



**AGENDA**  
**PERSONNEL ADVISORY COMMITTEE MEETING**  
**MAPLE PLAIN CITY HALL**  
**July 18, 2025**  
**1:00 PM**

---

- 1. WELCOME**
- 2. NEW BUSINESS**
  - A. Code of Conduct
  - B. Employee Handbook Updates
  - C. PFMLA- Paid Family Medical Leave Act
  - D.** 2nd Quarter Payroll Review
- 3. FUTURE MEETING TOPICS**
  - A.** 3rd Quarter Payroll Review
  - B.** Code of Conduct
  - C.** Employee Reviews
- 4. ADJOURNMENT**

This meeting will be recorded and then posted to the City website within 3 to 5 business days.  
The City Council may meet as a group for dinner.



## City Council Code of Conduct

### Introductory Pledge

The Maple Plain City Council is committed to practicing principles and conducting business in a fair, ethical, and accountable manner to inspire trust in local government. Recognizing these goals, this Code of Conduct is established for all elected officials of the City of Maple Plain. Where applicable, the principles, behavioral guidelines, and legal obligations expressed in this Code of Conduct are also applicable to ~~appointed board and commission members~~ appointed board, commission and staff members.

Councilmembers must conduct themselves by complying with the following principles, and agree to:

- Comply with the law, including
  - Staying within the City Council's authority
  - Following the open meeting, gift, and conflict of interest laws
- Respect City Council roles and responsibilities when working with staff, boards, and commissions
- Keep current their City Calendar of dates they are not available as to aid in the streamlining of scheduling meetings.
- Be consistent in policy and respect process
- Act and conduct public business in a manner that is consistent with the City's adopted values.
- Fulfill the Council's statutory and fiduciary responsibility to act in the best interest of ~~the City~~ the City's current adopted priorities, and all its residents, both financially and legally by:
  - Keeping the common good as the highest purpose to focus on achieving constructive solutions for the public benefit
  - Not disclosing private or confidential information of the City, or using that information to advance personal interests
  - Protecting the City's interests and avoiding liability by following the advice of legal counsel

### Compliance and Enforcement

This Code of Conduct expresses the standards of ethical conduct expected of members of the Maple Plain City Council and board and commission members, where applicable. Members themselves have the primary responsibility to assure the public that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of government.

Councilmembers must hold themselves and each other accountable. In the event of a suspected violation of this Code of Conduct, complaints should be submitted to the City Administrator. The resolution and enforcement process includes the following:

- Matters of legal compliance will be referred to the City Attorney
- Matters that potentially conflict with the Code of Conduct but do not rise to a violation of the law will be reviewed by the City Administrator. Potential resolution may include one of the following:

- The City Administrator and one councilmember may review a complaint and findings directly with the councilmember who is alleged to have violated the Code of Conduct.
- The City Administrator may provide a written notification of the complaint and findings to the City Council.
- The City Administrator may refer the matter, with any background, to the full City Council for discussion and consideration of action.
- Aside from legal matters, the City Council will be the only entity that determines if a violation or violations of the Code of Conduct have occurred.
- In the event of a violation of the Code of Conduct, the City Council may take action as pursuant to Minnesota state law, including the following:
  - Declaration of sufficient findings of a violation of the Code of Conduct
  - A public censure of the member in violation
  - Removal of the member in violation from appointed positions, such as committee, commission, and liaison appointments.

All elected and appointed officials of the City are also subject to and must comply with the City's Sexual Harassment and Respectful Workplace Policies.

## Compliance with the Law

Members must comply with applicable federal laws, state laws, and city ordinances in the performance of their public duties.

### Authority

~~In statutory cities~~In Maple Plain, a statutory A City, powers are granted to the Council as a whole, and not to individual members.

### Open Meeting Law

Public deliberations and processes must be conducted openly and transparently. The Minnesota Open Meeting Law (Minnesota Statutes Chapter 13D) requires that meetings of governmental bodies be open to the public to:

- Prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board's decisions or to detect improper influences
- Assure the public's right to be informed and observe public meetings

The Minnesota Supreme Court has noted that meetings of less than a quorum of a public body held serially to avoid a public meeting or to fashion an agreement on an issue of public business may violate the Open Meeting Law. Serial meetings must be avoided.

