

Watertown City Council

February 14, 2023

Agenda Item: Employee Handbook - Amendment**Request for Action:** To Review and Adopt Employee Handbooks Amendments.**Employee/Dept.:** City Administrator, Jake Foster & Maggie Reisdorf, Administrative Services Director**Background:**

At the January 24, 2023 City Council meeting, the City Council approved staff recommended amendments to the Employee Handbook.

Approved Amendments:

The following amendments were approved on January 24, 2023:

Clothing:***Section 11.22: Clothing Reimbursement Policy:***

A monetary allowance of “up to \$300” (Not to Exceed) for safety boots for employees within the public work’s department. For budgeting purposes, this amount will be budgeted for each applicable employee out of the respective Public Work’s safety budget account instead of the previous clothing account.

A separate monetary allowance of “up to \$300” (Not to exceed) for the purchase of “work pants” and emblazoned clothing with the city logo “as long as the total does not exceed their \$300 clothing/boot allotment for the year’.

A separate monetary allowance for clothing specifically clothing that is designated as “outerwear/clothing” purchased from the safety budget that is “High Visibility Clothing”.

Holiday Hours:***Section 9.4: Non-Exempt Employees:***

The language in this section that stated that “holiday hours” are not counted as “hours worked” was changed to read that holidays hours were now counted as hours worked.

Compensatory Time:

Section 11.6 - Removed.

Recommendation:

After additional review, the City Administrator and Administrative Services Director found the wording related to the public works clothing allowances to be unclear in interpretation.

As a result, staff is recommending amended language to that that was passed on January 24, 2023, for section 11.22: Clothing Reimbursement Policy only with the intent of making the language more clear. **

**See Attachment for recommended changes.

Motion Type:

Simple majority vote of members present.

Requested Action/Motion:

"I make a motion to approve the recommended language changes to the Employee Handbook as presented".

Attachments:

Proposed Employee Handbook Language Amendment.

Employee Handbook.

Current Language – Approved January 24, 2023.

11.22. Clothing Reimbursement Policy. The City will provide all safety related personal protective clothing and equipment such as: reflective jackets, reflective vests, hard hats, gloves, high-visibility clothing, non-prescription protective eyewear, hearing protection, face shields, and other safety related clothing and equipment as needed. The City will also provide up to \$300 for the purchase of protective footwear annually to be taken from the department of each employees' safety budget. Any additional outerwear/clothing purchased must be high-visibility to be eligible for a safety expense.

The City will provide up to \$300 for the purchase of work pants for those employees whose positions require such clothing. The employee must provide a completed expense statement and a sales receipt in order to receive the reimbursement.

The City will provide each office employee with up to \$100 of clothing emblazoned with the city logo each year from the City's authorized vendor. The employee will be allowed to select the item of clothing from a pre-selected range of styles. The City will provide each Public Works Department employee clothing emblazoned with the city logo as long as the total does not exceed their \$300 clothing/boot allotment for the year.

Recommended Language Amendment:

11.22. Clothing Reimbursement Policy. The City will provide all safety related personal protective clothing and equipment such as: reflective jackets, reflective vests, hard hats, gloves, high-visibility clothing, non-prescription protective eyewear, hearing protection, face shields, and other safety related clothing and equipment as needed. Any outerwear/clothing purchased must be high-visibility to be eligible to be covered as a safety expense.

The City will provide up to \$300 for the purchase of protective footwear annually to be budgeted within the respective department safety budget.

The City will also provide up to \$300 for the purchase of work pants and work shirts (emblazoned with the city logo) for those employees whose positions require such clothing.

Of the \$300 allocated for work pants/work shirts, the employee may choose to use up to \$100 (not to exceed) for other clothing emblazoned with the city logo from the City's authorized vendor.

The City will provide each office employee with up to \$100 of clothing emblazoned with the city logo each year from the City's authorized vendor.

The employee will be allowed to select the item of clothing from a pre-selected range of styles. The employee must provide a completed expense statement and a sales receipt for all items to receive a reimbursement.



CITY OF WATERTOWN EMPLOYEE HANDBOOK

Effective January 1, 2023

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WELCOME

You have been hired by the City of Watertown to assist in providing essential services to our citizens. Government employment is challenging but rewarding. Remember that the taxpayers of this community pay your wages. It is expected that each employee will be dedicated to their job, working as smart and safely as possible.

While the main purpose of this Handbook is to give you a general overview of the conditions and rewards of employment with the City, it is not a contract between the employer and employee. Policies stated in this handbook may be changed at any time by the City Council at its sole discretion.

It is important that you first understand the purpose and structure of our organization and how you fit into it. Please spend a few moments reviewing this information to help you understand the importance of the work you will be performing.

VISION STATEMENT

The City of Watertown is a small, tightly-knit City that is welcoming, friendly, and supportive with a vibrant downtown that enables neighbors, friends, and family to meet, socialize, and enjoy life.

MISSION STATEMENT

The mission of the City of Watertown is to provide high quality public services that address community needs through strategic planning, sound fiscal management, and innovative thinking while preserving our proud history.

Section 1 – Purpose

This Handbook is intended to provide employees with a general understanding of the City's personnel policies. Employees are required to familiarize themselves with the contents of this Handbook, as it will answer many questions concerning employment with the City of Watertown.

However, this Handbook cannot anticipate every situation nor answer every question about employment. Language of this Handbook is not intended nor does it create an employment contract between the City of Watertown and any employee.

Except as otherwise prohibited by law, the City of Watertown has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

In order to retain necessary flexibility in the administration of policies and procedures, the City of Watertown reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this Handbook. The only recognized deviations from the stated policies are those authorized by the City of Watertown.

If any specific provisions of the Personnel Policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Any policy or portion thereof that does not conflict with a labor agreement will remain in full force and effect and will continue to govern the actions of all covered employees. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

The City may enter into certain contracts and understandings with any employee for any reason whatsoever. These contracts will be maintained in the employee's personnel records. Only those items expressly set forth in an employee contract supersedes this employment policy. All other employment issues, not included in the written contract, will be governed by the policy set forth in this handbook. However, this handbook is not considered a contract between the City of Watertown and any of its employees.

Section 2 – Scope

2.1. Personnel Covered. Except as otherwise specifically provided throughout this policy, this policy applies to all employees of the City except the following:

- A. All elected officials; provided, however, that an officer of the City of Watertown elected or appointed for a regular term of office, or to complete the un-expired portion of a regular term, shall be considered as an employee of the City for purposes of workers' compensation coverage, only, under the Minnesota Workers' Compensation Act.
- B. Consultants and advisory personnel such as engineers, attorneys, auditors, health officers, bond consultants and such other personnel who may be engaged by the City from time to time as independent contractors.
- C. Members of City boards, commissions, and committees shall be considered as an employee of the City for purposes of workers' compensation coverage, only, under the Minnesota Workers' Compensation Act.
- D. Paid on Call Firefighters shall be considered employees of the City when they are engaged in Department activities.
- E. Volunteer personnel shall be considered employees of the City for purpose of workers' compensation coverage, only under the Minnesota Workers' Compensation Act.
- F. Emergency employees provided, however, that an emergency employee shall be considered as an employee of the City for purposes of workers' compensation coverage, only, as provided and allowed under the Minnesota Workers' Compensation Act.
- G. Other employees not regularly employed in regular positions.
- H. County law enforcement personnel who the City contracts with for services.

2.2. Special Departmental Work Rules. Departments may have special work rules deemed necessary by the supervisor and approved by the City Administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

Section 3 – Equal Employment Opportunity Policy

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City of Watertown will be based on merit, qualifications, and abilities. The City of Watertown does not discriminate in employment opportunities or practices on the basis of race, color, creed, religion, sex, national origin, age, disability, genetic information, marital status, sexual orientation, status with regards to public assistance, or any other characteristic protected by law.

The City of Watertown will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. The City of Watertown will not request or require a genetic test of any employee or applicant nor will it collect or use any protected genetic information in connection with any employment-related decisions.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or Human Resources. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Section 4 – Data Practices Advisory

4.1. General. Employee records are maintained by the office of the City Administrator.

Personnel data is kept in personnel files, payroll files, benefit and medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

4.2. Access to Personnel Files. The City of Watertown maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance evaluations and salary increases, and other employment records.

Personnel files are the property of City of Watertown, and access to the information they contain is restricted. Current employees who wish to review their own file should contact their supervisor or the City Administrator. Access by a current or former employee of the City of Watertown to his/her personnel file is governed strictly by the Minnesota Government Data Practices Act.

4.3. Employee Data Changes. It is the responsibility of each employee to promptly notify the City of Watertown of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. If any personal data has changed, notify the City Administrator.

4.4. Employment Applications. The City of Watertown relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City of Watertown's exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

Section 5 – Citywide Work Rules and Code of Conduct

5.1. Conduct as a City Employee. In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Watertown. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

The following are job requirements for every position at the City of Watertown. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as those of their departments.
- Conduct themselves with respect toward both residents and staff and respond to inquiries and information requests with patience and courtesy.
- Report any and all unsafe conditions to the immediate supervisor.
- Maintain good attendance.

Anyone found in violation of this section will be subject to disciplinary action, up to and including termination of employment.

5.2. Attendance and Absence. The operations and standards of service in the City of Watertown require that employees be at work unless valid reasons warrant absence. In order for a team to function efficiently and effectively, employees must be on the job. Attendance is an essential function of every City position.

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In case of unexpected absence, employees should call their supervisor before the scheduled starting time. If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the supervisor. Failure to use established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures.

Employees who are absent for a period exceeding 4 hours and who do not report the absence in accordance with this policy, will be considered an unexcused absence and will be subject to disciplinary action.

