

The Council of the City of Moose Lake ordains:

Sec. 1. Purpose. It is the purpose of this ordinance to establish a uniform and equitable system of personnel administration for employees of the city.

Sec. 2. Scope of ordinance. Subdivision 1.

Personnel covered. Except as otherwise specifically provided, this ordinance applies to all employees of the city except the following:

1. All elective officials;
2. The city attorney and the health officer;
3. Members of city boards, commissions, and committees;
4. Volunteer firefighters and other volunteer personnel;
5. Emergency employees;
6. Other employees not regularly employed in permanent positions.

Subd. 2. Provisions superseded in certain cases. Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act, Minnesota Statutes Sections 179.61 to 179.76, shall be exempt from any provision of this part which is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota Statutes Chapters 44, 419, or 420 is exempt from any provision of this part which is inconsistent with such statute or rules and regulations adopted thereunder. Nothing in this part is intended to modify or supersede any provision of the Veterans' Preference Act, Minnesota Statutes Sections 197.45 to 197.481.

Section 3. Appointments. Every appointment to municipal service shall be made by the appointing authority on the basis of merit and fitness for the position. When required by law or by the council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

Sec. 4. Probationary period. Subdivision 1. Purpose. The probationary period is an integral part of the selection process and shall be utilized for observing the employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.

Subd. 2. Duration. Every original appointment and every promotional appointment is subject to a probationary period of six months after appointment.

Subd. 3. Termination. The appointing authority may terminate a probationary employee at any time during the probationary period if in the appointing authority's opinion the working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily or that his habits and dependability do not merit continuance in the position. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal unless he is a veteran, in which case the procedure prescribed in Minnesota Statutes Section 197.46 shall be followed.

A permanent employee terminated during the probationary period from a position to which he was transferred or promoted and not terminated from the city service as provided in these rules shall be placed on a leave of absence without pay. When a vacancy arises in the class from which the employee was promoted or transferred, such employee shall be reinstated to that position.

Subd. 4. Completion. Immediately prior to the expiration of the probationary period, the department head shall notify the council (manager, administrator, personnel officer) in writing whether or not the services of the employee will be continued. If the notification states that the employee will be continued, the employee shall become a permanent employee at the end of the probationary period.

Sec. 5. Compensation. Subdivision 1. Amount. Employees of the city

5

shall be compensated according to the schedule established by the city council. Any wage or salary so established is 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 council no employee shall receive pay from the city in addition to the salary authorized for the position to which he has been appointed.

Subd. 2. Temporary and part-time employees. Whenever an employee works for a period less than the regularly established number of hours a day, days a week, or weeks a month, the amount paid shall bear the same relationship to the full-time rate for the position as the time actually worked bears to the time required for full-time service. Temporary employees are not entitled to sick leave, vacation leave, or holidays with pay.

Subd. 3. Overtime. Employees to whom either the state or federal fair labor standards acts apply shall be compensated for overtime rates at one and one-half the regular rate of pay. To the extent permitted by law, compensatory time off shall be taken as approved by the department head, ~~for periods of not less than four hours at a time.~~

Subd. 4. Pay days. Employees shall be paid Semi-monthly, on the 15th day and last day of the month. When a pay day falls on a weekend or holiday, employees will receive their pay the preceding workday.

Section 6. Work hours. Work schedules for personnel shall be established by the appropriate department head with the approval of the council. The regular work week for employees is five eight-hour working days in addition to a lunch period, Monday through Friday, except as otherwise established by the department head in accordance with custom and needs of the department.

Section 7. Vacation leave with pay. Subdivision 1. Amount allowed. Vacation leave with pay will be as follows. After one year, one week; two years, two weeks; seven years, three weeks; thirteen years, four weeks;

seventeen years, five weeks. 4

Subd. 2. Accrual. An employee may accrue vacation leave to a maximum of 5 days.

Subd. 3. When taken. Vacation leave may be used as earned subject to approval by the department head or council of the time at which it may be taken.

Subd. 4. Terminal leave. Any employee leaving the municipal service in good standing after giving proper notice of such termination of employment shall be compensated for vacation leave accrued and unused to the date of separation.

Section 8. Sick leave. Subdivision 1. Amount. Every probationary and permanent employee entitled to sick leave with pay at the rate of 1 day for each calendar month of full-time service or major fraction thereof. Sick leave may be accumulated to a maximum of 120 days and may be granted in units of not less than two hours or $\frac{1}{4}$ of a work day.

