must appeal within 10 days of the date of the notice of termination. If the employee fails to appeal, the Council may act summarily without further proceedings, or it may conduct such further proceedings as it deems prudent. If the employee does appeal a recommended termination for disciplinary

reasons, then the Council will proceed in accord with Subdivision 12. Nothing in this subdivision limits the Council's authority to terminate employees who are employed at will.

**Subd. 12. Appeal Process.**

- A. For actions involving termination, suspension without pay or other discipline providing a direct financial loss, the employee may appeal the decision to the City Council by serving written notice to the Mayor within ten (10) business days after receipt by said individual of the written Disposition Form.
- B. The Mayor shall then arrange to have a confidential, initial personnel hearing placed on the agenda for the next regularly scheduled Council meeting or at a Special Council Meeting held solely for that purpose.
- C. The Council may proceed to resolve the dispute utilizing on the written administrative record or by assigning the matter to a hearing officer for recommended decision.
- D. Hearing Officer Procedure. Where the Council determines that the taking of oral testimony or other evidence by a neutral examiner would aid the Council, the Council may appoint a neutral examiner to take evidence and to make a recommended decision. In its resolution appointing the neutral examiner, the Council may establish the procedural requirements for the hearing. The examiner's recommendation shall be presented to the Council, along with whatever written record is maintained, for de novo determination by the Council.
- E. Hearing by Council on the Record. The Council may determine to resolve a dispute regarding discipline upon the written administrative record prepared by the City Administrator, and such written evidence including affidavits and documentary evidence, as well as written argument submitted by the grieving employee. If the Council adopts this procedure, the Council may establish the procedural requirements, including time limits, for submission of information to the Council. Unless the Council otherwise provides, the Council will not receive oral presentations or argument.

**Subd. 13. Effective Date.** This ordinance shall be in full force and effect sixty days from and after its passage and publication as required by law.

**SECTION 41. USE OF FITNESS FACILITY IN SAUK RAPIDS FIRE STATION**

All full-time city employees are eligible to use the fitness facility located in the Sauk Rapids fire station. Any employee that elects to use the facility must first read and sign the Fitness Facility Waiver Form (See Appendix G) and the Fitness Facility Rules of Conduct form (Appendix H) and return to the Finance Department before access is allowed.

## **SECTION 42. CITY OF SAUK RAPIDS FITNESS CENTER REIMBURSEMENT PROGRAM**

(12-14-2020) (12-13/2021)(12-11-2023)

An employee may get reimbursed up to \$35/month when you show proof of payment & membership of a fitness center facility for the employee or the employee's family membership. This program is available to city council members & all employee's who work an average of 30 hours or more per week & are eligible for the City's group health insurance.

Reimbursement will be made once per year in the first payroll in June for period of June(py)-May(cy) with documentation of membership period paid for and payment.

Reimbursements are taxable to the employee as wages & are to be included on the employee's W-2.

Reimbursements will only be made for the twelve months prior to the reimbursement date (Previous years membership payments would no longer be eligible for reimbursement after each June reimbursement).

Employee's who pay for a full year in advance will only be reimbursed for the June(py)-May(cy) period.

## **SECTION 43. CITY OF SAUK RAPIDS SOCIAL MEDIA POLICY (3-21-2017)**

### **Personal Social Media Use**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting of information and content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the City of Sauk Rapids, as well as any other form of electronic communication.

Ultimately, employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. There may be times when personal use of social media (even if it is off-duty or using the employee's own equipment) may spill over into the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include:

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

Keep in mind that any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City or the City's legitimate interests may subject an employee to discipline and will be evaluated on a case-by-case basis. Employees with questions about what types of activities might result in discipline are encouraged discuss the type of usage with the City Administrator.

### **Be respectful, honest and accurate**

Employees are to always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of the City. Employees must keep in mind that they are more likely to resolve

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work-related complaints by speaking directly with co-workers or by using the City's reporting procedures than by posting complaints to a social media outlet.

Employees must avoid using statements, photographs or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute discriminatory remarks, 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 on the basis of race, sex, disability, religion or any other status protected by law or City policy.

Make sure posts are honest and accurate, and if a mistake is made, correct it quickly. Be open about any previous posts that have been altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that are known to be false about the City, fellow employees, citizens, customers, suppliers, or people working on behalf of the City.

Employees must not create a link from their blog, website or other social networking site to a City website without first obtaining approval from the City Administrator and self-identifying as a City employee. City employees and agents are discouraged from identifying themselves as City employees when responding to or commenting on blogs with personal opinions or views. If an employee chooses to identify him or herself as a City of Sauk Rapids employee, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used: "These are my own opinions and do not represent those of the City."

### **Using social media at work**

Social media may be used on work time and on equipment provided by the City for work-related purposes or as authorized by a supervisor or consistent with an employee's job duties or other City policy.

Occasional personal social media use is allowable during work hours provided that such use does not become excessive, does not negatively impact an employee's job duties or performance and the other guidelines provided in this policy are adhered to. Do not use City provided email addresses to register on social networks, blogs or other online tools utilized for personal use.

### **Data Ownership**

All social media communications or messages composed, sent, or received on City equipment in an official capacity are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The City of Sauk Rapids also maintains the sole property rights to any image, video or audio captured while a City employee is representing the City in any capacity. If you are concerned that something of a personal nature might be made public due to data ownership, do not use City equipment.

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

### **Retaliation is prohibited**

The City of Sauk Rapids prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **Policy Violations**

Violations of the Policy will subject the employee to disciplinary action up to and including discharge from employment.

## SECTION 44. MINNESOTA PAID LEAVE

The City of Sauk Rapids requires Minnesota Paid Leave to run concurrently with the federal Family and Medical Leave Act or Minnesota WESA Pregnancy and Parental Leave, when the leave is taken for the same purpose.

Due to differences between FMLA and Minnesota Paid Leave, an employee may qualify for paid leave under the state program but may not qualify for FMLA.

In that situation, the Minnesota Paid Leave will not run concurrently with FMLA. Minnesota WESA Pregnancy and Parental Leave provides up to 12 weeks of unpaid, job-protected leave for pregnancy, birth, or adoption. The employers full contribution will require this income to be added to the employee's W-2.

### Leave notification procedures.

**Under Minnesota Paid Leave, employees must provide at least a 30-day notice before their leave begins when practicable.** If a 30-day notice is not possible, they must notify the city as soon as practicable. **In all cases employees must notify their employer prior to applying for MNPL benefits through DEED.**

### Supplemental benefits ("topping off").

City paid leave may be used as supplemental benefits with Minnesota Paid Leave benefits. This generally is using the employee's accrued leave for the difference in pay to gross up the employee's pay to what their normal pay would be but not to exceed their normal gross pay.

### Minimum leave increments.

The smallest increment of time that employees may take Minnesota Paid leave is a normal full day for that employee's current position.

### Intermittent leave limits

If a qualified employee requires more than 480 hours (12 weeks) of intermittent leave during a benefit year, the City of Sauk Rapids requires any additional leave to be taken as one continuous block of time rather than intermittently.

In other words, intermittent leave is limited to 480 hours (12 weeks). The employee is still entitled to use any remaining leave continuously, as long as the total leave does not exceed the statutory maximum of 20 weeks in a single benefit year.

## SECTION 45. CONCLUSION

The provisions of this policy manual are subject to law. In the event any provision is held to be contrary to law by a court of competent jurisdiction from whose final judgment or decree no appeals have been taken within the time provided, such provision shall be voided. All other provisions shall continue in full force and effect unless modified by the City Council. All prior resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this policy manual are hereby superseded. The City Council reserves the right to unilaterally modify this policy manual and the City Administrator reserves the right to promulgate appropriate rules and regulations relative to these policies.

				GRADE TABLE		
GRADE TABLE				JOB TITLE GRADE PLACEMENT		
				Grade	Points	Job Title
				4	90	Liquor Clerk
				6	125	Utility Billing Clerk
				6	125	Police Administrative Specialist
				6	125	Senior Office Technician
				7	150	Buildings & Grounds Maintenance
				7	150	Park Maintenance Worker
				7	165	Street Maintenance Worker
				7	170	Public Works Office Coordinator (2023-06-26)
				8	180	Floater
				8	185	Utilities Maintenance
				8	185	Finance Clerk
				9	223	Mechanic
				10	235	Building Inspector
				11	268	Police Officer
				12	308	City Clerk
				13	333	Assistant Public Works Director
				13	350	Assistant Finance Director
				13	363	Police Sergeant
				14	375	Liquor Manager
				14	385	Building Official
				17	523	Community Development Director
				17	525	Assistant Chief of Police
				18	560	Director of Public Utilities
				18	560	Director of Public Works
				19	595	Finance Director & Deputy City Administrator
				20	650	Police Chief - Emergency Management Director
				22	770	City Administrator & HRA Director
				<i>Approved 3/8/2021</i>		

