

**AGENDA
CITY COUNCIL
WORK SESSION
CITY OF WYOMING, MINNESOTA
DECEMBER 19, 2023
6:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

NEW BUSINESS:

1. Earned Sick and Safe Leave

ADJOURN



Request for Council Action

Date: December 14, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Earned Sick and Safe Time (ESST)

Method: New Business

Background Information:

Effective Jan. 1, 2024, Minnesota's earned sick and safe time (ESST) law, requires employers to provide earned sick and safe paid leave to employees who work in Minnesota. Sick and safe time is paid leave employers must provide to employees in Minnesota.

Earned sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for:

- Care of employee or family member's mental or physical illness, treatment, or preventative care; when determined by health authority that employee or family member is at risk of infecting others with a communicable disease.
- Employee or family member's absence due to domestic abuse, sexual assault or stalking.
- Closure of employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or a public emergency.

The new law applies to any employer with one or more employees and all Minnesota cities will be covered. This new law covers all employees, including part-time and temporary employees.

Independent contractors, council members and elected officials are excluded from ESST. There is still pending guidance from the State regarding Paid-On Call Firefighters.

Cities that provide earned sick and safe time to employees under a paid sick leave policy are not required to provide additional ESST, as long as the policy meets the same conditions or exceeds the minimum standard of the law.

Staff is proposing implementing ESST for all full-time, part-time and temporary employees through the accrual method. Through this method full time employees that receive sick Leave will continue to accrue sick leave at a rate of one day per month and full, part time and seasonal employees will also received one hour of ESST leave per every 30 hours worked once they work 80 hours in a calendar year.

Staff has attached the following items for council's review:

- ESST Policy for the City of Wyoming
- Update to the Personnel Policy
- A Handout from the Department of Labor and Industry (DOLI) regarding ESST
- FAQs about ESST from the Department of Labor and Industry

- FAQs about ESST from the League of Minnesota Cities
- The notice the city must give employees regarding ESST

Recommendation: To approve an Earned Sick and Safe Time (ESST) Policy as required by Minnesota State Statute and updating the Wyoming Personnel policy to reflect the addition of the approved policy

CITY OF WYOMING

Earned Sick and Safe Leave

"Earned Sick and Safe Leave" is paid time off earned at one hour of Earned Sick and Safe for every 30 hours worked by an employee, up to a maximum of 48 hours of sick and safe leave per year. This specific leave applies to all employees (including part-time, seasonal and temporary employees) performing work for at least 80 hours in a year for the City. Earned Sick and Safe Leave policy is in accordance with Minn. Stat. § 181.9445-181.9448.

Eligibility/Accrual

All Employees are entitled to earn sick and safe leave at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours accrued yearly. Accrued and unused hours carry over into future years, up to a maximum of eighty (80) hours accrued overall. When the 80-hour overall limit is reached, accrual immediately stops until usage occurs, at which time accrual restarts (until either the yearly or overall limit is reached). When the 48-hour yearly limit is reached, accrual does not restart until the following year. The year starts on January 1 and ends on December 31. All employees begin accruing hours on the first day of work, regardless of whether they are full-time, part-time, seasonal or temporary workers.

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act is assumed to work 40 hours per week.

Elected officials and independent contractors are not eligible for ESST.

Entitlement

Accrued sick and safe leave can be used in accordance with MN Statute 181.9447 including:

- An employee's mental or physical illness or other health condition, including care, treatment, diagnosis, or preventive care.
- To care for a family member with a health condition, including care, treatment diagnosis or preventive care.
- Absence due to domestic abuse, sexual assault or stalking of the employee or employee's family member.
- Closure of the employee's place of business or to care for a family member whose school or place of business is closed due to weather or another public emergency.
- The employee's inability to telework due to health concerns or possibility of jeopardizing the health of others relating to potential transmission of communicable illness related to a public emergency.
- Any other reason allowable by state statute.

Employees who require the use of foreseeable leave in accordance with this policy must provide seven days' advance notice in writing to their supervisor. If need for leave is unforeseeable, employees are required to give notice of the need for leave as soon as practicable in writing to their supervisor. Leave more than three consecutive days may require reasonable documentation before leave is approved or as soon as practicable after leave is taken, if unforeseeable.

The City will not require an employee using leave to find a replacement worker to cover hours absent. Employees must use accrued ESST prior to using accrued sick, paid vacation, or an unpaid leave of absence during a medical leave. Employees on an unpaid leave of absence will not accrue sick leave for ESST.

An employee returning from time off using accrued ESST is entitled to return to their city employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off.

Employees who are re-hired within 180 days of separation shall have earned and unused ESST hours reinstated. An employee is entitled to use and accrue ESST at the commencement of reemployment.

"Family Member" Definition

For the purposes of this policy, “family member” is defined by MN Statute 181.9447 as:

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild, or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

Carry Over of Earned Sick and Safe Leave

Employees are eligible for carry over accrued but unused Earned Sick and Safe time into the following year, but the total of Earned Sick and Safe Leave carry over hours shall not exceed 80 hours.

Retaliation Prohibited

The city shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Leave rights, requesting an Earned Sick and Safe Leave absence, or pursuing remedies. Further, use of Earned Sick and Safe Leave will not be factored into any attendance point system the city may use.

Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Leave.

Effective January 1, 2024



Personnel Policy

2023

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Article I. Introduction

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Wyoming. These policies should not be construed as contract terms for any City employees. No supervisor or City representative has any authority to enter into any agreement for employment for any specific period of time, or to make any agreement contrary to these provisions. These policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current City policy at all times. Except as otherwise prohibited by law, the City of Wyoming 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.

Section 1.01 Scope

These policies apply to all employees of the City. Except where specifically noted, these policies do not apply to:

1. Elected officials;
2. City attorney;
3. Members of City boards, commissions, and committees;
4. Consultants and contractors; and
5. Volunteers, except as specifically noted for paid-per-call firefighters.

If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an informational guide to help employees become better informed and to make their experience with the City more rewarding. 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 1.02 Equal Employment Opportunity

The City of Wyoming strives to provide full and equal opportunities for every person in all areas related to employment, training, promotion, and compensation within the City government. To this end, the City upholds the principle that no individual shall be discriminated against with respect to compensation, terms, conditions, or other privileges of employment because of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, membership on a local human rights commission, lawful participation in the Minnesota Medical Cannabis Patient Registry, or any other status protected by federal, state, or local law.

Maintaining a work environment free from discrimination is a shared responsibility. This policy is applicable to all City employees, volunteers, members of boards and commissions, and City Council members, both in the workplace and other City-sponsored social events.

Any conduct that may be in violation of this policy should be reported immediately so that the City can respond appropriately. **See Article 15 regarding reporting any violations of this policy, Section 16 regarding your right to be free from retaliation for making any such reports, and Article 17 regarding confidentiality considerations of making and participating in investigations relating to any reports of violations.**

The City has a respectful workplace and sexual harassment policy contained in Articles 12 and 13.

Section 1.03 Data Practices Advisory

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

Numerous types of data are categorized as private, non-public, or confidential under the Minnesota Government Data Practices Act. In many circumstances, data may not be disclosed except with authorization of the subject of the data or pursuant to court order. To ensure that the Data Practices Act is not violated, employees are strictly prohibited from disclosing to a third party, within or outside the City, any personnel data, data relating to pending civil legal actions, or any other data that might be classified as private, non-public, or confidential without the City Administrator's express authorization. Pursuant to the Minnesota Government Data Practices Act, the City Administrator shall be appointed by the City Council as the responsible authority to administer the requirements for collection, storage, use, and dissemination of data on individuals within the City.

Section 1.04 Media Requests

All City employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the city administrator.

Any employee who identifies a mistake in reporting should bring the error to the City Administrator, Human Resources/Assistant City Administrator, or an employee's supervisor immediately. Regardless of whether the communication is in the employee's official City role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

Except for routine events and basic information readily available to the public, all media requests for interviews or information are to be routed through the City Administrator. No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or their designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the City Administrator of the request.
2. If the request is regarding information about City personnel, potential litigation, controversial issues, an opinion on a City matter, or if an employee is unsure if the request is a “routine” question, forward the request to the City Administrator. An appropriate response would be, “I’m sorry, I don’t have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person, who will get back to you as soon as they can.” Then ask the media representative’s name, questions, deadline, and contact information.

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

When/if the City Administrator authorizes a staff person to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the City. Account names on social media sites must be clearly connected to the City and approved by the City Administrator.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: “The City finished street cleaning on 16 streets in the northwest corner of the City this past week” instead of “The City is doing a great job with street cleaning this year!” Corrections must be issued when needed.
- Generally, do not include personal opinions in official City statements. One exception is communications related to promoting a City service. For example, an employee could post the following on the City’s Facebook page: “My family visited Hill Park this weekend and really enjoyed the new band shelter.” Employees who have been approved to use social media sites on behalf of the City should seek assistance from the City Administrator on this topic.
- Notify the City Administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for City business. Employees should be aware that data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

Article II. Definitions

Appointing Authority: The Wyoming City Council.

Authorized Hours: The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee’s supervisor.

Benefits: Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.

Benefit Earning Employees: Employees who are eligible for at least a pro-rated portion of City-provided benefits. Such employees must be year-round employees who are scheduled to work at least 20 hours per week.

Child: A child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child(ren)" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or stepchild(ren).

Drug: Includes any “controlled substance” as listed in Schedules I through V of Section 202 of the Control Substances Act (21 U.S.C. § 812) and is further defined by regulation at 21 C.F.R. Sections 1300.11 through 1300.15 as well as is defined in Minn. Stat. § 152.01, subd. 4. They also include legal prescription drugs, which have not been prescribed to the employee by a licensed physician. Such substances include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack".

Core Hours: The core hours that all employees (exempt and non-exempt) are expected to work are 9 a.m. to 3:30 p.m., Monday through Friday. Police, fire, and public works employees do not have core hours, and work the schedules which are established by their supervisors.

Demotion: The movement of an employee from one job class to another within the City, where the maximum salary for the new position is lower than that of the employee’s former position.

Direct Deposit: As permitted by state law, all City employees are required to participate in direct deposit.

Employee: An employee is defined as any person holding a regularly compensated position for the City of Wyoming, including regular full time, part-time, temporary, and seasonal or any other classification, which is regularly compensated. Exclusions include City Council members and members of City Boards and Commissions.

Exempt Employee: Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act.

FLSA: Fair Labor Standards Act which is a federal law regarding minimum wage and overtime compensation, classifying positions as exempt or non-exempt.

Full-Time Employee: Employees who are required to work forty (40) or more hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended.

Good Standing: Good standing refers to an employee who provides at least two weeks of written notice prior to voluntary resignation of employment. To be in good standing, employees must not be resigning under threat of termination, must not be on a performance improvement plan at the time of termination, and generally must not have received a discipline within six months prior to termination. Employees who resign in good standing may be eligible for additional benefits, as outlined within this policy. Employees who do not resign in good standing are not eligible for re-employment.

Hours of Operation: The City’s regular hours of operation are Monday through Friday, from 8 a.m. to 4:30 p.m.

Immediate Family: Family includes spouse, child(ren), parent, parent-in-law, brother, sister, grandparent, son-in-law, daughter-in-law, and grandchild(ren). Family also includes other persons residing in the employee’s residence who are financially dependent upon the employee. This policy shall also apply to persons related by blood or marriage residing in an employee's home.

Personal Interest: Interest is any direct or indirect monetary or material benefit accruing to a City employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City (except for such transactions which would confer similar benefits to all other persons and/or property similarly situated). Interests include but are not limited to: (a) interests in an employee's family, (b) any business entity in which stock or legal beneficial ownership is in excess of one percent (1%) of the total stock, or legal ownership is controlled or owned directly or indirectly by the employee, (c) interest in any business entity in which the City employee is an officer, director, or employee, (d) interest in any person or business entity with whom a contractual relationship exists with the employee; provided that a contractual obligation of less than \$500 or a commercially reasonable loan or purchase made in the course of ordinary business shall not be deemed to create a conflict of interest.

Non-exempt Employee: Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

Part-Time Employee: Employees who are regularly scheduled to work less than forty (40) hours per week in a year-round, ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended.

Pay Period: A fourteen (14) day period beginning at 12 a.m. (midnight) on Sunday through 11:59 p.m. on Saturday, fourteen (14) days later.

PERA (Public Employees Retirement Association): Statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee's retirement account.

Promotion: Movement of an employee from one job class to another within the City, where the maximum salary for the new position is higher than that of the employee's former position.

Reclassification: A change in classification of an individual position by raising it to a higher job class, reducing it to a lower job class, or moving it to another class at the same level on the basis of significant changes in kind, difficulty or responsibility of the work performed in such a position.

Seasonal Employee: Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

Spouse: Does not include unmarried domestic partners. If both spouses work for the City of Wyoming, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child(ren) or to care for a sick parent.

Temporary Employee: Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.

Training: Is defined as any work related program, seminar, conference, convention, course or workshop attended by an employee whose tuition and expenses are funded in whole or in part by the City or while the employee is in a paid status with the City.

Transfer: Movement of an employee from one City position to another of equivalent pay.

Weapons: Weapons are things that are designed or used for inflicting bodily harm and/or physical damage. Examples include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

Workweek: A workweek is seven consecutive 24-hour periods. For most employees the workweek will run from Sunday through the following Saturday. With the approval of the City Administrator, departments may establish a different workweek based on coverage and service delivery needs (e.g., police department, fire department, park and recreation department).

Article III. Citywide Work Rules and Code of Conduct

Section 3.01 Essential Functions of all City Employment

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 the Wyoming, Minnesota. 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.

Honesty is an important organizational attribute to our City. Therefore, any intentional misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like, will not be tolerated. Further, dishonesty in City positions may preclude workers from effectively performing their essential job duties. As just one example, a police officer with a credibility issue under a Brady/Giglio designation very likely will be excluded from providing testimony for court cases thereby creating an employment strain where an employee cannot effectively perform the essential functions of the job. Any violations will result in corrective action, up to and including termination.

The following are job requirements for every position at the City of Wyoming. 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 professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.
- Maintain good attendance while meeting the goals set by an employee's supervisor.

Section 3.02

Employee Ethics/ Conflicts of Interest

Employees shall not use their official position for personal gain, engage in any business or transaction or have a Personal Interest, direct or indirect, which is in conflict with the proper performance of their duties as a City employee. This policy is not all-encompassing in its definition of conflict of interest. Action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry.

No City employee shall engage in any act, which is in conflict, or creates an appearance of fairness or conflict with the performance of official duties. An employee shall be deemed to have a conflict if the employee:

1. Has any Personal interest in any sale to the City of any goods or services when such Personal Interest was received with prior knowledge that the City intended to purchase the property, goods, or services.
2. Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction which is or may be the subject of official action by the City.
3. Participates in their capacity as a City employee in the issuing of a purchase order or contract in which they have a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City.
4. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.
5. Directly or indirectly, gives or receives, or agrees to receive any compensation, gift, reward, commission or gratuity from any source except the City for any matter directly connected with or related to their official services as such employee with this City.
6. Discloses or uses, without authorization, confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.
7. Has a Personal Interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

Authorized personal uses include taking an assigned City vehicle to lunch on workdays as needed, use of a City copy machine at cost, stopping to run personal errands when the destination point is in conjunction with official or authorized business, and other nominal personal uses as permitted by the City Administrator on a case-by-case basis.

Recognizing that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the City, reasonable exceptions to this section are permitted for those occasions which are social in nature and are not predicated on the employee's ability to influence, directly or indirectly, any matter before the City. The employee will be guided in interpretation of this section by the distinction between a gift, gratuity, or favor given or received which

has significant monetary value and is offered or accepted in expectation of preferential treatment, and an expression of courtesy. Examples of acceptable courtesies include: a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, and promotions; a sample or promotional gift of nominal value (\$25 or less).

There are very limited exceptions to what is considered a gift or gratuity. The exceptions include:

1. A plaque or similar memento recognizing an individual's services in a field of specialty or to a charitable cause.
2. A trinket or memento of insignificant value.
3. Informational materials of unexceptional value.
4. Food or beverage given at a reception, meal, or meeting away from your normal place of work by an organization before whom you are appearing to make a speech or answer questions as part of a program. All other gifts of food or beverage are prohibited.
5. Usual or customary gift giving among employees during the holiday season, birthdays, retirements, weddings, baby showers; rolls, cookies.

Interpretations of this policy shall be referred to Human Resources/Assistant City Administrator or to the City Administrator. The City Administrator or other designee of the City Council, except where otherwise designated within this policy, shall investigate, or cause to be investigated, all suspicions, allegations, and written complaints of unethical conduct. Complaints which are considered by the City Administrator to be serious may be referred to an Ethics Panel, composed of City employees appointed by the City Administrator. An ethics panel, when constituted, shall investigate and hear the complaint, and recommend to the City Administrator or other designee of the City Council any action deemed appropriate. Complaints or allegations which may be criminal in nature may be referred to an appropriate outside agency for investigation.

Section 3.03 Personal Communications and Use of Social Media

It is important for City employees to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business or commenting on issues that implicate their City employment. As City representatives, employees share in the responsibility of earning and preserving the public's trust in the City. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all City staff will carry out City functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. For more information on personal communications and social media use please refer to the City of Wyoming Social Media Policy.

Section 3.04 Employee Standards of Behavior

It shall be the duty of employees to maintain high standards of cooperation, efficiency and integrity in their work with the City. If an employee's conduct falls below standard, they may be subject to disciplinary action. Some general things for which an employee may be disciplined include, but are not limited to:

- Violation of any policies contained within this Personnel Policy.
- Reporting to work under the influence of intoxicants including, but not limited to,

alcohol, cannabis flower, cannabis product, lower-potency hemp edible, and hemp-derived consumer products, or nonprescription/illegal drugs, or using such substances while on City property.

