

**AGENDA  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
AUGUST 2, 2023  
7:00 PM**

**CALL TO ORDER:**

**CALL OF ROLL:**

**DETERMINATION OF A QUORUM:**

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

*"An opportunity for members of the public to address the City Council on items on/or not on the current agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to three (3) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak".*

**APPROVAL OF MINUTES:**

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for July 18, 2023
2. Consider approving the minutes of the "Work Session Meeting" of the Wyoming, Minnesota City Council for July 26, 2023

**SCHEDULED BID LETTINGS:**

**SCHEDULED PUBLIC HEARINGS:**

**CONSENT AGENDA:**

*Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

3. Consider authorizing the payment of recommended bills, payroll and journal entries for the period of July 19, 2023 to August 2nd, 2023
4. To consider approving payment to the League of Minnesota Cities for Workers Compensation invoice in the amount of \$25,171.00
5. To consider **Resolution 23-08-72** a resolution declaring certain vehicles as surplus

property for disposal and authorizing the police department to dispose of the vehicles through online auction

6. To consider **Resolution 23-08-73** a resolution approving the 2023 Street Maintenance Project from Bergen incorporated in the amount of \$146,896.00

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND DEPARTMENT HEADS:**

7. Report of the Public Safety Director, Neil Bauer, for July 28, 2023
8. Report of City Building Official, Fred Weck, IV for July 27, 2023
9. Report of the City Attorney, Tom Loonan, for July 28, 2023
10. Report of City Engineer Mark Erichson, WSB for July 28, 2023
11. Report of the Public Works Acting Superintendent Joe Keding for July 27, 2023

**COMMUNICATIONS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

12. To consider the update and revisions of the City of Wyoming Personnel Policy
13. To consider the hiring of Grant Macfarlane as the Assistant City Administrator at \$35.53/Hourly/Salary with a tentative start date of late August 2023
14. To consider the hiring of Garret Heins as Building Inspector with a starting wage of Step 2, \$31.79/hr. with a tentative start date of August 21, 2023
15. To consider **Resolution 23-08-74** a resolution regulating nonessential water usage upon critical water deficiency as authorized by Minn. stat. § 103G.291 and City of Wyoming ordinance § 36.60
16. The Wyoming City Council enters a closed session under MN State Statute 13D.05, Subd (2)(3) and (4) for a personnel matter.

**COUNCIL REPORTS:**

**ADJOURN**

**DRAFT MINUTES  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
JULY 18, 2023  
7:00PM**

**CALL TO ORDER:**

*Mayor Lisa Iverson called the Regular Meeting of the Wyoming City Council for July 18, 2023 to order at 7:00 PM*

**CALL OF ROLL:**

*On a Call of the Roll the following members of the Wyoming City Council were present: Councilmembers Lisa Iverson, Linda Nanko Yeager, Dennis Schilling, Brett Ohnstad, and Claire Luger*

*ABSENT: None*

*Also Present: Tom Loonan, Eckberg Lammers, Robb Linwood, City Administrator, Mark Erichson-WSB, Neil Bauer - Public Safety Director, Fred Weck, Zoning Administrator/Building Official and Joe Keding, Acting Public Works Superintendent*

**DETERMINATION OF A QUORUM:**

**PLEDGE OF ALLEGIANCE:**

**1. To consider a Community Life-Saving award for Wyoming residents Robert and Mary Bjoraker**

**Mayor Iverson** – Explained that the Fire Department and the mutual aid departments train extensively for this type of event but most residents do not train or think about how to respond when they see this type of situation. She stated that the City would like to thank Robert and Mary Bjoraker for their courage and bravery in helping the family in the home and explained that they were calm enough to call 911, but also had the courage and selflessness to work in order to save the lives of the people that were inside the burning house.

**Public Safety Director Bauer** – Asked Rob and Mary Bjoraker and Jeff and Tracy Twa to join him before the Council. He read aloud a statement describing the event that occurred on July 2, 2023 just before 6:30 a.m. He explained that the Bjorakers were out delivering newspapers and noticed flames coming from a home. They recognized the urgency of the situation and jumped into action by calling 911 and relaying detailed information which allowed police and fire resources to be dispatched to the home occupied by Jeff and Tracy Twa. He stated that the fire was spreading quickly and Mr. Bjoraker began banging on the doors and windows at the home with the hope that the home was unoccupied over the holiday weekend. He stated that the residents had returned from a long road trip the night before and were sleeping inside the home. He explained that Mr. Bjoraker did not give up and continued using every means possible to try to contact the occupants of the home, including yelling for them to wake up. He stated that the fire had not yet spread to the interior of the home, so the smoke detectors were not sounding, but explained that the fire was spreading rapidly on the exterior of the home. He stated that after several minutes, the occupants woke up and the 3 adults, 1 child, and dog were able to evacuate the residence and the Fire Department was able to rescue the 2 cats that were in the home. He explained that within 9 minutes of the 911 call, the structure was fully engulfed in flames and it was clear that the efforts of the Bjorakers saved the lives of the occupants of the home. He presented the Community Life-Saving Award to Rob and Mary Bjoraker.

There was a round of applause for the Bjorakers.

Mayor Iverson recessed the meeting at 7:07 p.m. and reconvened at 7:15 p.m.

## **OPEN FORUM:**

**Scott and Gloria Norton, 21547 Volga Street NE** – Stated that they have called Wyoming ‘home’ for the last 47 years. He stated that they raised 7 children and by the end of 2023 will have 21 grandchildren. He stated that they wanted to applaud the Council and the City for the past Christmas celebrations with lights and festive activities in Railroad Park and express their appreciation for the development of Railroad Park being done in a way to honor the Veteran’s as well as improve the community. He stated that in addition to the use of the evergreen for tree lighting, they would ask that the City consider incorporating a nativity of Jesus Christ birth as a significant, visible part of the holiday lights display during the upcoming Christmas seasons

**Mayor Iverson** – Noted that they will ask City staff to look into this issue and see what can be done.

**Councilmember Schilling** – Stated that the biggest reason that it is not there is because it invites everything else and noted that there is a group in the United States that watches for this type of activity and when the City puts up the nativity, they will come and put up their Satanic stuff which makes it a hard thing for cities to do. He stated that separation of church and state makes this tough but noted that if the City did this, they would have to be open to things from all religions and explained that doing this will ‘invite the ugly’ to come along with it.

**Mr. Norton** – Noted that the Supreme Court ruled that it was okay for cities to go ahead and put back things such as crosses and nativities in public spaces.

**Councilmember Schilling** – Understands that the City ‘can’ put it back, but cautioned that also means that everyone else can also request to put things on display as well.

**Mr. Norton** – Stated that Christmas is a Christian holiday, so it makes sense, to have Christian symbols on display.

**Mayor Iverson** – Suggested that City Attorney Loonan take a closer look into this issue and explained that she would get back to Mr. Norton once they have made a decision.

**City Attorney Loonan** – Noted that the Supreme Court decision referenced by Mr. Norton changed the standard, but there is still a test that is applied and considerations that need to be followed if the City were to sponsor any sort of religious symbol on City property.

## **APPROVAL OF MINUTES:**

- 2. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for July 5, 2023**

**A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 5, 2023 AS SUBMITTED.**

*Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

**SCHEDULED BID LETTINGS: NONE**

**SCHEDULED PUBLIC HEARINGS: NONE**

## CONSENT AGENDA:

*Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

3. Consider authorizing the payment of recommended bills, payroll and journal entries for the period of July 6, 2023 to July 18, 2023
4. To consider **Resolution 23-07-67** a resolution authorizing a transfer from the 2020 GO bond debt service fund to the Street Replacement Fund in the amount of \$143,957.90
5. To consider **Resolution 07-68** a resolution approving payment for pay voucher #2 to Dresel Contracting for the 2023 East Viking Boulevard improvement project (WSB project 018553-000) in the amount of \$671,296.56
6. To consider **Resolution 23-07-69** a resolution approving payment for pay voucher #1 to Olson's Sewer Service, Inc. for the Helium Court and Feriday Avenue Storm Sewer project in the amount of \$78,326.11
7. To consider **Resolution 23-07-70** a resolution appointing Wyoming Paid On-Call Firefighters to probationary status
8. To consider **Resolution 23-07-71** a resolution approving payment for Pay Voucher #1 to Ferguson Waterworks for the 2023 Water Meter Change out project in the amount of \$10,150.00
9. To consider the resignation of Lauren Studer from the Wyoming Police Department effective August 2, 2023 and authorizing the posting of the Public Safety Administrative Assistant Position

**A MOTION WAS MADE BY COUNCILMEMBER OHNSTAD, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE #3, #4, #5, #6, #7 and #8 and #9 OF THE WYOMING CITY COUNCIL CONSENT AGENDA**

*Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

## ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND DEPARTMENT HEADS:

10. Report of the Public Safety Director, Neil Bauer for July 14, 2023
11. Report of City Building Official, Fred Weck, IV for July 14, 2023
12. Report of City Attorney Tom Loonan for July 14, 2023
13. Report of City Engineer Mark Erichson, WSB for July 13, 2023
14. Report of Acting Public Works Superintendent Joe Keding for July 14, 2023

## COMMUNICATIONS:

## OLD BUSINESS:

## NEW BUSINESS

15. To consider **Ordinance 2023-02** an ordinance of the City of Wyoming, Chisago County, Minnesota, adding Chapter 20; Article V; Division I; use of cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products in public places

**City Administrator Linwood** – Gave an overview of the guidance the City has sought with regarding to the new legislation that legalizes adult use cannabis and reviewed the rules and

regulations. He read aloud the recommendations that they are bringing before the Council related to: Public Use Prohibition; Hemp and Cannabis Moratorium; and Cannabis and Hemp Moratorium.

**City Attorney Loonan** – Explained that this is the ordinance that would outlaw public use of cannabis products.

**Councilmember Schilling** – Asked if his understanding was correct that Native American reservations would be allowed to dispense this product as of August 1, 2023.

**City Administrator Linwood** – Stated that was correct.

**City Attorney Loonan** – Noted that citizens can also grow this plant as well.

**Councilmember Nanko Yeager** – Stated that she has noticed that people do smoke while walking down the streets or when they are in the parks. She asked if cannabis would be treated equally to that or if cannabis be targeted, even though that is not what they have done with tobacco.

**City Attorney Loonan** – Stated that if people are smoking or drinking in the parks, they are violating the law and this will be the same. He stated that if the officers are aware of it, they can respond to it.

**Councilmember Nanko Yeager** – Explained that she was concerned about possible legal liabilities if they do not treat cannabis and tobacco/alcohol the same way. She asked if this would apply in a yard or a garage.

**City Administrator Linwood** – Stated that the yard or garage space would be considered private.

**Councilmember Nanko Yeager** – Asked why a public hearing was not needed for this ordinance.

**City Attorney Loonan** – Explained that the City was only required to have a public hearing on ordinance changes that are related to zoning.

**Mayor Iverson** – Stated that she believes the City's officers are well trained/educated on new ordinances and noted that she assumes that education of the public will come first if someone violates the ordinance.

**Public Safety Director Bauer** – Noted that it would be up to the officer's discretion on how they handle it but agreed that the usual approach would be to inform the resident about the parameters of the violation. He noted that this legislation has brought a huge change so there will be a lot of learning that needs to take place along the way.