5.3. Access to and Use of City Property. Any employee who has authorized possession of keys, computers, tablets, or other City-owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with his/her supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the City in order to resign in good standing. All such equipment must be turned in and accounted for by the employee immediately upon demand from the Supervisor. All employees being issued City-owned property or equipment may be required to sign a payroll deduction authorization form in connection with being provided any property or equipment.

Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the City is prohibited unless authorized by the City Administrator. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Every employee who operates a municipal vehicle or other machinery is charged with the responsibility of maintaining it. Daily preventative maintenance includes checking operating fluids, tires, and cleanliness. Prior to operating City owned equipment, the employee must be properly trained and licensed.

All defects in any piece of equipment must be brought to the attention of the immediate supervisor as soon as possible.

Failure to properly care for municipal equipment may result in disciplinary action.

Employees, Department Heads or other persons, may not use, nor allow the use of any equipment, personal property, lands, or buildings of the City of Watertown for private interests. No City 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. This policy excludes use of phones, tablets, and computers which are addressed specifically in other Employee Handbook sections.

Employees operating City-owned property or equipment must immediately report any and all accidents, or parking/traffic tickets received to their supervisor or the City Administrator. The City will not be responsible for any parking or traffic tickets received by city employees while operating City-owned equipment.

5.4. Use of Personal Vehicles for Work-Related Transportation. From time to time it may be necessary for an employee of the City of Watertown to use a personal vehicle to attend training opportunities, conference, meetings or for other work-related travel.

Employees operating personal property or equipment must immediately report any and all accidents, or parking/traffic tickets received to their supervisor or the City Administrator. The City will not be responsible for any parking or traffic tickets received by city employees while operating personal vehicles on work related travel.

5.5. City Driving Policy. This policy applies to all employees who drive a vehicle on city business at least once per month, whether driving a city-owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. The City expects all employees who are required to drive as part of their job to drive safely and legally while on City business and to maintain a good driving record.

Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter.

The City will determine appropriate action on a case-by-case basis.

5.6. Appearance. The City of Watertown Dress for your Day policy allows for non-uniformed employees to use their best judgment when deciding what to wear to work every day, with some basic guidelines. The idea is that each employee should consider what their workday looks like and dress accordingly.

For example, employees are allowed to wear casual clothing on workdays when they do not have meetings with residents or other outside third parties. Employees are still expected to wear clothing appropriate for an office environment, and traditional business attire is always acceptable.

There may be days when residents or visitors are expected at city facilities and all staff may be required to forgo Dress for your Day and required to wear business casual or business attire. These days will be announced in advance so employees can plan accordingly.

In all instances, clothing and appearance must be neat, clean, not ripped, heavily frayed or worn, and not expose an excessive amount of skin. Employees are allowed to wear jeans that are clean and free of rips, tears, fraying and not excessively tight or revealing. When in doubt, consult with the Administrative Services Director.

5.7. Conflict of Interest. The proper operation of democratic government requires the actions of public officials and employees to be impartial; that government decisions and policy be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Through recognizing these goals, the City establishes the following Code of

Ethics for all employees, appointed and employed by the City. This section applies to all elected, appointed commission and board members, volunteer firefighters and volunteers.

Employees shall not use their official position for personal gain, nor shall they engage in any business or transaction or shall have a financial interest, direct or indirect, which is in conflict with the proper performance of their official duties. No employee shall have a financial interest or personal interest in any legislation before the City Council and participate in discussion or give an official opinion to the City Council unless the employee discloses on the record to the Council the nature and extent of such interest.

Employees shall not, without proper legal authority, disclose to others, or use to further their personal interest, confidential information, as defined by the Minnesota Data Privacy Act, acquired in the course of their official duties.

Employees shall not engage in any outside activity which involves the performance of an act in other than his/her capacity as a City employee which may later be subject directly or indirectly, to the control, inspection, review, audit or enforcement by such officer or employee or the department by which he/she is employed.

Employees shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

No employee seeking employment to or promotion in the municipal service shall either directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person, on account of or in connection with his/her test, appointment or promotion.

Employees should report any concerns about the possible existence of a conflict of interest to the City Administrator, or, if the City Administrator is involved in the potential conflict of interest, the employee should report such an instance to the Mayor.

Failure to report a potential or existing conflict of interest may be grounds for disciplinary action up to and including termination.

5.8. Falsification of Records. Any employee who attempts to commit or commits fraud, makes false statements or commits, or falsifies records in the course of performing their duties will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

5.9. Personal Telephone Calls. Personal telephone calls are to be made or received only when truly necessary. If possible all personal calls should be confined to normally scheduled breaks or meals. They are not to interfere with City work and are to be completed as quickly as possible. Any personal long distance call costs will be paid for by

the employee. Please refer to the Cell Phone policy for information on use of cellular phones. Failure to abide by this policy may be grounds for disciplinary action up to and including termination.

5.10. Political Activity. Employees shall not take part in political activity, directly or indirectly, during his/her hours of employment by soliciting or receiving funds or any time using his/her authority or official influence to compel any employee to apply for membership or become a member of, pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity. Employees are free to engage in any legal political activity of their choice outside of the workplace, provided it does not conflict with this policy.

5.11. Tobacco Policy. All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City facility or vehicle.

Tobacco use of any kind, including pipes, cigars, and cigarettes, e-cigarettes, and the use of chewing tobacco is prohibited for employees while on duty. Employees 18 and over are allowed to use tobacco only during their breaks and lunch, and only in areas designated for that purpose, but will not be permitted any greater number of breaks than those employees who do not smoke or use tobacco products.

5.12. News Releases. Formal news releases concerning municipal affairs are the responsibility of the City Administrator. All media interviews must be approved by the City Administrator before the interview. All contacts with the media should be reported to the City Administrator as soon as practicable.

No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or his/her designee.

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

5.13. Outside Employment. The potential for conflicts of interest is lessened when individuals employed by the City of Watertown regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the City Administrator. Any City employee accepting employment in an outside position that is determined by the City Administrator to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-City employment or consulting work for which an employee receives compensation, except for compensation

received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with City employment. City employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspect of the City.

Section 6 – Training Period

The training period is an integral part of the employment process and will be used for the purpose of observing the employee's work and for training the employee in work expectations. Training periods apply to new hires, transfers, promotions and rehires. Training periods are six months in duration.

Employment with the City of Watertown remains at-will both during and after the training period.

Immediately prior to the expiration of the training period, the Administrator or Department Head shall notify the Council in writing whether or not the services of the employee have been satisfactory and whether or not the employment should be continued. The Administrator or Department Head has the ability to also recommend an extension to the training period. If the notification states that the employment will be continued, the employee shall become a regular employee at the end of the training period, upon a vote of the Council.

Section 7 – Organization

7.1. Job Classifications. It is the intent of the City of Watertown to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws upon the time of hire. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employee's exempt or non-exempt classification may be changed only upon written notification by the City Council.

In addition to the above categories, each employee will belong to one other employment category:

- TRAINING PERIOD employees are those employees who, during their first six months of employment, have been appointed by the City of Watertown to either an original or promotional position. These employees are eligible for insurance

benefits beginning on the first day of the month following the start date. These employees may accrue, but not use paid time off benefits.

- REGULAR FULL-TIME employees are those employees who have completed their training period employment with the City of Watertown and whose appointment requires them to work an average of 32 or more hours per week. These employees are eligible for insurance benefits. These employees may accrue and use paid time off benefits.
- REGULAR PART-TIME employees are those employees who have completed their training period of employment with the City of Watertown and whose appointment requires them to work between 20 – 40 hours per week. These employees are not eligible for insurance, paid time off benefits.
- TEMPORARY employees are those employees who work for the City of Watertown on a seasonal basis as the needs of the City require. These employees are not eligible for most benefits the City provides.

All employees of the City of Watertown, notwithstanding their above employment classification, shall be employed by the City as at-will employees meaning that the City or the employee can terminate the employee's employment at any time, with or without cause or advanced notice, subject to federal and state laws. The employment classification terms used above shall not be used to define duration of employment with the City.

7.2 Layoffs. The Council may lay off any employee whenever such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization.

Section 8 – Hours of Work

8.1 Work Hours. Work schedules for employees will be established by supervisors with the approval of the City Administrator. City Hall is open 7:00 am – 4:30 pm Monday through Thursday and 7:00 am – 11:00 am on Fridays. The regular work week for employees is four nine-hour days in addition to a lunch period, Monday through Thursday with a four-hour day on Friday, except as otherwise approved by the City Administrator in accordance with the customs and needs of the individual departments. The workweek begins on Saturday for payroll purposes.

Work schedules for regular part-time and temporary workers will be determined by the Supervisor with the approval of the City Administrator.

8.2 Meal Breaks and Rest Periods. A fifteen (15) minute paid break is allowed within each four (4) consecutive hours of work. An unpaid thirty (30) minute lunch period is provided when an employee works eight or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time by saving these breaks.

Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees working out-of-doors will normally take their break at the location of their work. Employees whose duties involve traveling throughout the City may stop along the assigned route at a restaurant or other public accommodation for their fifteen (15) minute break. Exceptions must be approved by the supervisor or City Administrator.

Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the City Administrator, on the use of meal breaks and rest periods.

8.3 Adverse Weather Conditions. City facilities will generally be open during adverse weather.

Should adverse weather conditions warrant the decision by the City Administrator, in consultation with the Mayor, to close city facilities or send workers home early, the workers will not be required to use accrued paid time off or compensatory time.

Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees not reporting to work for reasons of personal safety will be allowed to use accrued paid time off or compensatory time; or with supervisor approval may modify the work schedule or make other reasonable schedule adjustments.