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<b>APPENDIX A</b>											
CITY OF SAUK RAPIDS											
<b>GRADE TABLE &amp; WAGE SCALE</b>											
<b>2023</b>											
<b>Step</b>											
	<b>Pts</b>	<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
Liquor Clerk	90	<b>4</b>	45,845	47,450	49,110	50,829	52,608	54,449	56,355	58,328	60,369
		<b>5</b>	48,366	50,059	51,811	53,625	55,502	57,444	59,455	61,536	63,689
Utility Billing Clerk	125	<b>6</b>	51,027	52,813	54,661	56,574	58,554	60,604	62,725	64,920	67,192
Police Administrative Specialist	125	<b>6</b>	51,027	52,813	54,661	56,574	58,554	60,604	62,725	64,920	67,192
Senior Office Technician	125	<b>6</b>	51,027	52,813	54,661	56,574	58,554	60,604	62,725	64,920	67,192
Building & Grounds Maintenance	150	<b>7</b>	53,833	55,717	57,667	59,686	61,775	63,937	66,175	68,491	70,888
Park Maintenance Worker	150	<b>7</b>	53,833	55,717	57,667	59,686	61,775	63,937	66,175	68,491	70,888
Street Maintenance Worker	165	<b>7</b>	53,833	55,717	57,667	59,686	61,775	63,937	66,175	68,491	70,888
Public Works Office Coordinator	170	<b>7</b>	53,833	55,717	57,667	59,686	61,775	63,937	66,175	68,491	70,888
Floater	185	<b>8</b>	56,794	58,782	60,839	62,968	65,172	67,453	69,814	72,258	74,787
Utilities Maintenance Operator	185	<b>8</b>	56,794	58,782	60,839	62,968	65,172	67,453	69,814	72,258	74,787
Finance Clerk	185	<b>8</b>	56,794	58,782	60,839	62,968	65,172	67,453	69,814	72,258	74,787
Mechanic	223	<b>9</b>	59,918	62,015	64,185	66,432	68,757	71,163	73,654	76,232	78,900
Building Inspector	235	<b>10</b>	63,213	65,425	67,715	70,085	72,538	75,077	77,705	80,425	83,239
Police Officer	268	<b>11</b>	66,690	69,024	71,440	73,940	76,528	79,206	81,979	84,848	87,818
City Clerk	308	<b>12</b>	70,358	72,820	75,369	78,007	80,737	83,563	86,487	89,515	92,648
Assistant Public Works Director	333	<b>13</b>	74,227	76,825	79,514	82,297	85,178	88,159	91,244	94,438	97,743
Police Sergeant	363	<b>13</b>	74,227	76,825	79,514	82,297	85,178	88,159	91,244	94,438	97,743
Liquor Manager	375	<b>14</b>	78,310	81,051	83,887	86,823	89,862	93,007	96,263	99,632	103,119
Building Official	385	<b>14</b>	78,310	81,051	83,887	86,823	89,862	93,007	96,263	99,632	103,119
		<b>15</b>	82,617	85,508	88,501	91,599	94,805	98,123	101,557	105,112	108,791
		<b>16</b>	87,161	90,211	93,369	96,637	100,019	103,520	107,143	110,893	114,774
Community Development Director	523	<b>17</b>	91,955	95,173	98,504	101,952	105,520	109,213	113,036	116,992	121,087
Assistant Chief of Police	525	<b>17</b>	91,955	95,173	98,504	101,952	105,520	109,213	113,036	116,992	121,087
Director of Public Utilities	560	<b>18</b>	97,012	100,408	103,922	107,559	111,324	115,220	119,253	123,426	127,746
Director of Public Works	560	<b>18</b>	97,012	100,408	103,922	107,559	111,324	115,220	119,253	123,426	127,746
Finance Director & Deputy City Administrator	595	<b>19</b>	102,348	105,930	109,637	113,475	117,446	121,557	125,812	130,215	134,772
Police Chief - Emergency Management Director	650	<b>20</b>	107,977	111,756	115,668	119,716	123,906	128,243	132,731	137,377	142,185
		<b>21</b>	113,916	117,903	122,029	126,300	130,721	135,296	140,031	144,932	150,005
City Administrator & HRA Director	770	<b>22</b>	120,181	124,387	128,741	133,247	137,910	142,737	147,733	152,904	158,255
First payroll for the next year that also includes hours worked for the prior year will all be paid at the new hourly rate.											
Employee's are placed in their years of service step (for their current position) or the next highest step compared to their current salary whichever is greater in the year 2020 to determine where the employee's base salary is at upon implementation on December 31, 2020 & then to next step on January 1, 2021 (unless hired after 6/30/2020). Any employee whose current salary exceeds step 9 will be frozen at their current 2020 rate until such time step 9 exceeds their current salary											
All employee anniversary dates for wage step purposes will be on a calendar year basis and effective January 1, XXXX											
If a NEW employee is hired prior to July 1, XXXX, that employee will move to the next wage step on the ensuing January 1, XXXX.											
If a NEW employee is hired on July 1, XXXX or after, that employee must stay in their current wage step until the next annual wage step increase after they have completed a minimum of 6 months and 1 day, (ie: employee would stay in their first wage step for 12-18 months depending on hire date).											
All NEW union employees will be placed in wage step 1 or according to the union contract or agreed upon with the union & council. New Non-Union employees will be placed into wage steps negotiated & agreed to by council & new employee.											

APPENDIX B CITY OF SAUK RAPIDS GRADE TABLE & WAGE SCALE											
1.07		2024									
		Step									
	Pts	Grade	1	2	3	4	5	6	7	8	9
Liquor Clerk	90	4	49,054	50,771	52,548	54,387	56,291	58,261	60,300	62,411	64,595
		5	51,752	53,563	55,438	57,378	59,387	61,465	63,617	65,843	68,148
Utility Billing Clerk	125	6	54,598	56,509	58,487	60,534	62,653	64,846	67,115	69,464	71,896
Police Administrative Specialist	125	6	54,598	56,509	58,487	60,534	62,653	64,846	67,115	69,464	71,896
Senior Office Technician	125	6	54,598	56,509	58,487	60,534	62,653	64,846	67,115	69,464	71,896
Building & Grounds Maintenance	150	7	57,601	59,617	61,704	63,864	66,099	68,412	70,807	73,285	75,850
Park Maintenance Worker	150	7	57,601	59,617	61,704	63,864	66,099	68,412	70,807	73,285	75,850
Street Maintenance Worker	165	7	57,601	59,617	61,704	63,864	66,099	68,412	70,807	73,285	75,850
Public Works Office Coordinator	170	7	57,601	59,617	61,704	63,864	66,099	68,412	70,807	73,285	75,850
Floater	185	8	60,769	62,896	65,098	67,376	69,734	72,175	74,701	77,316	80,022
Utilities Maintenance Operator	185	8	60,769	62,896	65,098	67,376	69,734	72,175	74,701	77,316	80,022
Finance Clerk	185	8	60,769	62,896	65,098	67,376	69,734	72,175	74,701	77,316	80,022
Mechanic	223	9	64,112	66,356	68,678	71,082	73,570	76,145	78,810	81,568	84,423
Building Inspector	235	10	67,638	70,005	72,455	74,991	77,616	80,333	83,144	86,054	89,066
Police Officer	268	11	71,358	73,856	76,440	79,116	81,885	84,751	87,717	90,787	93,965
City Clerk	308	12	75,283	77,918	80,645	83,467	86,389	89,412	92,542	95,781	99,133
Assistant Public Works Director	333	13	79,423	82,203	85,080	88,058	91,140	94,330	97,631	101,049	104,585
Assistant Finance Director	350	13	79,423	82,203	85,080	88,058	91,140	94,330	97,631	101,049	104,585
Police Sergeant	363	13	79,423	82,203	85,080	88,058	91,140	94,330	97,631	101,049	104,585
Liquor Manager	375	14	83,791	86,724	89,760	92,901	96,153	99,518	103,001	106,606	110,337
Building Official	385	14	83,791	86,724	89,760	92,901	96,153	99,518	103,001	106,606	110,337
		15	88,400	91,494	94,696	98,011	101,441	104,991	108,666	112,470	116,406
		16	93,262	96,526	99,905	103,401	107,020	110,766	114,643	118,655	122,808
Community Development Director	523	17	98,391	101,835	105,399	109,088	112,906	116,858	120,948	125,181	129,563
Assistant Chief of Police	525	17	98,391	101,835	105,399	109,088	112,906	116,858	120,948	125,181	129,563
Director of Public Utilities	560	18	103,803	107,436	111,196	115,088	119,116	123,285	127,600	132,066	136,689
Director of Public Works	560	18	103,803	107,436	111,196	115,088	119,116	123,285	127,600	132,066	136,689
Finance Director & Deputy City Administrator	595	19	109,512	113,345	117,312	121,418	125,668	130,066	134,618	139,330	144,207
Police Chief - Emergency Management Director	650	20	115,535	119,579	123,764	128,096	132,579	137,220	142,022	146,993	152,138
		21	121,890	126,156	130,571	135,141	139,871	144,767	149,834	155,078	160,505
City Administrator & HRA Director	770	22	128,594	133,094	137,753	142,574	147,564	152,729	158,074	163,607	169,333

First payroll for the next year that also includes hours worked for the prior year will all be paid at the new hourly rate.