**A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE ORDINANCE 2023-02 AN ORDINANCE OF THE CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA, ADDING CHAPTER 20; ARTICLE V; DIVISION I; USE OF CANNABIS FLOWER, CANNABIS PRODUCTS, LOWER-POTENCY HEMP EDIBLES OR HEMP-DERIVED CONSUMER PRODUCTS IN PUBLIC PLACES**

*Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

**16.** To consider **Ordinance 2023-03** an interim ordinance of the City of Wyoming, Chisago County, Minnesota, prohibiting the establishment of new uses related to the operation of

cannabis businesses and hemp businesses for one year under Minnesota Statute 462.355 Subdivision 4

**City Administrator Linwood** – Explained that this interim ordinance would prohibit the operation of hemp businesses for one year. He noted that the legislation did not give the cities the option to prohibit this type of business so they can only adopt this interim ordinance for one year in order to adopt or amend their controls for this type of business.

**Council Member Nanko Yeager** – Asked if this interim ordinance would disappear after one year.

**City Attorney Loonan** – Stated that was correct and explained that **Ordinance 2023-03** and the next agenda item can be thought of as ‘belt and suspenders’. He noted that he is recommending that the Council wait to hold the public hearing for the next item because you cannot enact a moratorium under the new law until it is in effect and the new law goes into effect August 1, 2023. He stated that for this item, the City has the authority under MN Stat. 462.355, Subdivision 4, in order for them not to be caught in limbo. He reiterated that this will expire in July of 2024.

**Council Member Nanko Yeager** – Asked about the statement in the staff report that the Office of Cannabis Management would not be up and running and able to issue licenses for at least a year or more.

**City Attorney Loonan** – Noted that was speculation based on experience and explained that most people believe that they will be up and running with processes in place by the first quarter of 2025. He noted that if things are put into place more quickly than that, the City has the right to revoke the moratoriums earlier.

**Council Member Ohnstad** – Stated that he sees this as a housekeeping item that closes any open doors.

**City Attorney Loonan** – Stated that was correct and noted that it gives the City some additional protection to ensure that they will not be caught off guard on August 1, 2023.

**Council Member Luger** – Asked how the City would ensure that their controls are in sync with the OCM standards. She asked how much flexibility cities would have to develop their own controls.

**City Administrator Linwood** – Noted that there will be example ordinances put out by the League of Minnesota Cities and believes that there will be some ability for them to determine who to regulate some of these things.

**City Attorney Loonan** – Stated that local control was the subject of heavy debate at the legislature. He noted that the municipal community would like to have been allowed to have more control and explained that their rights are really zoning related.

**Mayor Iverson** – Stated that she believes there is another session coming up beginning in February where some of this could change again. She stated that she thinks having a year-long moratorium in place and having time to see what happens in the next session is a good idea. She asked if liquid products would be included and explained that she has been hearing a lot about beer that has been infused with cannabis.

**City Attorney Loonan** - Stated that THC beverages are treated differently and noted that he assumes liquor stores may already be selling them and noted that this moratorium would not stop them from doing that.

**City Attorney Loonan** – Clarified that the reason they were suggesting this moratorium was to allow the City time to have this kind of discussion related to how they want to regulate

**A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE ORDINANCE 2023-03 AN INTERIM ORDINANCE OF THE CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA, PROHIBITING THE ESTABLISHMENT OF NEW USES RELATED TO THE OPERATION OF CANNABIS BUSINESSES AND HEMP BUSINESSES FOR ONE YEAR UNDER MINNESOTA STATUTE 462.355 SUBDIVISION 4**

*Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

17. To consider a Public Hearing on August 15, 2023 for an interim ordinance of the City of Wyoming, Chisago County, Minnesota, prohibiting the operation of Cannabis Businesses in the City under Statute 342.13 (e)

**A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER SCHILLING, TO APPROVE A PUBLIC HEARING ON AUGUST 15, 2023 FOR AN INTERIM ORDINANCE OF THE CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA, PROHIBITING THE OPERATION OF CANNABIS BUSINESSES IN THE CITY UNDER STATUTE 342.13 (E)**

*Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson*

*Voting Nay: None*

*Abstain: None*

*Absent: None*

18. To discuss the easterly section of the East Viking Boulevard Street Project

**City Engineer Erichson** – Explained that the initial plan for this portion of the roadway was to simply patch the potholes and complete an overlay which would not be an assessable project. He stated that there have been a number of conversations with Polaris and Chisago City about this project and the possibility of a more permanent fix with reclamation and a layer of asphalt. He stated that the estimated cost for this approach would be about \$70,000 and noted that Polaris has indicated that they are interested, but do not have the budget to fund it up front but have expressed an interest in having it assessed to them in 2024. He stated that staff is recommending that this move forward and that an assessment agreement be prepared and authorization be given to Mayor Iverson to sign on behalf of the City.

**Council Member Schilling** – Noted that he likes this idea and feels it solves a problem that the City was facing.

**Council Member Nanko Yeager** – Asked if the City had the money to be able to float this additional cost.

**City Administrator Linwood** – Stated that they have money in the Street Fund that could be used for this purpose.

**A MOTION WAS MADE BY COUNCILMEMBER NANKO YEAGER, SECONDED BY COUNCILMEMBER IVERSON, TO MOVE FORWARD WITH AN ASSESSMENT AGREEMENT BETWEEN THE CITY OF WYOMING AND POLARIS FOR ASSESSMENT OF THE COSTS OF THE RECLAMATION PROJECT THAT WILL BE PAYABLE, IN FULL, IN 2024, AND AUTHORIZE MAYOR IVERSON TO SIGN.**

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson  
Voting Nay: None  
Abstain: None  
Absent: None

**COUNCIL REPORTS:**

**Council Member Ohnstad** – No report.

**Council Member Nanko Yeager** – No report.

**Council Member Luger** – Attended the Sewer Budget meeting and the regular Sewer Commission meeting.

**Council Member Schilling** – Attended the EDA meeting.

**Mayor Iverson** – Attended the EDA, the joint Sewer budget meeting, and the regular Sewer Commission meeting. She congratulated City Attorney Loonan for being recognized as being in the top 100 of attorneys in the State.

**A MOTION WAS MADE BY COUNCILMEMBER LUGER, SECONDED BY COUNCILMEMBER OHNSTAD, TO ADJOURN THE JULY 18, 2022 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:06 PM**

Voting Aye: Schilling, Nanko Yeager, Luger, Ohnstad, Iverson  
Voting Nay: None  
Abstain: None  
Absent: None

**A portion of this public meeting may be closed to discuss “Labor Negotiation Strategies”; “Misconduct allegations or charges”; “Attorney-client privilege”; or “Performance evaluations” as per MN State Statute 13D.01-.05.**

**NEXT REGULAR MEETING:**  
**AUGUST 2, 2023**  
**7:00PM**

**DRAFT MINUTES  
CITY COUNCIL  
WORK SESSION MEETING  
CITY OF WYOMING, MINNESOTA  
JULY 26, 2023  
6:00 PM**

**CALL TO ORDER:**

*Mayor Lisa Iverson called the Budget Work Session Meeting of the Wyoming City Council for July 26, 2023 to order at 6:00 P.M.*

**CALL OF ROLL:**

*On a Call of the Roll the following members of the Wyoming City Council were present: Councilmembers Lisa Iverson, Linda Nanko Yeager, and Claire Luger*

*Absent: Councilmember Dennis Schilling and Bret Ohnstad*

*Also Present: Robb Linwood- City Administrator, Neil Bauer - Public Safety Director, Fred Weck-Building Official/Zoning Administrator, Joe Keding- Acting Public Works Superintendent and Jessi Sturtz- Abdo Financial and Jeff Potts – Executive Director MN Police Chiefs Association*

**DETERMINATION OF A QUORUM:**

Mayor Iverson determined a Quorum was present.

**PLEDEGE OF ALLEGIANCE:**

**NEW BUSINESS:**

1. 2024 Budget Discussion

**City Administrator Linwood** – Stated that Finance Director, Jessi Sturtz from Abdo Financial would be giving an overview of the Draft 2024 Budget. One of the talking points tonight would be regarding the current shortage of Police officer candidates and shortage of applicants in the state. To start the meeting and being conscious of his time we would like to have the Executive Director of the Minnesota Chiefs Association, Jeff Potts discuss the current staffing issues in the industry.

**Jeff Potts, Executive Director Minnesota Chiefs Association** – Mr. Potts stated that as of today there are 194 job openings on the Post Board for Police Officers. Currently enrollment is down almost 50% in schools that provide peace officer degrees and training. The good news is in the last 6 to 8 months there is a small uptick in enrollment. Some of the strategies you are seeing right now in communities for recruitment is large signing bonuses in the \$5,000 to \$10,000 range. You are seeing departments utilize CSO and Cadet positions to lock in individual who are in school currently so they can be offered by departments and hired for police officer positions right out of school. The state has also come up with some ideas in regards to a grant called pathway to policing program provide a route for nontraditional candidates to be hired as licensed Peace Officers in Minnesota. Once candidates pass the Minnesota Peace Officer Standards and Training (POST) exam, grantees are eligible for the reimbursement of 50% of compensation, training and associated expenses. He stated the state also allocated \$5 million for programs to help with salary and academic costs.

**Jessi Sturtz- Abdo Financial** – Mrs. Sturtz gave an overview of the first draft 2024 city budget. She did explain that the tax capacity was just received from the county prior to the meeting and that her presentation would differ slightly to the packet the council receive prior to the meeting. She summarized key items including:

- LGA will increase by approximately \$131,230 for 2024.
- The total 2024 tax levy is proposed to increase \$512,366 or 9.98% from 2023.
- The general levy increased \$521,406 or 14.36%
- The debt levy decreased by \$125,311 or -13.65%. This is due to the scheduled bond payments.
- The capital levy increased \$84,271 or 14.64%.
- The street replacement levy increased by \$100,000 or 33.33%.
- A part-time Community Service Officer position is added in 2024.
- All employees are projected to receive a COLA increase of 3% and eligible employees will receive a step increase.
- We have estimated an 8% increase to Workers Compensation, 10% increase in General Property Insurance.
- We have estimated a 10% to health insurance and is split 50/50 between employer and employee.
- The proposed tax capacity for 2024 is it going up by 1.3 million or 10.41% and the estimated city tax rate is looked like it will go down .15%

### **Expenditure Key Changes:**

#### City clerk office

- Increase in wage and benefits due to COLA and step increases
- Increase in workers compensation and property/liability insurance premiums
- Increase in network municipal computers by \$5k.
- Elections – increase due to three elections in 2024

#### Police Department

- Increase in wages and benefits due to COLA and step increases
- Part-time Community Service Officer position is added in 2024
- Increase in workers compensation and property/liability insurance premiums
- Maintenance contracts increased by \$32k due to cloud based records management system
- Added wellness line item for \$12k, recruitment line item for \$3k, and medical supplies and equipment line item for \$3k

#### Fire Department

- Increase in wages and benefits due to COLA and step increases
- Added other equipment line item for \$16k for replacement lifting airbags for accident scenes, hose replacement and replacement tool sets.

#### Building Inspection

- Increase in wages and benefits due to COLA and step increases

#### Hwys, streets and roads

- Increase in wage and benefits due to COLA and step increases
- Increase in motor fuels \$6k, increase in utilities

#### Individual Department Heads gave brief summations of their budgets:

**Fred Weck – Building Official/Zoning Administrator** – Gave an overview of his department that the only changes were some increases for COLA's and step increases and the addition of a small truck as a replacement vehicle in the 2024 capital budget.