Public Services maintenance employees will generally be required to report to work regardless of conditions.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective supervisor or the City Administrator.

Section 9 – Compensation

9.1. Scope. Employees of the City shall be compensated according to the schedule established by the City Council. Said compensation schedule shall be reviewed annually by the Council, and periodically reviewed to ensure compliance with pay equity. Any wage or salary so established shall be the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official business. Unless approved by the City Council, no

employee shall receive pay from the City in addition to the salary authorized for the position or positions to which he/she has been appointed.

9.2. Pay Structure. All employees of the City will be paid based on the pay scale established by the City Council. This pay scale will be reviewed and evaluated annually and adjustments will be dependent upon budget constraints and workforce pressures.

9.3. Time Reporting. Full-time, non-exempt employees are expected to work 40 hours per workweek and will be paid according to the time reported on their timecards. To comply with the provisions of the federal and state Fair Labor Standards Act, hours worked and any leave time used by non-exempt employees are to be recorded daily. Each time reporting form must include the printed full name, the signature of the employee and the signature of the immediate supervisor. Reporting false information on a timecard may be cause for immediate termination.

Timecards are to be submitted to the immediate supervisor at the end of each two week period prior to the employee leaving the worksite. Failure to fully complete or submit time reporting forms in compliance with this section may be cause for disciplinary action up to and including termination.

9.4. Non-Exempt Employees. All non-exempt, overtime-eligible employees will be compensated at the rate of time and one-half for all hours worked over 40 in one workweek. Paid time off does not count toward "hours worked."

Overtime may sometimes be voluntary, or may be mandatory based on the work needs of the department. The employee's supervisor must approve all overtime hours in advance.

An employee who works overtime without prior approval or refuses necessary overtime may be subject to disciplinary action, up to and including termination.

Non-exempt employees called out to perform duties on the weekend, other than normal activities, shall be paid for a minimum of two hours. It shall be paid as regular time, unless the overtime provisions are met as listed above.

9.5. Exempt Employees. Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountancy, an exempt employee will need to work 40 or more hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

9.6. Payroll Deductions. Federal and state laws require that the City of Watertown make certain deductions from every employee's compensation. Among these are applicable federal and state income taxes. The City of Watertown also must deduct Social Security and Medicare taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." State law also requires the City to deduct retirement contributions for those employees meeting the requirements for membership in Minnesota Public Employees Retirement Association. The City of Watertown also must deduct court ordered levies and/or garnishments.

The City of Watertown offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize in writing deductions from their paychecks to cover the costs of participation in these programs, such as medical, dental premiums, deferred compensation, etc.

Questions concerning payroll deductions should be addressed to the Administrative Services Director.

9.7. Pay Dates. Employees shall be paid bi-weekly on Fridays. When a payday falls on a holiday or weekend day, employees shall receive their pay the preceding workday.

9.8. Paychecks. Paychecks are issued based on the schedule set in 9.7. Distribution of paychecks to City employees is to be accomplished in a timely manner using accurate, consistent procedures.

Paychecks will not be given to anyone other than the person for whom they were prepared, unless the person has a note signed by the employee authorizing the City to give the other person the check. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee.

Employees are responsible for notifying the Administrative Services Director of any change in status including changes in address, phone number, names of beneficiaries, marital status, etc.

Paychecks for employees who are absent for a period of time greater than one day following the pay date will be mailed.

Final paychecks for terminated employees will be held at City Hall for the former employee unless the former employee requests that the final paycheck be sent through the mail.

9.9. Direct Deposit. As provided for in Minnesota state statute 471.426, all employees are required to participate in direct deposit.

9.10. Workers' Compensation Payments. Workers' Compensation Payments for all covered employees shall be remitted by the Workers' Compensation carrier directly to the City, on behalf of the employee, and disbursed to the employee by the Administrative Services Director. Any covered employee who has, at the time of a compensable injury, accumulated credits under the medical leave or comp time plan maintained by the City shall be paid additional benefits, by the City, from his/her accumulated paid time off or comp time credits equal to the difference between the total weekly Workers' Compensation Payments and the weekly wage of the employee. Such additional benefits paid by the City to any such employee shall be charged against the paid time off or comp time credits accumulated by the employee and the total additional benefits paid shall not in any case exceed the total amount of such accumulated credits.

Section 10 – Employee Evaluation Policy

10.1. General. In order to establish employee work records, justify salaries, record personnel issues, and provide for fair and just treatment, all employees in the City of Watertown will be evaluated upon their work anniversary. All departments without supervisors will be evaluated by the Administrator. Employees in departments with supervisors will be evaluated by the supervisor and the evaluations will be reviewed by the Administrator. Department Supervisors will be evaluated by the Administrator. The City Administrator will be evaluated by the City Council. These evaluations will be based on the personal observations of the supervisor, and when possible, quantified in some manner. Evaluations are goal and job performance oriented.

10.2. Evaluation Period. All new employees will receive an evaluation following the six month training period and at the end of the first full year. After the first year, employees will receive annual evaluations.

10.3. Appraisals for Pay. Employees will generally be evaluated for performance and subsequent pay step adjustments on or around their anniversary date of hire. Special reviews for pay may occur periodically, and in any event will be conducted in the same manner as regular evaluations. The act of an appraisal does not entitle an employee to a pay adjustment.

Section 11 – Benefits

11.1. Health Insurance. The City provides health insurance coverage for all Regular Full-Time employees. The City reserves the right to change health insurance provider and plan benefits.

The City also allows its employees to provide health insurance coverage for the employee's spouse and eligible dependents. The City requires that the employee contribute at a percentage set by Council for the spouse and dependent premium through a pre-tax payroll deduction.

Employees who elect single coverage will receive a \$50 per month stipend.

For further detail, employees should consult the health insurance plan document:

11.2. Dental Insurance. The City provides dental insurance coverage for all Regular Full-Time employees. The City reserves the right to change dental insurance provider and plan benefits.

The City also allows its employees to provide dental insurance coverage for the employees spouse and eligible dependents. The City requires that the employee contribute at a percentage set by Council for the spouse and dependent premium through a pre-tax payroll deduction.

For further detail, employees should consult the dental insurance plan document.

11.3. Life Insurance. The City provides \$50,000 of life insurance coverage for all Regular Full-Time employees. The life insurance policy will also include short-term and long-term disability coverage. The City reserves the right to change life insurance provider and plan benefits.

For further detail, employees should consult the life insurance plan document.

11.4. COBRA/Health Insurance. Federal law requires most employers sponsoring group health, dental and life insurance plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

11.5. Retirement. The Public Employees Retirement Association (PERA) provides for eligible City employees to participate in a retirement program. Employees contribute a percentage of their total salary to PERA through payroll deductions. The City also contributes a percentage of the employees total salary as determined by Minnesota Statutes for PERA on behalf of the employee.

Participation in PERA is mandatory unless otherwise specified in Minnesota Statutes.

Employees should contact the Administrative Services Director for further plan details.

11.6. Holidays. The City observes the following official holidays for all regular full-time and part-time employees:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Independence Day	Labor Day
Veteran's Day	Thanksgiving Day
Friday after Thanksgiving	Christmas Eve Day
Floating Holiday	Christmas Day

In addition the City designates that the city offices will close at noon on New Year's Eve day when that day falls on a Monday through Thursday.

When a holiday falls on a Sunday, the following Monday will be the "observed" holiday and when a holiday falls on a Saturday, the preceding Friday will be the "observed" holiday for City operations/facilities that are closed on holidays.

A Floating Holiday is a paid holiday from work at the discretion of the employee. This holiday must be approved by the employee's supervisor and cannot carry over from one year to the next.

Full-time employees will receive 8 hours of pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Any employee on a leave of absence without pay from the City is not eligible for holiday pay.

Employees working a reduced schedule of less than 40 hours per week but greater than 32 hours per week will receive pro-rated holiday pay based on the number of hours normally scheduled.

Premium pay of 2 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the "actual" holiday as opposed to the "observed" holiday.

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

11.7. Paid Time Off (PTO)

All eligible employees will accrue Paid Time Off (PTO) based on years of service with the City of Watertown. The PTO benefit policy replaces previous city policies on vacation and medical leave. The PTO benefit combines these benefits into a single leave plan that allows more flexibility in how employees use their paid leave benefit.

Every regular full-time employee shall earn PTO in a bi-weekly increment (beginning in the first full month of employment) per year as follows, unless otherwise negotiated at the time of hire:

<u>Years of Service</u>	<u>Annual Hours</u>	<u>Per Pay Period</u>
• 0-5 years of employment	128	4.923
• 6-10 years of employment	168	6.461
• 11-15 years of employment	200	7.692
• 16+ years of employment	240	9.231

Any employee working a reduced schedule of less than 40 hours per week but more than 32 hours per week will accrue PTO on a pro-rated basis.

PTO hours will be accrued to the employees PTO bank in each pay period. Hours worked in excess of 40 per week will not count in any accrual of PTO but will be subject to the City Overtime Policy for applicable employees as detailed in 9.4. An employee may accrue up to 240 hours of PTO into their bank. Accrued but unused PTO beyond 240 hours will be lost. Banked PTO hours can be carried over year to year as long as the total banked hours do not exceed 240. Transition to the next step of accrual rate, based on years of service, will occur on the employee's anniversary date of hire.

For the purpose of accumulating PTO, an employee using banked PTO or receiving Holiday pay is considered to be working. Accrual of PTO will not occur during unpaid leaves of absence of 40 hours or more.

PTO may be used for any purpose as earned, and subject to approval by the employees' supervisor at which it may be taken; and approval by the City Administrator if more than 40 consecutive working hours are to be taken.