- Failure to follow the orders of one's supervisor(s).
- Being absent from work without permission or failure to report to the supervisor or Department Head when one is absent.
- Being habitually absent or tardy for any reason.
- Failure to perform assigned work in an efficient or effective manner.
- Being wasteful of material, property, or working time.
- Inability to get along with fellow employees so that the work being done is hindered and not up to required levels.
- Failure to observe proper security procedures.
- Conduct on the job that violates the common decency or morality of the community.
- Conviction of a felony or gross misdemeanor.
- Violating safety rules and regulations.
- Making false accusations so as to discredit other employees or supervisors.
- Removal of City money, merchandise, or property, including property in custody of the City without permission.
- Lying to supervisors in connection with your job.
- Dishonesty, including intentionally giving false information, intentionally falsifying records, or making false statements when applying for employment.
- Being on City premises during nonworking hours without permission.
- Divulging or misusing confidential information, including removal from City premises, without proper authorization, any employee lists, records, designs, drawings, or confidential information of any kind.
- Accepting fees, gifts, or other valuable items in the performance of the employee's official duties for the City.
- Inability or unwillingness to perform the assigned job.
- Falsification of time records for payroll.
- Abuse of sick leave privileges by reporting sick when not sick or obtaining sick leave pay falsely or under false pretenses.
- The use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a City employee.
- Other misconduct or actions unbecoming the employee.

Section 3.05 Attendance and Absence

The operations and standards of service in the City of Wyoming require that employees be at work unless extenuating circumstances warrant absence, or an employee has a position that has been approved to work remotely. Understanding and abiding by attendance requirements is an essential function of every City position.

Employees who need an absence away from work are required to notify their supervisor two weeks in advance in the case of planned absences and as soon as possible for an unplanned absence. In the event

of an unexpected absence, employees should call their supervisor at least thirty (30) minutes before the scheduled starting time, or as soon as possible upon knowing of the absence, and keep in mind the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where they can be reached and/or contact any other individual who was designated by the supervisor.
- Failure to use the established reporting process will be grounds for disciplinary action.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor.

Employees who are absent for two (2) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in Good Standing. The City may waive this rule in extenuating circumstances.

This policy does not preclude the City from administering discipline for unexcused absences of less than three days. Individual departments may establish more specific reporting procedures.

Section 3.06

Access to and Use of City Property

Unauthorized use or removal of City property and/or facilities or its conversion to personal use without Express authority or as allowed to the general public, may be cause for discipline up to and including discharge.

Use of City Property:

City-owned equipment is not available for personal use by employees. Any employee who has authorized possession of keys, tools, cell phones, pagers, or other City-owned equipment must register their name and the serial number (if applicable) or identifying information about the equipment with their supervisor.

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.

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.

The computer and communications systems operated by the City for the conduct of business are the property and work environment of the City of Wyoming, and all Wyoming policies relating to personal conduct apply to access to and use of these resources. Employees should reference the City of Wyoming Computer Use Policy for more information.

Use of City Facilities

Employees, supervisors, or other persons may not use nor allow the use of any City facilities including personal property, lands, or buildings of the City of Wyoming for private interests except as generally allowed to the public. No City owned property shall be removed from any City Department land or building for any private use, purpose, or enjoyment, and no employee, supervisor, or other person shall

be in any building of the department after normal working hours, unless they are upon official department business or as otherwise allowed by the general public.

City equipment or facilities may be loaned to community and civic organizations. Approval for such use must be obtained from the City Council unless covered by a mutual aid agreement.

Section 3.07 Appearance

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their supervisor. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the City. City staff shall not enforce the City's dress code more strictly against transgender and gender diverse employees than other employees.

Section 3.08 Falsification of Records

Any employee who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies or for any other reason in the course of the employment with the City, will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

Section 3.09 Whistleblower Protections

An employee of the City who, in good faith, reports an activity that they considers to be illegal or dishonest in accordance with applicable law may have whistleblower protections. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate City management officials are charged with these responsibilities.

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

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

It is the City's legal responsibility to protect employees who make complaints of illegalities within the workplace. Full investigations will be completed and employees will not face retaliation or reprisal for reports made in good faith.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota Data Practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply

with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact Human Resources/Assistant City Administrator or the City Administrator immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

Section 3.10 Political Activity

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the City to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization

Section 3.11 Smoking

The City of Wyoming observes and supports the Minnesota Clean Indoor Air Act. All City buildings and vehicles, in their entirety, shall be designated as smoke free, meaning that smoking in any form (through the use of tobacco products, cannabis products, or hemp-derived consumer products such as pipes, cigars, and cigarettes) or “vaping” with e-cigarettes is prohibited while in a City facility or vehicle.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees eighteen years old and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

Section 3.12 Personal Telephone Calls

Personal telephone calls are to be made or received only when truly necessary (e.g., family or medical emergency). 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.

Section 3.13 Nepotism

It is the City's policy that immediate relatives will not be employed in regular full-time or regular part-time positions where:

1. One relative would have the authority to supervise, appoint, remove, discipline, determine the salary or evaluate the performance of the other.
2. One relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those, which have the least adverse impact on spouses or members of either sex. For example:

The exclusion should be limited to the job, work crew, shop or unit where the reason for exclusion exists, and should not bar the person from the whole work force, unless the reason applies to the whole work force. When it is necessary to exclude a person because of what their spouse does, then the employees

will be asked to determine which spouse shall keep the job. The City may require one spouse to quit 60 days after marriage if they become in violation of this policy and a mutually-agreeable solution cannot be reached between the City and the employees.

Section 3.14 Access to Gender-Segregated Activities and Areas

With respect to all restrooms, locker rooms, or changing facilities, employees will have access to facilities that correspond to their affirmed gender identity, regardless of their sex at birth. In cases where the City maintains separate restroom and/or changing facilities for male and female employees, the City allows employees to access them based on their gender identity.

In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the City will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity.

Article IV. Employee Recruitment and Selection

The City Administrator or a designee will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for final hiring decisions and must approve all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

Section 4.01 Recruitment

All appointments in the municipal service shall be made according to job-relevant qualifications, merit, and fitness as determined by the City Council considering the recommendation of the City Administrator and Department Heads. The City Administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

The basic recruitment and selection policies of the City are to take whatever measures necessary to seek out and to encourage properly qualified individuals to apply for positions of City service and to provide assurance that the best qualified applicants are properly inducted into municipal service. Competition for positions shall be open to all applicants who meet the qualifications established for the class of position for which application is made. All candidates must complete and submit the required application materials by the posted deadline in order to be considered for the position. No person shall in any way be favored or discriminated against because of race, color, creed, age, marital status, sex, political opinion or affiliation, disability, sexual orientation, or welfare assistance status.

In making a selection among candidates to fill vacancies, the City may use written, oral, or performance tests, an evaluation of training and experience, or any combination of these. Investigations of background,

character, education, experience, or physical fitness may also be required subject to applicable law. The deadline for application may be extended by the City Administrator. Unsolicited applications will not be kept on file unless otherwise required by law.

Application for employment will generally be made online or by application forms provided by the City. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline in order to be considered for the position.

Position vacancies may be filled on an “acting” basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

Section 4.02 Testing and Examinations

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test, or interview; performance or demonstrative test; physical agility test; or another appropriate job-related exam. For example:

- Keyboarding exercises for data entry positions.
- Writing exercises for positions requiring writing as part of the job duties.
- “In-basket” exercise for an administrative support position (sets up real-life scenarios and items that would likely be given to the position for action and asks the candidate to list and prioritize the steps they would take to complete the tasks).
- Mock presentation to the City Council for a planning director position, for example.
- Scenarios of situations police officers are likely to encounter on the job that test the candidate’s decision-making skills (can be role played or multiple-choice questions).

Internal recruitments will be open to any City employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in Good Standing with the City, as determined by the discretion of the City.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications as set forth in the position posting.

Section 4.03 Pre-Employment Medical Exams

The City Administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any City position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City (psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist). The physician will notify the City Administrator or designee that a candidate

either is or is not medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a cannabis, drug, and alcohol test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Administrator or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, they will be notified of this determination.

Section 4.04 Selection Process

The selection process will be a cooperative effort between the City Administrator or designee and the hiring supervisor, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council approval. Except where prohibited by law, seasonal, and temporary employees may be terminated by the supervisor at any time, subject to City Council approval. The City has the right to make the final hiring decision based on qualifications, abilities, experience, and City of Wyoming needs.

Section 4.05 Background Checks

All finalists for employment with the city will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the city administrator will determine the level of background check to be conducted based on the position being filled.

Section 4.06 Current Employee Criminal Conviction Notification

Upon implementation of this policy, it is the duty of all incumbents to affirmatively notify the City Administrator's office in writing of any criminal conviction that occurred any time after the implementation of this policy. The conviction must be reported within two weeks after it is officially entered into court records. For purposes of this policy, conviction includes any conviction which has not been expunged and for which a jail sentence could have been imposed.

Upon notification of a conviction, the City Administrator's office will consult with the appropriate representative from the City of Wyoming Police, and the City's legal representative, to determine if the conviction is related to the employee's job. The City may take action to terminate the employee, based on the seriousness of the offense and in accordance with applicable law.

Intentional failure of the employee to notify the City of a criminal conviction that occurs after the effective date of this policy may be grounds for employment sanctions up to and including termination, regardless of when the omission is discovered. Such failure to notify may be grounds for termination regardless of the nature of the conviction.

An employee whose background check reveals convictions for offenses covered under MN Stat. 299C, that would disqualify them from employment, shall not be removed from their current position unless the check reveals information not previously known which is related to their ability to successfully perform the duties of their current job.

Section 4.07 Probationary Period

A six-month period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the city's selection process and is used by supervisors for closely observing an employee's work.

An employee serving their initial probationary period may be disciplined at the sole discretion of the city, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

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

Time served in temporary, seasonal, volunteer or interim positions are not considered part of the probationary period. If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked, and the probationary period will be extended by the length of time taken.

Section 4.08 Employee Orientation

The Payroll/Bookkeeper will distribute and explain the various enrollments forms, etc. that must be filled out. Each new employee will be provided with information on employee benefits, City policies and operations.

The supervisor provides additional information to the new employee, including:

1. Work standards and regulations;
2. Hours of work, time cards or reports, leave requests;
3. Duties of the position;
4. Safety rules and procedures, location of safety or protective equipment;
5. Tour of the work area, including location of equipment, supplies, etc.;
6. Introduction to co-workers;
7. Schedule for lunch and breaks;
8. When and whom to report absence from work;
9. Who is responsible for performance planning and review.

Article V. Hours of Work

Employee work schedules and opportunities to work remotely will be established by supervisors with the approval of the City Administrator. The regular workweek for employees is five eight-hour days in addition to a lunch period, Monday through Friday, except as otherwise approved by the City Administrator in accordance with the customs and needs of the individual departments.

City Hall will maintain office hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. Department Heads should schedule staff to provide coverage and keep offices open during those hours.

For most employees, the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. Supervisors may establish a different workweek based on the needs of the department, subject to the approval of the City Administrator.

Section 5.01 Core Hours

To ensure employee availability and accountability to the public the City serves, all full-time employees (exempt and non-exempt) are to be at work or available to the public and co-workers during the hours of 9 a.m. to 3:30 p.m., Monday through Friday, unless away from the work site for a work-related activity or on approved leave. Full-time employees (exempt and non-exempt) employees are allowed to schedule the remainder of their shift on either side of the “core hours” so long as they ensure they are completing their full shift.

Section 5.02 Meal Breaks and Rest Periods

A paid fifteen-minute break is allowed within each four consecutive hours of work. An unpaid thirty-minute lunch period is provided when an employee works eight (8) 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, or lunch time by not taking these breaks.

Employees whose duties involve traveling throughout the City may stop along the assigned route at a restaurant or other public accommodation for their fifteen-minute break. Exceptions must be approved by the supervisor or City Administrator.

Departments with unique job or coverage requirements and/ or who are covered by a Collective Bargaining Agreement may have additional rules, issued by the supervisor and subject to approval of the City Administrator and/or as outlined in contract, on the use of meal breaks and rest periods.

Section 5.03 Adverse Weather Conditions

City facilities will generally be open during adverse weather. 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 not normally have their pay reduced as a result of this absence. Employees will be allowed to use accrued vacation time or compensatory time, or with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments.

Sworn police officers and public works maintenance employees will generally be required to report to work regardless of conditions. Decisions to cancel any departmental programs (special events, recreation programs, etc.) will be made by the respective supervisor or the City Administrator. A decision to close down City operations will not result in a deduction of employee benefits. Employees on paid leave will still be charged with time off from the appropriate leave (e.g. vacation, sick, etc.) if the leave occurs on a City declared storm day.

Section 5.04 Flexible Working Hours

A department head may authorize a modification of an employee’s work schedule, upon approval of the City Administrator, to an alternative schedule wherein the usual number of hours are worked, but starting and quitting time vary, provided the scheduling does not in any way impair the City’s ability to serve the public or create a need for additional personnel or unnecessary overtime.

Article VI. Compensation

Section 6.01 In General

A salary schedule shall be adopted by the City Council and shall apply to all employees not covered by a labor contract. Employees covered by labor contract shall be compensated as referenced in the agreement. Compensation for seasonal and temporary employees will be set by the City Council at the time of hire, or on an annual basis.

In addition to compensation, an employee may be eligible for reimbursements pursuant to Article 21.

Section 6.02 Assigning and Scheduling Work

Assignment of work duties and scheduling work is the responsibility of the supervisor subject to the approval of the City Administrator.

Section 6.03 Job Descriptions

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the City Administrator. The City will maintain job descriptions for each regular position. New positions will be developed as needed but must be approved by the City Council prior to the position being filled.

A current job description is provided to each new employee. Supervisors are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the City Administrator.

Section 6.04 Job Classifications

The City will establish and maintain a Position Classification Plan so that all positions substantially similar with respect to the type, difficulty, and responsibility of work are included in the same class. For each class of positions there shall be:

- a) A class title description of duties or positions within the class;
- b) A written class description that explains the nature of the work responsibilities of the positions within the class;
- c) Examples of work which are illustrative of the duties of the positions allocated to the class;
- d) Position requirements such as the knowledge, abilities, and skills necessary for performance of the work; and
- e) A statement of experience and training desirable for recruitment into the class.

Section 6.05 Reclassification

Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions and classes. It shall be the duty of the City Administrator to examine the nature of all positions and to allocate them to existing or newly created classes, to make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and to periodically review the entire classification plan and recommend appropriate changes in the allocations or in the classification plan.

Section 6.06 Layoff

In the event it becomes necessary to reduce personnel, temporary employees and those serving a probationary period in affected job classes will be terminated from employment with the City before other employees in those job classes. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the City Administrator, subject to approval of the City Council. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

Section 6.07 Wage Disclosure

Under the Minnesota Wage Disclosure Protection Law, employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his or her wages as a condition of employment.
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. §181.172, subd. 3.

The City cannot retaliate against an employee for disclosing their own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the City and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or (800) 342-5354.

Section 6.08 Acting Role Compensation

Position vacancies may be filled on an "acting" basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

Article VII. Time Recording and Employee Pay

Section 7.01 Pay Days

Paydays are bi-weekly and all employees (full and part time) are paid through the end of the last pay period. For accounting purposes, a standard work week shall begin at 12:00 a.m. on Monday, and end at 11:59 p.m. the following Sunday and there shall be at least a three-day period from the end of the last pay period before paychecks are issued to the employees for that pay period. Any adjustments due to overtime, salary changes, deductions, or absences without pay, etc. will generally be adjusted the following payday. Each employee of the City will receive a statement with paycheck that states gross earnings for that period, the deductions for Federal, State, P.E.R.A., Insurance and employee deductions, along with the net amount paid. Any further deductions desired should be requested by the employee to the payroll supervisor. Every effort will be made to honor reasonable payroll deduction requests. The payroll supervisor must be notified immediately of any changes affecting your payroll records (such as address changes, number of exemptions claimed, marital status, etc.). When paydays fall on a holiday, checks are normally issued the work day before the holiday.

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.

Section 7.02 Direct Deposit

As allowed for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the Finance Department of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

Section 7.03 Time Reporting

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. They will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. Each time reporting form must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet may be cause for immediate termination.

Section 7.04 Improper Deduction or Overpayment Policy

If an employee believes that an improper deduction or overpayment, or another type of error, has been made, they should immediately contact their supervisor. If the City determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.

In cases of improper overpayments, employees are required to promptly repay the City in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the repayment. The City will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required.

Section 7.05 Overtime and Compensatory Time

The City of Wyoming has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime. In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt.

All employees, in all departments, may be required to work overtime as requested by their supervisor. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work. All overtime must be authorized in advance

by the employee's supervisor. An employee who works overtime without prior approval may be subject to disciplinary action.

All overtime eligible employees will be compensated at the rate of one and one-half times their base hourly rate for hours worked over 40 in one workweek (except certain public safety employees working an extended workweek). Vacation and sick leave hours do not count toward "hours worked" for purposes of overtime. Holiday hours will count toward "hours worked." Overtime hours earned can be converted to equivalent hours of comp-time not to exceed 10 hours unless provided by union contract.

The maximum compensatory time accumulation for any employee is 40 hours per year. Once an employee has earned 40 hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. Only 20 hours of compensatory time can be carried over from one year to the next. Employees may request and use compensatory time off in the same manner as other leave requests. All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used.

The Finance Department will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves City employment at the hourly pay rate the employee is earning at that time.

Section 7.06 Exempt (non-overtime eligible) 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 accountability, 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.

Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed, and they receive their full weekly salary for any week in which any work is performed.

Unless otherwise allowed or disallowed by law, the City of Wyoming will only make deductions from the weekly salary of an exempt employee in the following situations:

1. The employee is in a position that does not earn vacation or personal leave and is absent for a day or more for personal reasons other than sickness or accident.
2. The employee is in a position that earns sick leave, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to sickness or disability, but they are either not yet qualified to use the paid leave or they have exhausted all of their paid leave.
3. The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of their paid leave or a situation where the employee does not earn paid leave).