The council had a discussion regarding with building revenues down in 2024 if an inspector was still necessary in the department. Staff stated that there has been some downturn, but at this time they do not have plans not to have an inspector in the department. The majority of council felt the position was still necessary.

**Public Safety Director Bauer** – Chief Bauer gave an overview of some of the items in his budget and stated he mainly wanted to discuss some hiring strategies with the council tonight. Chief Bauer talked about the department has had openings since December 2022 and they have had 11 applications, 8 interviewed, 4 backgrounds initiated, and no job offers given. He stated that they will be having a department meeting and discuss strategies on their current traditional route to attract potential officers.

It was suggested by to use of recruiting videos to highlight the department and officers.

**Public Safety Director Bauer** – Talked about how other departments have utilized Cadet Programs, CSO's and reserves to help fill Police officer positions in their departments. He proposed evaluating the following process's to help fill current and future vacancies as the Police Department will have retirees coming in the next few years.

#### Wyoming Police Cadet Position

The position would be posted for a vacant position or in anticipation of future vacant police officer positions. The applicant would be hired as a "Police Cadet" (part-time employee) and must be enrolled full-time in a 2- or 4-year law enforcement degree program. The Cadet would work a flexible part-time schedule working in a uniformed capacity performing non-sworn responsibilities (e.g. animal control, parking, nuisance ordinance issues, vehicle maintenance, any additional operational duties). The Cadet position is available for a 2-year period of time, or can be extended until the Cadet can participate in a police officer hiring process. The cadet would eligible for tuition reimbursement throughout their participation in the program in the amount of \$2,000, twice a year, for a maximum of \$8,000 per individual. Upon graduation and eligibility to be POST licensed, the Cadet would participate in a police officer hiring process. If selected, the Cadet would be required to work as an officer for 3 years for the City of Wyoming. If they leave the department by choice or as a result of a disciplinary process, they would be responsible for reimbursing the City a pro-rated amount of tuition reimbursement that has been paid.

#### Wyoming Police Reserve Cadet Position

The position would be posted for a vacant position or in anticipation of a vacant police officer position. The applicant would be hired as a "police reserve" unpaid volunteer and must be enrolled full-time in a 2- or 4-year law enforcement degree program. The Reserve Cadet would perform police reserve duties during their degree program (e.g. animal control, parking, nuisance ordinance issues, community events), for a minimum of 12 hours per month. The Reserve Cadet position is available for a 2-year period of time, or until the Cadet can participate in a police officer hiring process, for no more than 4 years. The cadet would eligible for tuition reimbursement throughout their participation in the program in the amount of \$4,000, twice a year, for a maximum of \$16,000.

#### Intensive Education and Skills Grant Program

This is new legislation that was approved this year to establish an intensive curriculum that will provide eligible candidates that have already completed a 2- or 4-year degree in an unrelated field, with the law enforcement education and skill training needed to become an officer in the State of Minnesota. The program will be designed to be completed in less than 8 months. The program will be funded by an OJP grant program that will pay for the education and salary for the candidate, up to \$50,000. The department would select a candidate to attend the intensive program with the understanding that they will hire the individual as a police officer upon completion.

This will be a highly competitive program that will have a rapid selection process. Additional details will be available at any point.

If this becomes available December 31, 2023, and we participate in the program, the candidate would potentially complete the program late in 2024. The understanding is we would be pre-hiring an officer for two anticipated retirements.

Police Internship (Future potential use, not proposing currently) A Police Intern is paid temporary position with flexible scheduling (day, evening, and weekend hours), for 8-10 hours a week for no more than 8-12 weeks in duration. The Intern should be exploring policing as a career or could be enrolled in a law enforcement education program. They will work on operational, administrative and support functions, many of them project based, and will be mentored by a Wyoming police officer. The Intern may also assist at community events. The Intern will conduct ride alongs and other activities to provide exposure to policing. This position would be a long-term strategy to establish relationships to recruit police reserves, future community service officer, and police officers. This would be offered three times a year: Spring semester, fall semester and summer.

**Public Safety Director Bauer** is proposing utilizing Public Safety Aide money for the potential Cadet Position and Reserve Tuition in 2024. The police aide money is a onetime use.

The council asked questions regarding if this would possibly make the department very young. Secondly, it was discussed if the positions were continued if they would be part of future year levies. Staff explained that it could make the department young, but many of your lateral positions are looking for signing bonuses and higher wage. The positions would be requested to be supported future year levies after 2024.

**Public Safety Director Bauer** discussed a Network project at the PD for functionality that they will utilize existing capital for. The current network is giving operability issues for the department and needs to be remedied. The total cost of the project is anticipated at \$31,950 and will not be part of levy request.

**Public Safety Director Bauer** did discuss the Pro Phoenix Record system and going to a cloud based server, there would be more costs annually, but would eliminate the need for future servers and staff to handle updates. Currently we believe that 1 other city entity in Chisago County will be moving towards the cloud and potentially more to follow. There is benefit to multipole agencies on the system as it will reduce costs. Chief Bauer then discuss the State Public Safety Aid funding and potential uses including in car cameras, thermal cameras and a UTV for the fire department, the cadet and reserve positions and a potential vehicle.

**Acting Public Works Superintendent Joe Keding** – Mr. Keding highlighted some budget items in the department including increases in wage and benefits due to COLA and step increases, an Increase in motor fuels and utilities given current pricing and use. They have upped their salt budget and added to street materials due to the extreme amount of material being used to patch streets.

**City Administrator Linwood** – Highlighted the administration budget having increases in elections due to the three elections in 2024 and now operating two precincts. Increases from projected COLA's and steps in the department and contracted services in financial management for financial services and IT services.

**MAYOR IVERSON ADJOURNED THE JULY 27, 2023 WORK SESSION MEETING AT 7:41 PM.**

# City of Wyoming Check Detail Register

1/6  
July 28, 2023 10:26 AM  
User: ssaxe  
DR: Wyoming

**08-01-2023**

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment	
<b>12578</b>	<b>08/01/2023</b>	<b>90 DEGREE BENEFITS</b>				
9011-084769-1000			101-0000-21706	HOSPITALIZATION	\$22,895.80	HOSPITALIZATION/MEDICAL INS
<b>Total for 90 DEGREE BENEFITS</b>					<u>\$22,895.80</u>	
<b>55095</b>	<b>08/01/2023</b>	<b>BITUMINOUS ROADWAYS, INC</b>				
32843			101-3100-44410	STREET MAINT MA	\$9,155.41	STREET MAINT MATERIALS
<b>Total for BITUMINOUS ROADWAYS, IN</b>					<u>\$9,155.41</u>	
<b>55096</b>	<b>08/01/2023</b>	<b>CAMPBELL KNUTSON</b>				
06302023			101-1400-43040	ATTORNEY FEES	\$31.00	ATTORNEY FEES
<b>Total for CAMPBELL KNUTSON</b>					<u>\$31.00</u>	
<b>55097</b>	<b>08/01/2023</b>	<b>CHISAGO LAKES JOINT SEWAGE TRE</b>				
13340			602-7000-46110	BOND INTEREST	\$231.20	BOND INTEREST
			602-7000-46010	DEBT SRV BOND P	\$923.38	DEBT SRV BOND PRINCIPAL
13352			602-9415-46450	CLJSTC INTEREST	\$1,554.43	CLJSTC INTEREST
13333			602-9415-46400	CLJSTC PRINCIPAL	\$295,520.08	CLJSTC PRINCIPAL
			602-9415-46450	CLJSTC INTEREST	\$6,661.74	CLJSTC INTEREST
<b>Total for CHISAGO LAKES JOINT SEWA</b>					<u>\$304,890.83</u>	
<b>55098</b>	<b>08/01/2023</b>	<b>CINTAS</b>				
4161543275			101-3100-44180	UNIFORMS	\$65.28	STREETS
			101-3100-42100	OPERATING SUPPL	\$33.55	SHOP SUPPLIES
4162237607			101-1400-43600	CLEANING SERVIC	\$31.05	CLEANING SERVICE-CITY HALL
4162237757			101-3100-44180	UNIFORMS	\$63.28	STREETS
			101-3100-42100	OPERATING SUPPL	\$50.00	SHOP SUPPLIES
4162226097			101-2110-43600	CLEANING SERVIC	\$28.51	CLEANING SERVICE-PUBLIC SAFETY
4162918983			101-3100-44180	UNIFORMS	\$91.68	STREETS
			101-3100-42100	OPERATING SUPPL	\$33.55	SHOP SUPPLIES
<b>Total for CINTAS</b>					<u>\$396.90</u>	
<b>55099</b>	<b>08/01/2023</b>	<b>CITY OF ST PAUL</b>				
IN54483			101-3100-44410	STREET MAINT MA	\$1,035.60	STREET MAINT MATERIALS
IN54779			101-3100-44410	STREET MAINT MA	\$302.05	STREET MAINT MATERIALS
<b>Total for CITY OF ST PAUL</b>					<u>\$1,337.65</u>	

# City of Wyoming Check Detail Register

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July 28, 2023 10:26 AM  
User: ssaxe  
DR: Wyoming

**08-01-2023**

Check # Invoice #	Check Date	Vendor Name		
	General Ledger #	Amount	Comment	
<b>55100</b>	<b>08/01/2023</b>	<b>CULLIGAN WATER CONDITIONING</b>		
JUNE23				
	101-3100-42310	CONTRACTED SER	\$113.50	CONTRACTED SERVICES
<b>Total for CULLIGAN WATER CONDITIO</b>			<u>\$113.50</u>	
<b>55101</b>	<b>08/01/2023</b>	<b>FACILICARE INC</b>		
17282				
	101-5500-43600	CLEANING SERVIC	\$1,263.40	LIBRARY
	101-1400-43600	CLEANING SERVIC	\$559.00	CITY HALL/FIRE
	101-2110-43600	CLEANING SERVIC	\$299.00	POLICE
	101-3100-42310	CONTRACTED SER	\$188.50	PUBLIC WORKS
17305				
	101-5500-43600	CLEANING SERVIC	\$1,263.40	LIBRARY
	101-1400-43600	CLEANING SERVIC	\$559.00	CITY HALL/FIRE
	101-2110-43600	CLEANING SERVIC	\$299.00	POLICE
	101-3100-42310	CONTRACTED SER	\$188.50	PUBLIC WORKS
<b>Total for FACILICARE INC</b>			<u>\$4,619.80</u>	
<b>55102</b>	<b>08/01/2023</b>	<b>FAIRVIEW HEALTH SERVICES</b>		
15006761286				
	101-3100-43060	PERSONNEL TESTI	\$35.00	PERSONNEL TESTING
<b>Total for FAIRVIEW HEALTH SERVICES</b>			<u>\$35.00</u>	
<b>55103</b>	<b>08/01/2023</b>	<b>Guidance Homes, Inc.</b>		
BSF22-0036				
	800-0000-20401	SILT FENCE	\$810.00	BSF22-0036
<b>Total for Guidance Homes, Inc.</b>			<u>\$810.00</u>	
<b>55104</b>	<b>08/01/2023</b>	<b>HALLBERG STORAGE LLC</b>		
07172023				
	101-2200-42100	OPERATING SUPPL	\$52.50	OPERATING SUPPLIES
<b>Total for HALLBERG STORAGE LLC</b>			<u>\$52.50</u>	
<b>55105</b>	<b>08/01/2023</b>	<b>HOSE PROS LLC</b>		
4809				
	101-5200-42400	SMALL TOOLS/MIN	\$819.08	SMALL TOOLS/MINOR EQUIPMENT
<b>Total for HOSE PROS LLC</b>			<u>\$819.08</u>	
<b>55106</b>	<b>08/01/2023</b>	<b>INNOVATIVE OFFICE SOLUTIONS</b>		
IN4269309				
	101-3100-42000	SUPPLIES - OFFICE	\$26.71	SUPPLIES - OFFICE/COPY/COMPUTR
IN4269613				
	101-2110-42000	SUPPLIES - OFFICE	\$45.94	SUPPLIES - OFFICE/COPY/COMPUTR
<b>Total for INNOVATIVE OFFICE SOLUTI</b>			<u>\$72.65</u>	