### Gifts and Donations

~~Gifts from Interested Persons: Under Minnesota Statutes Section 471.895, councilmembers may not receive gifts from any "interested person" in conjunction with their City Council duties.~~

- ~~● A "gift" is defined as money, real or personal property, a service, a loan, forbearance or forgiveness of debt, or a promise of future employment, which is given and received without the giver receiving something of equal or greater value in return.~~



- ~~“Interested person” means a personal or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make~~
  - ~~Virtually every resident or person doing business in the City could have a direct financial interest in a decision~~
- ~~See statute for exemptions~~

Gifts to the City: City Councilmembers can recommend acceptance of gifts and donations to the City. All gifts and donations to the City must be accepted by Council resolution.

### Logo

Members must not use the City’s name or logo for purpose of endorsing any political candidate or business.

### Conflict of Interest

A conflict of interest occurs when any councilmember who has a “financial interest” in, or who may receive a financial benefit as a result of, any action, or if there is potential for the appearance of conflict of interest, takes part in the official decision on the action. Questions about a potential conflict of interest should be discussed with the City Administrator.

Contractual Conflict of Interest: Minnesota Statute Section 471.87 (with certain exceptions): A public officer who is authorized to take part in any manner in making any sale, lease, or contract in an official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.

Non-Contractual Conflict of Interest: Non-contractual matters may include such things as Council decisions on zoning, local improvements, and the issuance of licenses. Although not generally prohibited by state law, an interested councilmember or board or commission member most likely should abstain from participating in the Council discussion and from voting on these issues.

Members who have an actual or potential conflict of interest must:

- Disclose the conflict of interest to the group, and
- Abstain from the official discussion, debate, and vote

This is only a general summary of these laws and obligations that apply to elected and appointed officials. Specific situations or questions should be referred to the City Administrator or City Attorney.

## Roles of Council, Staff, and Commissions

Councilmembers, staff, and board and commission members are all part of a team committed to serving the residents of Maple Plain both today and in the future. To be effective, members must come to meetings with an open mind, think strategically about City issues, and delegate details of implementation to staff. Councilmembers must strive to maintain a culture of trust, respect, and candor as a Council and when working with staff and boards/commissions.

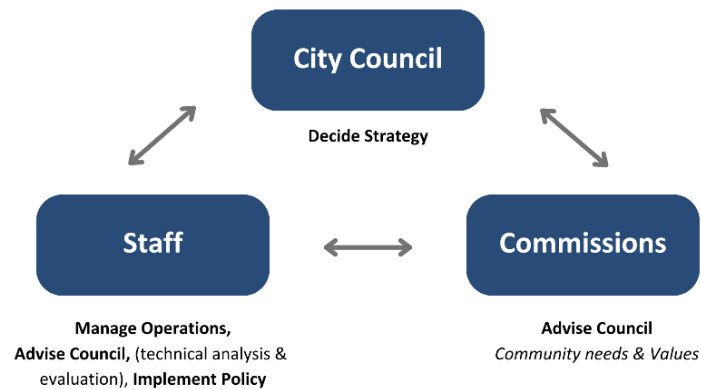


In order to facilitate smooth and efficient meetings, the City Council shall follow Robert's Rules of Order to govern the conduct of its meetings. Additionally, all members shall abide by the guidelines set forth in the Open Meeting Law, ensuring transparency, accountability, and public access to meetings and decisions.

(Open Meeting Law Refer to Appendix A)

(Robert's Rules of Order Refer to Appendix B)

Examples of decisions and actions for each role include the following:



#### City Council:

- Make policy-level decisions. Hire and Terminate Staff, Supervise the City Administrator.
- Approve:
  - Budget and work-related plan
  - Ordinances and policy decisions
  - Variances and rezoning requests
- Appoint representatives to advisory boards and commissions

#### City Administrator and Staff

- Provide ~~best efforts~~ professional and technical advice to the Council
- Manage operations and staff
- Propose budget and policies
- Carry out Council decisions
- Deliver services
- Equitably enforce codes and policies

#### Advisory Boards and Commissions

- Provide a community perspective
- Propose work plan items

- Advise the Council
- Hold hearings as directed by the Council
- Assist as directed in the work plan with engagement efforts

To act in accordance with the City's adopted values and in a manner that is productive for the body, the City Council adopts the following principles of respectful behavior that apply to all councilmembers and members of boards and commissions. These guidelines are provided to ensure each member's contributions are valued and through the collective contributions of all, the Council will operate most effectively. These guidelines are ideals and singular or occasional actions that are not consistent do not necessarily constitute a violation of this Code of Conduct, however, repeated and/or intentional violations of one or more of these principles may result in City Council action.