4. The very first workweek or the very last workweek of employment with the City in which the employee does not work a full week. In this case, the City will prorate the employee's salary based on the time actually worked.
5. The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness, or injury, but:
 - Paid leave has not been requested or has been denied.
 - Paid leave is exhausted.
 - The employee has specifically requested unpaid leave.
6. The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
7. The City of Wyoming may, for budgetary reasons, implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

Article VIII. Employee Records

Section 8.01 File Retention

Official personnel files will be maintained by the City Administrators Office in accordance with applicable law and retention requirements, which will include all material of a confidential nature to including, but not limited to:

- Employment Contracts
- Permanent Documents
- Employee application
- Job description and specification information
- Job performance ratings and evaluations
- Education/training information
- Personnel action forms
- Temporary Documents
- Personnel documents (maintained for 3 years unless otherwise provided pursuant to labor agreement)
- Administrative correspondence relating to leave/vacation requests
- All other administrative documents of limited informational life span
- Letters of appreciation, commendation, or discipline
- Establishment of procedures for the release and accessibility of information and audit of the personnel files.

Section 8.02 Accessing Personnel Documents

Personnel documents will be retained and disclosed pursuant to the Minnesota Government Data Practices Act.

Unless allowed by law, access to information contained in the personnel file will be limited to the City

Administrator, Assistant City Administrator, respective Department Heads, Legal Counsel, immediate supervisor and individual employees. Files pertaining to employees who are candidates of interdepartmental transfer will be accessible by the prospective gaining Department Head. Department Heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.

Separate personnel files shall not be maintained by individual departments. Employees are guaranteed the rights and remedies provided under Minnesota Statutes §§181-960-181.965 as it pertains to violations of the above policy.

Section 8.03 Performance Review

An employee's immediate supervisor will conduct a performance appraisal on an annual basis or more frequently if prescribed by the City Administrator or the employee's Department Head. The performance appraisal will be used for identifying problem areas in an employee's performance, identifying the need for further training and development and as a factor in granting performance pay increases and promotions. The performance appraisal will be in writing and shall be signed by the employee and the supervisor, copies of which will be available to the employee upon request.

Performance reviews will be discussed with the employee. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable using the City's grievance process, other performance evaluation data, including subjective assessments, are not. For those parts of the performance evaluation system deemed not challengeable, an employee may submit a written response, which will be attached to the performance review. The form, with all required signatures, will be retained as part of the employee's personnel file.

In addition to annual performance evaluations, employees will be evaluated at the completion of the Probationary Period or any time the employee's supervisor or Department Head believes it is in the best interest of the employee and/or the City to conduct an evaluation.

Article IX. Benefits

Section 9.01 Overview

In addition to good working conditions and competitive pay, it is the City's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs the City provides employees and their families. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from the Assistant City Administrator/HR. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the

determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, the City (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

These policies are not meant to modify or replace any benefits available as part of a collective bargaining agreement. The benefits in a collective bargaining agreement will control if there is any difference.

In order to comply with health care reform law while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended or, in some rare instances, may be offered health insurance to comply with federal health care reform laws and regulations while avoiding associated penalties

If employees have any questions regarding benefits, they should contact the Assistant City Administrator/HR.

Section 9.02 Health, Dental, and Life Insurance

The City makes a competitive monthly contribution toward group health, dental, and life insurance benefits. Employees are encouraged to look closely at this contribution as part of their overall compensation package with the City.

For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact the Assistant City Administrator/HR.

Section 9.03 Retirement/PERA

The City participates in the Public Employees Retirement Association (PERA) to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The City and the employee contribute to PERA each pay period as determined by state law. For information about PERA eligibility and contribution requirements, contact the Assistant City Administrator/HR.

If an employee leaves employment with the City before retirement and they desire to withdraw the amount they have contributed to PERA (employees may not receive the portion paid by the City; it remains with PERA), the employee may request such a refund, usually with interest. Withdrawal forfeits any potential retirement payments which the contributions may have earned for the employee. To be eligible for PERA benefits, employees must be a member for a minimum of three years.

Each year employees will receive correspondence from PERA detailing contributions and other pertinent retirement information. Employees should review the yearly information carefully to keep up-to-date on the benefits accrued through the retirement fund.

Section 9.04 Holidays

Full-time employees will be paid for the following holidays:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve -1/2 day (4 hours)**
Christmas Day
New Year's Eve -1/2 Day (4 hours)**
Floating Holiday- 2 days (16 hours)

Full-time employees will receive 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. Part-time employees will receive prorated holiday pay based on the number of hours normally scheduled. Any employee on a leave of absence without pay from the City is not eligible for holiday pay.

Holidays occurring on a Saturday will be observed the preceding Friday and holidays occurring on Sunday will be observed on the following Monday, assuming a Monday through Friday work week. Employees shall receive eight (8) hours of time off for each holiday and four (4) hours of time off for each half-day holiday.

**In those years when Christmas Day and New Year's Day fall on a Tuesday, Wednesday, Thursday or Friday employees shall receive ½ day (4) hours off for both Christmas Eve and New Year's Eve. In those years that Christmas Day and New Year's Day fall on a Saturday, Sunday or Monday the ½ day (4) hours for both Christmas Eve and New Year's Eve will not be granted. Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four hours thereafter.

Use of a Floating Holiday is subject to continuous full-time employment by the City of more than four months in a calendar year and supervisor approval. Unused floating holidays are not paid to terminated employees and may not be carried over to the next year.

Employees shall receive holiday pay provided they worked or were on approved paid leave the regularly scheduled work day before and after the holiday.

When a holiday falls during an employee's vacation, the employee will not be charged with vacation but the hours will be charged against holiday leave.

Although the City prefers that personnel enjoy the observed holidays, business emergencies may arise. Non-exempt hourly employees required to work on a recognized holiday will be paid at one and one-half times

(1-1/2) their regular base rate of pay in addition to their regular holiday pay. Compensatory time-off may be taken in lieu of payment.

Section 9.05 Post-Employment Health Care Savings Plan

A. City Employees other than department heads

All City of Wyoming employees with the exception of department heads are required to participate in the Minnesota Post Employment Health Care Savings Plan (HCSP) established under Minnesota Statutes, section 352.98 (Minn. Sup. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan documents.

Upon separation of service in good standing, employees sick leave shall be deposited into the employee's HCSP as follows:

- Employees with under five (5) years of service will forfeit all sick time.
- Employees with at least five (5) years of service but less than (10) years of service shall receive 50% of the employee's sick leave;
- Employees with ten (10) or more years of service shall receive 100% of the employee's sick leave (up to a maximum of 750 hours.)

If the employee dies prior to having the payment deposited, the payment will be paid out in cash and will not be eligible for the HCSP. This policy will remain in effect for all department heads for a minimum of two years.

B. Department Heads

All City of Wyoming city administrator and department head contracts are also required to participate in the Minnesota Post Employment Health Care Savings Plan (HCSP) established under Minnesota Statutes, section 352.98 (Minn. Sup. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan documents.

For department heads who leave in Good Standing, upon separation of service, 100% of the department head's sick leave (up to a maximum 750 hours) shall be deposited into the employee's HCSP.

Article X. Leaves of Absence

Depending upon an employee's situation, more than one form of leave may apply during the same period of time (e.g., leave under Article 11 could also apply during a workers' compensation absence). An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

Except as otherwise stated, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

Section 10.01 Sick Leave

Sick leave is an authorized absence from work with pay, granted to qualified full-time and part-time employees.

Employees are to use this paid leave only when they are unable to work for medical reasons and under the conditions explained below. Sick leave does not accrue during any unpaid leave of absence. Full-time employees shall accrue sick time at a rate of eight (8) hours for each calendar month. For Employees hired after February 1, 2003, the maximum amount of sick leave that they can accrue is 1,280 hours. For Employees hired after April 1, 2022, the maximum amount of sick leave that they can accrue is 750 hours.

After maximum accrual is reached, an Employee will not continue to earn sick leave until falling below the maximum accrual threshold.

Sick leave may be used as follows:

- When an employee is unable to perform work duties due to illness or disability (including pregnancy).
- For medical, dental, or other care provider appointments.
- When an employee has been exposed to a contagious disease of such a nature that their presence at the workplace could endanger the health of others.
- To care for the employee's injured or ill children, including stepchildren or foster children, for such reasonable periods as the employee's attendance with the child may be necessary.
- To take children, or other family members to a medical, dental or other care provider appointment.
- To care for an ill spouse, father, father-in-law, mother, mother-in-law, stepparent, grandparent, grandchild, sister or brother.

Pursuant to Minn. Stat. §181.9413, eligible employees may use up to 160 hours of sick leave in any 12-month period for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, grandparent, stepparent, parent-in-law (mother-in-law and father-in-law), and grandchild (includes step-grandchild, biological, adopted, or foster grandchild).

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the City Administrator, to the extent the employee is entitled to such leave.

To be eligible for sick leave pay, the employee must:

- Communicate with their immediate supervisor, as soon as possible after the scheduled start of the workday, for each and every day absent; if an emergency prevents the employee from notifying their supervisor at such time, the employee is expected to call as soon as possible during the work day.
- Employees are required to keep their supervisor informed of their condition and anticipated return to work.
- Submit a physician's statement upon request.

After an absence, a physician's statement may be required on the employee's first day back to work, indicating the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Sick leave may be denied for any employee required to provide a doctor's statement until such statement is provided.

The City has the right to obtain a second medical opinion to determine the validity of an employee's workers' compensation or sick leave claim, or to obtain information related to restrictions or an employee's ability to work. The City will arrange and pay for an appropriate medical evaluation when it is required by the City.

Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination. Employees must normally use sick leave prior to using paid vacation, or compensatory time and prior to an unpaid leave of absence during a medical leave. Sick leave will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the City Administrator. Sick leave cannot be transferred from one employee to another. Earned sick leave has no cash value upon termination or retirement except as provided in Section 9.05, above.

If any specific provisions of this policy conflicts with any current employment contract or union agreement, the union agreement or employment contract will prevail.

Section 10.02 **Earned Sick and Safe Leave**

"Earned Sick and Safe Leave" is paid time off earned at one hour of Earned Sick and Safe for every 30 hours worked by an employee, up to a maximum of 48 hours of sick and safe leave per year. This specific leave applies to all employees (including part-time, seasonal and temporary employees) performing work for at least 80 hours in a year for the City. Earned Sick and Safe Leave policy is in accordance with Minn. Stat. § 181.9445-181.9448.

Eligibility/Accrual

All Employees are entitled to earn sick and safe leave at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours accrued yearly. Accrued and unused hours carry over into future years, up to a maximum of eighty (80) hours accrued overall. When the 80-hour overall limit is reached, accrual immediately stops until usage occurs, at which time accrual restarts (until either the yearly or overall limit is reached). When the 48-hour yearly limit is reached, accrual does not restart until the following year. The year starts on January 1 and ends on December 31. All employees begin accruing hours on the first day of work, regardless of whether they are full-time, part-time, seasonal or temporary workers.

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act is assumed to work 40 hours per week.

Elected officials and independent contractors are not eligible for ESST.

Entitlement

Accrued sick and safe leave can be used in accordance with MN Statute 181.9447 including:

- An employee's mental or physical illness or other health condition, including care, treatment, diagnosis, or preventive care.

- To care for a family member with a health condition, including care, treatment diagnosis or preventive care.
- Absence due to domestic abuse, sexual assault or stalking of the employee or employee's family member.
- Closure of the employee's place of business or to care for a family member whose school or place of business is closed due to weather or another public emergency.
- The employee's inability to telework due to health concerns or possibility of jeopardizing the health of others relating to potential transmission of communicable illness related to a public emergency.
- Any other reason allowable by state statute.

Employees who require the use of foreseeable leave in accordance with this policy must provide seven days' advance notice in writing to their supervisor. If need for leave is unforeseeable, employees are required to give notice of the need for leave as soon as practicable in writing to their supervisor. Leave more than three consecutive days may require reasonable documentation before leave is approved or as soon as practicable after leave is taken, if unforeseeable.

The City will not require an employee using leave to find a replacement worker to cover hours absent.

Employees must use accrued ESST prior to using accrued sick, paid vacation, or an unpaid leave of absence during a medical leave. Employees on an unpaid leave of absence will not accrue sick leave for ESST.

An employee returning from time off using accrued ESST is entitled to return to their city employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off.

Employees who are re-hired within 180 days of separation shall have earned and unused ESST hours reinstated. An employee is entitled to use and accrue ESST at the commencement of reemployment.

"Family Member" Definition

For the purposes of this policy, "family member" is defined by MN Statute 181.9447 as:

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild, or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner

- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

Carry Over of Earned Sick and Safe Leave

Employees are eligible for carry over accrued but unused Earned Sick and Safe time into the following year, but the total of Earned Sick and Safe Leave carry over hours shall not exceed 80 hours.

Retaliation Prohibited

The city shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Leave rights, requesting an Earned Sick and Safe Leave absence, or pursuing remedies. Further, use of Earned Sick and Safe Leave will not be factored into any attendance point system the city may use.

Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Leave.

Section 10.03 Safety Leave

Employees are authorized to use sick leave for reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any 12-month period.

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the City Administrator, to the extent the employee is entitled to such leave.

Section 10.04 Vacation Leave

Paid vacation time is provided for regular full-time employees.

Vacation time shall be earned based on the following consecutive years of full-time service.

Upon Completion of

1 YEAR	80 HOURS
2 YEARS	80 HOURS
3 YEARS	80 HOURS
4 YEARS	120 HOURS
5 YEARS	120 HOURS
6 YEARS	120 HOURS
7 YEARS	120 HOURS
8 YEARS	120 HOURS
9 YEARS	160 HOURS
10 YEARS	160 HOURS
11 YEARS	160 HOURS
12 YEARS	160 HOURS
13 YEARS	160 HOURS

14 YEARS	160 HOURS
15 YEARS	200 HOURS

Employees covered by a labor agreement shall earn vacation benefits according to the contract. Eligible employees must obtain written approval from their Department Head prior to taking vacation time. Paid vacation is not available to employees until they have completed the probationary period unless otherwise authorized by the City Administrator.

Employees with more than one (1) year of service who leave employment by reason of death, disability, retirement, dismissal, or resignation will be paid for their accrued unused vacation time.

Employees can carry over up to 80 hours of accrued vacation at year end, anything in excess of 80 hours will be forfeited.

For the purpose of determining an employee's vacation accrual rate, years of service will include all continuous time that the employee has worked at the City (including authorized unpaid leave). Employees who are rehired after terminating City employment will not receive credit for their prior service unless specifically negotiated at the time of hire.

Requests for vacation must be received at least forty-eight hours in advance of the requested time off. This notice may be waived at the discretion of the supervisor and City Administrator. Vacation can be requested in increments as small as one hour up to the total amount of the accrued leave balance. Vacation leave is to be used only by the employee who accumulated it. It cannot be transferred to another employee. Vacation leave cannot be converted into cash payments except at termination.

If any specific provisions of this policy conflicts with any current employment contract or union agreement, the union agreement or employment contract will prevail.

Section 10.05 Funeral Leave

Full-time employees may be granted a maximum of three working days for funeral leave in the event of death in the employee's immediate family. Immediate family will mean employee's spouse, child(ren), grandchild(ren), parents, grandparents, brothers or sisters of the employee and employee's spouse.

Additional time off for funeral leave may be granted by the City Administrator for unusual and extenuating circumstances, and shall be charged to the employee's vacation time.

Employees on an otherwise unpaid leave of absence will not be entitled to leave under this provision.

Section 10.06 Military Leave

The City values military personnel and their families. To that end, the City will comply with all applicable law as it relates to time off, reemployment rights, and any other benefits available to military personnel and their families.

Employees should give management as much advance notice of their need for military leave as possible in accordance with law, so that the City can maintain proper coverage while employees are away.

Section 10.07 Jury Duty

Regular full-time and part-time employees not otherwise on an unpaid leave of absence will be granted up to 30 days of paid leave 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. Any time necessary for jury duty beyond 30 days will be unpaid although employees can choose to use accrued leave. 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 vacation 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.

Temporary and seasonal 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 temporary or seasonal employee is classified as exempt, they will receive compensation for the jury duty time.

Section 10.08 Court Appearance

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.

Section 10.09 Victim or Witness Leave

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (immediate family members include parent, spouse, child(ren) or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case.

Section 10.10 Job Related Injury or Illness

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 their 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.

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

Section 10.11 Pregnancy and Parenting Leave

Employees who work twenty hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Employees are eligible for up to 12 weeks of unpaid leave for prenatal care, incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child(ren). Leave and must begin within twelve months of the birth or adoption of the child(ren). In the case where the child(ren) must remain in the hospital longer than the mother, the leave must begin within 12 months after the child(ren) leaves the hospital. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave. If the employee has any leave under Article 11 remaining at the time this leave commences, this leave will also count as Article 11 leave. The two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also qualifying under Article 11).

Section 10.12 Administrative Leave

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the City Administrator with the approval of the City Council, unless applicable laws or contracts require payment.

Section 10.13 School Conference Leave

Any employee who has worked half-time or more may take unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the City. Employees may choose to use vacation leave hours for this absence but are not required to do so.

Section 10.14 Bone Marrow/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 to donate bone marrow or an organ.

The City may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

Section 10.15 Elections/Voting

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided the employee gives the City at least twenty days written notice.

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote on the election day. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues.

Section 10.16 Regular Leave Without Pay

The City Administrator may authorize leave without pay for up to thirty days. Leave without pay for greater periods may be granted by the City Council.

Typically, 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, if approved by the City Council, for leaves of up to ninety days when the leave is for medical reasons and Article 11 leave has been exhausted.

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, sick leave, funeral leave, voting leave, vacation leave, or any other forms of paid leave. Employees who are working reduced hours while on this type of leave will receive holiday and funeral pay on a prorated basis and will accrue sick leave and vacation leave based on actual hours worked.

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

To qualify for leave without pay, an employee need not have used all sick leave earned unless the leave is for medical reasons. Leave without pay for purposes other than medical leave under Article 11 or work-related injuries will be at the convenience of the City.

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave or leave under Article 11, will generally not be guaranteed to return to the original position unless agreed to by the City Administrator in writing prior to initiation of leave. 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.

Section 10.17 Reasonable Work Time for Nursing Mothers

Nursing mothers and lactating employees will be provided reasonable break times to express milk for her infant child during the twelve months following the birth of the child, unless it would cause undue business disruption. The paid break time must, if possible, run concurrently with any break time already provided. The city will provide a room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

Section 10.18 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.

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

When an employee is unable to perform the essential requirements of their job due to a temporary disability, they will notify Human Resources/Assistant City Administrator in writing as to the nature and extent of the disability and the reason why they are 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 additional information, including 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 if allowed by law.