Employee's are placed in their years of service step (for their current position) or the next highest step compared to their current salary whichever is greater in the year 2020 to determine where the employee's base salary is at upon implementation on December 31, 2020 & then to next step on January 1, 2021 (unless hired after 6/30/2020). Any employee whose current salary exceeds step 9 will be frozen at their current 2020 rate until such time step 9 exceeds their current salary

All employee anniversary dates for wage step purposes will be on a calendar year basis and effective January 1, XXXX

If a NEW employee is hired prior to July 1, XXXX, that employee will move to the next wage step on the ensuing January 1, XXXX.

If a NEW employee is hired on July 1, XXXX or after, that employee must stay in their current wage step until the next annual wage step increase after they have completed a minimum of 6 months and 1 day, (ie: employee would stay in their first wage step for 12-18 months depending on hire date).

All NEW union employees will be placed in wage step 1 or according to the union contract or agreed upon with the union & council. New Non-Union employees will be placed into wage steps negotiated & agreed to by council & new employee.

APPENDIX B											
CITY OF SAUK RAPIDS											
GRADE TABLE & WAGE SCALE											
		1.05	2025								
		Step									
	Pts	Grade	1	2	3	4	5	6	7	8	9
Liquor Clerk	90	4	51,507	53,310	55,175	57,107	59,105	61,174	63,315	65,531	67,825
		5	54,340	56,242	58,210	60,247	62,356	64,538	66,797	69,135	71,555
Utility Billing Clerk	125	6	57,328	59,335	61,412	63,561	65,786	68,088	70,471	72,938	75,491
Police Administrative Specialist	125	6	57,328	59,335	61,412	63,561	65,786	68,088	70,471	72,938	75,491
Senior Office Technician	125	6	57,328	59,335	61,412	63,561	65,786	68,088	70,471	72,938	75,491
Building & Grounds Maintenance	150	7	60,481	62,598	64,789	67,057	69,404	71,833	74,347	76,949	79,642
Park Maintenance Worker	150	7	60,481	62,598	64,789	67,057	69,404	71,833	74,347	76,949	79,642
Street Maintenance Worker	165	7	60,481	62,598	64,789	67,057	69,404	71,833	74,347	76,949	79,642
Public Works Office Coordinator	170	7	60,481	62,598	64,789	67,057	69,404	71,833	74,347	76,949	79,642
Floater	185	8	63,808	66,041	68,353	70,745	73,221	75,784	78,436	81,181	84,023
Utilities Maintenance Operator	185	8	63,808	66,041	68,353	70,745	73,221	75,784	78,436	81,181	84,023
Finance Clerk	185	8	63,808	66,041	68,353	70,745	73,221	75,784	78,436	81,181	84,023
Mechanic	223	9	67,317	69,673	72,112	74,636	77,248	79,952	82,750	85,646	88,644
Building Inspector	235	10	71,020	73,505	76,078	78,741	81,497	84,349	87,301	90,357	93,519
Police Officer	268	11	74,926	77,548	80,262	83,072	85,979	88,988	92,103	95,327	98,663
City Clerk	308	12	79,047	81,813	84,677	87,641	90,708	93,883	97,169	100,570	104,090
Assistant Public Works Director	333	13	83,394	86,313	89,334	92,461	95,697	99,046	102,513	106,101	109,814
Assistant Finance Director	350	13	83,394	86,313	89,334	92,461	95,697	99,046	102,513	106,101	109,814
Police Sergeant	363	13	83,394	86,313	89,334	92,461	95,697	99,046	102,513	106,101	109,814
Liquor Manager	375	14	87,981	91,060	94,248	97,546	100,960	104,494	108,151	111,936	115,854
Building Official	385	14	87,981	91,060	94,248	97,546	100,960	104,494	108,151	111,936	115,854
		15	92,820	96,069	99,431	102,911	106,513	110,241	114,100	118,093	122,226
		16	97,925	101,352	104,900	108,571	112,371	116,304	120,375	124,588	128,949
Community Development Director	523	17	103,311	106,927	110,669	114,543	118,552	122,701	126,996	131,440	136,041
Assistant Chief of Police	525	17	103,311	106,927	110,669	114,543	118,552	122,701	126,996	131,440	136,041
Director of Public Utilities	560	18	108,993	112,808	116,756	120,843	125,072	129,450	133,980	138,670	143,523
Director of Public Works	560	18	108,993	112,808	116,756	120,843	125,072	129,450	133,980	138,670	143,523
Finance Director & Deputy City Administrator	595	19	114,988	119,012	123,178	127,489	131,951	136,569	141,349	146,296	151,417
Police Chief - Emergency Management Director	650	20	121,312	125,558	129,953	134,501	139,208	144,081	149,123	154,343	159,745
		21	127,984	132,464	137,100	141,898	146,865	152,005	157,325	162,832	168,531
City Administrator & HRA Director	770	22	135,023	139,749	144,640	149,703	154,942	160,365	165,978	171,787	177,800

First payroll for the next year that also includes hours worked for the prior year will all be paid at the new hourly rate.

Employee's are placed in their years of service step (for their current position) or the next highest step compared to their current salary whichever is greater in the year 2020 to determine where the employee's base salary is at upon implementation on December 31, 2020 & then to next step on January 1, 2021 (unless hired after 6/30/2020). Any employee whose current salary exceeds step 9 will be frozen at their current 2020 rate until such time step 9 exceeds their current salary

All employee anniversary dates for wage step purposes will be on a calendar year basis and effective January 1, XXXX

If a NEW employee is hired prior to July 1, XXXX, that employee will move to the next wage step on the ensuing January 1, XXXX.

If a NEW employee is hired on July 1, XXXX or after, that employee must stay in their current wage step until the next annual wage step increase after they have completed a minimum of 6 months and 1 day, (ie: employee would stay in their first wage step for 12-18 months depending on hire date).

All NEW union employees will be placed in wage step 1 or according to the union contract or agreed upon with the union & council. New Non-Union employees will be placed into wage steps negotiated & agreed to by council & new employee.

<b>APPENDIX B</b>											
<b>CITY OF SAUK RAPIDS</b>											
<b>GRADE TABLE &amp; WAGE SCALE</b>											
<b>1.05</b>			<b>2026</b>								
			<b>Step</b>								
	<b>Pts</b>	<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
Liquor Clerk	90	<b>4</b>	54,082	55,975	57,934	59,962	62,061	64,233	66,481	68,808	71,216
		<b>5</b>	57,057	59,054	61,121	63,260	65,474	67,765	70,137	72,592	75,133
Utility Billing Clerk	125	<b>6</b>	60,195	62,302	64,482	66,739	69,075	71,493	73,995	76,585	79,265
Police Administrative Specialist	125	<b>6</b>	60,195	62,302	64,482	66,739	69,075	71,493	73,995	76,585	79,265
Senior Office Technician	125	<b>6</b>	60,195	62,302	64,482	66,739	69,075	71,493	73,995	76,585	79,265
Building & Grounds Maintenance	150	<b>7</b>	63,505	65,728	68,029	70,410	72,874	75,425	78,064	80,797	83,625
Park Maintenance Worker	150	<b>7</b>	63,505	65,728	68,029	70,410	72,874	75,425	78,064	80,797	83,625
Street Maintenance Worker	165	<b>7</b>	63,505	65,728	68,029	70,410	72,874	75,425	78,064	80,797	83,625
Public Works Office Coordinator	170	<b>7</b>	63,505	65,728	68,029	70,410	72,874	75,425	78,064	80,797	83,625
Floater	185	<b>8</b>	66,998	69,343	71,770	74,282	76,882	79,573	82,358	85,241	88,224
Utilities Maintenance Operator	185	<b>8</b>	66,998	69,343	71,770	74,282	76,882	79,573	82,358	85,241	88,224
Finance Clerk	185	<b>8</b>	66,998	69,343	71,770	74,282	76,882	79,573	82,358	85,241	88,224
Mechanic	223	<b>9</b>	70,683	73,157	75,718	78,368	81,111	83,949	86,888	89,929	93,076
Building Inspector	235	<b>10</b>	74,571	77,181	79,882	82,678	85,572	88,567	91,667	94,875	98,195
Police Officer	268	<b>11</b>	78,672	81,426	84,276	87,225	90,278	93,438	96,708	100,093	103,596
City Clerk	308	<b>12</b>	82,999	85,904	88,911	92,023	95,243	98,577	102,027	105,598	109,294
Assistant Public Works Director	333	<b>13</b>	87,564	90,629	93,801	97,084	100,482	103,999	107,639	111,406	115,305
Assistant Finance Director	350	<b>13</b>	87,564	90,629	93,801	97,084	100,482	103,999	107,639	111,406	115,305
Police Sergeant	363	<b>13</b>	87,564	90,629	93,801	97,084	100,482	103,999	107,639	111,406	115,305
Liquor Manager	375	<b>14</b>	92,380	95,613	98,960	102,423	106,008	109,719	113,559	117,533	121,647
Building Official	385	<b>14</b>	92,380	95,613	98,960	102,423	106,008	109,719	113,559	117,533	121,647
		<b>15</b>	97,461	100,872	104,403	108,057	111,839	115,753	119,804	123,998	128,338
		<b>16</b>	102,821	106,420	110,145	114,000	117,990	122,120	126,394	130,818	135,396
Community Development Director	523	<b>17</b>	108,477	112,273	116,203	120,270	124,479	128,836	133,345	138,012	142,843
Assistant Chief of Police	525	<b>17</b>	108,477	112,273	116,203	120,270	124,479	128,836	133,345	138,012	142,843
Director of Public Utilities	560	<b>18</b>	114,443	118,448	122,594	126,885	131,326	135,922	140,679	145,603	150,699
Director of Public Works	560	<b>18</b>	114,443	118,448	122,594	126,885	131,326	135,922	140,679	145,603	150,699
Finance Director & Deputy City Administrator	595	<b>19</b>	120,737	124,963	129,337	133,863	138,549	143,398	148,417	153,611	158,988
Police Chief - Emergency Management Director	650	<b>20</b>	127,378	131,836	136,450	141,226	146,169	151,285	156,580	162,060	167,732
		<b>21</b>	134,383	139,087	143,955	148,993	154,208	159,605	165,192	170,973	176,957
City Administrator & HRA Director	770	<b>22</b>	141,775	146,737	151,872	157,188	162,690	168,384	174,277	180,377	186,690

First payroll for the next year that also includes hours worked for the prior year will all be paid at the new hourly rate.