PTO leave of 24 hours or less must be requested least 3 working days prior to the leave being taken.

PTO leave of greater than 24 hours but not exceeding 80 hours must be requested at least 2 weeks prior to the leave being taken.

Emergency use of PTO (illness or injury) requires notification to the employee's supervisor a minimum of 30 minutes prior to the employees scheduled workday. Excessive emergency use may require documentation of the emergency or medical condition such as a physician's note.

PTO Cash Out - Any employee who has used at least 80 hours of PTO in the previous 12 months may request to have up to 40 hours of banked PTO converted into a cash payment minus the customary and appropriate withholdings once per calendar year provided they

have a minimum of 120 hours of banked PTO hours available at the time of the request. The PTO cash out payment will be deposited with the next scheduled direct deposited payroll.

Any regular employee voluntarily leaving municipal service with the City after having given at least the minimum required notice of such termination of employment shall be compensated at their current regular rate of pay for paid time off that is banked to the date of separation. Any regular employee who is laid off from employment with the City under good standing shall also be compensated for such banked paid time off. PTO in the month of separation will be pro-rated based on the date of employment separation from the 1st of the month, if applicable. The City may refuse to compensate any employee leaving the municipal service for cause, such as, but not limited to: termination for criminal or unethical acts, insufficient notice of resignation, etc.

In the event of death of an employee, accrued paid time off benefits shall be paid to the beneficiary on file. Absent a beneficiary form, benefits shall be paid according to PERA beneficiary; if none, to next of kin.

EXTENDED MEDICAL LEAVE BANK

City employees, who as of January 1, 2012 had accrued, unused medical leave in excess of 80 hours will be allowed to deposit these hours into an Extended Medical Leave bank. Up to 480 hours may be deposited into the Extended Medical Leave Bank. Hours deposited to this bank may be used in the event of a serious health condition of their own. A note from a certified physician is required as proof of the condition. Extended medical leave will not be paid out at time of separation or termination.

11.8. Leave Policy for Exempt Employees. Exempt employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and/or on-call hours. The normal hours of business for exempt staff are Monday through Thursday, 7:00 a.m. to 4:30 p.m. and 7:00 a.m. to 11:00 a.m. on Friday, plus evening meetings as necessary.

Exempt employees are required to use paid leave when on personal business or away from the office for two (2) hours or more, on a given day.

Absences of less than two (2) hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal hours of business stated above. Exempt employees must communicate their absence to the City Administrator or his/her designee.

If one of the above employees is regularly absent from work under this policy and it is found that there is excessive time away from work which is not justified, the situation will be handled as a performance issue. If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to

determine whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Administrator for specific situations as determined necessary.

All exempt positions may require work beyond forty (40) hours per week. In recognition for working extra hours, these employees may take some time off during their normal working hours with supervisory approval (flex time). The time off for extra hours will be on a one-for-one basis. Flex hours should be used within the same pay period as they were earned.

11.9. Funeral Leave. One day of funeral leave with pay shall be granted to an employee upon the death of a member of the immediate family of said employee or employee's spouse (i.e., spouse, child, son-in-law, daughter-in-law, grandchild, parent, aunt, uncle, grandparent, brother or sister) for attendance to the funeral or other demonstrated need. In addition to the first day off:

- 1) Any leave beyond one day must be approved by the department head and City Administrator.
- 2) An additional four days may be allowed for death of an employee's spouse, child, grandchild, father, mother, brother, or sister.
- 3) An additional three days may be allowed for the death of a spouse's mother or father, and son-in-law, daughter-in-law.
- 4) An additional one day may be allowed for death of an employee's or an employee's spouse's grandparent, uncle, aunt, brother or sister.

Employees may be permitted to longer funeral leave than provided in this section by using accrued paid time off or comp time.

In accordance with Minnesota state statutes, employees will be granted up to 10 days of leave for the death of an immediate family member killed in active military service.

11.10. Military Leave. A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees may request up to 1 week of partially paid military leave over any one year period. Upon presentation of satisfactory military pay verification data, military leave pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. The City of Watertown will also deduct the amount the employee may receive from the military from the pay the City may provide.

The portion of any military leaves of absence in excess of 1 week will be unpaid. However, employees may use any available paid time off or comp time for the absence.

Health insurance benefits will be terminated at the end of the first full month of military leave. However, such employees and their dependents will be given the opportunity to elect to continue their health insurance benefits as required by USERRA and/or COBRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Employees or dependents making such elections will normally be required to pay up to 102% of the costs of the premiums for maintaining coverage through USERRA and/or COBRA.

Benefit accruals, such as paid time off and holiday benefits, will be suspended at the end of the first full month of leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the City Administrator for more information or questions about military leave.

11.11. Military Ceremonies. Employees shall be granted 1 day of paid leave to attend send-off or homecoming military ceremonies related to an immediate family member's active military service.

11.12. Jury Duty. Regular full-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued paid time off or compensatory time to make up the difference.

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report

of time spent on jury duty and pay form is completed by the Clerk of Court so the City will be able to determine the amount of compensation due for the period involved.

Health insurance benefits will be terminated at the end of the first full month of jury duty. However, such employees and their dependents will be given the opportunity to elect to continue their health insurance benefits as required by COBRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Employees or dependents making such elections will normally be required to pay up to 102% of the costs of the premiums for maintaining coverage through COBRA.

Benefit accruals, such as paid time off and holiday benefits, will be suspended at the end of the first full month of leave and will resume upon the employee's return to active employment.

Regular Part-Time and Temporary employees are generally not eligible for compensation for absences due to jury duty, but can take a leave without pay subject to department head approval. However, if a regular part-time temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

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

An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony is entitled to reasonable time off from work to attend criminal proceedings related to the victim's case.

Employees appearing in court on non-city related business will be required to use available paid time off or comp time.

11.14. Parenting Leave. Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence in connection with the birth or adoption of a child. The leave may not exceed six weeks, and must begin within six (6) weeks after the birth or adoption of the child.

Employees are not required to use paid time off during Parenting Leave but may use paid time off at their option for any period of this leave for which they are unable to work due to medical reasons.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain in effect during the six (6) week Parenting Leave.

If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently until eligibility for either leave expires.

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

11.15. School Conference Leave. As per Minnesota Statutes, employees are allowed up to 16 hours of unpaid leave during any 12 month period to attend school conferences or classroom activities related to the employee's child or children provided the conferences or classroom activities cannot be scheduled during non-work hours. This leave also applies to attendance at conferences and activities for an employee's child or children who receives child care services as defined in the Statute, or attends a pre-kindergarten regular or special education program. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide three days prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the City.

11.16. Bone Marrow and Organ Donation Leave. Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours unless agreed to by the City, to undergo medical procedures for bone marrow or organ donation. This paid leave is separate from available paid time off.

The City may require a physician's verification of the purpose and length of the leave requested to donate bone marrow.

11.17. Election Judge Leave. An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off for purposes of serving as an election judge, provided that the employee gives the City at least ten (10) days written notice. Such employees will be required to turn over any compensation they receive for election judge duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. Time spent as an election judge will not be counted as time worked in computing overtime.

11.18. Voting Leave. The City of Watertown encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. However, if employees are unable to vote in an election during their non-working hours, the City of Watertown will grant paid time off to vote.

Employees should request time off to vote from their supervisor at least three working days prior to the day of the election. Advance notice is requested so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off

11.19. Regular Leave Without Pay. The City Administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council to a maximum of six months. Decisions on leave without pay will be considered in light of staffing levels, workloads and the employee's disciplinary status.

Normally employee benefits will not be earned by an employee while on leave without pay. However, the City's contribution toward health, dental and life insurance may be continued, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted. The employee must make arrangements with the City to pay for any share of premium not paid for by the City.

Health insurance benefits will be terminated at the end of the month of the approved unpaid leave period. However, such employees and their dependents will be given the opportunity to elect to continue their health insurance benefits as required by COBRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Employees or dependents making such elections will normally be required to pay up to 102% of the costs of the premiums for maintaining coverage through COBRA.

If an employee is on a regular leave without pay and is not working any hours, the employee will not accrue (or be paid for) holidays, or paid time off.

Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue paid time off based on actual hours worked.

Leave without pay hours will not count toward seniority and all accrued paid time off and compensatory time must normally be used before an unpaid leave of absence will be approved.

Leave without pay for purposes other than medical leave or work-related injuries will be at the discretion of the City.

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave or FMLA, will be guaranteed return to the original position only for absences of thirty (30) calendar days or less.

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original

position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the City Administrator subject to approval of the City Council.

11.20. Family and Medical Leave. The Family and Medical Leave Act (29 CFR Part 825) provides certain employees with up to 12 workweeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

The FMLA applies to all public agencies, including state, local and federal employers, and local education agencies (schools). To be eligible for FMLA leave, an employee must work for a covered employer and:

- Have worked for that employer for at least 12 months; and
- Have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
- Work at a location where at least 50 employees are employed at the location or within 75 miles of the location. (Note: “volunteer” firefighter may count as employees if paid at or near minimum wage.)

Given the employee eligibility requirements, even though all cities are covered by the FMLA, only employees in cities with more than 50 employees have the potential to qualify for FMLA protected leave. Thus, only cities with 50 or more employees generally include an FMLA policy in their personnel policies.

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

- 1) Birth or placement of a child with the employee for adoption or foster care;
- 2) To care for a spouse, child or parent who has a serious health condition;
- 3) A serious health condition that makes the employee unable to perform the essential functions of the position;
- 4) Qualifying exigencies related to a family member’s military service; or
- 5) To provide care to family members injured during active military duty (up to 26 weeks of leave may be available).