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.

If the City offers a light duty assignment to an employee who is out on workers' compensation leave, the employee may be subject to penalties if they refuse 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, except as required by law.

Section 10.19 Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy

The city will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth without advice of a licensed health care provider or certified doula:

- More frequent restroom, food, and water breaks;
- Seating; and/or
- Limits on lifting over 20 pounds.

Additionally, an employer must provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed health care provider or certified doula, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. In accordance with state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

Article XI. Leave for Medical Purposes with Reinstatement Rights

The City recognizes that employees may need to take medical leave for themselves and/or family members and recognizes the importance of being able to take this leave without fear of losing employment. For this reason, the city has created this unpaid leave.

While the Family and Medical Leave Act applies to the City of Wyoming, because the City does not have more than 50 employees employed at one location or within 75 miles of one location, *no employees are eligible for FMLA coverage*. As such, the City has created this policy to provide a similar, but not identical coverage for purposes of medical leave. This policy shall be solely governed by the content herein as well as full and final interpretation from the City. This policy is not an adoption of FMLA and while the City *may* look to the FMLA for guidance of interpretation, the City shall have the sole discretion for interpretation irrespective of the FMLA.

Section 11.01 Eligibility

To qualify to take leave under this policy, an employee must meet all the following conditions:

- Have worked for the City for 12 months (or 52 weeks) prior to the date the leave is to commence.
- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee. The 1250 hours include only on-the-clock hours worked and do not include leave, PTO, or vacation hours.

Section 11.02 Types of Leave Covered

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child(ren), including prenatal care, or placement of a child(ren) with the employee for adoption or foster care;
- To care for a spouse, child(ren), or parent who has a serious health condition or
- Due to a serious health condition that makes the employee unable to perform the essential functions of the position

"Spouse" for purposes of this policy does not include domestic partners or common-law spouses.

"Caring for" for purposes of this policy includes psychological and well as physical care. It also includes acquiring care and sharing care duties.

"Parent includes a biological parent or a person who stood in the place of a parent."

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- **Hospital Care:** Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- **Pregnancy:** Any period of incapacity due to pregnancy, prenatal medical care or childbirth;

- **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
- **Permanent/Long-Term Conditions Requiring Supervision:** An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity; and
- **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

Section 11.03 Length and Amount of Leave

The length of leave under this policy is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on a rolling basis measured backward from the date leave is taken and continues with each additional leave day taken. If the employee returns to work within 12 weeks following a family/ medical leave, they will be reinstated to their former position or an equivalent position with equivalent pay, benefits, status and authority.

The entitlement to FMLA leave for the birth or placement of a child(ren) for adoption expires twelve (12) months after the birth or placement of that child(ren).

If the City employs both spouses, the combined total leave under this policy to which they will be entitled together will be 12 weeks in any 12-month period if the leave is taken as (1) a Family Illness Leave to care for the employee's parent or (2) Birth, Adoption and Child Care Leave.

Section 11.04 How Leave May Be Taken

Leave may be taken for 12 (or less) consecutive weeks and may be used in block time or to reduce the workweek or workday, resulting in a reduced hour schedule. Generally, leave is not allowed on an intermittent or unplanned basis such as a day periodically when needed. In all cases, the leave may not exceed a total of 12 workweeks.

If an employee is taking leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City's business.

In instances when reduced schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the reduced schedule.

Reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child(ren) only with the City's approval.

Section 11.05 Procedure for Requesting Leave and Notice

All employees requesting Leave under this policy must provide written notice of the need for the leave to the Assistant City Administrator/Human Resources. An employee is required to give 30 days' notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form, which may be obtained from the City Administrator and/or Assistant City Administrator, should be completed by the employee and returned

to the Department Head. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/ Medical Leave" form.

When the need for the leave is foreseeable, the employee must give verbal or written notice to their supervisor at least thirty (30) days prior to the date on which leave is to begin. If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practical, including following required call-in procedures. The City requires an employee on Leave under this policy to report periodically on the employee's status and intent to return to work.

The following forms are available from the City Administrator and/or Assistant City Administrator and must be submitted pursuant to the terms provided above.

1. Request for Family/Medical Leave
2. Physician or Practitioner Certification -Family Member/Serious Health Condition or Employee Serious/Health Condition
3. Authorization for Payroll Deduction for Benefit Plan Coverage Continuation During a Family/Medical Leave of Absence
4. Fitness for Duty to Return from Leave

Section 11.06 Certification and Documentation Requirements

For leave due to an employee's serious health condition or that of an employee's family member, the City will require the completion of a Medical Certification form by the attending physician or practitioner. The form must be submitted by the employee to the City Administrator and/or Assistant City Administrator within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the leave.

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement.

If reasonable safety concerns exist regarding the employee's ability to perform his or her duties, an FFD certificate may be required as frequently as every 30 days during periods when the employee has used reduced scheduled leave.

Recertification of leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. 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.

Section 11.07 Annual Medical Certification and Recertification

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year.

Section 11.08 Reinstatement

Employees returning from leave under this policy will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment unless their position otherwise would have been modified and/or eliminated irrespective of leave under this policy.

Section 11.09 Group Health Insurance and Other Benefits, Concurrent Leave and Substitution of Paid Leave

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 the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City. Employee contributions will be required either through payroll deduction or by direct payment to the City of Wyoming. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.

If an employee's contribution is more than 30 days late, the City of Wyoming may terminate the employee's insurance coverage. An employee granted a leave under this policy will continue to be covered under the City of Wyoming's group health insurance plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if they had 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.

Rights to additional continued benefits will depend on whether leave is paid or unpaid.

Any paid disability leave benefits (Short Term Disability or Long Term Disability), sick leave, Paid Time Off (PTO) or compensatory time off available to employees for a covered reason (an employee's serious health condition or a covered family member's serious health condition, including worker's compensation leave and Minnesota State Parenting Leave) will run concurrently with the leave under this policy. When an employee has used accrued paid time for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided equals 12 weeks.

If the City of Wyoming pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the Employer for delinquent payments (on a payroll deduction schedule) upon return from leave. The Employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

If the employee fails to return from leave under this policy for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member and notification/approval of continued leave, or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City of Wyoming may seek reimbursement from the employee for the portion of the premiums paid by the City of Wyoming on behalf of that employee (also known as the employer contribution) during the period of leave.

An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose

anything accrued prior to leave.

Section 11.10 Failure to return to work

Under certain circumstances, if the employee does not return to work at the end of the Leave under this policy for at least 30 calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee's behalf to maintain benefits other than group health plan benefits.

Section 11.11 Activities prohibited during leave

While on leave, an employee may not engage in activities (including employment) which have the same or similar requirements and essential functions of an employee's current position.

While on leave, an employee may not engage in any activity that conflicts with the best interests of the City. Such conduct will result in disciplinary action up to and including termination of employment.

Article XII. Sexual Harassment Prevention

The City of Wyoming is committed to creating and maintaining a public service work place free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws.

In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment. Discriminatory behavior includes inappropriate remarks about or conduct related to a person's legally protected characteristic such as race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, gender expression, familial status, or status with regard to public assistance.

This policy statement is intended to make all employees, volunteers, members of boards and commissions, and elected officials sensitive to the matter of sexual harassment, to express the City's strong disapproval of unlawful sexual harassment, to advise employees against this behavior, and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

Section 12.01 Applicability

Maintaining a work environment free from harassment is a shared responsibility. This policy is applicable to all City employees, volunteers, members of boards and commissions, and City Council members, both in the workplace and other City-sponsored social events.

Section 12.02 Scope

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on [Minnesota Statute § 363.01, subdivision 41](#), is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication 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, making jokes, 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. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
- 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.
- Other unwelcome behavior or words directed at an individual because of gender or sexuality.

Section 12.03 Expectations

The City of Wyoming recognizes the need to educate its employees, volunteers, members of boards and commissions, and elected officials on the subject of sexual harassment, and stands committed to providing information and training. All employees are expected to treat each other and the general public with respect, and assist in fostering an environment free from offensive behavior or harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Section 12.04 Reporting Procedures, Confidentiality, and Anti-Retaliation

Any conduct that may be in violation of this policy should be reported immediately so that the City can respond appropriately, if necessary.

See Article 15 regarding reporting any violations of this policy, Section 16 regarding your right to be free from retaliation for making any such reports, and Article 17 regarding confidentiality considerations of making and participating in investigations relating to any reports of violations.

Article XIII. Respectful Workplace Policy

The City of Wyoming intends to maintain a respectful workplace free of disrespectful, offensive, or harassing behavior. Disrespectful conduct demeans people and creates unacceptable stress for the entire organization. Maintaining a respectful public service work environment is a shared responsibility. This policy is applicable to all City employees, volunteers, firefighters, members of boards and commissions, and City Council members, both in the workplace and other City-sponsored social events.

Section 13.01 Abusive Customer Behavior

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

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

Section 13.02 Types of Disrespectful Behavior

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

1. **Violent behavior:** includes the use of physical force, harassment, bullying or intimidation.
2. **Discriminatory behavior** includes inappropriate remarks about or conduct related to a person's legally protected characteristic such as race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, gender expression, familial status, or status with regard to public assistance,
3. **Offensive behavior** may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. Employees are encouraged to discuss with their supervisor what is regarded as offensive. To determine what is "offensive," one must take into account the sensibilities of employees and the possibility of public reaction.
4. **Sexual Harassment:** Please see Section 12 which outlines the City's Policy and required response to Sexual Harassment.

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.

Harassing behavior may include harassment of individuals based on race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, gender expression, familial status, or status with regard to public assistance. Harassment can include but does not have to include the harasser interfering with, rejection of, or requiring another to engage or not engage in a certain activity to retain employment, have access to public services or accommodations.

Section 13.03 Reporting Procedures, Confidentiality, and Anti-Retaliation

Any conduct that may be in violation of this policy should be reported immediately so that the City can respond appropriately.

See Article 15 regarding reporting any violations of this policy, Section 16 regarding your right to be free from retaliation for making any such reports, and Article 17 regarding confidentiality considerations of making and participating in investigations relating to any reports of violations.

Article XIV. Workplace Violence

The City of Wyoming seeks to provide a safe and secure workplace environment for employees, volunteers, vendors, and citizens. Violence, or the threat of violence, has no place in any City of Wyoming facility. Maintaining a work environment free from violence is a shared responsibility. This policy is applicable to all City employees, volunteers, members of boards and commissions, and City Council members, both in the workplace and other City-sponsored social events.

This policy addresses the City's commitment to preventing the potential for violence in and around the workplace and to fostering a work environment of respect and healthy conflict resolution.

Many City employees may be exposed to violence by the nature of their jobs. Violence or the threat of violence, by or against any City employee or other person while at a City of Wyoming workplace is unacceptable and may subject the individual to serious disciplinary action and/or criminal charges.

The City of Wyoming will take every reasonable action to protect the life, safety and health of employees and will provide as rapid and coordinated a response as possible to violence or threats of violence at any worksite.

The City of Wyoming is committed to providing a workplace environment in which all its officials and employees treat each other, their customers, and clients, and all others with courtesy, dignity and respect.

Any conduct that may be in violation of this policy should be reported immediately so that the City can respond appropriately. **See Article 15 regarding reporting any violations of this policy, Section 16 regarding your right to be free from retaliation for making any such reports, and Article 17 regarding confidentiality considerations of making and participating in investigations relating to any reports of violations.**

Article XV. Reporting Procedure for Violations of Equal Opportunity, Sexual Harassment Prevent, Respectful Workplace, and Violence Policies

Section 15.01 General Reporting Requirements

Any employee who believes they are subject to or have witnessed any conduct which violates the city's Equal Opportunity Policy, Sexual Harassment Prevention Policy, Respectful Workplace Policy, and/or Violence Policy must promptly follow the reporting procedure contained herein. Maintaining a professional work environment free from harassment, discrimination, and violence is a shared responsibility. This policy is applicable to all City employees, volunteers, members of boards and commissions, and City Council members, both in the workplace and other City-sponsored social events.

The city has designed this policy to ensure that employees have multiple levels of reporting to ensure that concerns are addressed immediately and promptly. Management takes these complaints seriously and has the obligation to provide an environment free of sexual harassment, discrimination, and disrespectful conduct. The city is obligated to prevent and correct unlawful conduct in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required. Retaliation

for making a good faith claim or participating in an investigation is prohibited, as identified in Article 16 of this personnel policy.

If employees see or overhear what they believe is a violation of the city's Equal Opportunity Policy, Sexual Harassment Prevention Policy, Respectful Workplace Policy, and/or Violence Policy, they must immediately report that information to a supervisor, your supervisor's supervisor, Human Resources/Assistant City Administrator, the City Administrator, or City Attorney.

The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. 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 City Attorney.

In addition to notifying one of the above persons and stating the nature of the perceived violation, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use his/her/their discretion to call 911, and/or take other reasonable action, and as soon as feasible, a supervisor.

Step 1(a). If you feel comfortable doing so, professionally, 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, Assistant City Administrator, a department head, or the City Administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter.

Step 1(c). In some situations, such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with an offender.

Employees who make good faith reports of violations of the personnel policy have a right to be free from retaliation for making any such reports, see Article 16 for more information. Information regarding confidentiality of these reports and surrounding matters can be found in Article 17 of this policy.

Section 15.02 Special Reporting Requirements

In the instance of alleged violations relating to supervisors, the city has identified special reporting requirements as indicated below:

- When the supervisor is the source of inappropriate conduct, a report will be made to the City Administrator or the Department Head who will review the situation and implement an appropriate investigation if appropriate, and those individuals may confer with each other or City Council and/or the Mayor, as appropriate.

- If the City Administrator is the source of inappropriate conduct, a report will be made to the City Attorney who will review the situation and implement an appropriate investigation if appropriate, and may confer with the City Council and/or the Mayor, as appropriate.
- If a councilmember or Mayor is the source of inappropriate conduct, the report will be made either to City Administrator and/or City Attorney who will review the situation and implement an appropriate investigation if appropriate, and those individuals may confer with each other or City Council and/or the Mayor, as appropriate.
- If an elected or appointed City official (e.g., council member or commission member) is the victim of inappropriate behavior, the report will be made to the City Administrator and/or City Attorney who will review the situation and implement an appropriate investigation if appropriate, and those individuals may confer with each other or City Council and/or the Mayor, as appropriate.

Employees who make good faith reports of violations of the personnel policy have a right to be free from retaliation for making any such reports, see Article 16 for more information. Information regarding confidentiality of these reports and surrounding matters can be found in Article 17 of this policy.

Section 15.03 Responsibilities of Supervisors

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations promptly to the City Administrator or City Attorney, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim or witness.

In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

Step 1(a). 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/their actions and requiring the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 1(b). Supervisors, when talking with the reporting employee will be encouraged to ask him, her or them what he/she/they want to see happen next. When an employee comes forward with a disrespectful workplace complaint, it is important to note the city cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical and related information will only be shared on a need to know basis and in accordance with the Minnesota Government Data Practices Act and/or any other applicable laws.

Step 2. If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. See Section 15.04 for more information on investigations.

Step 3. The supervisor must notify the City Administrator about the allegations. For more information about what to do when allegations involve the City Administrator, the Mayor, or a councilmember, see “Special Reporting Requirements” above.

Step 4. In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations, and the alleged violator will have the opportunity to answer questions and respond to the allegations. The City will follow any other applicable policies or laws in the investigatory process.

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

Step 6. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Government Data Practices Act.

Step 7. The city will take reasonable and timely action, depending on the circumstances of the situation.

Section 15.04 Investigation

The city will take proportionate corrective action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation.

When a complaint has been received, the city will take reasonable and timely action, depending on the circumstances of the situation which may include an informal or formal investigation. It is common for the city to authorize an investigation by an independent investigator (consultant).

Formal investigations will be prompt, impartial, and thorough. Typically, 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.

To facilitate fostering a respectful work environment, all employees are encouraged, and may be required, to respond to questions or to otherwise participate in investigations regarding alleged violations.

Strict confidentiality is not possible as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. See Article 17 of this policy for more information.

Section 15.05 Statute of Limitations

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

Article XVI. Anti-retaliation for reporting violations of workplace policies

The City will not tolerate retaliation or intimidation directed towards anyone who, in good faith, makes a report of employment discrimination, harassment, any violations of any other city policy contained within this personnel policy. In addition, the City will not tolerate retaliation against anyone who serves as a

witness, participates in an investigation, and/or takes any other actions protected under federal or state discrimination laws, including when requesting religious or disability accommodation.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Individuals who report improper conduct in good faith, participate in investigations, or take any other actions protected under federal or state employment discrimination laws will not be subject to retaliation.

Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal or harassment. While each situation is very fact dependent, generally speaking retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

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

1. Immediate supervisor;
2. Your supervisor's manager; or
3. City Administrator.

In the event an employee feels retaliation has occurred by the City Administrator or City Council, then reporting may be made to the City Attorney.

Supervisors who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the City Administrator, or if the complaint is against the City Administrator to the city attorney, who will decide how to proceed in addressing the complaint.

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.

Article XVII. Confidentiality of reporting violations of workplace policies

A person reporting or witnessing a violation of the City's Equal Opportunity Policy, Sexual Harassment Prevention Policy, Respectful Workplace Policy, and/or Violence Policy cannot be guaranteed anonymity or confidentiality. The person's name and statements may have to be provided to the alleged offender due to the need to investigate the issue properly. Furthermore, the accused may have the right to answer charges

made against them, particularly if discipline is a possible outcome. Reasonable efforts will be made to respect confidentiality of the individuals involved, to the extent possible.

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).

Any investigation process will be handled as confidentially as practical and related information will only be shared on a need to know basis and in accordance with the Minnesota Data Practices Act.

Article XVIII. Handling citizens' complaints

Citizen complaints provide an opportunity for feedback and identifying problem areas. How well complaints are handled determines to a great extent the level of confidence and respect the public holds for its municipal government. Above all, we are here to serve, and part of our job is to effectively handle citizen complaints.

When handling a complaint be polite and never argue with the complainant even if they are angry, unreasonable or insulting towards you and the City. Stay calm, cool and collected. Do not take criticisms personally and you will be better able to help solve the problem rather than become a part of it.