Employee's are placed in their years of service step (for their current position) or the next highest step compared to their current salary whichever is greater in the year 2020 to determine where the employee's base salary is at upon implementation on December 31, 2020 & then to next step on January 1, 2021 (unless hired after 6/30/2020). Any employee whose current salary exceeds step 9 will be frozen at their current 2020 rate until such time step 9 exceeds their current salary

All employee anniversary dates for wage step purposes will be on a calendar year basis and effective January 1, XXXX

If a NEW employee is hired prior to July 1, XXXX, that employee will move to the next wage step on the ensuing January 1, XXXX.

If a NEW employee is hired on July 1, XXXX or after, that employee must stay in their current wage step until the next annual wage step increase after they have completed a minimum of 6 months and 1 day, (ie: employee would stay in their first wage step for 12-18 months depending on hire date).

All NEW union employees will be placed in wage step 1 or according to the union contract or agreed upon with the union & council. New Non-Union employees will be placed into wage steps negotiated & agreed to by council & new employee.

## **APPENDIX C**

### **Mayor and Council Member Compensation:**

The salaries of Council members shall be \$505 and the salary of the Mayor shall be \$705 per month effective January 1, 2023 and until further notice. There shall be no additional compensation for special meetings, committee meetings or non-regularly scheduled meetings or training conferences except for allowable reimbursable expenses. (\$475 & \$665-3/10/2009)

### **EDA Board, Planning Commission, Advisory Park Board Joint Planning Board, Recreation Board, & Housing Advisory Board Compensation:**

1. Payments are made for time spent at regularly scheduled meetings or committee meetings scheduled by a majority of the members. All board, commission & committee members are solely responsible for their documenting the meetings & requesting payment.
2. A series of separate meetings does not qualify for multiple meeting payments. Payment for more than one (1) meeting per day may be made when at least two (2) hours time has elapsed between meetings.
3. Effective January 1, 2023, the per meeting payment for members of these boards shall be \$47.70.(\$45,2013-2022)
4. Payment for non-regularly scheduled meetings and/or training conferences requiring travel outside of the St. Cloud Metropolitan Area, and/or requiring a time-commitment of a half day or more, shall be at a rate of \$50.00 per half day, or \$100.00 per day. Commission or board members shall be designated by the Chairperson, or a majority of the members, to attend such meetings and/or training conferences.
5. These boards shall be paid on a quarterly basis. The quarterly payroll periods are as follows:

January 1 <sup>st</sup> through March 31 <sup>st</sup> 12 <sup>th</sup>	Timesheets due by April 5 <sup>th</sup>	Paid by April
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April 1 <sup>st</sup> through June 30 <sup>th</sup> 12 <sup>th</sup>	Timesheets due by July 5 <sup>th</sup>	Paid by July
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July 1 <sup>st</sup> through September 30 <sup>th</sup> October 12 <sup>th</sup>	Timesheets due by October 5 <sup>th</sup>	Paid by
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October 1 <sup>st</sup> through December 31 <sup>st</sup> January 12 <sup>th</sup>	Timesheets due by January 5 <sup>th</sup>	Paid by
---	---	---------

All payment requests for meetings and/or reimbursement requests shall be submitted within 60 days after yearend or these meeting payments and reimbursements will be forfeited.

## **APPENDIX C (Cont'd)**

### **ELECTION JUDGES**

Election Judges shall be compensated at \$16.50 per hour (1/1/2024).

Head Judges shall be compensated at \$16.50 per hour (1/1/2024) plus \$75 per election day.

### **ANIMAL CONTROL OFFICER**

Effective April 9, 2013, Animal Control Officers shall receive \$35.00 per call.

Effective January 1, 2017, Animal Control Officers shall receive \$37.00 per call

### **SEASONAL AND PART-TIME EMPLOYEE WAGES**

PURPOSE:

1. All seasonal and part-time employees will be compensated according to the following schedules excluding part-time employees in other sections of the personnel policy that are more directly identified.
2. These wages are to be adjusted annually by the City's Annual Adjustment Factor.
3. The step increases are based on total hours worked from date of hire, not on annual totals.
4. These would be awarded only after a satisfactory job review by the Department Head has been completed.

### **LIQUOR STORE PART-TIME EMPLOYEE'S Hourly Rates**

	<b>Start</b>	<b>480 hrs</b>	<b>960 hrs</b>	<b>1,440 hrs</b>	<b>1,920 hrs</b>	<b>2,200 hrs &amp; Above</b>
<b>2023</b>	\$ 14.51	\$ 14.89	\$ 15.31	\$ 15.75	\$ 16.12	\$ 16.98
<b>2024</b>	\$ 15.53	\$ 15.93	\$ 16.38	\$ 16.85	\$ 17.25	\$ 18.17
<b>2025</b>	\$ 16.30	\$ 16.73	\$ 17.20	\$ 17.70	\$ 18.11	\$ 19.08
<b>2026</b>	\$ 17.12	\$ 17.57	\$ 18.06	\$ 18.58	\$ 19.02	\$ 20.03

A PT Liquor Employee who is designated as a Keyholder/Team Leader will receive an additional \$1 per hour on their current wage.

The Department Head may request from the City Administrator, approval of a starting Part-time wage up to the 1,440 hours step if the part-time employee has the special or necessary training in the work being asked to do.

Part-time Liquor Store employee's shall be paid time & a half for hours worked on the following holidays:

Christmas Eve (2024-12-09), New Years Day, Memorial Day, 4<sup>th</sup> of July, Labor Day. (2023-04-10)

## APPENDIX C (Cont'd)

### **SEASONAL EMPLOYEE WAGES Hourly Rates**

<b>2021</b>	\$	15.25		<b>2024</b>	\$	17.31
<b>2022</b>	\$	15.71		<b>2025</b>	\$	18.18
<b>2023</b>	\$	16.18		<b>2026</b>	\$	19.09

# APPENDIX D

<b>Compensation for Volunteer Firefighters</b>						
<b>Monthly Salary</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
Fire Chief	\$ 669.90	\$ 690.00	\$ 710.70	\$ 760.45	\$ 798.47	\$ 838.40
Asst Fire Chief	\$ 433.48	\$ 446.48	\$ 459.87	\$ 492.06	\$ 516.66	\$ 542.50
Fire Captain	\$ 236.44	\$ 243.53	\$ 250.84	\$ 268.40	\$ 281.82	\$ 295.91
Training Officer (11/24/2014)	\$ 107.46	\$ 110.68	\$ 114.00	\$ 121.98	\$ 128.08	\$ 134.48
Secretary (1/8/2007)	\$ 95.52	\$ 98.39	\$ 101.34	\$ 108.43	\$ 113.86	\$ 119.55
Fire Call Billing Clerk	n/a	\$ 98.39	\$ 101.34	\$ 108.43	\$ 113.86	\$ 119.55
Volunteer Firefighters	n/a	n/a	n/a	n/a	n/a	n/a
<b>Hourly Rates</b>	<b>2023</b>			<b>2024</b>		
	<b>Township</b>	<b>City</b>	<b>Maint &amp;</b>	<b>Township</b>	<b>City</b>	<b>Maint &amp;</b>
	<b>Fire Calls</b>		<b>Training</b>	<b>Fire Calls</b>		<b>Training</b>
Fire Chief	\$ 33.44	\$ 33.44	\$ 33.44	\$ 35.78	\$ 35.78	\$ 35.78
Asst Fire Chief	\$ 16.74	\$ 25.10	\$ 16.74	\$ 17.91	\$ 26.86	\$ 17.91
Fire Captain	\$ 16.74	\$ 25.10	\$ 16.74	\$ 17.91	\$ 26.86	\$ 17.91
Volunteer Firefighters	\$ 16.74	\$ 16.74	\$ 16.74	\$ 17.91	\$ 17.91	\$ 17.91
<b>Hourly Rates</b>	<b>2025</b>			<b>2026</b>		
	<b>Township</b>	<b>City</b>	<b>Maint &amp;</b>	<b>Township</b>	<b>City</b>	<b>Maint &amp;</b>
	<b>Fire Calls</b>		<b>Training</b>	<b>Fire Calls</b>		<b>Training</b>
Fire Chief	\$ 37.57	\$ 37.57	\$ 37.57	\$ 39.45	\$ 39.45	\$ 39.45
Asst Fire Chief	\$ 18.81	\$ 28.20	\$ 18.81	\$ 19.75	\$ 29.61	\$ 19.75
Fire Captain	\$ 18.81	\$ 28.20	\$ 18.81	\$ 19.75	\$ 29.61	\$ 19.75
Volunteer Firefighters	\$ 18.81	\$ 18.81	\$ 18.81	\$ 19.75	\$ 19.75	\$ 19.75

**Payment of compensation:**

Monthly salary will be paid monthly.