In accordance with the law, the following definitions apply:

"Caring" for someone includes psychological as well as physical care. It also includes acquiring care and sharing care duties.

An eligible "child" is defined as a person under 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is a biological, adopted, foster,

or step child, a ward of the employee, or a person with whom the employee is charged with a parent's rights, duties and responsibilities.

An eligible "parent" includes a biological parent or a person who was charged with a parent's rights, duties and responsibilities over the employee when the employee was under the legal age, but doesn't include in-laws.

"Serious health condition" is defined in Federal law, but generally includes incapacity requiring absence from work of more than three (3) days that also involves continuing treatment by a health care provider (includes prenatal care).

Eligibility

An eligible employee is one who has worked for the City for a cumulative period of twelve (12) months and at least 1,250 hours during the twelve (12) month period prior to requesting the leave.

Length of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of that child.

Leave Year

The 12 month period is calculated by measuring twelve months backward from the start date of the employee's current FMLA leave request.

Notice

The employee is to give verbal or written notice to his/her supervisor at least thirty (30) days prior to the date on which leave is to begin or if thirty (30) days notice cannot be given as much notice as practical.

If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice. To the extent possible, planned medical treatment should be scheduled so that it will not unduly disrupt the City's operations.

Employees with unexpected needs for leave must still follow the City's normal absence reporting procedures. Failure to do so may result in disciplinary action even if the underlying leave is ultimately covered by FMLA.

Medical Certification

The employee may be required to provide medical certification to support a request for leave because of the serious health condition of a child, spouse, parent or the employee. A "Certification of Physician or Practitioner" form can be obtained from the City Administrator. The form is to be completed by the attending physician or practitioner and submitted to the City Administrator (*City Clerk, Administration, HR Department*) within ten (10) days after requested, or as soon as is reasonably practicable.

The City may require a second (or third) opinion at the City's expense. If required, the City will select a health care provider not regularly associated with the City.

Recertification

Recertification may be required if the employee requests an extension of the original length approved by the City or if the employee's circumstances change. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Intermittent Leave

Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if medically necessary. All requests for intermittent leave will be evaluated on a case-by-case basis.

The City may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates the intermittent leave than the employee's regular position.

Intermittent leave may not be provided for post birth or placement of a child with the employee for adoption or foster care

Fitness for Duty Certification

The City may require a medical certificate attesting to the employee's fitness for duty prior to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of his/her regular job.

The City Administrator may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the ADA (Americans with Disabilities Act). If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Job Protection

Employees returning from Family and Medical Leave will be reinstated in their former position or a position equivalent in pay, benefits and other terms and conditions of employment.

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

Effect on Benefits

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had they been continuously employed during the leave period. If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

In addition, the employee will be responsible for the employee's portion and the City's portion plus any required administrative fee for life insurance continuation, if continuation is desired. The City may choose to continue the City's portion if administratively more convenient.

Employees are responsible for continuing to pay their portion of any premiums during the leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City. If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage subject to COBRA requirements.

Seniority

Seniority does not accrue during any period of unpaid FMLA except as allowed when the leave is covered by worker's compensation). However, seniority accrued prior to commencement of FMLA leave will not be lost.

Use of Accrued Paid Leave or Compensatory Time During Family and Medical Leave

During the Family and Medical Leave, employees must use available paid time off and compensatory time prior to taking an unpaid leave unless their medical condition/injury is covered by worker's compensation or the absence qualifies under the state Parental Leave law. The use of available paid time off and comp time, even though paid time off, will be counted as FMLA.

FMLA leave counts as continued service for purposes of retirement and/or pension plans.

Records Retention

Records on FMLA leave will generally be kept with normal payroll records except that any medical record will be maintained separately as a confidential medical record in accordance with the law.

Failure to Return from FMLA Leave

Employees who cannot return from an approved FMLA leave at the end of the approved leave period may request an extension (up to the maximum of twelve (12) weeks allowed under FMLA). If the twelve (12) FMLA weeks have already been used, the employee can request to go on a regular unpaid leave of absence. If approved, before unpaid leave begins the employee must use any accrued paid time off or compensatory time that remains. If the leave is approved and unpaid, the employee will be required to pay the full cost of all group insurance, as provided under COBRA, in order to continue coverage.

If the unpaid leave of absence is not approved or the employee fails to request additional leave, the employee will be considered to have voluntarily resigned. If circumstances beyond the employee's control prevented the employee from requesting additional leave, a retroactive leave request may be allowed, subject to the City Council's approval.

If an employee fails to return from an FMLA leave and is determined to have voluntarily resigned as described above for reasons other than his or her own serious health condition, the City may seek reimbursement from the employee for the portion of the insurance premiums paid by the City on behalf of that employee during the period of leave.

11.21. Light Duty/Modified Duty Assignment. This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the City Administrator on a case-by-case basis. This policy does not guarantee assignment to light duty.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame

regarding return to work with no restrictions, meeting all essential requirements and functions of the City's job description along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the City Administrator.

The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

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

If the City offers a light duty assignment to an employee who is out on worker's compensation leave, the employee may be subject to penalties if he/she refuses such work.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

11.22. Clothing Reimbursement Policy. The City will provide all safety related personal protective clothing and equipment such as: reflective jackets, reflective vests, hard hats, gloves, high-visibility clothing, non-prescription protective eyewear, hearing protection, face shields, and other safety related clothing and equipment as needed. Any outerwear/clothing purchased must be high-visibility to be eligible to be covered as a safety expense.

The City will provide up to \$300 for the purchase of protective footwear annually to be budgeted within the respective department safety budget.

The City will also provide up to \$300 for the purchase of work pants and work shirts (emblazoned with the city logo) for those employees whose positions require such clothing.

Of the \$300 allocated for work pants/work shirts, the employee may choose to use up to \$100 (not to exceed) for other clothing emblazoned with the city logo from the City's authorized vendor.

The City will provide each office employee with up to \$100 of clothing emblazoned with the city logo each year from the City's authorized vendor.

The employee will be allowed to select the item of clothing from a pre-selected range of styles. The employee must provide a completed expense statement and a sales receipt for all items to receive a reimbursement. **11.22. Clothing Reimbursement Policy.** The City

~~will provide all safety related personal protective clothing and equipment such as: reflective jackets, reflective vests, hard hats, gloves, high-visibility clothing, non-prescription protective eyewear, hearing protection, face shields, and other safety related clothing and equipment as needed. Any additional outerwear/clothing purchased must be high-visibility to be eligible for a safety expense. The City will also provide up to \$300 for the purchase of protective footwear annually to be taken from the department of each employees' safety budget. Any additional outerwear/clothing purchased must be high-visibility to be eligible for a safety expense.~~

~~The City will provide up to \$300 for the purchase of work pants for those employees whose positions require such clothing. The employee must provide a completed expense statement and a sales receipt in order to receive the reimbursement.~~

~~The City will provide each office employee with up to \$100 of clothing emblazoned with the city logo each year from the City's authorized vendor. The employee will be allowed to select the item of clothing from a pre-selected range of styles. The City will provide each Public Works Department employee clothing emblazoned with the city logo as long as the total does not exceed their \$300 clothing/boot allotment for the year.~~

Section 12 – Respectful Workplace Policy

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

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

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

Employees must remain conscientious of their own tone and conduct to avoid escalating such situations.

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

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

Violent behavior includes the use of physical force, harassment, or intimidation.

Discriminatory behavior includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.

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

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

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

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

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.

- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

12.5. Possession and Use of Dangerous Weapons. It is the policy of the City of Watertown to restrict and regulate the use and possession of firearms and other dangerous weapons, such as knives, explosives, etc. by any City employee, such restriction and regulation to be in compliance with Minnesota Statutes, or as it may be amended, and all other applicable laws. By promulgating this policy, the City of Watertown does not intend to waive its legal privileges and immunities existing under any laws, including Minnesota Statutes.

The City of Watertown hereby establishes a policy prohibiting all employees from carrying or possessing firearms, as defined in Minnesota Statutes, and other dangerous weapons while acting in the course and scope of employment for the City. The possession or carrying of firearm and other dangerous weapons by any employee is prohibited while working on or off the City's property or at any work location on behalf of the City. This includes but is not limited to:

- Working at City Hall or any other City-owned work site;
- Driving on City business;
- Riding as a passenger in a car or any type of mass transit on City business;
- Working off-site on behalf of the City;
- Attending training or conferences on behalf of the City;
- Performing work after normal business hours and/or weekends, including emergency or on-call duties;
- Working at private businesses on behalf of the City; and
- Working at private residences on behalf of the City.

An employee is prohibited from bringing a firearm and other dangerous weapons in their private vehicle unless the vehicle remains in a parking lot and is not needed in order to perform services for the City. For purposes of this policy, such an employee shall be deemed to be in compliance if, when the employee and/or the employee's vehicle leaves the parking area, the employee's permitted firearm and other dangerous weapons is in the locked trunk of his/her vehicle, not a City-owned vehicle, unloaded, and in a locked container.

All licensed peace officers in the employ of the City or a contracted law enforcement agency are exempt from this policy during the course of performing his or her duties.

Violations of this policy, including a first violation, is a serious breach of standards of conduct, and will be processed through the discipline system.

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

Step 1(a). Politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

Step 1(b). If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or City Administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

Step 1(c). In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, City Administrator or law enforcement. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to a supervisor or the City Administrator.

Step 2. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Administrator or the Mayor.

12.7. Supervisor's Response to Allegations of Disrespectful Workplace Behavior. Employees who have a complaint of disrespectful workplace behavior will be taken seriously.