# City of Wyoming Check Detail Register

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July 28, 2023 10:26 AM  
User: ssaxe  
DR: Wyoming

**08-01-2023**

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
<b>55107</b>	<b>08/01/2023</b>	<b>LEAGUE OF MN CITIES INS TRUST</b>			
WC 1001723-6					
		101-1400-41500	WORKER S COMP (	\$150.00	WORKER S COMP (GENERAL)
		101-2200-41500	WORKER S COMP (	\$16,230.00	WORKER S COMP (GENERAL)
		101-2110-41500	WORKER S COMP (	\$747.00	WORKER S COMP (GENERAL)
		101-2110-41500	WORKER S COMP (	\$7,000.00	WORKER S COMP (GENERAL)
		101-1400-41500	WORKER S COMP (	\$21.00	WORKER S COMP (GENERAL)
		101-3100-41500	WORKER S COMP (	\$1,023.00	WORKER S COMP (GENERAL)
		<b>Total for LEAGUE OF MN CITIES INS TI</b>		<b>\$25,171.00</b>	
<b>55108</b>	<b>08/01/2023</b>	<b>LOCATORS &amp; SUPPLIES, INC.</b>			
0306928-IN					
		602-9425-42400	SMALL TOOLS/MIN	\$314.95	SMALL TOOLS/MINOR EQUIPMENT
		<b>Total for LOCATORS &amp; SUPPLIES, INC.</b>		<b>\$314.95</b>	
<b>55109</b>	<b>08/01/2023</b>	<b>MELISSA CLEVELAND</b>			
07/20/2023					
		602-0000-11500	ACCOUNTS RECEIV	\$83.37	Sewer - Base Charge
		<b>Total for MELISSA CLEVELAND</b>		<b>\$83.37</b>	
<b>55110</b>	<b>08/01/2023</b>	<b>MENARDS- FOREST LAKE</b>			
12819					
		101-5200-42600	TRAIL MAINTENAN	\$1.49	TRAIL MAINTENANCE
13136					
		101-5200-42100	OPERATING SUPPL	\$70.28	OPERATING SUPPLIES
13955					
		101-3100-42120	MOTOR FUELS	\$11.01	MOTOR FUELS
		<b>Total for MENARDS- FOREST LAKE</b>		<b>\$82.78</b>	
<b>55111</b>	<b>08/01/2023</b>	<b>MN DEPT OF TRANSPORTATION</b>			
POOO17414					
		101-3100-44330	DUES & SUBSCRIP	\$740.20	DUES & SUBSCRIPTIONS
		<b>Total for MN DEPT OF TRANSPORTATI</b>		<b>\$740.20</b>	
<b>55112</b>	<b>08/01/2023</b>	<b>OLSONS SEWER SERVICE</b>			
101114					
		601-9425-42310	CONTRACTED SER	\$3,023.05	CONTRACTED SERVICES
101036					
		651-9425-42310	CONTRACTED SER	\$8,313.48	CONTRACTED SERVICES
		<b>Total for OLSONS SEWER SERVICE</b>		<b>\$11,336.53</b>	
<b>55113</b>	<b>08/01/2023</b>	<b>STREICHER'S</b>			
I1643984					
		101-2110-44370	COLLABORATIVE P	\$731.50	COLLABORATIVE PARTNERSHIPS
		<b>Total for STREICHER'S</b>		<b>\$731.50</b>	
<b>55114</b>	<b>08/01/2023</b>	<b>TIMESAVER OFF SITE SECRETARIAL</b>			
M28403					
		101-1400-42310	CONTRACTED SER	\$159.00	CONTRACTED SERVICES
		<b>Total for TIMESAVER OFF SITE SECRE1</b>		<b>\$159.00</b>	

# City of Wyoming Check Detail Register

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July 28, 2023 10:26 AM  
User: ssaxe  
DR: Wyoming

**08-01-2023**

Check # Invoice #	Check Date	Vendor Name	General Ledger #	Amount	Comment
<b>55115</b>	<b>08/01/2023</b>	<b>UNUM LIFE INSURANCE</b>			
08012023			101-0000-21715	VOLUNTARY TERM \$364.71	VOLUNTARY TERM LIFE
080123			101-1400-41310	LIFE INSURANCE \$104.20	ADMIN
			101-2110-41310	LIFE INSURANCE \$671.18	POLICE
			101-1910-41310	LIFE INSURANCE \$67.19	PLAN & ZONE
			101-2400-41310	LIFE INSURANCE \$37.39	BLDG
			101-3100-41310	LIFE INSURANCE \$284.38	STREETS
			601-9425-41310	LIFE INSURANCE \$127.23	WATER
			602-9425-41310	LIFE INSURANCE \$127.22	SEWER
			101-1400-41220	FICA \$357.73	FICA
<b>Total for UNUM LIFE INSURANCE</b>				<b>\$2,141.23</b>	
<b>55116</b>	<b>08/01/2023</b>	<b>US BANK EQUIPMENT FINANCE</b>			
505819797			101-2400-44330	DUES & SUBSCRIP \$146.00	DUES & SUBSCRIPTIONS
<b>Total for US BANK EQUIPMENT FINANCE</b>				<b>\$146.00</b>	
<b>55117</b>	<b>08/01/2023</b>	<b>VC3, INC.</b>			
INV00077458			101-1400-42100	OPERATING SUPPL \$474.24	OPERATING SUPPLIES
INV00077492			101-2110-45800	OTHER EQUIPMEN \$827.00	OTHER EQUIPMENT
<b>Total for VC3, INC.</b>				<b>\$1,301.24</b>	
<b>55118</b>	<b>08/01/2023</b>	<b>VERIZON</b>			
9939759279			602-9425-43210	TELEPHONE \$80.04	MACHINE-TO-MACHINE
<b>Total for VERIZON</b>				<b>\$80.04</b>	
<b>55119</b>	<b>08/01/2023</b>	<b>WATER CONSERVATION SERVICE</b>			
13359			601-9425-43000	PROFESSIONAL SE \$333.28	PROFESSIONAL SERVICE (GENERAL)
<b>Total for WATER CONSERVATION SERVICE</b>				<b>\$333.28</b>	
<b>55120</b>	<b>08/01/2023</b>	<b>WEX BANK</b>			
90510440			101-2400-42120	MOTOR FUELS \$87.01	MOTOR FUELS
			101-2200-42120	MOTOR FUELS \$861.25	MOTOR FUELS
			101-2110-42120	MOTOR FUELS \$2,928.35	MOTOR FUELS
			101-3100-42120	MOTOR FUELS \$699.48	MOTOR FUELS
			101-5200-42120	MOTOR FUELS \$155.55	MOTOR FUELS
			601-9425-42120	MOTOR FUELS \$380.99	MOTOR FUELS
			602-9425-42120	MOTOR FUELS \$380.99	MOTOR FUELS
<b>Total for WEX BANK</b>				<b>\$5,493.62</b>	
<b>55121</b>	<b>08/01/2023</b>	<b>WILLIAMS SCOTSMAN, INC.</b>			
9018269735			101-3100-44100	RENTALS (EQUIPM \$554.30	RENTALS (EQUIPMENT)
<b>Total for WILLIAMS SCOTSMAN, INC.</b>				<b>\$554.30</b>	

# City of Wyoming Check Detail Register

5/6  
July 28, 2023 10:26 AM  
User: ssaxe  
DR: Wyoming

**08-01-2023**

Check # Invoice #	Check Date	Vendor Name		
	General Ledger #	Account	Amount	Comment
<b>55122</b>	<b>08/01/2023</b>	<b>WINNICK SUPPLY INC.</b>		
020692	601-9425-44040	REPAIRS & MAINT.	\$35.07	REPAIRS & MAINT. - EQUIPMENT
<b>Total for WINNICK SUPPLY INC.</b>			<u>\$35.07</u>	
<b>55123</b>	<b>08/01/2023</b>	<b>XCEL ENERGY</b>		
836337923	101-3100-43800	UTILITIES-GAS/ELI	\$18.55	SPEED SIGN
836368827	101-3100-43860	STREET LIGHTS	\$64.84	UNIT SIGNAL
835813680	101-3100-43800	UTILITIES-GAS/ELI	\$59.08	TRAFFIC SIGNAL
836341982	101-3100-43800	UTILITIES-GAS/ELI	\$18.24	PARKS
836330332	101-3100-43800	UTILITIES-GAS/ELI	\$16.90	SPEED SIGN
836371290	101-3100-43860	STREET LIGHTS	\$12.47	STOP LIGHTS
836357407	101-3100-43800	UTILITIES-GAS/ELI	\$19.32	PARKS
836522502	601-9425-43800	UTILITIES-GAS/ELI	\$184.87	WELLHOUSE
836553174	101-3100-43800	UTILITIES-GAS/ELI	\$19.58	SPEED SIGN
836543663	101-3100-43800	UTILITIES-GAS/ELI	\$18.41	SPEED SIGN
836897452	101-3100-43860	STREET LIGHTS	\$336.64	STOP LIGHTS
	601-9425-43800	UTILITIES-GAS/ELI	\$3,833.84	WELLHOUSE
	101-2110-43800	UTILITIES-GAS/ELI	\$599.72	POLICE/PUBLIC WORKS
	101-3100-43800	UTILITIES-GAS/ELI	\$1,527.54	POLE BLDG
	101-1400-43800	UTILITIES-GAS/ELI	\$82.76	CITY HALL
	101-5500-43800	UTILITIES-GAS/ELI	\$1,611.28	LIBRARY
	101-5200-43800	UTILITIES-GAS/ELI	\$248.88	UTILITIES-GAS/ELEC/SEWER/WATER
836864282	602-9425-43800	UTILITIES-GAS/ELI	\$1,197.41	LIFT STATIONS
	601-9425-43800	UTILITIES-GAS/ELI	\$35.99	WELLHOUSE
<b>Total for XCEL ENERGY</b>			<u>\$9,906.32</u>	
<b>55124</b>	<b>08/01/2023</b>	<b>ZIEGLER INC.</b>		
IN001085442	101-3100-44040	REPAIRS & MAINT.	\$49.60	REPAIRS & MAINT. - EQUIPMENT
<b>Total for ZIEGLER INC.</b>			<u>\$49.60</u>	