Hourly calls will be paid quarterly as follows;

- |                    |   |
|--------------------|---|
| January – March    | Paid within first two weeks of April.   |
| April – June       | Paid within first two weeks of July.    |
| July – September   | Paid within first two weeks of October. |
| October – December | Paid within first two weeks of January  |

**Lake Region & Mutual Aid Meetings:**

Effective January 1, 2007, Non-Officer firefighters are paid \$40 per meeting plus mileage and meal reimbursement for each meeting.

**Retirement rate per year of service: \$9,400 (Effective 2025/12/08), \$8,000 (effective 2024/12/09)**

## **APPENDIX D (Cont'd)**

### **Clothing Allowance:**

Effective December 12, 2016 all active volunteer firefighters will receive a clothing allowance of \$100 per year to be paid in December of each year. (1/1/2006-\$75)

No clothing allowance will be paid as part of severance or retirement.

### **Training Conferences:**

Volunteer firefighters who are designated by the Fire Chief to attend training conferences, shall be compensated for their attendance at a rate of \$50 for four (4) hours or less, and \$100 for each full day (above 4 hours). Travel time shall be included.

### **Physicals:**

All firefighters will be required to take the physicals as outlined within the Personnel Policy of the Sauk Rapids Fire Department that will be reimbursed by the City.

No reimbursement for prior year physicals 60 days after year end.

# **APPENDIX E**

## **THE SAUK RAPIDS DRUG AND ALCOHOL TESTING POLICY (NON-DEPARTMENT OF TRANSPORTATION POLICY)**

### **I. INTRODUCTION AND PURPOSE**

The use, possession, sale, or transfer of drugs or alcohol while on the City of Sauk Rapid's premises, while performing City work, while operating a City vehicle, machinery, or equipment, or being under the influence of drugs or alcohol while on City premises, performing City work, or operating a City vehicle, machinery, or equipment is strictly prohibited. Consequences of violation of this policy may subject the employee to immediate disciplinary action, up to and including termination.

### **II. DEFINITIONS**

1. **City**– Shall mean City of Sauk Rapids, including all of its departments.

### **III. EMPLOYEES COVERED**

This policy shall cover all employees of the City of Sauk Rapids. This policy will not include those employees subject to the City's Department of Transportation Drug and Alcohol Testing policy.

### **IV. TYPES OF TESTINGS**

Employees covered by this policy shall be subject to testing for the prohibited use of drugs or alcohol under the following circumstances:

1. **Pre-Employment**. All applicants for employment who have received a conditional offer of employment must pass a drug and alcohol test. The applicant will not be hired or used if he or she fails the test.
2. **Reasonable cause or suspicion testing**. The City may require any employee to undergo drug and alcohol testing if the City has reasonable cause or suspicion to believe:
  - a) The employee is under the influence of drugs or alcohol;
  - b) The employee has violated provisions of the City's policy regarding the use, possession, sale or transfer of drugs or alcohol while the employee is working, or on City premises, or operating City vehicles, machinery, or equipment;

c) The employee has sustained a personal injury, as that term is defined in Section 176.011, Subd. 16, of Minnesota law, or has caused another employee to sustain a personal injury; or

d) The employee has caused or has been involved in a work related accident which requires reporting to the City's insurance company or which involves non-City persons or property.

3. Treatment program testing. Any employee who has been referred by the City for chemical dependency evaluation or treatment or who is participating in such treatment under an employee benefit plan, and has returned to work, may be required to undergo drug and alcohol testing during the evaluation or treatment period and for up to two (2) years after completion of any prescribed chemical dependency treatment program.

4. Refusing employees. Any covered applicant or employee may refuse to undergo testing. However, applicants who refuse or fail to cooperate in the testing procedures will not be hired by the City. Any covered employee who fails or refuses to comply with this policy will be subject to discipline, including discharge, as determined solely by the City.

## **V. TESTING PROCEDURES**

Drug and alcohol testing is to be conducted in accordance with state and federal guidelines regarding the procedures to be used. These laws will include procedures for collecting urine samples, testing laboratories, testing procedures, procedures for laboratories, record-keeping and reporting requirements, and standards and procedures for state and federal certification of drug testing laboratories. The intent of the state and federal guidelines is to safeguard the accuracy of the test results and the privacy of individuals who are tested.

Any testing laboratory used will do a confirmatory test on all samples that produced a positive test result on the initial screening test. We will require any laboratory we use to disclose the test results to us within three (3) working days after the test.

Within three (3) working days after we receive the test results from any testing laboratory, we will inform you, in writing, of the results of that test. In the event your test results are positive, we will also send you information regarding your rights.

All tests shall be done by laboratories unaffiliated in any other way with our City, and will be identical for all employees. All initial screening tests and confirmatory tests will be done at our sole expense and in accordance with procedures set forth in this policy. Confirmatory testing requested by the employee or applicant will be at the employee or applicant's own expense.

## **VI. TEST RESULTS AND CITY ACTION**

We will not discharge, discipline, discriminate against, or require you to participate in a counseling or rehabilitation program on the basis of one positive test result from an initial screening. Before any such action will be taken, the initial positive screening test must be verified by a confirmatory test.

If you test positive on an initial screening test, we reserve the right to temporarily suspend you or to transfer you to another position at the same rate of pay until we receive the confirmatory test results.

An applicant for employment who fails the confirmatory test will not be hired by the City. Any employee who tests positive will also be subject to discipline, including discharge, as determined by the City; provided, however, that if the positive test is the first such result for a current employee on a drug test required by the employer, the employee will not be discharged unless:

1. The City has first given the employee an opportunity to participate in, at the employee's own expense, either a drug counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
2. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a test after completion of the program.

Nothing in this statement of policy is to be interpreted as constituting a waiver of the City's right to maintain discipline and take disciplinary measures as it sees fit.

## **VII. OTHER RIGHTS OF EMPLOYEES AND JOB APPLICANTS**

Before we request that you undergo drug and alcohol testing, we will provide you with a form on which you will acknowledge that you have seen our drug and alcohol testing policy.

The testing laboratory we use will conduct a confirmatory test on any samples that produce a positive test result on an initial screening test. This will be provided to us within three (3) working days of the confirmatory test. Within three (3) working days of our receipt of the results of the initial test and/or the confirmatory test, we will provide written notification to you of the test results. You have the right to then request a copy of the actual test result report from us, and provide an explanation to us for your positive test results.

If the test results were positive, you may request that the original sample be retested at your own expense. In order to do this, you should notify us in writing within five (5) working days after you have received the notice of the test results, that you would like a confirmatory retest done. Within three (3) working days after our receipt of that notice from you, we will notify the

original testing lab that you have requested that they perform a confirmatory retest or that the sample be transferred to another laboratory to conduct the confirmatory retest. Any confirmatory retest done must use the same drug threshold detection level as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test results, there will be no adverse personnel action taken based on that original positive confirmatory test.

### **VIII. PRIVACY AND CONFIDENTIALITY**

Testing laboratories may not disclose the results of your drug and alcohol test except to the City.

All test result reports and other information acquired in the testing process are private and confidential information. As such, this information may not be disclosed by the City to any other employer or third party individual without your written consent.

There are certain exceptions to the privacy and confidentiality disclosure limitations. Evidence of a positive test result may be used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing or a judicial proceeding if the information is relevant; it may be disclosed to any federal agency or other unit of the United States Government as required under federal law, regulation, or order; and it may be disclosed to a substance abuse treatment facility for the purpose of evaluating or treating you.

No positive test results obtained pursuant to this policy may be used as evidence in a criminal action against you.  
; and

2. The drug testing policy shall be effective immediately.

Adopted December 23, 2002.

# **APPENDIX F**

Adopted: 1-27-2020

## **CITY OF SAUK RAPIDS EMPLOYEE DRUG AND ALCOHOL TESTING POLICY**

### **FOR COMMERCIAL DRIVERS**

The abuse of drugs and alcohol is a nationwide problem which affects persons of every age, race and gender. The City of Sauk Rapids ("Employer") recognizes that work performance and safety problems are created when employees use or abuse illegal drugs and/or alcohol. The Employer wishes to provide a safe workplace for its employees and to maintain a drug and alcohol-free workplace. The Employer has established the following policy on drugs and alcohol with drug and alcohol testing provisions mandated by the Omnibus Transportation Employee Testing Act of 1991.

#### **POLICY**

All employees are strictly prohibited from using, possessing, selling, transferring, or being under the influence of drugs or alcohol while working or performing job duties or while on the Employer's premises or while operating the Employer's vehicles, machinery or equipment. No employee shall perform safety-sensitive functions within four hours after using alcohol. "Drugs" are defined as any controlled substance. Any employee found to be in violation of this policy is subject to discipline up to and including termination of employment.