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the City Administrator, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

Step 1. Once the complaint has been received, the Supervisor will make all reasonable efforts, including but not limited to reassignment, rescheduling,

suspension with pay, etc., will be made in the short-term to change the environment about which the employee is complaining pending an investigation.

Step 2. If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 3. If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. The investigator will obtain the following description of the incident, including date, time and place:

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

Step 4. The supervisor must notify the City Administrator about the allegations.

Step 5. As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

Step 6. After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

Step 7. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable.

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

If the City Administrator is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a Council Member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City Attorney who will undertake the necessary investigation. The City

Attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

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

All investigatory efforts will be kept as confidential as legally possible and only those individuals with a need to know will be contacted or informed about the nature of the allegations.

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

12.11. Employee Liability. Employees can be held individually liable for sexual harassment.

Section 13 – Separation from Service

13.1. Resignations and Retirement. Resignation is the voluntary employment termination initiated by the employee. Any non-exempt employee wishing to leave municipal service in good standing shall file with his/her supervisor and the City Administrator, at least fourteen (14) days before leaving, a written resignation stating the effective date of the resignation and reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City and denying terminal leave benefits. Unauthorized absence from work for a period of three working days may be considered by the Administrator as a resignation without such benefits. Exempt employees are required to give at least 30 days notice.

At the discretion of the City Council resigning employees may be asked to discontinue work prior to the effective date of the resignation. This separation will be considered paid administrative leave, not to exceed the minimum reporting requirement as outlined in this policy.

13.2. Terminations. Termination is the involuntary employment termination initiated by the City of Watertown. The City Council may dismiss an employee at any time with or without cause or advance notice.

13.3. Separation Payment. An employee who separates from the city for any of the above reasons may receive the prorated share of earned wages or salary, full compensation for all paid time off and compensatory time accrued.

The City may refuse to compensate any employee leaving the municipal service for cause, such as, but not limited to: termination for criminal or unethical acts, insufficient notice of resignation, etc., for any or all paid time off.

Section 14 – Discipline

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

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the City's personnel policies.

14.2. No Contract. This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

14.3. Process. The City may elect to use progressive discipline with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in this process alters the at-will nature of employment with the City.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

14.4. Disciplinary Actions. The following are descriptions of the types of disciplinary actions:

Oral Reprimand

This measure may be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date and a summary of discussion and corrective action needed.

Written Reprimand

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or

written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the City Administrator.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean that they agree with the reprimand. Written reprimands will be placed in the employee's personnel file.

Suspension With or Without Pay

The City Council may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

Demotion and/or Transfer

An employee may be demoted or transferred if attempts at resolving an issue have failed and the City Administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

Salary

An employee's salary increase may be withheld or the salary may be decreased due to performance deficiencies.

Dismissal

The City Administrator, with the approval of the City Council, may dismiss an employee for substandard work performance, serious misconduct, behavior not in keeping with City standards, tardiness, or other such behavior.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

14.5. Grievance Procedure. Any dispute between an employee and the City relative to the application, meaning or interpretation of these personnel policies may be settled in the following manner:

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper supervisor within twenty-one (21) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days.

Step 2: If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the City Administrator within seven (7) days after the supervisor's response is due. The City Administrator or his/her designee will respond to the employee in writing within seven (7) calendar days. The decision of the City Administrator is final.

If a grievance is not presented within the time limits set forth above, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the City's last answer. If the City does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the City and the employee without prejudice to either party.

The following actions are not grievable:

1. Performance evaluations;
2. Pay increases or lack thereof; and
3. Merit pay awards.

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

Section 15 – Employee Education and Training

15.1. General. The City promotes staff development as an essential, ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for staff development are to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance and to provide employees with an opportunity for job enrichment and mobility. However, by way of this policy, the City is in no way obligated to provide educational or training opportunities for the employee.

The City will pay for the costs of an employee's participation in training and attendance at professional conferences, provided that attendance is approved in advance.

15.2. Job Related Training, Conferences and Meetings. The City will, provided the necessary resources are available, support and assist in providing the employee with job related training, conferences and meetings that will provide increased job knowledge and abilities.

The employee should bring job related training, conferences and meeting opportunities to the attention of the immediate supervisor. The immediate supervisor will either approve or deny job related training opportunities based on job-relatedness and appropriate use of resources.

Attendance at professional trainings, conferences or meetings costing \$50 or less and directly related to the performance of the employee's work responsibilities require the approval of the immediate supervisor to ensure adequate department coverage, but do not require the approval of the City Administrator.

15.3. Request for Participation in Trainings and Conferences. The request for participation in a training session or conference must be submitted in writing to the employee's supervisor on the appropriate form. All requests must include an estimate of the total cost including training session, travel, meals, etc., and a statement of how the education or training is related to the performance of the employee's work responsibilities with the City.

Requests totaling more than \$250 must be approved by the employee's supervisor and the City Administrator. Documentation approving conference or training attendance will be provided to the employee with a copy placed in the employee's personnel file. Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to accounting for prompt payment.

15.4. Out of State Travel. Attendance at training or conferences out of state is approved only if the training or conference is not available locally. All requests for out of state travel are reviewed for approval/disapproval by the City Administrator.

15.5. Compensation for Travel and Training Time. Time spent traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act.

Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

15.6. Memberships and Dues. The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the City. Payment for memberships and dues to professional organizations are dependent upon budget constraints and applicability to job duties of the employee, professional growth, and if approved by the immediate supervisor.

Section 16 – Reimbursable Expenses

16.1. General. From time to time certain employees, elected officials, appointed commission members and volunteer firefighters will be required to travel to attend meetings, educational seminars, training opportunities and site visits. Certain expenses incurred during such travel will be reimbursed by the City according to this policy.

16.2. Mileage. The City will reimburse those employees, elected officials, appointed officials and volunteer firefighters for mileage incurred while traveling to and from an official event. This reimbursement will only be made if use of a city vehicle is unavailable. Mileage will be reimbursed using the current Internal Revenue Service reimbursement rate.

16.3. Lodging. The City will reimburse those employees, elected officials, appointed officials and volunteer firefighters for the cost of lodging for seminars, trainings and other events when the event is a multiple day event and/or is greater than 60 miles from the City of Watertown. Certain exceptions may apply if the event starts at 8 a.m. or earlier or ends at 7 p.m. or later. In those instances, the City will reimburse the traveler for one night of accommodation.

Lodging must be approved by the Department Supervisor and the City Administrator prior to the event. Lodging reimbursement will be made only for lodging at approved motels and hotels.

16.4. Meals and Incidentals. Reimbursements for meals and incidentals will only be issued following the submission by the individual of an expense statement and receipts for the purchases. Per diem rates will be based upon the Standard Rate as recommended for the City of travel by the US General Services Administration (GSA). www.gsa.gov. The City will not reimburse for alcoholic beverages or entertainment.

Section 17 – Drug and Alcohol Free Workplace

In accordance with Federal Law, the City of Watertown has adopted the following policy on drugs and alcohol in the workplace:

- A. Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the City’s intent and obligation to provide a drug-free, safe and secure work environment.
- B. Employees are prohibited from being under the influence of drugs or alcohol in the workplace. The legal use of prescribed drugs is permitted on the job provided it does not impair an employee’s ability to perform the essential functions of their job in an effective and safe manner. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- C. The unlawful manufacture distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- D. The City recognizes drug and alcohol abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
- E. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug or alcohol statute for violations occurring on or off work premises while conducting City business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

Section 18 - Drug and Alcohol Testing Policy

18.1. Purpose. The purpose of this policy is to provide written guidelines in compliance with the Minnesota Drug and Alcohol Testing in the Workplace Act for requesting or requiring employees or job applicants to undergo drug and/or alcohol testing. The City of Watertown prohibits the possession, consumption, sale, transfer or “being under the influence” of illegal drugs or alcohol while engaged in assigned work related duties.

18.2. Objectives. The following are the objectives for the Drug and Alcohol Testing Policy:

- A. To create a safe and healthy environment for all employees to work in.
- B. To provide professional, efficient service to the public with employees utilizing their full potential.
- C. To reduce the costs directly and indirectly associated with substance abuse in our work place.

- D. To assure fairness and equality in the administration of this policy.
- E. To set forth the procedures for the administration and implementation of this program and policy.

18.3. Definitions.

Clearinghouse: The Clearinghouse is electronic database containing records of violations of drug and alcohol prohibitions in 49 C.F.R. § 382, Subpart B. The database will include positive drug or alcohol test results, refusals, and other drug and alcohol violations for CDL drivers. When a driver completes the return-to-duty process, this information will also be recorded in the Clearinghouse.

Confirmatory Test and Confirmatory Retest: means a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in MINN. STAT. §181.953, Subd. 1.

Drug and/or alcohol testing: means analysis of a body component sample according to the standards established under one of the programs listed in MINN. STAT. §181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Drug: means a controlled substance as defined in MINN. STAT. §152.01, Subd. 4.

During Employment: means regular working hours, overtime, or any other period when employees are performing duties for City of Watertown. Reasonable consumption of alcohol will be allowed during non-working hours such as business lunches, seminars, conferences, or other social functions where the company is represented.

Employee: means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer.

Initial screening test: means a drug or alcohol test which uses a method of analysis under one of the programs listed in MINN. STAT. §181.953, Subd. 1.

Job applicants: means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the City of Watertown, and includes a person who has received a job offer made contingent on the person passing drug or alcohol testing.

Positive test result: means a finding of the presence of drugs, alcohol, or their metabolites, in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in MINN. STAT. §181.953, Subd. 1.

Reasonable suspicion: means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

18.4. Applicability. The City of Watertown may request or require drug and/or alcohol testing of the following individuals and under the following circumstances:

A. Applicant Testing: Job applicants for positions which require a pre-employment physical. Testing will not be required until a job offer has been made.