# City of Wyoming Check Detail Register

6/6  
July 28, 2023 10:26 AM  
User: ssaxe  
DR: Wyoming

08-01-2023

Check #	Check Date	Vendor Name		
Invoice #	General Ledger #	mount	Comment	

**General Checking Account 10100**  
**Total Amount Being Paid: \$403,890.15**  
**Total Number of Checks: 31**

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Mayor Iverson

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Councilmember Luger

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Councilmember Nanko Yeager

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Councilmember Schilling

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Councilmember Ohnstad

For Check Dates 07/18/2023 to 07/18/2023

Check Number	Name	Check Date
Text Label	55090 PACIFIC LIFE INSURANCE	07/18/2023
Item Code	GL Number	Amount
ROTH	101-0000-21712	250.00
		<u>250.00</u>
Text Label	55091 CENTRAL PENSION FUND,	07/18/2023
Item Code	GL Number	Amount
CENT PENS FUND	101-0000-21716	480.00
		<u>480.00</u>
Text Label	55092 WI SCTF,	07/18/2023
Item Code	GL Number	Amount
WI CHILD SUPPOR	101-0000-21710	215.42
		<u>215.42</u>
Text Label	55093 WI SCTF R & D,	07/18/2023
Item Code	GL Number	Amount
WI SCTF	101-0000-21710	65.00
		<u>65.00</u>
Text Label	EFT1010 SELECTACCOUNT,	07/18/2023
Item Code	GL Number	Amount
DEP CARE	101-0000-21711	0.00
FSA CONT	101-0000-21711	0.00
HSA CITY CONT	101-0000-21707	0.00
HSA CONT	101-0000-21707	1,691.16
		<u>1,691.16</u>
Text Label	EFT1011 P.E.R.A.,	07/18/2023
Item Code	GL Number	Amount
CORD PERA	101-0000-21704	2,532.25
DCP PERA	101-0000-21704	16.67
DCP PERA MATCH	101-0000-21704	16.67
PERA CITY MATCH	101-0000-21704	2,921.82
PF PERA	101-0000-21704	3,459.76
PF PERA CITY	101-0000-21704	5,189.64
		<u>14,136.81</u>
Text Label	EFT1012 INTERNAL REVENUE SERVICE,	07/18/2023

For Check Dates 07/18/2023 to 07/18/2023

Check Number Name

Check Date

Item Code	GL Number	Amount
FITW	101-0000-21701	6,146.05
SOCSEC_EE	101-0000-21703	3,154.60
MEDICARE_ER	101-0000-21703	1,131.93
SOCSEC_ER	101-0000-21703	3,154.60
MEDICARE_EE	101-0000-21703	1,131.93
		<u>14,719.11</u>

Text Label EFT1013 STATE OF MINNESOTA,

07/18/2023

Item Code	GL Number	Amount
SITW	101-0000-21702	2,867.71
		<u>2,867.71</u>

Text Label

**General Checking Account 10100**  
**Total Amount Being Paid: \$34,425.21**  
**Total Number of Checks: 8**

\_\_\_\_\_  
Mayor Iverson

\_\_\_\_\_  
Councilmember Luger

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Councilmember Nanko Yeager

\_\_\_\_\_  
Councilmember Schilling

\_\_\_\_\_  
Councilmember Ohnstad

CITY OF WYOMING  
 JOURNAL ENTRY  
 JE: 1884

Post Date: 07/31/2023  
 Entry Date: 07/25/2023  
 Description: 2023 BOND PAYMENT INTEREST ALLOCATION

Entered By: ssaxe  
 Journal: GJ

GL #	Description	DR	CR
900-0000-10100	Cash	120,456.88	
900-0000-10400	Investments		120,456.88
339-7000-46110	2016A Interest	3,882.50	
339-0000-10100	Cash		3,882.50
338-7000-46110	2015A Interest	16,125.00	
338-0000-10100	Cash		16,125.00
601-7000-46110	2015A Interest	2,146.59	
601-0000-10100	Cash		2,146.59
602-7000-46110	2015A Interest	5,503.41	
602-0000-10100	Cash		5,503.41
340-7000-46110	2018A Interest	17,846.88	
340-0000-10100	Cash		17,846.88
337-7000-46110	2009A BABS Interest	18,670.00	
337-0000-10100	Cash		18,670.00
341-7000-46110	2020A Interest	30,850.00	
341-0000-10100	Cash		30,850.00
601-7000-46110	2015B Interest	25,432.50	
601-0000-10100	Cash		25,432.50
Journal Total:		240,913.76	240,913.76

APPROVED BY: \_\_\_\_\_



# Request for Council Action

Date: July 27, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Workers compensation Audit Invoice

Method: Consent Agenda

## **Background Information:**

The City of Wyoming has its workers compensation insurance through the League of Minnesota Cities Insurance Trust (LMCIT). LMCIT's fundamental purpose is to cover the workers' compensation, property, liability, and auto risks of Minnesota's cities and to mitigate hazards. The organization was created by cities, for cities, and makes serving cities a priority. LMCIT funds not needed for claims, expenses, or reserves are returned to members as a dividend. With certain exceptions, all cities must pay workers' compensation benefits to its employees for all injuries from accidents arising out of, and in the course of, city employment. The law is designed to ensure the quick and efficient delivery of benefits to injured workers.

Annually a workers Compensation Audit is conducted by a representative from the league of Minnesota Cities. The audit usually results in an additional payment to the league as the LMCIT representative will go over the actual hours worked by individuals in departments and see how that matches with the actual payroll and hours the city submits the year prior. Usually there is some deviation from what the city sends in to the League from the actual hours worked due to staffing changes throughout the year and overtime needs experienced by departments in the city. Once the audit is complete and the change in premium is identified the city will send a check to the LMCIT for the audited amount.

This year a change in the classification of firefighters resulted in a larger audit amount than most years. In the past the city has classified Firefighters under the work comp code of 7716 Firefighters –Not Volunteers Non Smoking. *\*(Non Smoking - The city receives a premium discount of Non Smoking if the large majority of the department does not use tobacco).* During the Audit the LMCIT noted that the classification of our firefighters should be changed to rating of 7718 Firefighter Volunteer NS which results in a much higher premium for the city's overall workers compensation coverage. Of the new invoice of \$25,171.00, the classification of Firefighter makes up approximately \$16,230.00 of the change based on the workers compensation audit. In 2023 the city budgeted approximately \$152,000 for workers compensation and made a payment already this year of \$140,070.00. With the completion of



**CITY OF WYOMING**

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-0575 Fax: 651-462-0576

the audit we will be over budget by approximately \$13,241.00 that will be spread over our different city departments under the worker compensation categories of clerical office, parks, firefighters, police reserves, police, general maintenance, waterworks, elected and appointed officials. Based on the change of classification on firefighters the city did update and budget appropriately for the 2023/2024 workers compensation and do anticipate any classification issues in next year's audit.

**Recommendation:** To approve payment to the League of Minnesota Cities for Workers Compensation Insurance in the amount of \$25,171.00



**CITY OF WYOMING**

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Phone: 651-462-0575 Fax: 651-462-0576



**CONNECTING & INNOVATING**  
SINCE 1913

# Invoice

**Member Name and Address**

Wyoming, City Of  
Po Box 188  
Wyoming, MN 55092-0188

**Invoice Date**

07/25/2023

**Agent**

SF Insurance Group LLC  
Po Box 441  
Chisago City, MN 55013-0441  
(651)257-6562

**Account Number:** 10002980  
**Account Type:** Workers' Compensation Coverage Premium  
**Current Balance:** \$ 25,171.00  
**Minimum Due:** \$ 25,171.00  
**Due Date:** 08/26/2023

Summary of activity since last Billing Invoice	Date	Activity	Account Balance	Minimum Due
		Previous Invoice Balance	25,204.00	
		Payments Received	-.00	
		Total of Transactions and Fees shown on reverse or attached	-33.00	
See reverse side and attachments for additional information		Current Balance	\$ 25,171.00	\$ 25,171.00

Detach and return this Payment Coupon with your payment

**Account Number**  
10002980

**Invoice Date**  
07/25/2023

**Due Date**  
08/26/2023

**Current Balance**  
\$ 25,171.00

**Minimum Due**  
25,171.00

**Amount Enclosed**  
\$ \_\_\_\_\_

**Member Name** Wyoming, City Of

**BILLING INVOICE - Return stub with payment - make checks payable to:**

Mail payment 7 days before Due Date to ensure timely receipt

League of MN Cities Insurance Trust WC  
c/o Berkley Risk Administrators Company  
222 South Ninth Street, Suite 2700  
P.O.Box 581517  
Minneapolis, MN 55458-1517



July 26, 2023

Presented To: Mayor Iverson and City Council

Presented By: Chief Neil Bauer

Department: Public Safety

Reference: Disposal of Property

Method: Consent Agenda

**Background Information:**

The public safety department has one (1) vehicle and one (1) piece of equipment that needs to be disposed of through our online public auction process:

Vehicle:

Case #	23.003500				
Vehicle Year:	2008	Vehicle Make:	Chevrolet	Model:	Express Van
Vehicle VIN:	1GCFG15X781177135		Vehicle Plate:	N/A	
15 Day Notice Sent:	May 11, 2023		45 Day Notice Sent:	April 21, 2023	
Reason for Impound:	Arrest				
Narrative:	The vehicle listed was impounded after the driver was arrested. The vehicle owner was provided the proper 15- and 45-day notices. The current owner has not contacted our office to make arrangements to pick up the vehicle and it is now considered abandoned. The vehicle will be auctioned through our public auction process, with proceeds directed to the Police Impound fund.				

Equipment:

1. Whelen Liberty II lightbar, model #, IH8BRBR, serial # N009086: this equipment is outdated and is no longer of use to the department. It was replaced with a previous squad build.

**Recommendation:**

It is my recommendation that the City Council authorize the disposal of this property.

Neil D. Bauer, Ed.D.  
Public Safety Director



**PUBLIC SAFETY**

P.O. Box 188, 7665 Wyoming Trl., Wyoming, MN 55092  
Phone: 651-462-0577 Fax: 651-462-0506

**RESOLUTION 23-08-72**

**A RESOLUTION DECLARING CERTAIN VEHICLES AS SURPLUS PROPERTY FOR DISPOSAL AND AUTHORIZING THE POLICE DEPARTMENT TO DISPOSE OF THE VEHICLES THROUGH ONLINE AUCTION**

**WHEREAS**, the City of Wyoming has a policy of impounding vehicles for lawful violations and if unclaimed or forfeited selling said vehicles at auction; and

**WHEREAS**, the Wyoming Police Department has filed the appropriate documents with Chisago County Courts to clear title on the following vehicles so that they may be sold/disposed of; and

**WHEREAS**, the following vehicles are now eligible to be declared surplus property of the City of Wyoming for sale or recycling through an online auction or disposed of as scrap:

The following vehicle and property will be posted on the Minnesota State Surplus on-line auction:

2008 Chevrolet Express Van  
Whelen Liberty II Lightbar, model #, IH8BRBR, serial # N009086:

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYOMING, MINNESOTA** authorizes the Police Department to sell/dispose of these items through an Online Auction with the net proceeds to be distributed to the Wyoming Police Department’s Forfeiture Fund.

**ALSO, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYOMING, MINNESOTA**, also authorize the Mayor and the City Administrator to sign the necessary documents to transfer the vehicle from the City to the new owners as required.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 2ND DAY OF AUGUST, 2023.**

CITY OF WYOMING

By: \_\_\_\_\_  
Lisa Iverson, Mayor

ATTESTED:

\_\_\_\_\_  
Robb Linwood, City Administrator/Clerk



## Request for Council Action

Date: 7/27/2023

Presented to: Mayor Iverson and City Council Members

Presented by: Joe Keding, Assistant Public Works

Superintendent Department: Public Works

Reference: Replay and Crack Filling 2023

Method: Consent Agenda

### **Background Information:**

Replay is a soybean-based sealer with 9 polymers that the city started using in 2020. Replay is a proprietary product and also a green product as it reduces carbon. Staff has found success in using Replay as a method of pavement preservation in our contracted maintenance program. Maxwell manufactures two products that will be utilized in the proposed area of work this season. Maxwell Nuvo is a crack sealer that has been used for several years in Wyoming and had demonstrated excellent results. Maxwell also makes a gap mastic that will be used in deeper cracks and holes in one of the target areas.