#### **COVERAGE**

The Omnibus Transportation Employee Testing Act requires that all employees whose job duties include operating a commercial motor vehicle and who are required to hold a commercial driver's license shall be subject to drug and alcohol testing. The City will also conduct a limited query of the Federal Motor Carrier Safety Administration's (FMCSA) Clearinghouse for all candidates and, at least once a year for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse. In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

"Commercial Motor Vehicle" (CMV) means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle meets any one of the following criteria:

1. Has a gross combination rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Designed to transport 16 or more passengers including the driver; or

4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.

All applicants, including persons currently employed by the Employer, that apply for a position where job duties include operating commercial motor vehicles will be required to take a drug test if a job offer is made.

#### **DEFINITIONS**

1. Accident means an occurrence involving a CMV operating on a public road which results in:
  - A. A fatality; or
  - B. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident: or
  - C. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
2. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
3. Breath Alcohol Technician (BAT) means an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
4. Confirmation (or confirmatory) test. In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.
5. Controlled substance has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules 1-5 as they may be revised from time to time (21 C.F.R. Part 1308).
6. DHHS. The Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.
7. Drug means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 C.F.R. Part 40.
8. Evidential breath testing device (EBT) means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath.
9. FHWA. The Federal Highway Administration.

10. Medical Review Officer (MRO) means a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
11. Random selection means a mechanism for selection of employees for testing where each employee has an equal chance of being tested each time selections are made.
12. Reasonable suspicion means that the Employer believes the appearance, behavior, speech or body odors of an employee are indicative of the use of a controlled substance or alcohol based on the observation of at least one (1) supervisor or official who has received training in the identification of behaviors indicative of drug and alcohol use.
13. Refuse to submit (to an alcohol or controlled substance test) means that an employee:
  - A. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing;
  - B. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
  - C. Engages in conduct that clearly obstructs the testing process.
14. Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work and includes the following:
  - A. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
  - B. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning a CMV at any time;
  - C. All time spent at the driving controls of a CMV;
  - D. All time, other than driving time, in or upon any CMV except time spent resting in a sleeper berth;
  - E. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving\_ receipts for shipments loaded or unloaded;
  - F. All time spent performing the driver requirements on the Federal Motor Carrier Safety Regulations relating to accidents;

- G. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
15. Substance Abuse Professional (SAP) means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**CIRCUMSTANCES UNDER WHICH DRUG AND ALCOHOL TESTS  
SHALL BE REQUIRED OR REQUESTED**

**DURING THE APPLICATION PROCESS**

All job applicants, including persons currently employed by the Employer, applying for a job where duties include operating the Employer CMV's are required to undergo testing for drugs if a job offer is made. The job offer is contingent upon a negative drug test report and the applicant's written agreement authorizing former employers to release to the Employer all information on the applicant's positive controlled substances test results, and refusals to be tested, within the preceding two years.

**REASONABLE SUSPICION**

A drug test shall be required if the Employer has a reasonable suspicion that an employee has violated the provisions of this policy regarding alcohol or controlled substances. Reasonable suspicion alcohol tests should be administered as soon as practicable. If the test is not administered within 2 hours, the reason shall be documented.

If the alcohol test is not administered within 8 hours all attempts to conduct the test shall cease and the reasons shall be documented. Notwithstanding the absence of a reasonable suspicion alcohol test, the employee shall not be permitted to perform or continue to perform safety-sensitive functions until twenty-four hours have elapsed following the determination of reasonable suspicion.

**POST-ACCIDENT**

A post-accident alcohol and drug test is required if an employee operating a CMV is involved in an accident, as defined in this policy that results in:

1. The death of a person or persons regardless of the amount of vehicle or property damage; or
2. The employee receives a citation for a moving traffic\_ violation arising from the accident. The employee must provide an alcohol test sample as soon as practicable after the occurrence of the accident. If the employee does not receive the test within 2 hours of the accident, the reasons shall be documented. After 8 hours, all attempts to conduct the alcohol test shall cease and the reasons shall be documented. The employee must provide a urine sample for controlled substances testing as soon as practicable after the accident. After 32 hours, all attempts to conduct the test shall cease and the

reasons shall be documented. An employee subject to post-accident testing must remain available or the employee shall be considered to have refused to submit to testing. The employee is prohibited from using alcohol for 8 hours following the accident or until the employee has undergone a post-accident alcohol test, whichever comes first.

#### **RETURN-TO-DUTY TESTING**

An employee found to have violated this policy shall not return to work until after undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a verified negative result for controlled substances.

#### **FOLLOW-UP TESTING**

Following a determination by a SAP that an employee is in need of assistance in resolving problems with alcohol abuse and/or controlled substances use, an employee shall be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the SAP. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty.

#### **RANDOM TESTING**

The Employer will randomly select employees subject to this policy for unannounced alcohol and controlled substances testing using a computer based random number generator that is matched with an employee's identifying number. Alcohol testing shall be performed just before, during or after an employee's performance of safety-sensitive duties. Employees selected for testing must proceed immediately to the testing site; provided, however, that if an employee is performing a safety-sensitive function at the time of notification, the employee shall cease performing the safety-sensitive function and proceed to the testing site as soon as possible. FHWA rules require the Employer to conduct random controlled substances testing on 50% of the average number of employees and random alcohol testing on 25% of the average number of employees. Employees may be selected for more than one test per year. Tests shall be spread reasonably throughout the year.

#### **DRUG AND ALCOHOL TESTING**

Controlled substances testing is conducted by analyzing an employee's urine specimen. Split urine samples will be collected according to FHWA regulations. The employee will provide a urine sample at a designated collection site. The collection site person shall pour the urine specimen into two bottles labeled "primary" and "split", seal the specimens, complete a chain of custody document and prepare the bottles for shipment to the testing laboratory for analysis.

If the employee is unable to provide the appropriate quantity of urine, the collection site person shall instruct the employee to drink not more than 24 ounces of fluids and, after a period of no more than two hours, again attempt to provide a complete sample. If the employee is still unable to provide a complete sample, the testing shall be discontinued and the Employer notified. The MRO shall refer the employee for a medical evaluation to determine if the employee's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the Employer may elect to not have the referral made and revoke the employment offer.

Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the Employer designated contact person. If the results are negative, the Employer is informed and no further action is necessary. If the test result is confirmed positive, the MRO shall give the employee an opportunity to discuss the test result. The MRO must review any medical records supplied by an employee to determine if a confirmed positive test is the result of the employee having taken legally prescribed medication. The MRO shall notify each employee that the employee has 72 hours in which to request a test of the split specimen at the employee's expense. The MRO will contact the employee directly, on a confidential basis, to determine whether the person wishes to discuss the positive test result.

The MRO will review the confirmed positive test result to determine whether there is an acceptable medical reason for the positive result. The MRO shall verify and report a positive test result to the Employer when there is no legitimate medical reason for a positive test result as received from the testing laboratory.

If after making reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO must contact the designated Employer contact person, who shall direct the employee to contact the MRO. If the Employer contact person is unable to contact the employee, the employee will be placed on suspension.

The MRO may verify a test positive without having communicated directly with the employee about the test results under the following circumstances:

1. The employee expressly declines the opportunity to discuss the test results.
2. The employee has not contacted the MRO within five days of being instructed to do so by the Employer.

The FHWA alcohol test rules require breath testing administered by a BAT using an EBT. Two breath tests are required to determine if a person has a prohibited alcohol concentration. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. If an employee attempts and fails to provide an adequate amount of breath, the Employer will direct the employee to obtain written evaluation from a licensed physician to determine if the employee's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the designated Employer contact person.

#### **LICENSED TESTING LABORATORY**

A lab certified to perform controlled substance testing according to DHHS regulations.

#### **PROHIBITED DRUG AND ALCOHOL RELATED CONDUCT**

The following alcohol and controlled substance-related activities are prohibited by the FHWA's drug and alcohol rules for drivers of CMV's:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater;

2. Being on duty or operating a CMV while the employee possesses alcohol, unless the alcohol is manifested and transported as a part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken;
3. Using alcohol while performing safety-sensitive functions;
4. Performing safety-sensitive functions within four hours after using alcohol;
5. When required to take a post-accident test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
6. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
7. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV;
8. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.

#### **CONSEQUENCES TO EMPLOYEES ENGAGING IN PROHIBITED CONDUCT**

Employees who have engaged in prohibited conduct are subject to the following consequences pursuant to FHWA rules:

1. Employees shall not be permitted to perform safety-sensitive functions;
2. Employees shall be advised by the Employer of the resources available to them in evaluating and resolving problems associated with misuse of alcohol or use of controlled substances;
3. Employees shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance use;
4. Before an employee returns to duty requiring performance of a safety-sensitive function, he/she shall undergo a return-to-duty test with a result indicating a breath alcohol level of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use;
5. In addition, each employee identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a substance abuse professional to determine that the employee has followed the rehabilitation program prescribed;
6. The employee shall also be subject to unannounced follow-up alcohol and controlled substance testing.

## **OTHER ALCOHOL RELATED CONDUCT**

FHWA rules require that in the event of an alcohol test result over 0.02 but less than 0.04, an employee shall not be permitted to perform safety-sensitive functions for not less than 24 hours.