B. Reasonable Suspicion Testing: Employees may be requested or required to undergo drug or alcohol testing if the employer has a reasonable suspicion that the employee:

- is under the influence of drugs or alcohol;
- has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment;
- has sustained a personal injury, as that term is defined in MINN. STAT. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

C. Treatment Program Testing: Employees who have been referred by the City of Watertown for a chemical dependency treatment or evaluation or who are participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

D. Random testing: The City of Watertown may request or require only employees in safety-sensitive positions to undergo drug and alcohol testing on a random basis.

E. Routine Physical Examination Testing: The City of Watertown may request or require an employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually

and the employee has been given at least two weeks' written notice that a drug or alcohol test may be requested or required as part of the physical examination.

18.5. Requirements and Procedures. The City of Watertown will post and maintain a notice in appropriate and conspicuous locations at its facilities that this policy has been adopted and that copies are available for inspection at specified locations.

The City of Watertown will use a facility for drug and/or alcohol testing meeting the requirements set forth in MINN. STAT. §181.953, Subd. 1.

All test samples will be taken at the designated facility. The procedure utilized for collecting samples for testing will ensure privacy to the employees and job applicants to the extent practicable, considering the need to prevent tampering with the sample. Applicable laws regarding chain of custody procedures with respect to the sample will be followed.

All personal injuries sustained while working for the City of Watertown and all work related accidents will be reported immediately to an on-duty supervisor by the person involved in the injury or accident and/or witnesses to the injury or accident. If no supervisor is on duty at the time, one will be called at home. The notified supervisor will then determine whether to require drug/alcohol testing of the injured person, the person causing the injury, or the person involved or causing a work-related accident. Any employee tested under this section of the policy may be suspended in accordance with 18.9 D of this policy.

When a supervisor determines that an employee should be tested under Reasonable Suspicion Testing, the employee will be told that in the supervisor's opinion, the employee appears to be under the influence of drugs or alcohol in violation of the City of Watertown's Drug and Alcohol Testing Policy. During this discussion, the employee shall be asked for his or her response to the supervisor's suspicions. A written record of the discussion and employee's replies will be kept. The supervisor will then explain that the employee will be driven to the designated facility for the testing sample.

If the test result is negative, there will be no loss of pay or disciplinary action taken.

Before an employee or job applicant is required to submit to an alcohol or drug test, the employee or applicant must sign a consent form, authorizing drug and alcohol testing, and this consent form shall also acknowledge that the employee or applicant has seen the City of Watertown's Drug Testing Policy.

A testing laboratory shall conduct a confirmatory test on all samples that produced a positive test result on an initial screening test. No adverse personnel action will be taken based on an initial screening test that has not been verified by a confirmatory test, except for a suspension, as discussed in 18.9 D of this policy.

Within three business days of the City of Watertown's receipt of testing results, the City of Watertown will notify the employee/job applicant in writing of a negative test result on an initial screening test or a negative or positive test result on a confirmatory test. If the individual tests positive for drug use, the employee will be given written notice of the right to explain the positive test result. The City of Watertown may also request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

18.6. Clearinghouse Queries. Pre-employment query: As of January 6, 2020, the City will not employ a driver without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the applicant has controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance, in violation of § 382.213. 49 C.F.R. § 382.701(a). If an applicant does not consent to this pre-employment query, the City will not offer the applicant employment, and any conditional offer for employment will be withdrawn.

Limited Query: As of January 6, 2020, the City shall conduct a query of Clearinghouse at least once per year for all drivers. All drivers must provide specific consent for this annual full query. 49 C.F.R. § 382.701(b)(1). In lieu of a full query, the City may conduct a limited query to satisfy the annual query requirement. A limited query will tell the City whether there is information in the Clearinghouse about the driver, but it will not release that information to the City. A driver must consent to a limited query, but a driver's consent for a limited query can be effective for more than one year. 49 C.F.R. § 382.701(b)(2).

Positive Limited Query: If the limited query shows that information exists in the Clearinghouse about the individual driver, the City must conduct a full query, within 24 hours of conducting the limited query. If the City does not complete the full query within 24 hours, then the City shall not allow the driver to continue to perform any safety-sensitive function until the employer conducts a full query.

City Notification: The City will be notified if any information is entered about a driver or applicant within 30 days of the City's query 49 C.F.R. § 382.701(c).

Prohibition for Drivers: The City will not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver:

- Has a verified positive, adulterated, or substituted controlled substances test result;
- Has an alcohol confirmation test with a concentration of 0.04 or higher;
- Has refused to submit to a test in violation of § 382.211;

18.7. Rights of Employees and Job Applicants to Refuse Testing. If a job applicant for an affected position refuses to submit to alcohol and/or drug test, any offer of employment may be withdrawn and the individual may not be considered for employment by the City of Watertown.

Employees, who refuse to be tested, refuse to cooperate with an alcohol and/or drug test, refuse to provide a specimen, or attempt to subvert a test or specimen, may result in disciplinary action, up to and including termination

18.8. Effect of Positive Confirmatory Test. If a job applicant for an affected position tests positive on a confirmatory test for alcohol and/or drugs, any offer of employment may be withdrawn and the individual may not be considered for employment by the City of Watertown.

Positive test results on a confirmatory test or retest are considered test failures. Employees who fail for the first time will be required to participate, at the employee's own expense, or pursuant to coverage under an employee benefit plan if available, in either a drug or alcohol counseling and rehabilitation program, whichever is more appropriate, as determined by the employer after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency. Employees, who either refuse to participate in the counseling or rehabilitation program or have failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program, may be discharged immediately. Employees completing a counseling or rehabilitation program at the City of Watertown's request, will be subject to Treatment Program Testing under Article IV, Section C. Employees subject to Treatment Program Testing may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period, and for a period of up to two years following completion of any prescribed chemical dependency treatment program. A positive test result on a confirmatory test after completion of the Treatment Program Testing will result in immediate discharge.

Employees who have previously failed a drug or alcohol test which has been verified by a confirmatory test will be immediately discharged if they fail for the second time and this second failure is verified by a confirmatory test.

18.9. Employee and Job Applicant Right after a Test: Employees and applicants can submit information to the employer to explain a positive test result after receiving actual notice of the positive test result. Within three business days after receiving actual notice of a positive test result on a confirmatory test, the employee or applicant may submit additional information to the City of Watertown to explain the positive test result. Within five business days after receiving notice of a confirmatory test result, the employee or job applicant shall notify the employer in writing of the employee's or job applicant's intention to obtain a confirmatory retest. Within three business days after receiving this notice, the City of Watertown shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or transfer the sample to another laboratory licensed to conduct the confirmatory retest. No adverse personnel action will be taken if the confirmatory retest does not confirm the original test result.

An employee or job applicant may request and receive from the City of Watertown, a copy of the drug or alcohol test result report.

18.10. Miscellaneous.

A. The laboratory which the City of Watertown may use shall disclose test result data only to the City Administrator.

B. Test results reports and other data acquired by the City of Watertown in the drug or alcohol testing process is private data on individuals pursuant to Chapter 13 of the Minnesota Statutes. The City of Watertown will disclose the information internally only to employees with a need to know and to the tested individual. The information will not be released to any third party without the written consent of the individual, except evidence of a positive test result on a confirmatory test may be:

1. used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Chapter 43A, or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding;
2. disclosed to any federal agency or other unit of the United States Government as required under federal law, regulation, or order, or in accordance with compliance requirements of a federal government contract; and
3. disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

C. Positive test results from the City of Watertown's drug or alcohol program will not be used as evidence in a criminal action against an employee or job applicant.

D. The City of Watertown may temporarily suspend a tested employee pending the outcome of the confirmatory test and if requested, confirmatory retest, provided the employer believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The suspension may be without pay, at the discretion of the City Administrator. An employee who has been suspended must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative. In lieu of suspension, the City of Watertown may temporarily transfer the employee to another position at the same rate of pay. Positive test results will be handled in accordance with 18.7 of this policy. It shall be the responsibility of the City Administrator to determine the date a suspended employee may return to work.

Section 19 – Cellular Phone/Electronic Device Use

19.1. General.

The City may authorize an employee to use his/her own personal phone/electronic for City business and be reimbursed by the City for those calls or data usage. An employee will not be reimbursed for business-related calls or data use without prior authorization from his/her supervisor. Supervisors may also prohibit employees from carrying their own personal cell phones or electronic device during working hours if it interferes with the performance of their job duties. Reimbursement rates for staff authorized to use a personal phone or electronic device for City business will be determined annually based on budgetary constraints recommendation by the supervisor and/or the City Administrator.

Personal cell phones and electronic devices that contain City data maybe discoverable in a court of law or under the Minnesota Data Practices Act. Creation of City data should be stored on the City's computer network and not on personal cell phones or electronic devices.

19.2. Use While Operating Equipment.

Employees must follow Minnesota Statutes governing the use of cellular phones and electronic devices while driving or operating City equipment and machinery. Employees will not be reimbursed for fines related violation of these laws and could be subject to disciplinary action, up to and including termination from employment.

Section 20 - Computer/Internet Use Policy

20.1. General. Computers, computer files, the e-mail system, and software furnished to employees are property of the City of Watertown and intended for business use only.

20.2. Passwords. All passwords will be assigned by the computer resources coordinator. Employees should not use a password that is not provided by the City.

20.3. Privacy. To ensure compliance with policy, computer and e-mail usage will be monitored. Employees do not have an expectation of privacy with respect to information contained in the City's computers, computer files, or e-mail systems.

Employees do not have an expectation of privacy with respect to their use of the Internet.