Public Works has identified the entire 2.4 miles of Kettle River Blvd, Pioneer Rd and Fallbrook from East Viking to 264<sup>th</sup> St as the areas that require work this season. Kettle River Blvd. has shown a rapid increase of small hole, longitudinal and transverse cracking. Kettle will be maintenance using crack sealer and the gap mastic. It is our thinking that this approach will help preserve and extend the life of this stretch of road more than other types maintenance strategies. Fallbrook carries a large volume of traffic and the businesses in the area utilize the road with heavy vehicles. Staff recognized widening cracks and exposing of aggregate and wishes to utilize a strategy of crack filler and Replay to rejuvenate and preserve this area while the overall condition of the surface is still tenable. While Pioneer Rd is relatively new, it is showing some cracking. The overall condition of the surface is good, but utilizing the remainder of the maintenance budget crack filling that stretch of road, will help ensure that it remains so for many more years.

Staff solicited bids from three contractors with access to the products that staff would like to utilize in maintaining the streets outlined above.

- Barga Incorporated - \$146,896
- M.R. Paving and Excavating - \$164,0256
- C&C Contracting - \$163,245

### **Recommendation:**

Staff recommends approval of Replay and crack filling for the 2023 street maintenance project in the amount of \$146,896 from Barga Incorporated. Previously this year, Public Works utilized \$30,000 of the maintenance budget to use Prefer Paving to augment pothole patching with 100 ton of material. Acceptance of the Bid from Barga, INC would exhaust the contractual street repair funds for the 2023 fiscal year.

**RESOLUTION 23-08-73**

**A RESOLUTION APPROVING THE 2023 STREET MAINTENANCE PROJECT FROM  
BARGEN INCOPORATED IN THE AMOUNT OF \$146,896.00**

**WHEREAS**, Replay is an environmentally friendly soybean based polymer that the City began using on City streets in 2020; and

**WHEREAS**, Maxwell Nuvo is a crack sealer that has been used for several years in Wyoming and had demonstrated excellent results. Maxwell also makes a gap mastic that will be used in deeper cracks and holes in one of the target areas; and

**WHEREAS**, There are several streets that Public Works have identified including Kettle River Blvd, Pioneer Rd and Fallbrook from East Viking to 264th St

**WHEREAS**, Bergan Incorporated provided the lowest bid for the project at \$146,896.00 for Replay, Mastic and crack filling; and

**NOW THEREFORE BE IT RESOLVED** that the City of Wyoming authorizes the use of Replay and crack filling for the 2023 Street Maintenance Project in the Amount of \$146,896.00 provided by Barga Incorporated.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING ON THE 2<sup>nd</sup> DAY  
OF AUGUST 2023.**

**CITY OF WYOMING**

\_\_\_\_\_  
Lisa Iverson, Mayor

ATTEST:

\_\_\_\_\_  
Robb Linwood, City Administrator/Clerk



July 28, 2023

Re: Public Safety Activity Report – August 2, 2023, City Council Meeting

## **Police Update**

### **Police Officer Hiring Update**

The police officer position is posted and we look forward to implementing additional programs and approaches as we discussed at the budget meeting this week.

We have a department meeting scheduled on August 9, 2023, to brainstorm other short-term and long-term approaches to marketing the department as a desirable workplace for officers.

### **Upcoming Training**

The BCA has agreed to present for our department at our next department meeting. They will review the newest techniques and the best practices for major crime scene investigations. They also will have their crime scene team provide an overview on how to preserve evidence properly. For some, it's a good reminder, and for others, it's new information. We have a great relationship with the BCA and appreciate their willingness to help when we need the additional expertise.

### **Night to Unite (August 1, 2023)**

We have multiple vendors and activities scheduled for Night to Unite and we can't wait for conversations with the community.

## **Fire Update**

The Fire Department had a great time at Maranatha this week at their event. Many firefighters expressed that this is one of the favorite community outreach events they have all year.

### **Upcoming Community Outreach Events**

August 1, 2023 – Night to Unite @ Goodview Park

Neil D. Bauer, Ed.D.

Public Safety Director/Police Chief



wyoming@wyomingmn.org • Phone: 651-462-0575 • Fax: 651-462-0576

PO Box 188 • 26885 Forest Boulevard • Wyoming, MN 55092



July 27, 2023

Honorable Mayor and City Council  
City of Wyoming  
26885 Forest Boulevard  
Wyoming, MN 55092

**RE: AUGUST 2, 2023 CITY COUNCIL MEETING**

Dear Mayor and Council Members:

This letter is intended to summarize on-going commercial building projects and zoning issues within the City. Some of these items may be separate agenda matters, while others are for informational purposes only.

**Gregory Contracting**

Site plans have been approved and a Grading permit has been issued. The building plans have been submitted and are under review.

**Hallberg Bingham Site**

Work in the south unit is near completion and some minor items are being completed to the exterior. A temporary Certificate of Occupancy has been issued for the north unit.

**Hallberg RV Storage Site**

Work has recommenced on completing the site plan improvements. A temporary Certificate of Occupancy has been issued for the four buildings. The remaining site work to be completed in the spring includes pavement and final landscape plantings.

Sincerely,

Frederick E. Weck, IV  
Zoning Administrator  
Building Official #1825  
Advanced Septic Inspector, MPCA #C5199  
City of Wyoming



**DEPARTMENT OF BUILDING SAFETY**

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938



July 28, 2023

Robb Linwood  
City of Wyoming  
26885 Forest Boulevard  
Wyoming, MN 55092

*Delivered via Email*

**Re: *City of Wyoming***  
***Status Update for the Period of – July 15, 2023 – July 28, 2023***

Dear Robb:

Our office continues to field general legal questions and review items as requested by City staff while serving in our general counsel role of addressing all general legal concerns raised by City staff relating to any other legal matters relevant to the City.

Please contact me directly if you have any questions regarding this correspondence. Thank you for allowing us to serve the City of Wyoming.

Very Truly Yours,

s/ Thomas R. Loonan

Thomas R. Loonan  
City Attorney



# Engineer's Report



July 28, 2023

Honorable Mayor and City Council  
City of Wyoming, MN  
26885 Forest Boulevard  
Wyoming, MN 55092

Re: August 2, 2023, City Council Meeting  
WSB Project No. 021007-000

Dear Mayor and Council Members:

This engineer's report is intended to update you on engineering activities within the City since the last council meeting. Some of the items below may be on the agenda with more detailed information provided, while the other items below are for informational purposes only.

### **East Viking Boulevard (Fenwick to Glen Oak) and Bridge No. 13J22**

All sanitary sewer, storm sewer, curb and gutter and first layer of asphalt have been placed within the street reconstruction portion of the project. The remaining concrete sidewalk will be completed the week of July 31<sup>st</sup>.

Bridge replacement will proceed prior to once the box culvert is made and delivered. The original schedule was October/November, but that may be moved up to September/October.

Roadway work east of Polaris on East Viking is being scheduled and we anticipate for this to be completed in August. The City Attorney has prepared an agreement for the Polaris contribution to this portion of the project. This will need to be signed prior to the change in scope of this portion of the project.

### **Fallbrook Avenue and 264<sup>th</sup> Street Improvement Project**

City Council has held a public hearing on the project and ordered the improvements and authorized the preparation of plans and specifications. Council recently approved the plans and specifications and authorized the advertisement for bids. It is anticipated bids are expected to be awarded at the August 15<sup>th</sup> City Council meeting.

### **Diamond Ridge Development**

Utility construction is complete. Sanitary Sewer and Watermain testing have passed. The dewatering system has been removed and curb and gutter and pavement have been placed. The final layer of asphalt is likely to be placed in 2024 unless home are completed this year.

### **Katies Glenn**

Staff is finalizing review of the recently submitted plans and will be meeting with the CLFLWD and developers engineer to work through a few final plan review comments. Revised plans look to have addressed CLFLWD and our review comments. We expect approved plans in the near future.

### **Helium Court Storm Sewer Repair / 266<sup>th</sup> Street Storm Sewer Addition**

These projects have been substantially completed with punch list items remaining. A payment voucher is on the agenda for your consideration. Project acceptance is expected at the first meeting in September.

### **Bingham Property – Hallberg Project (Multi-Tennent)**

All testing has now passed, and a site walk through has been completed. A final punch list has been provided to the contractor. Restoration items persist due to the lack of rain.

### **Sunrise Riverbank Development (residential and commercial)**

No new update:

The developer has submitted a revised concept. Staff has met with the applicant's team, and we have provided initial feedback. Staff will be meeting with the development team in the future to provide additional feedback.

The developer is working on the remediation of potentially contaminated soils from previous use as a golf course. Golf courses previously used materials on greens and tee boxes to prevent damage from mold and fungus. The work consists of excavation potentially contaminated soil and hauling to a certified facility. The developer will provide the City with complete documentation report of the remediation.

### **2021 Street Improvement Project**

Staff is anticipating final acceptance of the improvements and final payment made to the contractor at the second meeting in August.

### **Summer Fields Development**

No new update:

First Addition (19 lots): The contractor has indicated the project has been completed and all punch list items are complete as well. Upon inspection, there are a few items that remain; however, it is expected that this will be brought to the City in the near future for consideration of acceptance and release of escrow. The developer is working to address these remaining punch list items.

The Developer started work installing pipes in the filtration basin on 12/12/2022. Staff has reduced the cash escrow to \$10,000. Remaining work is primarily related to the removal of silt fence and ensure restoration efforts have taken.

Second Addition (15 lots):

No New Update:

Utility Construction, curb and gutter placement and asphalt has been placed. An escrow reduction has been requested and staff is confirming the value of work completed and what remains now that they have submitted the remaining. The escrow reduction has taken place.

Third Addition

No new update.

The developer has indicated that they are currently working on the third addition final plat and construction plans. This is for the completion of the site on the east side of Kettle River Boulevard. Earlier indication was that the third addition was for the next phase on the west side of Kettle River Boulevard.

The next addition on the West side of Kettle River Boulevard will involve the design of a city lift station within the site and will require design and ordering of lift station components. An on-site generator will also be required to be installed at the downstream lift station. The lead time on this is significant and that information has been provided to the developer to make sure these do not impede the timing of this next phase. Lift station design is currently underway as requested by the developer.

**Preserve at Comfort Lake**

The project only requires the removal of one tree and boulder prior to acceptance of the improvements and release of the letter of credit. We are awaiting work of when this work will be completed.

**Heims Lake Villas North**

All sanitary sewer, watermain, and storm sewer have been completed. Aggregate base and curb and gutter and first layer of asphalt has been completed, allowing building permits to be issued. The concrete sidewalk has been completed. The bituminous wearing course will be placed in the fall of 2023.

**Aadland Development (Hunter Hill)**

Punch list items are currently underway and final layer of asphalt has been placed. Project acceptance is expected in the spring once restoration is acceptable. Due to the drought, many areas of the seeding have not come in adequately. Project acceptance is now expected in the fall as spring seeding did not take due to the drought.