Subd. 2. Purposes. Sick leave may be granted to employees not on personal leave when the employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth or pregnancy disability, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave may also be granted for a maximum of three days for death in the immediate family.

Subd. 3. Proof. To be eligible for sick leave with pay, an employee shall (1) report as soon as possible to his department head the reason for his absence; (2) keep his department head informed of his condition and if the absence is more than five days' duration submit a medical certificate for any absence.

Sub.d 4. Penalty. Using or claiming sick leave for a purpose not authorized by subdivision 2 may be a cause for disciplinary action under Section 17.

Subd. 5. Accrual during leave. For the purpose of accumulating additional vacation or sick leave, an employee using earned vacation leave or sick leave is considered to be working.

Subd. 6. Applicability to leave benefits. During the probationary period following an original appointment, an employee is not entitled to sick leave or vacation leave. After the end of the probationary period, an employee is entitled to sick leave and vacation leave accrued from the start of probationary employment.

Section 9. Military leaves. Every employee to whom Minnesota Statutes Section 192.26, or 192.261 applies is entitled to the benefits afforded by those sections subject to the conditions herein prescribed.

Section 10. Leaves without pay. The Council may grant any permanent employee a leave of absence without pay for a period not exceeding 90 days except that it (he) may extend such leaves to a maximum period of one year in case the employee is disabled or where extraordinary circumstances, in its judgement, warrant such extnesion. No vacation benefits shall accrue during a leave of absence without pay, nor shall paid sick leave be granted to persons on unpaid leave.

Sec. 11. Jury or witness duty. When an employee performs jury duty or is subponenaed as a witness in court or voluntarily serves as a witness in a case in which the City is a party, the employee is entitled to compensation from the City equal to the difference between his regular pay and the amount received as a juror or witness.

Sec. 12. Rest periods and holidays. Subdivision 1. Rest Periods. Every regular employee when working under conditions where a break period is practicable, shall be granted a 15-minute break period in each half of the employee's shift. Each department head shall schedule rest period so as not to interfere with work requirements.

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Subd. 2. Holidays. The following are paid Holidays: New Year's Day, President's Day, Good Friday Afternoon, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Eve (afternoon) Christmas Day, New Year's Eve. (afternoon.) All employees in regular positions are entitled to time off with full pay on holidays. The City Hall shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of their duties or other conditions require. An employee required to work on a holiday shall receive another day off within 30 days thereafter as the department determines unless consideration is given to this factor in determining work schedules. When any holiday falls on Sunday, the following Monday is a paid holiday, and if any such day falls on Saturday, the preceding Friday is a holiday. Each holiday commences at the beginning of the first shift on the day on which the holiday occurs and continues for 24 hours thereafter. Eligible employees shall receive pay for official holidays at their normal rate of pay if they are at work or on a leave of absence with pay the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday. In addition to meeting the foregoing criteria, part-time employees are entitled to pay on a holiday only if they would normally be scheduled to work on the day of the week designated as the holiday and they shall be paid only for the number of hours they would have worked.

Sec. 14. Resignation. Any employee wishing to leave the municipal service in good standing except for mandatory retirement under Section 18 shall file with his department head, at least 30 days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City and denying terminal leave benefits. Unauthorized absence from work for a period of three working days may be considered by the department head as a resignation without such benefits.

Sec. 15. Grievance policy. It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. When any employee grievance comes to the attention of a supervisory employee, the supervisor shall discuss all relevant circumstances with the employee, and his representative if he so desires, consider and examine the causes of the grievance, and attempt to resolve it to the extent that he has authority to do so. If the grievance is not dealt with satisfactorily at that level, the grievance may be carried up to the next higher administrative level, including the Council.

Sec. 16. Lay-offs. After at least two weeks notice to the employee, 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. No permanent or probationary employee shall be laid off while there is a temporary employee serving in the same class of position for which the permanent or probationary employee is qualified, eligible, and available.

Sec. 17. Discipline. Subdivision 1. In general, City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules adopted by the Council. It is the policy of the City to administer disciplinary penalties without discrimination. Every disciplinary action shall be for just cause and the employee may demand a hearing or use the grievance procedure of Section 15 with respect to any disciplinary action which he believes is either unjust or disproportionate to offense committed. The supervisor or department head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Subd. 2. Disciplinary action steps. Except for severe infractions, disciplinary action against any employee shall be progressive and follow the steps listed below in numerical order:

1. Oral reprimand.

2. Written reprimand. A written reprimand shall state that the employee is being warned for misconduct; describe the misconduct; describe past actions taken by the supervisor to correct the problem; urge prompt correction or improvement by the employee; include timetables and goals for improvement when appropriate; and outline future penalties should the problem continue. The employee shall be given a copy of the reprimand and sign the original acknowledging that he has received the reprimand. The signature of the employee does not mean that he agrees with the reprimand. The reprimand shall be placed in the City's file on the employee but shall be removed from the file after one year from the date of issuance if there has been no subsequent reprimand and no other disciplinary action has been instituted.