If you receive a complaint, it is very important to follow-through properly. This can be accomplished by doing the following:

- Receive and record information pertinent to the complaint;
- Determine which City employee is responsible to investigate and take corrective action and forward the complaint accordingly;
- Follow up on what action has been taken to correct the problem.
- Also, the responsible supervisor should notify the complainant to advise them of the action that has been taken to correct the problem.

Should complaints be violent in nature, employees should refer to Article 14 of this policy.

Article XIX. Separation from Service

Section 19.01 Resignations

Employees wishing to leave the City service in Good Standing must provide a written resignation notice to their supervisor, at least ten working days before leaving. Employees who terminate employment with the City after giving proper written notice shall be compensated for accrued but unused vacation time as of the date of separation. Failure to comply with this notice procedure may be considered reason for denying an employee future employment with the City. An unauthorized absence from work for a period of two (2) working days may be considered a resignation without notice.

Section 19.02 Severance pay

Upon resignation, retirement, death or disability of an employee, the employee, or named beneficiary, shall be paid 100% of the employee's vacation leave then accumulated, and the pay shall be paid at the employee's current rate of pay given they left in Good Standing.

Section 19.03 Continuation of insurance benefits upon separation

Federal law provides that employees who have separated from City service may continue on the City's group health and life insurance for a period of time. Pursuant to applicable state or federal law requirements, changes in family status, eligibility for Medicare or death of a spouse may warrant continuing coverage. Continuing coverage premiums must be paid in full by the separated employee, their spouse or dependents or coverage will lapse.

Article XX. Discipline

Section 20.01 Operational philosophy for employee discipline

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 Wyoming. 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. Employees and the City are best served when discipline is administered to correct actions rather than to punish.

The nature and severity of the offense and the employee's prior record shall be considered in any major disciplinary action, the pertinent information shall be reviewed with the employee specifying the cause for discipline, the specific reasons supporting the cause, the discipline to be imposed, the effective date, and the right of the employee to be heard.

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 or applicable bargaining agreements. The supervisor and/or the City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

All disciplinary actions involving suspensions without pay or termination require concurrence of the City Administrator and approval of the City Council prior to discipline being administered.

It is the responsibility of each supervisor and department head to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline.

Section 20.02 No Contract Language Established

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

Section 20.03 Disciplinary Process

The City may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any City employee has a contractual right or guarantee (also known as a property right) to the job they perform.

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

Section 20.04 Oral Reprimand

This measure will 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. Supervisors will inform the employee that the supervisor is issuing an oral warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action.

The supervisor will document the oral reprimand including date(s), a summary of discussion(s), and corrective action needed.

Section 20.05 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. Written warning/reprimand notices will be issued within a reasonable time after the occurrence of the violation becomes known to the supervisor.

A written reprimand will:

- (1) state what did happen;
- (2) state what should have happened;
- (3) identify the policy, directive or performance expectation that was not followed;
- (4) provide history, if any, on the issue;
- (5) state goals, including timetables, and expectations for the future; and
- (6) indicate consequences of recurrence.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

Section 20.06 Suspension With or Without Pay

The City Administrator and 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, who have completed their initial probationary period, 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. At the discretion of the City Administrator, an employee of the City may be suspended with or without pay and benefits pending investigation of allegations of misconduct, when

the nature of the allegation compromises the ability of the employee to perform their duties, and when a substantial period of time will be required to complete an investigation or legal action. Such suspension is not a disciplinary action and may not be appealed. If the charges are substantiated, disciplinary action will be taken in accordance with the nature of the offense, and may include recovery of salary and benefits paid during the suspension. If the charges are unfounded, the employee will be restored to duty and a letter of exoneration will be placed in the employee's official personnel file.

An employee will be suspended without pay when the offense is of a serious enough nature usually sufficient for discharge but when circumstances related to an employee's overall performance would not warrant immediate discharge. The length of suspensions should not normally exceed fifteen work days.

Investigatory suspensions may be used in cases where it is necessary to investigate a situation to determine what further disciplinary action may be justified. This suspension gives the supervisor the opportunity to discuss the problem with their superior to determine an appropriate course of action when the situation is serious enough for the employee to be removed from the work environment.

If, after investigation, it is determined that the employee was not guilty of any violation, they will normally be returned to their position, paid for any lost time, and a letter exonerating the employee will be placed in their official personnel file. If, however, the employee is found in violation, then the appropriate disciplinary action will take effect on the date that the investigatory suspension began.

Section 20.07 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. Demotion is not to be used as a substitute for dismissal, when dismissal is warranted.

The employee must be qualified for the position to which they are being demoted or transferred.

Section 20.08 Withholding Salary

An employee's salary increase may be withheld, or the salary may be decreased due to performance deficiencies in accordance with applicable law.

Section 20.09 Dismissal

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

If the disciplinary action involves the removal of a qualified veteran, who has completed their initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

Probationary employees may be terminated at any time without cause and without the right of appeal. Notification of dismissal in writing shall be provided the probationary employee and a copy filed in the employee's personnel file. Dismissals of probationary employees also require the concurrence of the City Administrator and approval of the City Council.

The original copy of the disciplinary action is to be signed by the employee and placed in the employee's personnel file with a copy given to the employee.

Article XXI. Grievance Procedure

The City's goal is to prevent the need for grievances and to deal promptly with those that do occur. If an employee and the employee's supervisor cannot resolve a problem, the employee may utilize the following procedure:

Step 1. If an employee and their immediate supervisor cannot resolve a problem informally, the employee shall submit a complaint in writing to the immediate supervisor within ten (10) working days of the date of the grievance or the employee's knowledge of its occurrence. The supervisor shall attempt to resolve the matter and shall respond to the employee within five (5) working days.

Step 2. If the supervisor is unable to resolve the dispute, the written complaint may be brought to the employee's Department Head within five (5) working days of the supervisor's answer. The Department Head shall give a written answer to the employee within ten (10) working days after receipt of the written complaint.

Step 3. If the Department Head is unable to resolve the dispute, the employee may appeal in writing to the City Administrator. The written appeal must be presented to the City Administrator within five (5) working days of the Department Head's response. The City Administrator's decision shall be final.

If the dispute is not presented by the employee within the time limits indicated above, it shall be considered waived. If a dispute is not appealed to the next step within the time limit, it shall be considered settled on the basis of the City's last answer. If the City does not answer a written complaint, or an appeal thereof, within the specified time limits, the employee may elect to treat the complaint as denied at that step and may appeal the complaint to the next step.

Employees exercising their rights under this policy shall be free from reprisal.

Employees covered by a labor agreement shall follow the grievance procedure established by the agreement, and that labor agreement shall supersede information contained in this section of policies.

The following actions are not grievable:

- While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
- Pay increases or lack thereof; and

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

Article XXII. Expense Reimbursements

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.

Section 22.01 Job Related Training and Conferences

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 under the following criteria and procedures.

Attendance at training programs will be approved at the Department Head level, except as follows:

- Attendance at a training program involving out-of-state travel by an employee requires approval by the City Administrator prior to registration.
- Attendance at any program or course work in excess of 1 shift and/or \$200 (in registration, travel, meals, and lodging cost) requires approval by the City Administrator prior to registration.
- All outside training and conference attendance shall be processed through the Training Attendance Request Form.

City-sponsored and required training shall generally be arranged during regularly scheduled work hours. A department head may change the standard work hours to accommodate or require attendance at such training activities. Such required training shall be recorded as time worked within the meaning of this policy.

Responsibilities outlined in the job description, annual work program requirements, and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related. CLE or similar courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee's duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the City. The supervisor and the City Administrator are responsible for determining job-relatedness and approving or disapproving training and conference attendance.

Employees who acquire training on their own time and expense are encouraged to notify Human Resources/Assistant City Administrator so the information can be noted in the employee's personnel file. Records of training shall be maintained in the employee's personnel file. Human Resources/Assistant City Administrator shall maintain an employee training history, and shall periodically audit training attendance and policy compliance.

Section 22.02 Job Related Activities

Attendance at any professional meeting or conference in excess of 1 shift and/or \$200 (in registration, travel, meals, and lodging cost) requires approval by the supervisor or City Administrator prior to registration.

Section 22.03 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.

Section 22.04 Compensation for Travel

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

Section 22.05 Membership and Dues

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the City. Normally, one City membership per agency, as determined by the City Administrator is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the City and are transferred to another employee by the supervisor.

Section 22.06 Travel and Meal Allowance

If employees are required to travel outside of the area in performance of their duties as a City employee, not as part of a conference or training, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. However, employees will not be reimbursed for the following expenses:

1. when an employee chooses not to take advantage of meals, or other benefits already paid for or included in registration fees, and therefore creates additional expenses, those expenses shall not be eligible for reimbursement.
2. Expense reimbursements apply to employees only. Costs associated with spouses, child(ren), or other individuals not officially representing the City are not eligible for reimbursement.

The City will not reimburse employees for meals connected with training or meetings within City limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Meal expenses of \$50 per day will be allowed.

A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending banquets, training sessions, or meetings of professional organizations.

Section 22.07 Tuition Reimbursement

To be considered for tuition reimbursement, the employee must be in Good Standing and have been employed by the City for at least one year. All requests for tuition reimbursement will be considered on a case-by-case basis by the City Administrator, with final approval/disapproval provided by the City Council.

Courses taken for credit at an approved educational institution must meet the following criteria to be approved for reimbursement:

- Courses must be directly related to the employee's present position (whether required for a degree program or not); OR
- Courses must be directly related to a reasonable promotional opportunity in the same field of work as present position (whether part of a degree program or not).

The City will pay the cost of tuition upon successful completion (C grade or better or "pass" in a pass/fail course) of the approved course. Reimbursements will be prorated for part-time employees. The maximum reimbursement per course will be based on an average course cost at the University of Minnesota or the actual cost of the course, whichever is less. Employees may elect to attend a more costly school provided they pay the difference in cost. Employees must reimburse the City if they voluntarily leave employment within twelve months of receiving tuition reimbursement from the City.

Tuition reimbursement for an individual employee will not exceed 50% of the cost of tuition per year or a cap of \$2,500 per year. This section does not apply to a Reserve Cadet position in the Wyoming Police

Department, which positions shall be entitled to reimbursement in accordance with the terms of separate Wyoming Police Department Reserve Cadet Officer Agreement as approved by the City Administrator.

Article XXIII. Outside Employment

The City of Wyoming does not restrict employees from engaging in outside employment that does not conflict with City interest. However, the City expects regular, full-time employees to consider City work their primary employment. The City will not condone outside employment that interferes with the performance of your duties with the City or which represents a conflict of interest. The City will not change your work hours to facilitate the scheduling of any outside employment, nor will an employee be allowed to conduct outside business during work hours.

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, holding a political office, or an appointment to a government board or commission that is compatible with City employment. The following is to be considered when determining if outside employment is acceptable:

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of their position.
- The employee must not use City equipment, resources, or staff in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which they are also being compensated by the City. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for their own business, while using paid sick leave or similar unpaid leave from the City for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

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.

Article XXIV. Drug, Alcohol and Cannabis Free Workplace

In accordance with applicable law, the City of Wyoming has adopted the following policy on drugs 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. The unlawful manufacture, distribution, possession, or use of a drug or alcohol on City property or while conducting City business or while "on call" and subject to return to work is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- C. Cannabis flower, cannabis product, lower-potency hemp edible, and/or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working or while an employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment is prohibited. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by cannabis or hemp products on City Property or while conducting City business.
- D. The City recognizes drug and alcohol, and cannabis 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. **Applicants and employees are still subject to being tested under the City's drug, alcohol and cannabis testing policy.**
- F. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug 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.

Article XXV. 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.

The City will examine public criminal history records once per year for all employees who are covered by this policy to determine compliance with this policy or upon reasonable suspicion of a driver's license loss or restriction. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first workday 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.

Section 25.01 Personal Use of City Vehicles

City-owned vehicles are to be used only by City employees for official City business. Employees that drive or may be required to drive City vehicles and equipment are responsible for maintaining a safe driving record and for observing all traffic laws. Seatbelts must be properly used at all times. Drivers must carry

Section 25.02 Take-home vehicles

City of Wyoming take home vehicles are issued based upon a need for a timely response to an incident creating a concern for the public. Such vehicles are provided to enhance effectiveness, efficiency, and to provide better service to the community and the department. Persons issued take home vehicles are expected to have a high level of responsiveness to department needs beyond normal work hours. The below factors are used to consider the approval of a take home vehicle:

- Whether the employee's assignment and/or duties are subject to emergency callback on a continuing basis and whether the distance the employee lives from the City would allow emergency response on a timely basis.
- Whether other conditions exist, not based on usage, which make it in the City's best interest to allow take-home privileges.
- Whether the employee can demonstrate need based on number of meetings attended, miles driven, or related factors including, but not limited to, assignment and/or duties or position.
- Other factors as determined by City Administration.

- Only employees authorized by the City Administrator are allowed take home vehicles. A list of assigned take home vehicles will be maintained. Department Heads are responsible to provide a list of take home vehicles and users to be on file with the City Administrator.
- Take home vehicles are issued based upon specific position and job duties, not assignment to a specific unit/division.
- Persons living over 15 nautical miles from their work assignment, as depicted in Figure 1, will not be allowed to take home a vehicle unless otherwise authorized by the City Administrator and/or department heads.



- Unless otherwise specified in a contract or labor agreement, take home vehicles will only be authorized for personal uses which are incidental to coming and going from work. City vehicles may not be driven by anyone not employed by the City of Wyoming
- Employees away from their assignment for more than 2 weeks (including illness, vacation, training, etc.) shall park the vehicle at the Department which the vehicle would normally reside.

Section 25.03 Vehicle Collision

If, while operating a City owned vehicle or a privately owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury or property damage, they shall:

1. Request that all parties and properties concerned remain at the scene of the accident, if possible, until a law enforcement representative has released them.
2. All collisions involving City vehicles or persons on duty and actively engaged in City business will be investigated by a police agency.
 - a. If occurring outside the City, the collision will be investigated by the police agency having jurisdiction.
 - b. If occurring within the City and involving property damage or a minor (non-hospitalizing) injury, the collision will be investigated by the City Police Department.
 - c. If occurring within the City and the collision results in a fatality or injury requiring immediate hospitalization of any party, the accident will be investigated by an outside authority. Selection of an outside authority will be handled by the City Police Department at the scene.
3. Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of his or her own insurance company if the employee's privately owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations.
4. A copy of all police reports and any statements attached will be forwarded to the Public Safety Director and the Chair of the Safety Committee within one day.

Article XXVI. Cellular Phone Use

This policy is intended to define acceptable and unacceptable uses of City issued cellular telephones. Its application is to ensure cellular phone usage is consistent with the best interests of the City without unnecessary restriction of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cellular phones, and to ensure that City employees exercise the highest standards of propriety in their use.

Section 26.01 Policy

City issued cellular telephones are intended for the use of City employees in the conduct of their work for the City. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor discretion to allow reasonable and prudent personal use of such telephones or equipment provided that:

- Its use in no way limits the conduct of work of the employee or other employees.

- No personal profit is gained or outside employment is served.
- All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided with City-issued phones to facilitate the provisions of this policy.
- Emergency vehicle operators are exempt from Hands-Free under the following conditions while engaged in official duties.
 - a.) While engaged in an emergency situation where Hands-Free operation would adversely affect the employee's ability to perform the responsibilities of their official duties.
 - b.) When in the presence of non-emergency responders and Hands-Free operation would jeopardize the safety of the employee.
 - c.) When in the presence of non-emergency responders and Hands-Free operation would potential disseminate private or confidential data to unauthorized persons.
- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
 - In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a State law exception for authorized emergency vehicles while in the performance of official duties.
 - Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See Section 25 above for more information on reporting driver's license restrictions.
 - Alternatively, a supervisor may authorize an employee to use their own personal phone for City business and be reimbursed by the City for those calls.
 - Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See above "City Driving Policy" for more information on reporting driver's license restrictions"

Regardless of who pays the bill, cell phone records about City business are subject to the Minnesota Government Data Practices Act. What this means is that if a request were received, the City would be under the obligation to determine what information is public data and what information is private data and would need access to the employee's phone records and possibly the phone itself in order to provide the data that is being requested. Therefore, the best practice is to limit usage of personal cell phones for City business to that which is truly necessary or be prepared to produce your cell phone and the associated records if needed.

Personal calls will be made or received only when absolutely necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible.

Article XXVII. Safety

The personal safety and health of each employee of the City of Wyoming and the prevention of occupationally induced injuries and illnesses is of primary importance. To the greatest degree possible, management seeks to maintain a safe and hazard-free work environment.

At Commencement of employment employees receive a copy of the City of Wyoming Employee Safety Manual. Employees are to read the manual carefully and ask questions about items that are unclear. As a condition of employment, employees are required to develop safe work habits and to contribute to the safety of themselves and co-workers. Employees are to reference the City of Wyoming Safety Manual for more information.

Section 27.01 Reporting Accidents and Illnesses

The City of Wyoming is committed to providing a safe and healthy working environment for all of its employees. It recognizes that most health and safety hazards can be eliminated if proper precautions are taken. Therefore, it is the policy of the City Council to provide City employees with safe and healthful working conditions through the following means:

The City Administrator appoints a Safety Committee made up of employees from every department and every employee group. The City Administrator and the Committee create and maintain a safety program in compliance with all applicable federal, state, and local laws. The Safety Committee reviews every occupational illness and injury, and every incident which results in damage to City property, and it takes action to ensure that unsafe work methods, unsafe work sites, and unsafe equipment are identified and made safe. All employees are required to fully comply with the Safety Program.

Department heads and other management and supervisory employees are responsible for implementing the Safety Program by training their employees in safe work methods and by enforcing compliance with safety standards set by the Safety Committee. Department heads are responsible for providing all employees with that safety equipment and safety clothing which the City feels is necessary for employees to perform their duties in a safe manner.