**Hallberg Storage**

Final Punch list has been created and project completion is near. Restoration is all that is needed for acceptance, however due to the lack of rain, seeding efforts have failed.

Thank you for the opportunity to update the Council on current matters in the City.

Sincerely,

***WSB and Associates, Inc.***

Mark Erichson, P.E., City Engineer



# Public Works Report

Date: July 27, 2023

**Mayor Iverson and City Council Members**  
**Public Works Report for July 5, 2023 Council Meeting**

## **Streets:**

Public Works has completed some additional asphalt work. The seasonal total is at 855 tons of patching and repair work completed for the season. Gravel roads have been re-graded after a few rain events over the last couple weeks and are in much better condition. Staff also responded to reports of downed trees following a storm on the morning of 7/26/23. The area south of Wyoming Trail, east of Hwy 61 to Goodview Park was hardest hit. Staff observed many trees down on private property with multiple properties appearing to have suffered damage to the home.

## **Sanitary Sewer:**

Staff responded to a power outage at the Wyoming Trail lift station during a storm on 7-21-23. SCADA reported a phase fail at the station. The generator at that station did turn on temporarily and the phase fail appears to have been very brief. Full power was active at the station when staff arrived. The wet well status and source power transfer was verified by the operator and the status was reported as normal.

## **Water:**

Daily and monthly water tests have been completed. Staff has been notified by the DNR that this area is moving into a drought phase warning. Staff is monitoring well level and verifying that computer-generated level monitoring is accurate. Staff has also begun to pull together plans and prepare for communication with residents as we move into the next phase of the plan.

## **Surface Water:**

Staff has been sweeping city streets as time allows. Staff has begun to haul away street sweepings. 80.45 tons of material has been hauled away with approximately 30 tons still stored at the Township facility. Staff has made 2 passes over the area that was provided by the Comfort Lake Watershed as part of our grant funding agreement with them.

## **Parks:**

Public Works has been removing trash weekly from the parks. There have been pavilion reservations that staff monitors to ensure that the facilities are in good condition before and after the events. Staff has been watering trees planted in the last couple of years to ensure their survival during this dry season. As we move into the drought warning phase, the irrigation ban will include Goodview Park.



# Request for Council Action

*Date:* July 28, 2023

*Presented to:* Mayor Iverson and City Council Members

*Presented by:* Robb Linwood, City Administrator

*Department:* Administration

*Reference:* Personnel Policy Update regarding legalization of adult use cannabis

*Method:* New Business

## **Background Information:**

During the 2023 legislative session, a new law was passed that legalized adult-use cannabis in Minnesota beginning August 1, 2023. Due to the new law it is necessary to update the City of Wyoming Personnel policy regarding the use of Cannabis. The updates to the policy continue to prohibit employees from being under the influence of cannabis products, while at work. Employers may continue to maintain drug-free policies at the workplace and discipline employees who use cannabis during working hours or who report to work impaired. The updates also enact policies prohibiting employees from bringing cannabis products, including edibles, to work.

The new law will not change any guidelines for employees that hold a commercial driver's license (CDL) will recall these positions are regulated by federal law, and those regulations are supervised by the Federal Department of Transportation (DOT). Federal law preempts state law related to cannabinoid use; in fact, the DOT states in its DOT Recreational Marijuana Notice that it does not authorize the use of Schedule I drugs, including marijuana, for any reason. As a result, cities should continue to follow their drug-testing procedures related to CDL holders and may enforce prohibitions against any use of cannabinoids for CDL holders, regardless of state law protections.

The new law will not have any changes for Public Safety Employees who carry a firearm. They cannot lawfully use marijuana under federal law. Federal law prohibits cities from providing firearms or ammunition to an employee it knows or has reason to think is using marijuana.

The new law excludes the following seven position classes from the law's changes and some are applicable to the city, but not all.

1. A safety-sensitive position, as defined in as defined in Minn. Stat. § 181.950, subd. 13.
2. A peace officer position, as defined in Minn. Stat. § 626.84, subd. 1.
3. A firefighter position, as defined in Minn. Stat. § 299N.01, subd. 3.
4. A position requiring face-to-face care, training, education, supervision, counseling, consultation, or medical assistance to:
  1. Children.
  2. Vulnerable adults, as defined in Minn. Stat. § 626.5572, subd. 21.
  3. Patients who receive health care services from a provider for the treatment, examination, or emergency care of a medical, psychiatric, or mental condition.

5. A position funded by a federal grant.
6. Any other position for which state or federal law requires testing of a job applicant or employee for cannabis.
7. A position requiring a commercial driver's license or requiring an employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing of a job applicant or employee.

A summation of the changes in the personnel policy and sections are as follows: *(The page numbers identified below are in sync with the redlined copy of the personnel policy).*

- Definitions - Drug - Page 14
- Section 3.04 Employee standards of behavior - under the influence of cannabis – Page 19
- Section 3.11 – Smoking – cannabis products added – Page 22
- Section 4.03 - Pre-Employment Medical Exams – Page 24
- Article XXIV – Drug, Alcohol, Cannabis Free Workplace – Section B, C, E and F – Page 64
- Article XXV – City Driving Policy – Updated for driving records status

**Recommendation:** To approve the updates the City of Wyoming Personnel Policy.



# 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. ~~In addition, “drug” includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4.~~ [cb1] 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~~tobacco free, meaning that smoking in any form (through the use of tobacco products, cannabis products, or hemp-derived consumer products [CB2] 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 tobacco products 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<sup>(CB3)</sup>, 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**            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 10.03**            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.

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 10.04**          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 10.05**            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 10.06**            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 10.07**            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 10.08**            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 10.09**            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 10.10**            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 10.11**            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 10.12**            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 10.13**                      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 10.14**                      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 10.15**                      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 10.16** 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 10.17** 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 10.18** 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.

## 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 federal 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 [CB4] 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. ~~This includes cannabis or any medical cannabis products. 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 that drug here.~~ 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. [CB5]

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.

~~Likewise, the fact that cannabinoids may be lawfully purchased and consumed in some circumstances does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use in certain circumstances. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites.~~ [CB6]

~~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.

~~D.E.~~ Applicants and employees are still subject to being tested under the City's drug, alcohol, and cannabis ~~and alcohol~~ testing policy.

~~E.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 ~~driving~~-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. [CB7]

### **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 a current, valid driver's license that is adequate for the type of vehicle being driven. Any employee who operates a City vehicle without a valid driver's license will be subject to disciplinary action. Passengers may be carried only when necessary to conduct City business and/or whose transportation via City vehicle is, in the opinion of the operator, in the best interest of the City. When a vehicle is not being used for business purposes, it shall be parked or left on the employer's premises. An exception is an IRS approved exempt vehicle, i.e., marked police or fire vehicle, which may be authorized by the City Council to be used for commuting to and from work and minimal use. City vehicles are not to be used for family purposes or for other pleasure or personal use at any time.

### **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.

Specific Policies relating to take home vehicles:

- 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.

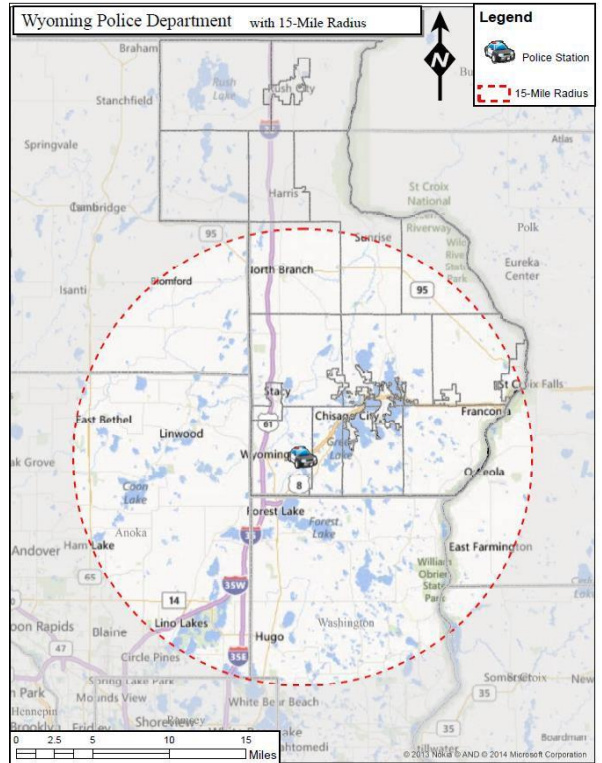


Figure 1

- 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.



# 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 tobacco products 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**            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 10.03**            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.

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 10.04**          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 10.05**            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 10.06**            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 10.07**            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 10.08**            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 10.09**            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 10.10**           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 10.11**           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 10.12**           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 10.13**           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 10.14** 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 10.15** 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 10.16** 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 times 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 10.17** 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 10.18** 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.

## 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, 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 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 a current, valid driver's license that is adequate for the type of vehicle being driven. Any employee who operates a City vehicle without a valid driver's license will be subject to disciplinary action. Passengers

may be carried only when necessary to conduct City business and/or whose transportation via City vehicle is, in the opinion of the operator, in the best interest of the City. When a vehicle is not being used for business purposes, it shall be parked or left on the employer's premises. An exception is an IRS approved exempt vehicle, i.e., marked police or fire vehicle, which may be authorized by the City Council to be used for commuting to and from work and minimal use. City vehicles are not to be used for family purposes or for other pleasure or personal use at any time.

## 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.

Specific Policies relating to take home vehicles:

- 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

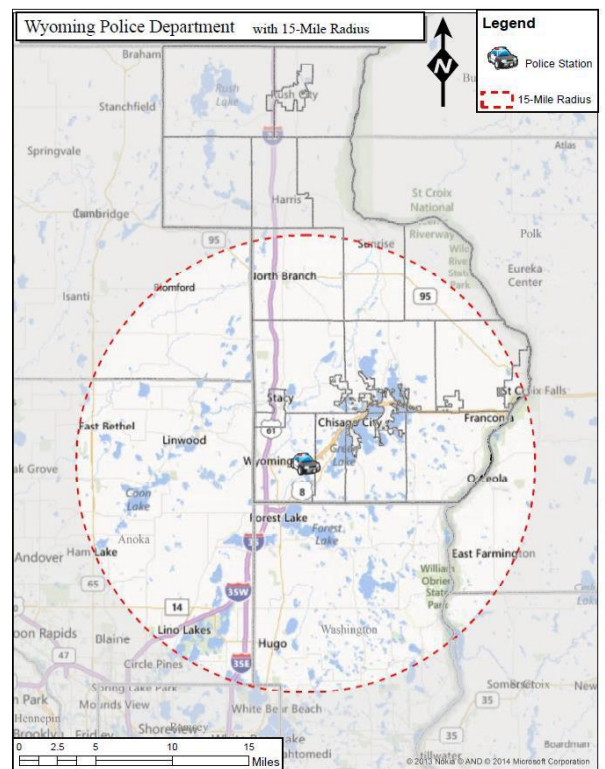


Figure 1

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.



# Request for Council Action

Date: August 2, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Assistant City Administrator Hiring Recommendation

Method: New Business

## **Background Information:**

The Administration Department has completed the selection process on a group of candidates for our Assistant City Administrator Position. We reviewed and scored 17 applications for the position, conducted first round interviews on the top applicants, top candidates from the 1<sup>st</sup> round were brought for second interviews, and then a final interview. The final interview candidates went through a skill practical exercise pertinent to the position and a personality profile review. A Background check and employment verification have been completed on the applicant.