3. Suspension, without pay. Prior to the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. Upon the employee's return to work, he shall be given a written statement outlining further disciplinary should the misconduct continue. An employee may be suspended pending investigation of an allegation. A copy of each written statement shall be placed in the employee's personal file, but if the suspension is for investigation and the allegation proves false, the statement shall be removed and the employee shall receive any compensation to which he would have been entitled had the suspension not taken place.

4. Dismissal. The council may dismiss any employee after the employee is given a notice in writing at least five work days before the effective date of the dismissal. The notice shall contain the reasons for the dismissal; the employee's rights under these rules and the veteran's preference law if he is a veteran; and a statement indicating that the employee may respond to the charges both orally and in writing and that he may appear personally before the official having authority to make or recommend the final decision.

Subd. 3. Other disciplinary actions. The following other disciplinary actions may be taken against any employee after steps 1 & 2 above have been followed:

a. Involuntary demotion. This step shall be taken only if the employee does not have the ability to function at the higher level.

b. Forced transfer to a comparable position under a different supervisor. This step may be taken only if the problem is due to personal incompatibility between the supervisor and employee.

c. Withholding a salary increase or decreasing the employee's salary. The employee shall be notified in writing of the action and the reasons therefor. A copy of the notice shall be placed in the employee's file. In no case shall an employee's salary be decreased below the minimum of the salary range of the class or below the applicable minimum wage.

Subd. 4. Hearing. In any case of suspension, dismissal, or demotion, the employee shall be granted a hearing before the council if the employee submits a written request for such a hearing to the council within five working days of notification of the action taken. The hearing shall be held within ten working days from the date the request is filed unless the City and the employee agree on an earlier or later date. If the disciplinary action involves the removal of a veteran, the hearing shall be held in accordance with Minnesota Statutes Section 197.46.

Sec. 18. Retirement policy. Subdivision 1. General Rule. Every appointed employee of the City shall automatically be retired upon reaching the age of 70 years, except as provided in Subdivisions 2 and 3.

Subd. 3. Retention after age 70. If the Department head finds that the interests of the City will best be served by allowing a person to remain in the employ of the City after reaching 70 years of age because his services are especially needed or his replacement would be especially difficult, he may recommend to the council no later than 60 days before the employee's retirement date that the employee be retained after his 70th birthday. Unless the council disapproves such retention within three weeks after receipt of the recommendation department head, the City may

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continue the employment of such person for one year. Any such employee may be retained for successive one-year periods until reaching the age of 75 upon the annual recommendation of the dept head and approval of the council.

Sec. 19. Unlawful acts. Subdivision 1. Falsification of records.

No person shall knowingly make any false statement, certificate, mark, rating, or report in regard to any test, certificate, or appointment held or made under the city personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this ordinance.

Subd. 2. Rendering of consideration. No person 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, or on account of or in connection with his test, appointment, or promotion, or proposed appointment or promotion.

Subd. 3. Discremination. No person shall be employed, promoted, demoted, or discharged by the city or in any way favored or discriminated against because of political opinions or affiliations, race, color, national origin, religion, sex, marital status, status with regard to public assistance or disability, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minnesota Statutes Sections 179.61 to 179.76. No person who is between 18 and 70 years of age shall be discriminated against with reference to city employment in any way forbidding by federal or state law.

Section 20. Officials under Workers' Compensation Act. Pursuant to Minnesota Statutes Section 176.011, Subdivision 9, the elected officials of the city and those municipal officers appointed for a regular term of office are hereby included in the coverage of the Minnesota workers' compensation act.

Section 21. Penalty. Any person violating any provision of Section 19 of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by fine of not more than \$500 or imprisonment in the city (county) jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 22. At the time of retirement an employee will receive 25% of his unused sick leave in a lump sum payment.

Section 23. Council will give preference, but not be limited, to resident of the City of Moose Lake when taking applications for new positions or vacancies.

*adopted by the moose Lake city council
this 2nd day of August 1982.*