Employees are required, as a condition of employment, to develop safe work habits and to contribute in every manner possible to the safety of yourself, your co-workers and the general public. To that end you are required to:

- Read the safety information that is provided to you by your supervisor.
- Immediately report to your supervisor all accidents and injuries occurring within the course of your employment.
- The supervisor will submit a Supervisor's Report of Accident Form to the City Administrator within twenty-four (24) hours of the time of injury.
- Immediately report to your supervisor all unsafe practices or conditions observed.

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to their supervisor. The employee's immediate supervisor is

required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

An employee who is temporarily unable to work due to an injury or illness sustained in the performance of the employee's work with the City may be eligible for Workers' Compensation, subject to the provisions of the State of Minnesota Workers' Compensation Law.

An employee who becomes eligible to receive Workers' Compensation will retain the total amount of the Workers' Compensation check and may receive the difference between their Workers' Compensation payment and the employee's regular gross salary through the use of accrued sick leave. The total of the Workers' Compensation check and the accrued sick leave compensation may not exceed the employee's normal gross pay.

An employee involved in an incident which results in damage to City property must submit a report of the incident to his or her supervisor within twenty-four (24) hours of occurrence.

Vehicle accidents also require a copy of the Minnesota Motor Vehicle Accident Report.

Section 27.02 Accidents involving defective equipment

When an accident happens where defective equipment is a possibility, the following action should be taken:

1. Attend to any injuries of employees or others.
2. Turn equipment in question over to the employee's supervisor, who shall consult with the Risk Manager.
3. Write a detailed report, within one day, to include all circumstances surrounding the incident and all manufacturing information available concerning the equipment in question. This report should be submitted to the Risk Manager. The Risk Manager will report such accidents to the Employee Safety and Health Committee.
4. When an employee is injured, procedures should be followed as outlined in the Policy.

Section 27.03 Possession and/or use of Dangerous Weapons

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. This includes employees with valid permits to carry firearms.

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

- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

Acknowledgment

This personnel policy is an important document intended to help you become acquainted with the City of Wyoming. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the following:

- I have received and read a copy of the City of Wyoming's Personnel Policy. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the City of Wyoming at any time, unless my employment is governed by a collective bargaining agreement that indicates otherwise.
- I further understand that unless I am covered by a collective bargaining agreement that indicates otherwise, my employment is terminable at will, either by myself or the City of Wyoming, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.
- I understand that no representative of the City of Wyoming other than the City Administrator may alter "at will" status and any such modification must be in a signed writing.
- If my employment is governed by a collective bargaining agreement, I understand that the employment terms set out in this Personnel Policy work in conjunction with, and do not replace or amend any terms or conditions of employment stated in any collective bargaining agreement. Wherever employment terms in this Personnel Policy differ from the terms expressed in my union's collective bargaining agreement with the City of Wyoming, I understand that I should refer to the specific terms of the collective bargaining agreement, which will control.
- I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the City of Wyoming's Personnel Policy.

I understand that nothing contained within this policy manual is intended to interfere with rights guaranteed to me by federal, state, and/or local law.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

Earned sick and safe time as of Jan. 1, 2024

WHAT IS SICK AND SAFE TIME?

Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.



WHO IS ELIGIBLE?

An employee is eligible for sick and safe time if they:

- work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Temporary and part-time employees are eligible for sick and safe time. Sick and safe time requirements will not apply to building and construction industry employees who are represented by a building and construction trades labor organization if a valid waiver of these requirements is provided in a collective bargaining agreement.

HOW MUCH LEAVE CAN EMPLOYEES EARN?

An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount.

AT WHAT RATE MUST THE LEAVE BE PAID?

Sick and safe time must be paid at the same hourly rate an employee earns when they are working.

WHAT CAN THE LEAVE BE USED FOR?

Employees can use their earned sick and safe time for reasons such as:

- the employee's mental or physical illness, treatment or preventive care;
- a family member's mental or physical illness, treatment or preventive care;
- absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
- closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

WHICH FAMILY MEMBERS ARE INCLUDED?

Employees may use earned sick and safe time for their following family members:

1. their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;
6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;
10. any of the family members listed in 1 through 9 above of an employee's spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

Earned sick and safe time as of Jan. 1, 2024

WHAT ADDITIONAL SICK AND SAFE TIME RESPONSIBILITIES DO EMPLOYERS HAVE?

In addition to providing their employees with one hour of paid leave for every 30 hours worked, up to at least 48 hours each year, employers are required to:

- include the total number of earned sick and safe time hours accrued and available for use, as well as the total number of earned sick and safe time hours used, on earnings statements provided to employees at the end of each pay period;
- provide employees with a notice by Jan. 1, 2024 — or at the start of employment, whichever is later — in English and in an employee's primary language if that is not English, informing them about earned sick and safe time; and
- include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.

The Minnesota Department of Labor and Industry will prepare a uniform employee notice that employers can use and will make it available in the five most common languages spoken in Minnesota.

CURRENT SICK AND SAFE TIME LOCAL ORDINANCES

Earned sick and safe time local ordinances already exist in the cities of Bloomington, Duluth, Minneapolis and St. Paul, Minnesota. When Minnesota's statewide earned sick and safe time law goes into effect Jan. 1, 2024, employers must follow the most protective law that applies to their employees.



Sick time

For physical or
mental health
conditions, illness
or injury



Safe time

To address domestic
abuse, sexual assault
or stalking



Labor Standards • 443 Lafayette Road N. • St. Paul, MN 55155
651-284-5075 • 800-342-5354 • dli.mn.gov • dli.laborstandards@state.mn.us

Notice: This is a brief summary of Minnesota law. It is intended as a guide and is not to be considered a substitute for Minnesota Statutes regarding earned sick and safe leave.

Information about earned sick and safe time | Construction contractor registration renewal

FAQS: EARNED SICK AND SAFE TIME (ESST)

Answers to FAQs are informational only and only apply to Minnesota's ESST law. These answers are not a source of law or legal advice, and do not contemplate the applicability or effect of any other law or regulation. To review Minnesota's ESST requirements, see [Minnesota Statutes 181.032](#) and [181.9445-181.9448](#).

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Fast facts

- Minnesota's earned sick and safe time (ESST) law goes into effect on Jan. 1, 2024.
- Employers must provide each employee in Minnesota at least one hour of paid sick and safe time for every 30 hours worked, up to at least 48 hours of accrued ESST a year. An employee is anyone who works at least 80 hours in a year for an employer in Minnesota and is not an independent contractor.
- An employer's existing leave policy, such as paid time off (PTO), may already fully or partially meet Minnesota's earned sick and safe time requirements.
- ESST local ordinances are in effect in the cities of Bloomington, Duluth, Minneapolis and St. Paul and may differ from the state's ESST requirements. Employers are responsible for following the ESST requirements most favorable to their employees.
- The Minnesota Department of Labor and Industry is responsible for enforcing ESST requirements. In addition, affected employees may bring a civil lawsuit to address ESST violations.

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BASIC INFORMATION**What is Minnesota's earned sick and safe time law?**

Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. An employee is anyone who works at least 80 hours in a year for an employer in Minnesota but does not include independent contractors. Temporary and part-time employees are covered under the law.

Employers must provide each employee in Minnesota with one hour of ESST for every 30 hours worked, with the ability to accumulate at least 48 hours of ESST each year. An employer's existing leave policy, such as PTO, may already meet Minnesota's ESST requirements.

What can earned sick and safe time be used for?

Employees can use their earned sick and safe time for reasons such as:

1. the employee's mental or physical illness, treatment or preventive care;
2. a family member's mental or physical illness, treatment or preventive care;
3. absence due to domestic abuse, sexual assault or stalking of the employee or a family member;

4. closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and
5. when determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease.

Which family members can an employee use ESST for?

Employees may use earned sick and safe time for the following family members:

1. their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;

6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;
10. any of the family members (1 through 9 above) of an employee's spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

What ESST responsibilities does an employer have if they already provide leave?

A paid time off (PTO) plan or other type of paid leave (including sick or vacation time) can satisfy the ESST law if the plan meets Minnesota's ESST requirements. Nothing prohibits an employer from providing more generous leave policies than the minimum required by the ESST law.

The name of the employer's paid time off or other paid leave policy does not matter. It does not have to be called "earned sick and safe time" to meet the requirements of the law.

Is the state ESST law the same as the sick time

ordinances in several Minnesota cities?

ESST local ordinances are in effect in the cities of Bloomington, Duluth, Minneapolis and St. Paul and may vary from the requirements under state law. When Minnesota's statewide earned sick and safe time law goes into effect Jan. 1, 2024, employers are responsible for following the ESST requirements most favorable to their employees. In other words, employers must comply with the specific requirements of the state ESST law and the applicable local ESST ordinance that are most favorable to their employees. This may mean following some of the requirements of state ESST law and other requirements of the local ESST law.

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Coverage

Who is not covered by Minnesota's ESST law?

Federal employees and independent contractors are not covered under Minnesota's ESST law. Certain individuals employed by an air carrier as a flight deck or cabin crew member are also not covered. The ESST law does not apply to building and construction industry employees who are represented by a building and construction trades labor organization if a valid waiver of these requirements is provided in a collective bargaining agreement.

Does the employee have to live in Minnesota to be covered by ESST?

Employees do not have to live in Minnesota to be eligible for ESST accrual but must work at least 80 hours in Minnesota in a year to be eligible; time worked in Minnesota will apply to ESST accrual. If an employer is based in Minnesota but has employees who work in another state, those out-of-state employees are not covered by Minnesota's ESST law.

Added Dec. 4, 2023: Do local governments need to provide ESST to volunteer firefighters, government committee members and others who may receive some financial contribution but work infrequently?

For the ESST law to apply, employers must meet the definition of "employer" and employees must meet the definition of "employee." Under the law, employers include all types of government, except for the federal government. As long as an employee works for their employer, including state or local government, for at least 80 hours in a year, the employee qualifies for ESST. Employers who are unsure if an individual is covered under the ESST law may want to seek the assistance of an employment law attorney to determine if an employment relationship exists.

Do governmental units need to provide ESST to elected officials?

Only "employees" as defined in the ESST law must be provided ESST; elected officials are not considered

employees under the ESST law.

***Added Dec. 4, 2023:* Does ESST apply to building and construction industry employees?**

Yes, but the requirements for ESST can be waived through a collective bargaining agreement with a bona fide building and construction trades labor organization. The waiver needs to reference the ESST law specifically to be considered valid.

***Added Dec. 4, 2023:* If a building and construction trades labor organization represents employees of a non-building and construction trades employer (e.g., a manufacturer), can the parties negotiate an ESST waiver through collective bargaining?**

No, the ESST law allows for a waiver that applies to building and construction industry employees.

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Earning hours: Accrual, carryover and front loading

When do employees begin to accrue ESST?

Employees begin accruing ESST on their first day of employment.

***Added Dec. 4, 2023:* Do employees start accruing ESST before or after they have worked their first 80 hours for an employer?**

ESST accrual begins immediately when an employee starts working for an employer.

What is accrual of hours?

Accrual of hours is when each ESST hour is added to a saved total the employee may use. Employers must provide each employee in Minnesota with one hour of ESST for every 30 hours worked, up to at least 48 hours a year.

Sample scenarios

- Manuel works 30 hours a week at Classic Automotive and has worked there for seven months (28 weeks). Manuel has accrued 28 hours of ESST: 30 hours worked x 28 weeks = 840 hours worked. 840 divided by 30 = 28 hours of ESST.
- Sara works 40 hours a week at Mid-Minnesota Warehousing and has worked there for three weeks. Sara has accrued 4 hours of ESST: 40 hours worked x 3 weeks = 120 hours worked. 120 divided by 30 = 4 hours of ESST.

What is a “year” for purposes of the ESST law?

A “year” means any consecutive 12-month period of time as determined by an employer and clearly communicated to employees. Most employers will find it helpful to use one of the following: calendar year (Jan. 1 through Dec. 31); tax year; fiscal year; or year based on the employee’s

anniversary date of employment. While the employer may

determine the accrual year, it is important to note that all employees must either 1) start accruing hours by Jan. 1, 2024, or 2) have at least 48 hours front loaded by Jan. 1, 2024.

Can an employer put a cap on how many ESST hours an employee can accrue?

Yes, employers may set a cap or limit on each employee's ESST accrual. Employers must allow each employee to accrue up to at least 48 hours a year, carried over from year to year, until an 80-hour maximum accrual is reached. These limits of 48 hours each year and a maximum accrual of 80 hours for each employee may be higher if an employer agrees, but not lower. See options 2 and 3 under the question, "How does 'front loading' versus accrual of hours affect carryover into the next year under Minnesota's ESST law?" for front-loading options that do not involve required carryover.

Sample scenario

- Ali Consultants limits its employees' accrual of ESST hours to the minimum standard of 80 hours. Michelle accrued 30 ESST hours by the end of the first year of her employment. These 30 hours carried over into the second year, during which she accrued an additional 48 hours. She did not use any of these accrued hours. In the third year, Michelle accrues an additional two ESST hours before stopping at a limit of 80 hours (30 + 48 + 2). Because the employer

capped the number of ESST hours at 80, she must use some accrued hours in her “bank” of 80 hours before accruing more ESST hours.

How does a salaried and exempt employee accrue sick and safe time hours?

Employees who are exempt from overtime because they are professional, administrative, or executive employees are presumed to work 40 hours a week for the purposes of ESST accrual. If there is clear evidence an exempt employee’s regular work week is less than 40 hours, ESST may accrue based on that employee’s actual regular work week.

Do ESST hours accrue on overtime hours worked?

Yes. ESST hours accrue on all hours worked, including overtime hours, unless the employee is exempt from earning overtime compensation under exemptions for professional, administrative and executive employees.

Do hours accrue when the employee is not working (on vacation or out sick)?

The law does not require ESST hours to accrue when an employee is not working.

How frequently are ESST hours calculated?

Employers may calculate and record earned sick and safe time hours at the same frequency as the employer’s other

typical payroll practices (i.e., by pay period, whether that's weekly, biweekly, monthly, or twice monthly). Amounts accrued and available for use in addition to amounts used each pay period must be listed on the employee's earnings statement (also known as a paystub).

Added Dec. 4, 2023: Are ESST hours accrued in hour blocks or are employers required to give employees partial ESST hours accrued if they work less than 30 hours in a pay period?

The ESST law does not require employers to credit employees for partial hours of ESST, such as a half-hour after 15 hours worked. Employers may credit ESST in 30-hour blocks, resulting in one hour of ESST. Employers may also choose to credit employees in partial hours of ESST, as long as they are earning ESST hours at a rate of at least one hour of ESST for every 30 hours worked.

Sample scenarios

- Michael works one five-hour shift per week, resulting in 10 hours of pay on his biweekly paycheck. It will take Michael three paychecks to accrue one hour of ESST. Michael's employer can either wait three pay periods and then provide Michael with one hour of accrued ESST, or the employer can choose to provide Michael with .33 hours of ESST each pay period.
- Wanda works 7.5 hours per day, five days a week, resulting in 75 hours on her biweekly paycheck.

Wanda's employer prefers crediting partial ESST

hours instead of waiting until full hours of ESST are earned. Wanda is credited with 2.5 hours of ESST on her biweekly paychecks.

Added Dec. 4, 2023: Can an employee accrue ESST hours with more than one employer at a time?

Yes, ESST accrues at each employer for whom an employee works and accrual amounts are tied to each employer individually.

Added Dec. 4, 2023: Do ESST hours accrue for on-call time? What if the on-call time is paid by the employer?

ESST hours must accrue for all hours worked. Whether on-call time is considered hours worked and therefore compensable time is very fact specific and generally depends on the degree of constraint on an employee's freedom during on-call time. Payment for on-call time does not, on its own, convert that time into hours worked. Employers who assign on-call shifts may want to seek the assistance of an employment law attorney to determine the applicability of ESST to those shifts.

Added Dec. 4, 2023: If an employee works mostly in another state, but works some hours in Minnesota, how does ESST accrue?

ESST hours are required to accrue for any employee who works at least 80 hours in a year for an employer in Minnesota. If an employee works in another state, the employer is not required to provide ESST under Minnesota law for out-of-state hours worked. However, the employee must accrue ESST at a rate of at least one hour for every 30 hours worked in Minnesota.

Do unused ESST hours carry over from year to year?

Yes, employers must carry over each employee's accrued and unused ESST hours to the following year unless the employer chooses to front load ESST hours in accordance with the options provided in the ESST law listed below under the question "How does 'front loading' versus accrual of hours affect carryover into the next year under Minnesota's ESST law?" Total accruals including carryover amounts may be capped at 80 hours of ESST.

Sample scenario

- Lee accrued 30 ESST hours by the end of the first year of employment. However, Lee did not use any of these ESST hours. Lee's employer must carry over those 30 hours into the following year. Lee may then accrue additional hours up to at least 48 in the second year.

How does "front loading" versus accrual of hours affect carryover into the next year under

Minnesota's ESST law?

"Front loading" of ESST hours is an alternative method for providing ESST to employees. This option allows employers to record accrual of ESST once a year and avoid carry over of hours from year to year. Some employers may want to use this method to reduce the calculations and recordkeeping required for accrual by pay period (weekly, biweekly, twice monthly or monthly).

Employers may choose whether hours will accrue each pay period or be "front loaded" at the start of each year. Option 1 allows for carryover, but employers can avoid carryover requirements by using either Option 2 or 3.

Option 1. Accrual and carryover:

- employees begin accruing ESST from their first day of employment;
- ESST accrues at a rate of at least one hour for every 30 hours worked;
- employees are permitted to accrue a minimum of up to 48 hours of ESST in a year (more if the employer agrees to a higher amount); and
- employees can carry over unused ESST into the next year. However, at no time can an employee's accrued ESST exceed 80 hours (unless the employer agrees to a higher amount).

Option 2. Front loading with pay out and no carryover:

- A minimum of 48 hours of ESST is provided to an employee and made available for immediate use at the start of each year; and
- unused ESST hours are paid out at the end of the accrual year at the employee's hourly rate.

Option 3. Front loading with no pay out and no carryover:

- A minimum of 80 hours of ESST is provided to an employee and made available for immediate use at the start of each year; and
- the ESST hours the employee did not use are not paid out at the end of the accrual year.