Grant Macfarlane was selected as the top candidate for the position of Assistant City Administrator. Most recently, Mr. Macfarlane has worked over the past two years at the City of Maple Plain as an Assistant to the City Administrator. Mr. Macfarlane has experience in administrative activities, including communication plans, research, ordinance development, website maintenance, grant funding opportunities and administration, city event management, council meeting material administration and community engagement. Prior to the City of Maple Plain, Mr. Macfarlane worked in an administrative capacity at the City of Hanover where he gained experience in administration, budget creation, capital improvement planning, park improvement plans, project development, and preparation of council materials for city council meetings.

Mr. Macfarlane received a Masters of Public Administration from Minnesota State University and a Bachelor of Science in Political Science from Minnesota State University.

Based on his qualifications, wage history and work experience I am recommending starting Grant Macfarlane's wage at step 2 of the position scale at \$ \$35.53 per hour with a 6 month probationary period per the City of Wyoming Personnel policy.

**Recommendation:** The Administration Department is requesting council authorization for the hiring of Grant Macfarlane for the Assistant City Administrator Position with a tentative start date of late August 2023 at a starting salary of \$35.53 per hour.



**CITY OF WYOMING**

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092  
Phone: 651-462-0575 Fax: 651-462-0576



## Request for Council Action

**Date:** July 27, 2023  
**Presented to:** Mayor Iverson and City Council Members  
**Presented by:** Fred Weck, Building Official  
**Department:** Department of Building Safety  
**Reference:** Building Inspector Hiring Recommendation  
**Method:** New Business

### **Background Information:**

The Department of Building Safety has completed the selection process on a group of candidates for our Building Inspector Position. We reviewed and scored 9 applications for the position, and conducted interviews with the top applicants. A complete backgroundcheck and employment verification will be completed on the candidate if the City Council approves the applicant's hire. Employment will be contingent on the applicant passing the background check.

Garrett Heins was selected as the top candidate for the position of Building Inspector. Mr. Heins has worked for the City of Brooklyn Park for the past year as a property maintenance inspector in its Building Department where he has been responsible for 600 single family rental properties and 9 apartment buildings.

Mr. Heins holds the following certifications:

- ICC Property Maintenance and Housing Inspector (International Code Council)
- He is scheduled to take the exam for Building Official Limited certification in September (State of Minnesota Dept. of Labor and Industry) the job offer is contingent on his receiving certification within 9 months.

Mr. Heins education credentials:

- Certificate, Building Inspection Technology; North Hennepin Community College

Based on his qualifications, wage history, and work experience I am recommending starting Garrett Heins' wage at Step 2 of the positions scale at \$31.79 per hour with a 6 month probationary period per the City of Wyoming Personnel policy.

**Recommendation:** The Department of Building Safety is requesting council authorization for the hiring of Garrett Heins for the Building Inspector Position with a tentative start date of August 21, 2023 at a starting salary of \$31.79 per hour.



**DEPARTMENT OF BUILDING SAFETY**

P.O. Box 188, 26885 Forest Blvd., Wyoming, MN 55092

Phone: 651-462-4947 Fax: 651-462-3938



# Request for Council Action

Date: July 27, 2023

Presented to: Mayor Iverson and City Council Members

Presented by: Joe Keding, Assistant Public Works Superintendent

Department: Public Works

Reference: Lawn Sprinkling Ban

Method: New Business

## **Background Information:**

The Minnesota Department of Natural Resources has determined that the state of Minnesota is currently in a drought warning phase. The DNR's State Drought Plan specifies actions that Public Water Suppliers must implement to conserve water. In the drought warning phase, DNR State Drought Plan asks all public water suppliers to reduce water use to 50% above January levels. On July, 21st, 2023, cities in the Minnesota portion of the St. Croix watershed, which is comprised of all or parts of 10 counties received a correspondence notifying them they are now in the drought warning phase. The drought plan calls for the City to implement water restrictions as necessary to reduce water use to 50% above average January levels for the month of August 2023. For the City of Wyoming that is 355,500 gallons per day. Currently, we are averaging 637,000 gallons a day

The City needs to comply with the water restriction requirements. A city-wide lawn sprinkling ban would be the best way to reduce our water usage and try to reduce our usage by 281,000 gallons a day. The watering ban is indefinite at this time and will remain in place until the Minnesota Department of Natural Resources determines that the drought warning phase has been lifted. The watering ban may continue into 2024. Lawn sprinkling ban would be for properties served by City water and to community well systems, but does not apply to private wells in the city.

## **CITY OF WYOMING CODE**

**Sec. 36-60.** Restricted hours for sprinkling. (a) The council may impose emergency regulations pertaining to the conservation of water by resolution of the council or by giving notice by publication or by posting at the city hall and at such public places as the council may direct.

(b) Any water customer or other person who shall cause or permit water to be used in violation of the provisions of such resolution shall, in addition to being subject to the penalties otherwise provided for, be charged \$25.00 for each day of such violation, which charge shall be added to their next water bill. Continued violation is prohibited and shall be cause for discontinuance of water service.

## **Recommendation:**

Staff recommends a lawn sprinkling ban, effective immediately, for compliance of the DNR water restriction requirements.



**CITY OF WYOMING**

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## DNR News Release

**FOR IMMEDIATE RELEASE**

July 21, 2023

**For more information:**

Contact the DNR Information Center  
by [email](#) or call 888-646-6367.

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### **St. Croix Watershed now in drought warning phase**

#### **Affected communities directed to implement water use restrictions**

With drought conditions continuing to expand in Minnesota, the St. Croix Watershed has moved from the *Drought Watch* to *Drought Warning Response Phase*. Public water suppliers in the watershed area must now implement water restrictions. The Minnesota portion of the St. Croix Watershed includes all or part of Washington, Anoka, Isanti, Chisago, Pine, Kanabec, Mille Lacs, Carlton and Aitkin counties and an extreme northeast portion of Ramsey County.

Per Minnesota's Statewide Drought Management Plan, the DNR will be convening the State Drought Task Force and taking other actions specified in the plan, as drought conditions continue and intensify in some portions of Minnesota.

Additionally, suspensions of surface water appropriation permits in watersheds experiencing continued minimum stream flows will begin Sunday, July 23. Permits are under review in watersheds having recently reached critically low flows, which is described in [Streamflow Information](https://waterwatch.usgs.gov/?m=real&r=mn&w=real,map) (waterwatch.usgs.gov/?m=real&r=mn&w=real,map) on the Minnesota [DNR's drought webpage](https://mndnr.gov/climate/drought) (mndnr.gov/climate/drought). Water use types considered for suspension include irrigation, dust control, sand and gravel washing, and some types of construction-related water use. Permits for public drinking water are not suspended. The DNR contacts permit holders directly if and when permit suspensions will be required.

The weekly U.S. Drought Monitor released Thursday, July 20 shows that more than 80% of Minnesota is experiencing abnormally dry and/or moderate drought conditions. Areas of severe drought are expanding and, for the first time this year, small areas of the state,

located in southeastern Minnesota and the Twin Cities Metro area, have moved into the extreme drought category.

- 30% percent of Minnesota is experiencing abnormally dry conditions
- 52% percent of the state is in moderate drought, unchanged from last week
- 17% percent of Minnesota is in severe drought, up from 11% last week
- 1.5% of the state is in extreme drought, up from 0% last week

Eleven watersheds in Minnesota remain in the *Drought Watch Response Phase*.

When a watershed reaches the *Drought Warning Response Phase*, public waters suppliers in that watershed are required to implement water conservation measures, with the goal of reducing water consumption to 50% above January levels. Importantly, municipalities need not be in a warning phase watershed to implement restrictions for water conservation while current dry conditions persist.

Drought conditions typically lead to increased irrigation for crops, lawns and athletic fields, which leads to additional strain on Minnesota’s water resources. Moderate drought (D1) is characterized by dry soil conditions, stressed crops and river/lake levels being lower than normal. Severe drought (D2) is characterized by very low river flow, hard ground and a higher potential for severe impacts on agriculture. Extreme drought (D3) may result in early harvest of corn and increased risk of wildfires. Some degree of drought occurs in Minnesota nearly every year.

“Even in a state with 10,000 lakes — actually, 11,842 of at least 10 acres in size — it is important for all residents to have a water conservation mindset,” Minnesota DNR Climatologist Kenny Blumenfeld said. “It is important for all water users to look at how much water they’re using and commit to using less, not just during drought but on an ongoing basis.”

Minnesotans are encouraged to [learn how much water they are using](http://mndnr.gov/waters/watermgmt_section/appropriations/conservation.html) (mndnr.gov/waters/watermgmt\_section/appropriations/conservation.html) compared to the average American home and identify ways to reduce water use now and in the future. Reducing use today saves water for the future.

A map of Minnesota watersheds, a link to the U.S. Drought Monitor and more information about drought in Minnesota is available on the [DNR Drought Webpage](http://mndnr.gov/climate/drought) (mndnr.gov/climate/drought). The website includes a link where anyone can sign up to receive drought-related notifications and information.

**CITY OF WYOMING  
CHISAGO COUNTY, MN**

**RESOLUTION NO. 23-08-74**

**RESOLUTION REGULATING NONESSENTIAL WATER USAGE UPON  
CRITICAL WATER DEFICIENCY AS AUTHORIZED BY MINN. STAT. §  
103G.291 AND CITY OF WYOMING ORDINANCE § 36.60**

**WHEREAS**, on July 21, 2023, the City of Wyoming received notice from the Minnesota Department of Natural Resources (“DNR Notice”) that due the State’s current severe drought conditions, the City must implement water restrictions as necessary to reduce water use to 50% above average January levels for the month of August 2023; and

**WHEREAS**, for the reasons stated in the DNR Notice and to comply with the water restriction requirements, the City Council finds that it necessary to enact a lawn sprinkling ban.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF CITY OF WYOMING, CHISAGO COUNTY, MINNESOTA AS FOLLOWS:**

1. A City-wide lawn sprinkling ban effective immediately, which shall continue until further Council action, pursuant to the following conditions:
  - a. Ban is in effect for property served by City water and applied to community water systems
  - b. Any water customer or other person who shall cause or permit water to be used in violation of the provisions of such resolution shall, in addition to being subject to the penalties otherwise provided for, be charged \$25.00 for each day of such violation, which charge shall be added to their next water bill. Continued violation is prohibited and shall be cause for discontinuance of water service.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF WYOMING THIS 2ND  
DAY OF AUGUST, 2023.**

**CITY OF WYOMING**

By: \_\_\_\_\_  
Lisa Iverson, Mayor

**ATTEST:**

\_\_\_\_\_  
Robb Linwood, City Administrator/Clerk



# Request for Council Action

*Date:* July 28, 2023

*Presented to:* Mayor Iverson and City Council Members

*Presented by:* Robb Linwood, City Administrator

*Department:* Administration

*Reference:* Personnel matter

*Method:* New Business

***Background Information:***

City staff is requesting the City Council to enter into a closed session for a personnel matter relating to confidential health information that would fall under MN State Statute 13D.05, Subd (2)(3) and (4).

***Recommendation:*** The Wyoming City Council enters a closed session under MN State Statute 13D.05, Subd (2)(3) and (4) for a personnel matter.



**CITY OF WYOMING**

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