20.4. Improper Uses. The City strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or that creates a hostile, offensive or intimidating environment for others. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters. Employees should notify the City Administrator upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

20.5. Internet Usage. Internet access to global electronic information resources on the World Wide Web is provided by the City to assist employees in obtaining work-related data and technology. The following guidelines have been established to ensure responsible and productive Internet usage.

All Internet data that is composed, transmitted, or received via the City's computer communications systems is considered to be part of the official records of the City and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions are accurate, appropriate, ethical, and lawful. The equipment, services, and technology provided to access the Internet remain at all times the property of the City.

As such, the City reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through the City's online connections and stored in the City's computer systems. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to: sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other class or characteristic protected by law.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses and all compressed files are to be checked before and after decompression. Abuse of the Internet access provided by the City in violation of law or the City's policies will result in disciplinary action, up to and including termination of employment. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the City's time and resources for personal gain
- Stealing, using, or disclosing another employee's code or password without authorization
- Sending or posting data which is classified as confidential non-public, not public or private in violation of the Data Practices Act
- Violation of copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the City or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the City's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Jeopardizing the security of the City's electronic communications systems or engaging in any other illegal activities

Workplace monitoring will be conducted by the City to ensure quality control, employee safety and security.

20.6. Programs. The computer equipment provided by the City for the employee's use is the property of the City and only those programs approved by the computer resources coordinator may be installed on the computer equipment. Employees planning to install any program on city owned computer equipment must first get permission from the City Administrator.

Section 21 – Safety

21.1. General. The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor.

21.2. Reporting Accidents and Illnesses. All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment.

Worker's compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

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

21.4. Unsafe Behavior. Supervisors are authorized to send an employee home immediately when the employee's behavior violates the City's personnel policies, department policies, or creates a potential health or safety issue for the employee or others. Violations may result in disciplinary action, up to and including termination.

Section 22 - Volunteering

Employees that desire to volunteer their time towards worthy community projects may be granted time with pay, up to 16 hours per year, by the City Administrator. Written requests shall be required and approved by supervisors and the City Administrator. Employees are encouraged to participate in community groups and activities and every reasonable effort will be made to accommodate such requests.

Section 23 - Fire Department Volunteers

23.1. General. In order to minimize the loss of life and property for the City of Watertown, and areas serviced by the Watertown Fire Department from fires, natural disasters, and life-threatening situations, the City allows regular full-time and part-time employees who are members of the WFD to respond to emergency calls during normal working hours or scheduled shifts under certain circumstances to assist with

maintaining a vital response force. However, the City of Watertown considers a regular employee's position at the City of Watertown to be their primary employment, and it should be treated as such.

23.2. Procedure. The City has given each firefighter/employee the right to decide for themselves whether they should respond to a call. If their decision is such that they believe that the call is not potentially life-threatening in nature, they are expected to remain on the job. If on the other hand, they deem it a true emergency, believe that they will be of value, and that their absence from their assigned duties will not place the City or their fellow workers in jeopardy, they are encouraged to respond. The decision rests with the individual, based on the information they have at their disposal at that time.

Employees must notify their supervisor before leaving work to respond to an emergency call. This should occur prior to the employee leaving the building or job site. Employees should make every effort to contact their supervisor directly, either via radio, cell phone, or office phone.

The employee is to return to work as soon as they are released from the call or if it is cancelled, permitted there is any time remaining in the regularly scheduled work day or shift. Employees must return immediately to work once all equipment and apparatus has been put back into service or are released by the Officer in Charge. Employees must notify their supervisor once they have returned to work.

23.3. Time Sheets & Payroll. Employees will record both time worked at their primary position and time responding to fire calls/training on their time cards.

Employees will receive their regular rate of pay for hours spent responding to an emergency call during their normal workday or shift. Employees may not claim fire pay when they are paid at their regular rate while responding to calls. Overtime will be paid at a blended rate for hours worked in a secondary position only if the employee worked at least 40 hours between the primary and secondary position during the work week.

Paid Holidays and PTO does not count as time worked per City policy and any calls responded to while using PTO or during a paid holiday will be paid at the regular rate of the secondary position.

23.4. Other Duties. Each firefighter/employee may have other duties within the department that may require time during the normal working day. This time must be approved by the supervisor and be documented on the employee's timecard.

Section 24 – Telework Policy

24.1 Business Requirement and Discretionary Approval

The use and approval of telework is at the sole discretion of the City, and the City may terminate a telework agreement at-will, at any time, with or without cause or notice. Not all work situations are appropriate for telework, nor is telework appropriate for all employees. The City will ensure that an appropriate telework location and an appropriate framework of expectations exists prior to entering into a teleworking agreement with an employee, as outlined below.

24.2. Employee Expectations

a. Personal Activities. Telework hours are regular work hours and may not be used as a substitute for personal activities, such as dependent care or errands. Just as with regular work hours, teleworkers are expected to follow City vacation and sick leave policies and procedures to request time off to engage in non-work activities.

b. Work Schedule/Meetings. Prior to entering into a telework agreement, the supervisor and teleworker must discuss the work schedule, including normal work day hours, breaks, and Core hours, and use of vacation and sick leave. The work schedule must comply with the FLSA and City policies and procedures. Any changes to the work schedule due to flex time, overtime or other situations must be approved. Exempt employees must notify their supervisor if they will not be available. The supervisor must determine the number of days per week/payroll period that the employee will be permitted to telework.

Unless excused by the supervisor, the teleworker must attend all assigned meetings, including those which normally would be held on a telework day. The supervisor will determine whether the teleworker's attendance at the meeting must be in-person, or if the teleworker may attend the meeting remotely from the telework location.

c. Communications. Teleworkers must be reachable by customers, co-workers, managers and supervisors during agreed-upon hours. Teleworkers must notify assigned office staff and/or their supervisors if they leave their telework location during work hours, just as they would if they worked in the permanent work location. They must also notify the supervisor if they are not performing work due to vacation or sick time and must follow the normal procedures for requesting time off.

d. Telework Location is in the Home. The teleworker is responsible for establishing and maintaining a safe and adequate telework location in the home. The designated telework location may be subject to review and approval by the supervisor to ensure that it is conducive to performing work. The teleworker will be responsible for all costs related to modifications of the telework location including, but not limited to remodeling or electrical modifications. In-person business meetings may not be held in the home telework location; meetings may be conducted in a public setting outside the home or via video conference, phone conference, or other electronic means.

e. Privacy and Security. Teleworkers are responsible for protecting the privacy and confidentiality of data and information at their telework location. Teleworkers must ensure the security of data and information that is transported to and from their telework location.

f. Insurance. Any insurance for City-owned equipment is the responsibility of the City. The City is not responsible for insuring the telework location. Teleworkers are responsible for purchasing personal insurance for employee-owned equipment and for the telework location, if desired. The City is not responsible for any loss or damage to any employee-owned equipment.

g. Performance. Teleworkers are responsible for maintaining satisfactory work performance. Declining or unsatisfactory work performance may result in termination of the telework agreement.

24.3. Supervisor Expectations

a. Communication Plan. The supervisor must work with the teleworker to develop an effective communication plan. The communication plan should ensure that the teleworker effectively manages their workload and that teleworking does not have a negative impact on the teleworker's managers, supervisors, co-workers, customers, or the City's operations. In addition, the supervisor should set expectations for responding to emails and phone calls during the telework day and maintain regular communication with the teleworker.

b. Meetings. The supervisor should communicate planned meeting schedules in advance, if possible, to permit teleworkers to adjust their work schedules and work location accordingly.

c. Reporting to HR. Supervisors must provide the telework agreement to the Human Resources Director.

24.4. Telework Approvals

The City Administrator retains the right to approve or deny requests at their sole discretion. The supervisor will monitor teleworkers' performance to ensure that teleworkers continue to meet customer and City needs and performance expectations.

24.5. Telework Agreement

A telework agreement must be executed by the employee. At minimum, the City's telework agreement will include the following:

- Employee performance expectations and monitoring
 - Work hours and schedule
 - Telework location
 - Equipment and supplies
 - Workers' compensation
 - Responsibility for work area and equipment
 - Data privacy and security
 - Communication and availability
 - Employment conditions
 - Expense reimbursement
- b. Signature. A telework agreement must be signed by the City Administrator, Supervisor, Human Resources Director and Employee prior to the start of teleworking.
- c. Cancellation. The telework agreement can be changed or cancelled by the City, at any time, with or without cause or notice. A telework agreement should be cancelled when the teleworker has performance issues, but a supervisor may also decide to allow the telework agreement to continue under a performance improvement plan with reassessment upon completion. The telework agreement should be cancelled if there is a change in job responsibilities requiring the employee to work in the permanent work location, or when the needs of the City are not being met. The teleworker can also cancel the telework agreement at any time. The teleworker must give sufficient advance notice to their supervisor.
- d. Changes to Telework Agreement. Any changes to the telework agreement by the employee must be reviewed and approved by the supervisor. The supervisor has the discretion to approve or reject any proposed changes.
- e. Renewal of Telework Agreement. The telework agreement expires no later than one year after its effective date. At least annually, the supervisor and teleworker must discuss whether to renew the telework agreement. If any of the following events occur,

the telework agreement is suspended and the supervisor and teleworker must discuss the arrangement to determine whether to continue the telework agreement:

- A change in the teleworker's job duties
- Teleworker or supervisor changes positions
- Trial period expires
- A change in any of the conditions of the telework agreement

Telework agreements must be reviewed annually or as part of the annual performance review process, and a new Telework agreement signed at that time, if the telework is to continue.

Section 25 - Effective Date

This policy becomes effective upon its passage unless provided separately in the policies and immediately replaces any previous personnel policies.