Sample scenario

- Ana is a business owner. She employs Omar and front loads Omar's sick and safe time hours once a year. At the beginning of Omar's first year of employment, Ana front loads 48 hours into Omar's bank. He has 8 hours of remaining sick and safe time at the end of the first year, which Ana pays out. At the beginning of Omar's second year and every year thereafter, Ana front loads 80 hours into Omar's bank; once using option 3 (see above), Ana is not required to pay out unused ESST hours at the end of the year.

May an employer front load yearly ESST hours for part-time employees?

part-time employees:

Yes, an employer may front load yearly ESST hours for part-time or full-time employees, as long as it is for the total amount required under the front loading options – either 48 hours at the start of the year with payout of unused hours at the end of the year, or 80 hours at the start of the year with no pay out at the end of the year.

May an employer treat part-time and full-time employees differently? For example, can the employer front load ESST hours for some employees but not others?

Yes, an employer may treat part-time and full-time employees differently for purposes of ESST so long as the employer provides all employees at least what they are entitled to under Minnesota's ESST law and as long as the law is applied in a way that does not discriminate against an employee or group of employees based on a protected class, such as race, sex, or national origin.

What happens if an employer front loads paid time off before Jan. 1, 2024?

If an employer has a designated accrual year that started before Jan. 1, 2024, the employer can count leave time already provided and available for use as meeting the obligation under the front loading options. For example, if an employer's designated accrual year is Sept. 1 to Aug. 31, and the employer front loads 80 hours on Sept. 1, the employer has met its obligation on Jan. 1, 2024. To

continue meeting its obligations under the front loading options, the employer must front load hours again on Sept. 1, 2024.

This answer does not contemplate the impact of provisions contained in a collective bargaining agreement.

Employers who take the above approach must also ensure that the applicable leave policy allows for all types of leave eligible under the ESST law (e.g., safe time) as of Jan. 1, 2024.

Sample scenario

- Bonnie works as a math teacher for a school district that front loads 80 hours of paid time at the start of the school year on Sept. 1, 2023. The district's designated accrual year runs from Sept. 1 until Aug. 31. The school district has met its obligations on Jan. 1, 2024, under the front loading options, but must front load hours again on Sept. 1, 2024.

For an employer whose accrual year starts prior to Jan. 1, 2024, can that employer count hours accrued prior to Jan. 1, 2024, towards the 48 hour annual maximum employee accrual (unless the employer agrees a higher maximum)?

Yes, if the accrual option is selected, the employee will continue to accrue ESST time after the Jan. 1, 2024, ESST

law effective date. The employer can limit accrual to 48

hours per accrual year. Time accrued before Jan. 1, 2024, can count towards the 48 hours.

On the other hand, if the front loading option is selected, the employer must provide the employee 48 or 80 hours at the beginning of the designated accrual year. The designated accrual year does not need to begin on Jan. 1, 2024.

This answer does not contemplate the impact of provisions contained in a collective bargaining agreement.

Employers who take the above approach must also ensure that the applicable leave policy allows for all types of leave eligible under the ESST law (e.g., safe time) as of Jan. 1, 2024.

Added Dec. 4, 2023: May an employer prorate the front loading of ESST hours for partial-year employees or part-time employees?

No, the ESST law does not authorize prorating front-loaded hours. An employer must provide at least one hour of ESST for every 30 hours worked, up to at least 48 ESST hours per year, or front load at least 48 hours.

However, an employer could choose to place new employees on an accrual system when hired, and then switch them to a front-loaded system at the beginning of the next accrual year.

***Added Dec. 4, 2023:* If an employer front loads 48 hours of ESST on Jan. 1, 2024, can the employer decide to change to an accrual method in 2025?**

Yes, as long as employees are paid out their unused ESST hours at the end of 2024.

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Payout or transfer of ESST hours

Must unused ESST hours be paid out when an employee leaves their job?

Employers are not required to pay out any accrued and unused ESST if an employee leaves their job, either voluntarily or involuntarily. However, employers may choose to do so. An employee who transfers positions or work units within a single employer retains their accrued ESST.

Are ESST hours restored if an employee returns to work for a former employer?

An employee who returns to work for the same employer within 180 days of separation is entitled to the ESST hours accrued before leaving the employer.

If an employer pays out an employee's unused ESST hours when the employee leaves their job do they need to reinstate those same hours if

they return to work for the same employer within 180 days?

No, an employer would not need to reinstate any hours that had been paid out when the employee previously left their job. However, if payout is not made at the time the employee leaves their job, then the employer must reinstate the unused ESST hours if the employee returns to work for the same employer within 180 days.

What happens to ESST hours if the workplace changes owners?

If a workplace changes ownership, retained employees keep their accrued and unused ESST. Employees who are terminated by the original owner as part of the change in ownership and are rehired by the new owner within 30 days of ownership change are also entitled to their accrued and unused ESST.

***Added Dec. 4, 2023:* If an employee changes divisions within the same employer, can the employer pay out the employee's unused ESST and require the employee to start accruing new ESST hours in the new division?**

No, an employee retains their ESST hours if they transfer to a separate division, entity or location within the same employer.

***Added Dec. 4, 2023:* Can employees transfer their ESST hours to coworkers under the ESST law?**

The ESST law does not prohibit an employer from establishing a policy allowing employees to donate ESST hours to another employee.

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Using ESST hours

When can employees start using accrued ESST hours?

Employees may use earned sick and safe time as it is accrued.

Can an employer require an employee to provide notice to use ESST leave?

An employer may require notice of up to seven days in advance when the need to use ESST is foreseeable. If the need is unforeseeable, an employer may require notice as soon as practicable. If an employer requires notice, it must have a written policy regarding notice procedures and must provide a written copy of the policy to employees; if the policy is not provided to employees, then an employer cannot deny use of ESST to an employee on the grounds that the employee did not follow the notice policy.

Sample scenarios

- Victor works for Crescent Laundry Inc., which typically requires its employees to provide at least 24 hours advance notice of any absence per written policy. Two hours before Victor's shift, his child develops stomach pains and Victor needs to take her to the doctor. Under these circumstances, Victor does not need to comply with Crescent Laundry's 24-hour advance notice policy; rather, he should provide Crescent Laundry with notice as soon as practicable of his ESST use.
- Peter owns O's Market and employs Abdi. O's Market has a written policy requiring seven days advance notice from its employees for sick and safe time use when the absence is foreseeable. Abdi schedules a preventative care check-up for his daughter several months in advance of the check-up but forgets to inform O's Market until two days before the appointment. Under these circumstances, the employer may deny Abdi's use of ESST for the appointment as its written policy meets ESST requirements and the ESST use was foreseeable.

Added Dec. 4, 2023: If an employee is using ESST for a foreseeable reason such as a yearly check up, and does not notify their employer until the day before the appointment, can the employer deny the employee's use of ESST?

An employer can require notice of intent to use ESST up to seven days in advance when ESST is used for a foreseeable reason. If the employer has a written policy regarding the procedures to provide notice up to seven days in advance and the employer has provided a copy of this written policy to the employee, the employer can deny the employee's request to use ESST if the employee did not follow the notice requirements in the policy.

Can an employer require an employee to provide documentation to use ESST leave?

An employer may require an employee to provide reasonable documentation of ESST use only when more than three consecutive days of ESST are used. If the employee is unable to secure the requested documentation, in most cases the employee may supply the employer with a written statement indicating the employee is using or used ESST for a qualifying purpose. The written statement may be written in the employee's first language and does not need to be notarized or in any particular format.

Sample scenario

- Employee Kyle has used ESST for four consecutive days because of illness. As Kyle has used ESST for more than three consecutive days, Kyle's employer may condition approval of sick and safe time hours on requested documentation. However, if Kyle is unable to get documentation because he did not see

a healthcare professional or he could not obtain the documentation from a healthcare professional in a reasonable timeframe or without added expense, Kyle can instead provide a written statement that he used the ESST leave for a qualifying purpose.

***Added Dec. 4, 2023:* Can employers require documentation from employees after they use ESST for more than three consecutive calendar days or more than three consecutive work days?**

Employers may require documentation if an employee misses more than three consecutive days the employee is scheduled to work.

Must an employee specifically ask to use “sick and safe time” in order to use it?

No, the law does not require that an employee specifically ask to use “sick and safe time” in order to use it.

Can an employer require an employee to provide specific details about the reason for using sick and safe time?

No, the law does not require that an employee provide specific details about the reason for using sick and safe time, including details related to the employee’s or their family member’s medical condition.

Does an employee have to find someone to cover their shift to use ESST?

No, employers are prohibited from making employees find replacement workers as a condition of using ESST.

Does an employee have to use a certain amount of ESST for each absence?

Employees may use ESST in the smallest increment of time tracked by the employer's payroll system or four hours, whichever is smaller.

Does an employer's PTO policy meet the requirements of the ESST law if their employees can choose whether to use PTO for vacation, sick and safe time, or both?

As long as the PTO policy is as generous as what is required under the ESST law, an employer's PTO policy meets ESST requirements even if an employee chooses to use some or all PTO for vacation leave instead of ESST leave.

May an employee use ESST at the same time as other protected leave under other state or federal laws?

Yes, as the ESST law does not limit or otherwise affect the applicability of other laws that extend other protections to employees.

***Added Dec. 4, 2023:* Can an employer require an employee to use ESST if they miss work for an ESST-eligible reason?**

The ESST law does not require an employee to use ESST, but an employee may choose to use ESST for eligible purposes.

Added Dec. 4, 2023: Can an employee's use of ESST be counted against them in relation to an employer's attendance policy or point system?

Employers cannot have policies or practices that adversely impact employees specifically for using ESST. Employers who are unsure if their policies or practices violate the ESST law's retaliation prohibition may want to seek the assistance of an employment law attorney for further guidance.

Added Dec. 4, 2023: Can an employee use ESST during times the employer is in operation but the employee is not scheduled to work?

ESST is paid leave from work. If an employee is not scheduled to work, the ESST law does not require an employer to allow employees to use ESST.

Added Dec. 4, 2023: One allowable use of ESST is when an employee's workplace is closed due to weather or public emergency. If an employer closes the place of business for reasons other than inclement weather or a public emergency, do they need to allow their employees to use ESST?

No. While an employer's paid time off policy may allow an employee to receive pay for those types of closures, it would not be required under the ESST law. Use of ESST when an employer is closed can be limited to closures related to weather and declared public emergencies.

Added Dec. 4, 2023: What is considered a public emergency for purposes of ESST use?

A public emergency includes a declared emergency as defined in Minnesota Statutes section 12.03 or a declared local emergency under Minnesota Statutes section 12.29.

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Rates of pay

At what rate must ESST be paid?

ESST must be paid at the same hourly rate as an employee earns from employment. Under no circumstances can the hourly rate be less than the applicable local or state minimum wage, whichever is higher.

Is ESST paid at the wage rate at the time of accrual or the wage rate at the time ESST is used?

ESST must be paid at the hourly rate of pay for the shift for which the leave is being used.

If an employee has two or more different rates of pay for the same employer, what should the rate of pay be for sick and safe time hours used?

The rate of pay for the employee's use of sick and safe time should be the rate of pay for the job or shift the employee was scheduled to work but for which ESST hours were used instead.

***Added Dec. 4, 2023:* How does an employer determine the hourly rate for an employee who is paid based on productivity, commission or a daily rate?**

Employers should ensure that employees receive ESST at a rate equivalent to the hourly rate they would earn from employment, and in no case can ESST be paid at a rate below the applicable minimum wage.

Some employers pay employees through piece rates, by the mile, a daily rate or another non-hourly rate. An employer who uses one of these types of pay systems could calculate an hourly rate for employees by, for example, using an employee's last several paychecks to divide their total gross earnings by their total hours worked to determine an hourly rate for ESST purposes.

Similarly, an employer could calculate the hourly rate of employees' provided daily pay by dividing their average number of hours worked per day by their daily pay rate.

As previously stated, the hourly rate arrived at must be at least the applicable minimum wage.

***Added Dec. 4, 2023:* If an employee receives tips as part of their work, is their employer responsible for paying the employee their missed gratuities while on ESST leave?**

The ESST law does not require employers to compensate employees for missed gratuities while on ESST leave.

***Added Dec. 4, 2023:* If the shift for which an employee takes ESST leave would have brought them into overtime pay had they worked, is the employer responsible for paying an overtime rate for the ESST hours used for that shift?**

The ESST law does not require employers to pay an overtime rate if the hours taken as ESST leave would have brought the employee into overtime pay had the employee worked.

***Added Dec. 4, 2023:* If an employee receives a fixed stipend or other form of payment that is not reduced if the employee misses work, does the employer also need to pay an hourly rate to the employee for missed work due to an ESST-covered reason?**

No, if an employee's compensation is not reduced for missing work, an employer would not need to pay an

hourly rate for work missed for an ESST-covered reason.

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Recordkeeping and notice to employees

What ESST record keeping responsibilities do employers have?

Employers currently must provide [earnings statements with certain required information](#) to employees at the end of each pay period.

When the ESST law goes into effect, employers will be required to include the following additional information on earnings statements:

- the total number of sick and safe time hours accrued and available for use; and
- the total number of sick and safe time hours used in the pay period.

In addition, [employers are required to keep record of hours worked as well as other information](#) and must retain these records for three years.

***Added Dec. 4, 2023:* Instead of placing ESST hours on employees' earnings statements, can employers tell employees how to find information about their ESST hours in their timekeeping system?**

No. Minnesota law requires employers to include information about ESST hours available for use and used in the pay period on earnings statements provided to employees. However, in addition to the earnings statement requirement, employers may choose to make this information available through their company portal, timekeeping software or other accessible systems as well.

Do employers need to provide employees with notice regarding their rights under the ESST law?

Yes, employers must provide notice to all employees that includes at least the following information:

- employees are entitled to ESST;
- the amount of ESST they will accrue;
- the accrual year for the employee (as set by the employer);
- the terms regarding when employees may use ESST;
- a copy of any existing written policy regarding employees providing notice to use ESST;
- an explanation that retaliation for requesting or using ESST is prohibited; and
- an explanation that employees have a right to file a complaint or to bring a civil action if ESST is denied or if employees are retaliated against for requesting or using ESST.

This notice needs to be provided to employees in English and the primary language of the employee. DLI has posted a sample notice for employer use; however, employers are not required to use the sample notice as long as their notice contains all of the required information above. The sample notice is available on the [Workplace notices and posters](#) webpage. It is in English and translated into 17 additional languages; employers can request additional languages.

In what manner must employers provide the ESST notice to employees?

Employers must provide the ESST notice in a manner that is at least as effective as one of these options:

- posting a copy of the notice at each location where employees perform work;
- providing a paper or electronic copy of the notice to all employees; or
- posting the notice on a web-based or app-based platform that employees use to perform work.

An employer that provides an employee handbook to its employees must also include in the handbook a copy of the required earned sick and safe time information.

When must an employer provide the ESST notice to employees?

Employers must provide the ESST notice to employees upon the start of their employment or by January 1, 2024, when the ESST law goes into effect, whichever date is later.

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Other employer obligations

If an employer contracts with a staffing agency for temporary employees, which entity is responsible under Minnesota's ESST law to meet the sick and safe time obligations for the temporary employees?

Under Minnesota's ESST law, unless there is a contract that states otherwise, the staffing agency is responsible for the ESST obligations.

Does an employer have to keep medical information about employees confidential?

Yes, an employer must keep health and safety information about an employee or an employee's family member obtained because of the ESST law confidential unless the employee permits disclosure or the disclosure is required by law. Related medical records and documents must be maintained as confidential medical files separate from employee personnel files.

***Added Dec. 4, 2023:* What insurance coverage responsibilities does an employer have while an employee uses ESST?**

During ESST use, the employer must maintain coverage under any group insurance policy, group subscriber contract or health care plan for the employee and any dependents, as if the employee was not using ESST. The employee must continue to pay their share of the cost of such benefits.

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Complaints

What options does an employee have if their employer fails to provide ESST or retaliates against an employee for exercising their rights under the ESST law?

The employee can contact the Minnesota Department of Labor and Industry (DLI) to submit a complaint. In addition, employees may bring a civil lawsuit to remedy ESST violations.

How are complaints filed with DLI?

Complaints regarding violations of the earned sick and safe time requirements can be submitted to DLI's Labor Standards Division at 651-284-5075 or dli.laborstandards@state.mn.us.

Can complaints be filed anonymously?

Complaints can be filed anonymously but it may be helpful for DLI to have name and contact information for follow up.

ESST requirements are set by statute.

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Earned Sick and Safe Time Law: What Cities Need to Know

Published: October 16, 2023

Updated Nov. 17, 2023

Effective Jan. 1, 2024, Minnesota's earned sick and safe time (ESST) law, requires employers to provide earned sick and safe paid leave to employees who work in Minnesota.

- An employee is anyone who works at least 80 hours in a year for an employer in Minnesota but does not include independent contractors.
- Temporary and part-time employees are covered under the law.
- Employers must provide each employee in Minnesota with one hour of ESST for every 30 hours worked, with the ability to accumulate at least 48 hours of ESST each year.

Learn more about the ESST law

- [View a recording of the Aug. 3, 2023, webinar, "Introduction to Paid Family and Medical Leave Law and Earned Sick and Safe Time: How Cities Can Prepare"](#) (requires a MyLMC account to access; [learn how to create a new MyLMC account](#)).
- [Read more about the ESST law in the article, "Focus on New Laws: Earned Sick and Safe Time."](#)
- [Read the Minnesota Department of Labor and Industry's frequently asked questions \(FAQs\) on earned sick and safe time.](#)

Get answers to FAQs regarding the new law on earned sick and safe time

The following frequently asked questions (FAQs) are designed to provide information to cities about the earned sick and safe time law to assist local governments in making decisions to comply with the law. The League will continue to update this information as necessary. These FAQs may not address all the questions that we received from members, but we will provide answers as they become available.

Can our city rename our current sick leave policy to ESST, provided we already offers eight hours of – sick leave or paid time off per month (96 hours per year)?

While the state law seems to permit an employer to rename its sick leave bank to ESST, city officials should consider the following before making that decision:

- ESST offers broader eligible uses than most sick leave policies, such as:
 - A more inclusive definition of family members.
 - The ability to use ESST for closure of the employee's place of business due to weather or other public emergency.
 - An employee's need to care for a family member whose school or place of care has been closed due to weather or another public emergency (Minn. Stat. § 181.9447, subd. 1(4)).
- Unlike most sick leave policies, the ESST law includes several anti-retaliation provisions prohibiting discipline or interference with an employee's right to use ESST (Minn. Stat. § 181.9447, subd. 6).