## **REFUSAL TO UNDERGO TESTING AND CONSEQUENCES OF REFUSAL**

All applicants and employees have the right to refuse to undergo drug and alcohol testing. If an individual refuses to undergo drug and alcohol testing required by this policy, no such test shall be given. An applicant who refuses to take a drug test shall be disqualified from further consideration for the conditionally offered position. In accordance with FMCSA's CDL Drug and Alcohol Clearinghouse reporting requirements, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days.

An employee refusing to take a drug and alcohol test required by this policy shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and will be subject to disciplinary action including possible dismissal.

## **EMPLOYEE/APPLICANT RIGHTS**

All applicants and employees subject to the drug testing provisions of this policy have the right to request, at employee or applicant expense, a retest of the split urine sample within 72 hours of receiving notice of a confirmed positive test result.

If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. If an employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely making contact. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact within 72 hours, the MRO shall direct the analysis of the split specimen.

If the confirming retest is negative, no adverse action will be taken against the employee and an applicant will be considered for employment.

The employer will not discharge an employee that, for the first time, receives a verified positive drug or alcohol test result unless:

1. The employee refuses to meet with a substance abuse professional for the purpose of an evaluation for alcohol/controlled substance use/abuse and recommendations for an educational, counseling or treatment program; or
2. The employee fails to enter the recommended program, or fails to successfully complete the program; or
3. The employee fails a return-to-duty alcohol and controlled substance test at the successful completion of the recommended program or subsequent unannounced follow-up alcohol and controlled substance testing.

## **DISCIPLINE**

Any person found to be in violation of this policy is subject to discipline up to and including discharge. Disciplinary actions taken pursuant to this policy are appealable pursuant to the procedures established in the Employer's personnel policy and rules or any applicable collective bargaining agreement, but not both.

Nothing in this policy limits or restricts the right of the Employer to discipline or discharge an employee for conduct which violates the Employer's policies or rules provided the employee is not tested for controlled substances or alcohol.

## **CONFIDENTIALITY OF TEST RESULTS**

All alcohol/controlled substances test results and required records are considered confidential information. Any information concerning an individual's test results and records shall not be released without the written permission of the individual except as provided for by regulation or law. In accordance with FMCSA's CDL Drug and Alcohol Clearinghouse reporting requirements, the City will report the following required information to the Clearinghouse within three business days:

1. A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
2. A negative DOT return-to-duty test result;
3. The driver's refusal to submit to a DOT test for drug or alcohol use;
4. An "Actual knowledge" violation as provided in federal regulations; and
5. A report that the driver successfully completed all DOT follow-up tests as ordered by an SAP.

## **ALCOHOL AND CONTROLLED SUBSTANCES CONTACT PERSON**

The Employer designated contact person will coordinate the implementation, direction, and administration of the Employer's alcohol and controlled substances policy. The contact person is the principal contact for the collection site, the testing lab, the MRO, the BAT and the person tested. Employee questions concerning this policy should be directed to the contact person.

The designated contact person is:

Position: Administrative Assistant Phone: (320) 258-5303

## **POLICY MODIFICATION**

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

# APPENDIX G

## CITY OF SAUK RAPIDS FITNESS FACILITY WAIVER OF LIABILITY

I, \_\_\_\_\_, hereby seek authorization from the City of Sauk Rapids, use of the Fitness Facility located in the City of Sauk Rapids Fire Station Building, 408 North Benton Drive, Sauk Rapids, MN 56379. As a condition of my use of this facility and all of the equipment located therein, I hereby enter into the following Agreement with the City of Sauk Rapids:

1. I agree for myself, my heirs, executors, administrators, personal representatives, and assigns that in consideration of being allowed use of the Sauk Rapids Fitness Facility to hereby release, hold harmless and discharge the City of Sauk Rapids, its officers, officials, agents and employees (hereinafter collectively referred to as "City of Sauk Rapids") of and from all claims, demands, causes of action and legal liability, whether the same be known or unknown, anticipated or unanticipated, with respect to any and all injury, disability, death or loss or damage to person or property sustained by me in connection with or arising out of my use of the Sauk Rapids Fitness Facility or the equipment, machines, devices located therein due to the City of Sauk Rapids' actual or implied negligence; except that which is the result of gross negligence or wanton misconduct.
2. I agree that my use of the Sauk Rapids Fitness Facility is completely voluntary for my own personal benefit and that the City of Sauk Rapids has not ordered or required my use of this facility and that my use or failure to use this facility will have no impact on my relationship or employment with the City of Sauk Rapids.
3. I agree and understand that the City of Sauk Rapids will not provide any supervision over the equipment located within the Sauk Rapids Fitness Facility or the activities conducted therein.
4. I agree that at all times while using the Sauk Rapids Fitness Facility I will be considered for all intents and purposes to be off-duty and on my own personal time and accordingly, in the case of injury, that I shall have no compensable Workers' Compensation claim.
5. I agree and understand that the City of Sauk Rapids makes no implied or express representations or warranties as to the condition of the equipment, machines, and devices located within the Sauk Rapids Fitness Facility or the fitness of that equipment, machines, and devices for use as exercise equipment and that I knowingly and voluntarily assume all risks of personal injury or death or property damage or loss in connection with or arising out of my use of this facility and the equipment located therein.
6. I hereby represent that I have read the policy for the use of the Sauk Rapids Fitness Facility and agree to abide by all rules, regulations and orders applicable to my use of this facility and the equipment, machines and devices located therein. I agree and understand that a violation of these rules, regulations or orders may result in the revocation of my privilege to use this facility.
7. I agree to report all equipment that I believe is malfunctioning or in need of repair to the Public Works Department.
8. I hereby represent that I am in good physical condition and that my use of the Sauk Rapids Fitness Facility and the equipment located therein will not pose a danger to my health or safety. I acknowledge that the City of Sauk Rapids recommends and encourages all persons embarking upon a fitness or exercise program to first consult with their physician and abide by any limitations set by their physician.

- 9. I understand that this facility & its equipment **IS FOR EMPLOYEE USE ONLY** and I agree not to allow any access to the facility or its equipment to guests, family or other unauthorized employees or my privileges will be revoked.
- 10. I agree and understand that the City of Sauk Rapids City Administrator has the authority to close this facility and revoke all use privileges at any time and for any reason.
- 11. I agree that except in the event of the City of Sauk Rapids' gross negligence or wanton misconduct, I shall not bring any claims, demands, legal actions or causes of action against the City of Sauk Rapids or any person who provided equipment located within the Sauk Rapids Fitness Facility for any economic or non-economic losses due to bodily injury, death, or property damage sustained by me in relation to the Sauk Rapids Fitness Facility, or the equipment located therein, it being my express intent and purpose to bind myself, my heirs, executors, administrator and assigns hereby.

I have read this release of liability, waiver and assumption of risk agreement, fully understand its terms, understand that I have given up substantial rights by signing it and sign it freely and voluntarily without any inducement.

Dated:

Signed: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Dept. or relationship to the City of Sauk Rapids)

\_\_\_\_\_  
Authorization

\_\_\_\_\_  
Title

\_\_\_\_\_  
Copy Provided to Applicant

# APPENDIX H

## CITY OF SAUK RAPIDS FITNESS FACILITY RULES OF CONDUCT

The use of the Sauk Rapids Fitness Facility located in the Sauk Rapids Fire Station at 408 North Benton Drive, is a privilege limited to City employees that can be revoked at any time for a violation of these Rules. Moreover, this facility can be closed and all rights of use revoked at any time and for any reason by the City of Sauk Rapids City Administrator. This Facility & the equipment therein are being made available for use by City employees while they are off-duty at their own risk to assist personal pursuits of wellness & physical fitness. These Rules govern all use of this facility.

1. The facility is available for use by authorized users 24 hours a day, 365 days per year. The City Administrator or the City Administrator's designee has authority to administer this facility, oversee its use, enforce these rules & resolve disputes over use.
2. All persons seeking use of this facility must receive prior authorization from the City Administrator or the City Administrator's designee conditioned upon the applicant providing a signed copy of these Rules, as well as a Fitness Facility Waiver of Liability. Both the signed Rules & the Waiver will be kept on file in the office of the Finance Director.
3. No authorized user may allow guests access to this facility. Access is strictly limited to persons whose use is authorized by the City Administrator.
4. Employee acknowledges that no instruction as to the use of facility or any equipment therein will be provided by the City. Employee agrees to take sole responsibility to become familiar with the proper and safe use of any equipment within the fitness facility.
5. No user may monopolize a particular piece of equipment for an unreasonable length of time or reserve equipment for future use.
6. All disputes over the use of this facility must be promptly directed to the City Administrator.
7. All users must report any observed equipment maintenance or malfunction problems promptly to the Public Works Department.
8. All users agree to abide by the policies contained in the City's Personnel Policy, available at City Hall, including without limitation the City's policies prohibiting sexual harassment, discrimination, tobacco use, & weapons possession by persons other

than sworn police officers. Employee also agrees not to use the fitness facility while under the influence of any mind-altering drug or chemical, including specifically, but not exclusively, alcohol of any sort.