If these aspects are not part of your city's sick leave or paid time off (PTO) plan, then separating 48 hours each year to ESST as a subpart of your city's leave policy benefits employees by allowing them more options to use leave time than a traditional sick leave or PTO plan may provide.

Does each employee receive 48 additional hours of sick leave under ESST? —

Not necessarily. If your city's sick leave or PTO policy meets the minimum ESST earning threshold of one hour per 30 hours worked, then your city will **not** be required to offer additional leave hours. ESST requires employers, at a **minimum**, to allow the use of ESST for events that meet the eligibility criteria.

According to the law, as of Jan. 1, 2024, at a minimum, an employee accrues one hour of ESST for every 30 hours worked, up to a maximum of 48 hours a year. Employers may agree to a higher maximum annual accrual amount if they so choose. (Minn. Stat. § 181.9446 (a)).

One way to think about it is that ESST hours are a **subset** of a city's traditional sick leave or PTO hours offered to employees. However, those 48 ESST hours each year likely have a broader use for employees than a traditional sick or PTO plan.

Why and how should our city track ESST? — (Updated Nov. 6, 2023)

Tracking ESST hours is key, since the law under [Minn. Statute § 181.032](#) requires earning statements to reflect ESST hours accrued, used, and available. The Minnesota Department of Labor and Industry emailed a *Minnesota Wage and Hour Bulletin* at the end of October reiterating employers will be required to include the following additional information on employee earnings statements:

- The total number of sick and safe time hours available for use by the employee.
- The total number of sick and safe time hours used by the employee in the pay period.

Your city may want to talk with its payroll department or payroll software provider about adding an additional pay code as a subset of the traditional sick leave or PTO entry on employee pay stubs. If your city has any unions with collective bargaining agreement language regarding your city’s PTO leave, you should run your proposed pay stub changes by your legal counsel to ensure your communication to unions and employees makes it clear that the ESST allocation is a subcategory of your city’s existing leave language to meet state law requirements for 2024 and there is no loss in hours to employees.

The following graphic illustrates how the ESST could be shown as a subset of a city’s traditional sick leave accrual on employee pay stubs.

Graphic: Example of tracking ESST as a separate pay code

EMPLOYER
City XYZ
123 Main Street
Anywhere, MN 55000

EMPLOYEE
Buzz Olson
123 Main Street
Anywhere, MN 55000

BENEFITS	Used	Available
Vacation	8.00	53.51
Sick	8.00	4.53
Unpaid time off	24.00	Unlimited

LEAVE BENEFITS

	Used	Available
Vacation		80
Sick Leave Total (a+b)		96
a. ESST		48
b. Traditional sick leave		48

Example of pay stub with traditional sick leave accrual

Example of pay stub tracking ESST as a separate pay code

Does vacation, comp time, or sick leave count toward hours worked when calculating ESST accrual? —

The [U.S. Department of Labor guidance on the Fair Labor Standards Act](#) notes that it does not require payment for time not worked, such as vacations, sick leave, or federal or other

holidays. The [Minnesota Department of Labor and Industry \(DOLI\) FAQs on ESST](#) also support this.

The ESST statute specifies “hours worked.” At a minimum, your city would calculate actual hours worked, including overtime hours. However, employers have the option to be more generous than the statute requires.

Can our city implement different accrual methods_ for different employee groups?

The ESST law does not specifically address this, but [Minnesota DOLI FAQs on ESST](#) states, “Yes, an employer may treat part-time and full-time employees differently for purposes of ESST, so long as the employer provides all employees at least what they are entitled to under Minnesota’s ESST law, and as long as the law is applied in a way that does not discriminate against an employee or group of employees based on a protected class, such as race, sex or national origin.”

A city may implement an ESST accrual method for full-time employees based on hours worked, while using a different method (such as front-loading 48 hours with a payout at the end of the year) for another employee group like seasonal workers, for example. While front-loading ESST may be easier from an administrative perspective, there are budgetary impacts to consider and plan for.

Are paid-on-call firefighters, EMTs, elected officials, and election judges eligible for ESST? (Updated Nov. 6, 2023)

As of Nov. 6, 2023, David Skovholt with Minnesota DOLI clarified the state does not consider elected officials as employees under the ESST law. In the State’s ESST FAQs this is also referenced with “Only ‘employees’ as defined in the ESST law must be provided ESST; elected officials are not considered employees under the ESST law ...”

[View the Minnesota DOLI’s ESST FAQs.](#)

Beyond this recent clarification, the law provides for the following employee eligibility exceptions:

- Those who work less than 80 hours in Minnesota in a year.
- Independent contractors.
- Federal employees.
- Certain airline crew employees.

A conservative approach would be to have paid-on-call firefighters, EMTs, election judges, and other nontraditional employees track their time to secure reliable records to determine whether they have worked 80 hours in a year and, if so, award the minimum accrual rate of one hour for every 30 hours worked.

For cities paying employees at longer intervals than once every 31 days in accordance with the exception for paid-on-call firefighters, first responders, and ambulance drivers and attendants (Minn. Stat. § 181.101), it may be helpful to have these personnel track their hours worked, solely for ESST purposes, and then the city could provide a monthly statement of ESST hours earned, used, and remaining to comport with the new law.

Minnesota DOLI FAQs on ESST reflect that “Employers may calculate and record earned sick and safe time hours at the same frequency as the employer’s other typical payroll practices (i.e., by pay period, whether that’s weekly, biweekly, monthly, or twice monthly).”

When do ESST accruals begin? —

The statute defines a year as a regular and consecutive 12-month period as determined by an employer and clearly communicated to each employee. Since the ESST law is in effect as of Jan. 1, 2024, your city will, at a minimum, begin counting from that date onward.

All employees, including full-time, part-time, temporary, and seasonal, are eligible for ESST if they work at least 80 hours in a year, and they begin to accrue ESST at the start of employment (Minn. Stat. § 181.9446 (d)). (Refer to Minnesota DOLI FAQs on ESST.)

Thus, ESST is accrued **after** an employee has worked 80 hours, unless an employer wishes to be more generous than state law. Once an employee has worked 80 hours in a year, then ESST accruals begin — at a minimum rate of one hour for every 30 hours worked — going back to the first hour worked for the employer.

What are the methods for awarding ESST? —

The law provides for three methods an employer can choose to award ESST (Minn. Stat. § 181.9446 (b)(1-2)):

- **Accrue as earned, with no payout required:**
 - One hour of ESST earned and added to the employee’s leave bank for every 30 hours worked; and
 - Employees are permitted to accrue a minimum of up to 48 hours of ESST in a year (more if the employer agrees to a higher amount); and
 - Employees can carry over unused ESST into the next year. However, at no time can an employee’s accrued ESST exceed 80 hours (unless the employer agrees to a higher

amount).

- **Front-loading 48 hours with payout and no carryover:**

Some employers find front-loading of ESST hours a distinguishing factor when considering employer-of-choice initiatives in a tight labor market, while others may find front-loading easier for payroll recording. However, there are budget implications of front-loading 48 hours of ESST since the law requires any remaining ESST hours each year to be paid out to the employee.

- Employer provides a minimum of 48 hours of ESST for the year made available for immediate use at the start of each year, and
- Unused ESST hours are paid out at the end of the accrual year at the employee's hourly rate.

- **Front-loading 80 hours with no payout and no carryover:**

- Employer provides a minimum of 80 hours of ESST and makes it available for immediate use at the start of each year; and
- No payout of unused ESST at the end of the accrual year, but cities should check with their city attorney for impacts if there is existing contractual language regarding payout of sick leave or PTO balances.

Does ESST have to be paid out to separating employees? —

Under the law, no payout of accrued ESST is required, except in the case of front-loading 48 hours of ESST hours. As indicated in the response on front loading ESST hours, in this situation any unused ESST hours are paid out at the end of the year at the employee's hourly rate.

Some cities have asked if an employee is not employed at year end (perhaps their work ended at the end of the season earlier in the year), does the employee still need to be paid out? While the spirit of the law seems to align with a payout even before the end of the year, League staff reached out to Minnesota DOLI representatives, and they noted the law does not directly answer this scenario. DOLI representatives are looking into this further and will provide more information when they have an answer.

If you pay out ESST hours at time of termination, do hours need to be reinstated if an employee is later rehired? —

The law states that an employee who returns to work for the same employer within 180 days of separation is entitled to the previously accrued ESST hours the employee had on the books prior to leaving.

Therefore, your city's payroll system should include a tracking mechanism to ensure any employees who leave and then return (such as seasonal employees) within the 180-day window receive their accrued ESST and unused leave balance.

Once an employees hits the 80 hours worked mark, do they need to work at least 80 hours again the next year to requalify for ESST?

A Minnesota DOLI representative confirmed to League staff that an employee only has to qualify once (meaning work at least 80 hours), typically at the time of hire.

For example, if a city has a part-time employee who worked 100 hours in one year (and thus qualified for ESST since they worked at least 80 hours in the city-defined 12-month period year), but worked only 70 hours the next year, the employee would still continue to earn ESST in the second year at the rate of one hour for every 30 hours worked.

Are ESST hours prorated for part-time and seasonal employees?

Yes, if calculating on an accrual basis, because under the law employees earn ESST based on the number of hours worked. The law states an employee accrues a minimum of one hour of ESST for every 30 hours worked, up to a maximum of 48 hours in a year (Minn. Stat. § 181.9446 (a)).

If a city front-loads ESST hours, there are no prorated adjustments. [For additional information, refer to the response on front-loading ESST hours.](#)

Is ESST subject to Public Employees Retirement Association (PERA) deductions?

According to PERA representatives, ESST hours are eligible for PERA deductions, assuming the hours are used and relate to a certain pay period, similar to how PTO or vacation/sick

leave hours are PERA-eligible.

However, for example, if an employer front loads 48 ESST hours at the beginning of the year and then pays out any remaining ESST balance at the end of the year, that lump sum payout would be ineligible for PERA deductions, just like vacation or sick leave lump sum payouts are ineligible for PERA deductions.

Is our city obligated to negotiate new ESST benefits in collective bargaining agreements? —

While each city should consult with its legal counsel to determine best next steps, labor consultants contacted by the League have noted a city is not obligated to negotiate ESST into its collective bargaining agreements. The ESST statute does not require a city to provide additional paid leave benefits if it already provides PTO that meets or exceeds, and does not conflict with, the minimum standards of the statute.

A potential response to unions is, “The city intends to comply with the law. We do not intend to negotiate statutory provisions into the contract.”

What notice should our city provide to employees regarding ESST? (Updated Nov. 17, 2023)

The Minnesota DOLI's ESST guidance states that in addition to providing their employees with one hour of paid leave for every 30 hours worked, up to at least 48 hours each year, employers are required to:

- Include the total number of earned sick and safe time hours accrued and available for use, as well as the total number of earned sick and safe time hours used, on earnings statements provided to employees at the end of each pay period;
- Provide employees with a notice by Jan. 1, 2024 — or at the start of employment, whichever is later — in English and in an employee's primary language if that is not English, informing them about earned sick and safe time; and
- Include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.
 - To help cities compare their current paid leave (like sick or PTO) policies, to the ESST requirements, the firm of Madden Galanter & Hansen, PLLC has compiled a [document comparing ESST vs. paid leave policy \(pdf\)](#).
 - As noted in the [LMC model personnel policy \(doc\)](#), cities may find this tool useful to discern where enhancements to city policies are required and where city policies are richer than state law.

The [Minnesota DOLI has a uniform employee notice \(doc\)](#) that employers can use to distribute to employees by Jan. 1, 2024, or at the start of employment, whichever is later, and will translate it to Chinese, Hmong, Somali, Spanish, Vietnamese, and additional languages. Minnesota DOLI has also created an ESST workplace poster: [Access the Minnesota DOLI ESST poster for the workplace](#). An employer may develop its own notices as well, provided it includes all the necessary information.

Can employers require employees to give advance notice before using ESST?

Yes, if the need for ESST use is foreseeable, an employer may require advance notice of the employee's intention to use ESST but must not require more than seven days' advance notice.

If the need for ESST is unforeseeable, an employer may require an employee to give notice as soon as practicable.

An employer requiring notice of the need to use ESST must have a written policy containing reasonable procedures for employees to provide notice and must provide a written copy of the policy to employees. If a copy of the written policy has not been provided to an employee, a city may not deny the use of ESST on that basis. (Minn. Stat. § 181.9447, subd. 2.)

If an employee uses ESST for more than three consecutive days, an employer may require reasonable documentation that the time off meets eligibility requirements. However, if an employee or the employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, ESST. A written statement by an employee may be written in the employee's first language and does not need to be notarized. (Minn. Stat. § 181.9447, subd. 3.)

An employer must accept a court record or documentation signed by a volunteer or employee of a victims' services organization, an attorney, a police officer, or an antiviolence counselor as reasonable documentation.

Can an employee work part-time while using ESST?

Yes. An employee, in agreement with the employer, may return to work part-time during the leave without forfeiting the right to return to employment at the end of the ESST (Minn. Stat. § 181.9447, subd. 8).

Can an employer require employees to use ESST before regular sick leave?

Yes, an employer may specify in policy that ESST is to be used first. Minnesota DOLI representatives told League staff that there is nothing in the law that precludes an employer from specifying ESST be used before regular sick leave.

Your LMC Resource

HR & Benefits Department
(651) 281-1200 or (800) 925-1122
hrbenefits@lmc.org

Earned sick and safe time employee notice

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. Employees must accrue at least one hour of earned sick and safe time for every 30 hours they work, up to at least 48 hours in a year. A year for purposes of the employee's earned sick and safe time accrual is classified as January 1 and ends on December 31.

The earned sick and safe time hours the employee has available, as well as those that have been used in the most recent pay period, must be indicated on the employee's earnings statement that they receive at the end of each pay period. Earned sick and safe time must be paid at the same hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

Earned sick and safe time can be used for:

- an employee's mental or physical illness, treatment or preventive care;
- the mental or physical illness, treatment or preventive care of an employee's family member;
- absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- closure of an employee's workplace due to weather or public emergency or closure of their family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that an employee or their family member is at risk of infecting others with a communicable disease.

Notifying employer, documentation

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time. An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive days.

If an employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, inform the City Administrator by phone, email, or other communication as far in advance as possible, but at least seven days in advance. In situations where an employee cannot provide advance notice, the employee should contact the City Administrator via their phone, email or other communication as soon as they know they will be unable to work.

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

For more information

Contact the Minnesota Department of Labor and Industry's Labor Standards Division at 651-284-5075 or dli.laborstandards@state.mn.us or visit the department's earned sick and safe time webpage at dli.mn.gov/sick-leave.

This document contains important information about your employment. Check the box at the left to receive this information in this language.

Hmong/Hmoob	Daim ntawv no muaj cov xov tseem ceeb hais txog thaum koj ua hauj lwj. Khij lub npauv ntawm sab laug yog koj xav tau cov xov tseem ceeb no txhais ua lus Hmoob.
Vietnamese/Việt ngữ	Tài liệu này chứa thông tin quan trọng về việc làm của quý vị. Đánh dấu vào ô bên trái để nhận thông tin này bằng Việt ngữ.
Simp. Chinese/简体中文	本文件包含与您的雇用相关的重要信息。勾选左边的方框将接收以这种语言提供的信息。
Russian/русский	Данный документ содержит важную информацию о вашем трудоустройстве. Отметьте галочкой квадрат слева для получения этой информации на данном языке.
Somali/Soomaali	Dokumentigan waxaa ku qoran macluumaad muhiim ah oo ku saabsan shaqadaada. Calaamadi sanduuqan haddii aad rabto inaad macluumaadkan ku hesho luqaddan.
Laotian/ລາວ	ເອກະສານນີ້ມີຂໍ້ມູນທີ່ສໍາຄັນກ່ຽວກັບການຈ້າງງານຂອງທ່ານ. ກວດເບິ່ງກ່ອງທີ່ຢູ່ເບື້ອງຊ້າຍເພື່ອຮັບຂໍ້ມູນນີ້ໃນພາສານີ້.
Korean/한국어	이 문서에는 귀하의 고용 형태에 관련된 중요한 정보가 담겨있습니다. 이 언어로 이 정보를 받기를 원하시면 왼쪽 상자에 체크하여 주세요.
Tagalog/Tagalog	Ang dokumentong ito ay nagtataglay ng mahalagang impormasyon tungkol sa iyong pagtatrabaho. Lagyan ng tsek ang kahon sa kaliwa upang matanggap ang impormasyong ito sa wikang ito.
Oromo/Oromoo	Waraqaan kun waayee hojii keetii odeeffannoo barbaachisoo ta'an qabatee jira. Saaxinnii karaa bitaatti argamu kana irratti mallattoo godhi yoo afaan Kanaan barreeffama argachuu barbaadde.
Amharic/አማርኛ	ይህ ደብዳቤ ስለሚያስተላልፍበት ስራዎች ስለሚፈጸሙ የሚገኝ ዝርዝር ይህንን ደብዳቤ በስተቃላት በኩል ባለው ቋንቋ ተተርጉሞ እንዲሰጥ ከፈለጉ በዛው በስተቃላት በኩል ባለው ሳጥን ውስጥ ምልክት ያድርጉ።
Karen/ကညီကျိာ်	လၢ်တၢ်လၢ်တၢ်ခါအံၤတၢ်တၢ်ကျိၤအကၢၢ်ဒိၣ်လၢအတၢ်တၢ်ဒီးန့ၣ်တၢ်တၢ်မၤန့ၣ်လၢ်. တၢ်ဒိၣ်တၢ်တၢ်လၢအတၢ်တၢ်မၤလၢတၢ်ကၢၢ်ဒိၣ်တၢ်တၢ်ကျိၤလၢကျိၤတၢ်ခါအံၤအကၢၢ်တၢ်တၢ်.
Arabic/العربية	يحتوي هذا المستند على معلومات مهمة حول عملك. ضع علامة في المربع على اليمين للحصول على هذه المعلومات في هذه اللغة.