- 9. Users must clean equipment promptly after use with the cleaner provided.
- 10. Users must at all times, while in the workout area of the facility, wear proper attire, including shoes (no bare feet) & a shirt. No clothing with offensive language or pictures will be allowed in the workout facility.
- 11. Foul or abusive language will not be used while in the fitness room.
- 12. Dumbbells or plates must be returned to the proper rack or stand.
- 13. Dropping of weights and/or dumbbells on the fitness room floor is strictly prohibited.
- 14. Machines such as exercise bike, treadmill, & stair climber should be turned off after use unless others are waiting to use it.
- 15. Chalk is allowed as long as it is used neatly.
- 16. Lights should be turned off when the fitness room is not in use.

I hereby acknowledge that I have read these Rules, agree to abide by all of them & understand that any violations of the Rules may result in a termination of my privilege to use this facility.

Dated: \_\_\_\_\_  
\_\_\_\_\_

Signed

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

\_\_\_\_\_  
Dept.

**APPENDIX I**

CITY OF SAUK RAPIDS

CREDIT CARD USER AGREEMENT

I agree to the following requirements regarding the use of the City credit card:

- I have been given a copy of the credit card policy and understand the requirements for use of the credit card.
- I understand that I am making financial commitments on behalf of the City of Sauk Rapids and will use the card only for appropriate City purchases.
- I agree to keep the credit card secure and not lend the credit card to others.
- I understand that under no circumstances will I use the credit card to make personal purchases, either for myself or for others.
- I agree to notify the City Finance Director and/or the credit card company immediately if the credit card is lost or stolen.
- I agree to return the credit card for cancellation to the City Finance Director prior to leaving employment with the City of Sauk Rapids.
- I agree to follow the established procedures for use of the credit card. Failure to do so may result in either loss of privileges or other disciplinary actions, including termination of employment.
- I agree that should I willfully violate the terms of this agreement, I will reimburse the City of Sauk Rapids for all incurred charges and any fees related to the collection of those charges.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## APPENDIX J

### ELECTED OFFICIAL OUT-OF-STATE TRAVEL POLICY

- Section I.     Purpose: The City of Sauk Rapids recognizes that its Elected Official(s) may at times receive value from traveling out of the state for workshops, conferences, seminars, events and other assignments. This policy sets forth the conditions under which out-of-state travel will be reimbursed by the City.
- Section II.    Definition: For purposes of this policy, “Elected Official” is defined as the Mayor of the City and all elected members of the City Council.
- Section III.   General Guidelines:
- A.     The workshop, conference, seminar, event or assignment must be approved in advance by the City Council at an open meeting by resolution or detailed motion, and must include an estimate of the cost of the travel. In evaluating whether to approve the out-of-state travel reimbursement request, the City Council will consider a number of factors, including but not limited to the following:
1.     Whether the Elected Official(s) will be receiving training on issues relevant to the City or to his or her roles as the Mayor or as a Council Member;
  2.     Whether the Elected Official(s) will be meeting and/or networking with other Elected Officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local Elected Officials;
  3.     Whether the Elected Official(s) will be viewing a City facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full City Council;
  4.     Whether the Elected Official(s) has been specifically assigned by the City Council to visit another City for the purpose of establishing a goodwill relationship such as a “sister-city” relationship;
  5.     Whether the Elected Official(s) has been specifically assigned by the City Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City; and

6. Whether the City has sufficient funding available in the budget to pay the cost of the trip.
- B. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
- C. The City may make payments in advance for airfare, lodging and registration if specifically approved by the City Council. Otherwise all payments will be made as reimbursements to the Elected Official(s).
- D. Mileage will be reimbursed at the IRS rate. If two or more Elected Officials travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct City business. However, the Elected Official(s) must utilize a City car when available.
- E. The Elected Official(s) must use the most cost-efficient mode of travel available taking into consideration reasonable time constraints. Airfare will be reimbursed at the coach rate.
- F. Receipts are required for lodging, airfare, and meals and should accompany an expense report form. Lodging and meal costs are limited to those which are reasonable and necessary. It is not necessary to have receipts for cabs and tips. The expense report form must be submitted to the City Finance Director for payment.
- G. The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family member, rental of luxury vehicles, meal expenses included in the costs of registration, or recreational expenses, including but not limited to activities such as golf or tennis.
- H. Limitations may be imposed on paying for expenses for an Elected Official who has announced his/her intention to resign, not to seek reelection, or who has been defeated in an election.
- I. The Council may request an oral or written report from the Elected Official on the results of the trip.
- J. The Elected Official(s) must turn over any and all materials received during or in association with the workshop, conference, seminar, event or other assignment to the City.
- K. The City Council has the authority to make any exceptions to this out-of-state travel policy depending upon circumstances unique to the trip and/or Elected Official(s).

**APPENDIX K**

**NOTICE OF ORAL REPRIMEND**

**TO:**

**FROM:** City Administrator/Department Head/Supervisor

**DATE:**        \_/\_/\_

**ISSUE:** Documented Oral Reprimand

**COMMENTS:** Incorporated herein and attached hereto (**If needed**) is the list of violations upon which this Oral Reprimand is based.

**REQUEST FOR ACTION:**

Based upon our discussions, the City expects you to do the following:

- 1)       Refrain from .....
- 2)       Keep supervisor apprised of .....
- 3)       Etc.

**CONSEQUENCE:**

Failure or refusal to meet reasonable standards of job performance and personal and professional conduct shall constitute cause for disciplinary action including oral or written reprimand, suspensions and dismissal.

You have been given notice of your neglect to abide by the City’s reasonable standards of job and professional conduct and have been requested to correct the above-referenced deficiencies. If the conditions are not corrected, you will be subject additional or more severe disciplinary action. **Corrective action must be taken by the employee to avoid further discipline.**

**ACKNOWLEDGED BY:**

Employee

The City

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Title

APPENDIX L

NOTICE OF WRITTEN REPRIMEND

TO:

FROM: City Administrator/Department Head/Supervisor

DATE:        \_/\_/\_

ISSUE: Documented Written Reprimand

COMMENTS: Incorporated herein and attached hereto (If needed) is the list of violations upon which this Written Reprimand is based. (The supervisor will want to include in this section how this notice has progressed from the level of an oral reprimand or the severity of this violation and how it warrants this level of reprimand).)

REQUEST FOR ACTION:

Based upon our discussions, the City expects you to do the following:

- 1)       Refrain from .....
- 2)       Keep supervisor apprised of .....
- 3)       Etc.

CONSEQUENCE:

Failure or refusal to meet reasonable standards of job performance and personal and professional conduct shall constitute cause for disciplinary action including oral or written reprimand, suspensions and dismissal.

You have been given notice of your neglect to abide by the City's reasonable standards of job and professional conduct and have been requested to correct the above-referenced deficiencies. If the conditions are not corrected, you will be subject additional or more severe disciplinary action. **Corrective action must be taken by the employee to avoid further discipline.**

ACKNOWLEDGED BY:

Employee

The City

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Title

**APPENDIX M**

**Donated Leave Authorization Form**

**City of Sauk Rapids**

Donor, please complete, sign and submit this form to your Department Head. A copy of the form will be returned to you after completion and approval. Thank you.

Donor's Name \_\_\_\_\_ Date \_\_\_\_\_  
Donating Time to (Employee's Name) \_\_\_\_\_

I wish to donate \_\_\_\_\_ number of my accrued sick leave hours to the above person

\*Donor may not deplete their accrued sick leave hours to less than 40 hours.

I wish to donate \_\_\_\_\_ number of my accrued vacation hours to the above person

I wish to donate \_\_\_\_\_ number of my accrued comp-time hours to the above person

\_\_\_\_\_  
Donors Signature

**For completion by Finance Department**

Verified validity of recipient's eligibility for donation. \_\_\_\_\_ Yes \_\_\_\_\_ No

Verified validity of donor's balance(s) available. \_\_\_\_\_ Yes \_\_\_\_\_ No

Transferred: Sick \_\_\_\_\_ hours on Date \_\_\_\_\_  
Vacation \_\_\_\_\_ hours on Date \_\_\_\_\_  
Comp-Time \_\_\_\_\_ hours on Date \_\_\_\_\_

\_\_\_\_\_  
Finance Director's Signature

\_\_\_\_\_  
City Administrator's Signature

**PERSONNEL POLICY MANUAL RECEIPT & ACKNOWLEDGMENT**

I have been provided a copy of the City of Sauk Rapids Personnel Policy Manual.

The City of Sauk Rapids (the “City”) expressly reserves the right to amend, modify or terminate the Personnel Policy Manual provisions from time to time at its sole discretion. Such amendments or modification, or termination of any provisions shall be effective and apply to the conditions and circumstances of my employment from the date adopted until thereafter amended, modified, or terminated. I further understand it may be amended or changed in the sole discretion of the City at any time. This Personnel Policy Manual, as its provisions are amended, modified, or terminated, is not intended to and does not create any right, obligation, or promise of continued employment, between both myself as employee and the City as employer. All previously issued or established handbooks, manuals, policies or practices for any of the subjects covered herein are canceled and terminated and no longer shall be of any further force or effect and no employee or former employee shall have any rights or claims thereunder or based thereupon.

I acknowledge receipt of a copy of the Personnel Policy Manual and this Receipt and Acknowledgment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name (Please Print)