**Members ~~should~~ STRIVE TO shall strive to:**

- Treat people with courtesy, politeness, and kindness
- Encourage others to express their opinions and ideas
- Listen to what others have to say
- Use the ideas of others to improve decisions and outcomes
- Recognize and respect differences
- Prepare for the issues at hand (read the packet, ask questions prior to the meeting when you are able)
- Focus on the business of the body
- Consider only legally related information in decisions
- Act as a decision-maker, not an advocate

**Members ~~should~~ AVOID shall avoid:**

- Speaking over or cutting off another individual's comments
- Insulting, disparaging, or putting down people or their ideas
- Bullying other members by displaying a pattern of belittling, demeaning, judging or patronizing comments
- Violence or the threat of violence will not be tolerated
- Grandstanding – offering their political beliefs or world views unrelated to the matter at hand during discussions
- Distractions, such as cell phone use during meetings.

**Working with Staff:**

**City Council ~~DOES~~ shall:**

- Hire, fire, and supervise the City Administrator.
- Set the strategic direction for the city
- Consider and approve budget and related work plan, and monitor performance relative to those items
- Consider and approve policy decisions
- Consider and approve development proposals
- Consider and approve variances and rezoning requests

**City Council ~~DOES NOT~~ shall not:**

- ~~Direct~~ Individually direct the activities of staff, ~~other than the City Administrator~~
- Individually direct the activities of boards, commissions or other resident groups
- Individually approve policies, projects etc.
- Individually commit City resources or staff to specific causes
- Individually enforce policies, City Code, etc.
- Individually speak or prepare official correspondence on behalf of the City unless

- Appoint citizens to citizen advisory boards and commissions authorized by the City Administrator or City Council.
- Approve and amend work plans

Councilmembers must use the following guidelines working with City staff:

- Respect staff as valued resources and members of our team
- Support the maintenance of a positive and constructive workplace environment for City employees where individual councilmembers, City staff, and the public are free to express their ideas and work to their full potential
- Provide direction to the City Administrator as a body and not direct the work of individual staff members
- Encourage staff to focus on the big picture in reports
- When possible, notify the City Administrator in advance of a Council meeting of questions or requests to pull items from the consent agenda so the appropriate staff can compile the information needed
- Agree that the information they ask of the City Administrator will be shared equally with all councilmembers
- Copy the City Administrator on all communications with staff, including questions

### Working with Boards and Commissions

Maple Plain's boards and commissions are established by the City Council and serve as advisors to the Council. Specific board and commission roles are to:

- Investigate matters within the scope of the board or commission or as specifically directed by the Council
- Advise the Council by communicating the viewpoint or advice of the commission
- At the direction of the Council, hold hearings, receive evidence, conduct investigations, and, based on such hearings, evidence, and investigations, make decisions and recommendations to the Council

City Councilmembers shall use the following guidelines working with boards and commissions:

- View boards and commissions as vitally important resources to support ~~our~~ team decision-making
- Communicate effectively with boards and commissions to ensure they have the tools to ~~do~~ successfully conduct their work
- Give clear direction as a body and take adequate time to review the result of their deliberations
- Because of the value of the independent advice of boards, commissions, and task forces to the public decision-making process, members of the Council must refrain from using their position to influence the deliberations or outcomes of boards, commissions, and task force proceedings
- Councilmembers will attend board, commission, committee, working group, or task force meetings when appointed by the Council as a City Council Liaison. When councilmembers attend a meeting:

- They are primarily there to listen, observe, and communicate relevant information between the Council and the board or commission.
- They should strive for good communication by reporting to the full Council at the following regular City Council meeting.

### Working with the Community

**Residents.** City staff are the first call for help for its residents. Councilmembers should refer residents who have concerns to the City Administrator. If a resident has contacted the City Administrator but is still not satisfied, the councilmember should discuss it with the City Administrator. If a resident receives conflicting information from different councilmembers or staff, that ~~is difficult~~ complicates the situation for the resident and could increase liability for the City.

#### **Business or other interests:**

The purpose of a City Council meeting is to review the information needed to make decisions and vote on matters presented. It is not feasible to conduct all business in a public meeting. Particularly around development projects, business interests might ask a councilmember or commission member to meet outside of a formal meeting to facilitate idea generation about proposals.

The City Council's overarching principles for working with the community, applicable to councilmembers and board and commission members, include:

- Never grant special consideration, treatment, or advantage.
- Respect the sensitivity of personal information.
- Honor established rules regarding public testimony and communicate the rules.
- Make ourselves available to all parties on an equal basis and not advocate for a certain point of view.
- Be cautious about how we participate in meetings or events and not prejudge the issue before the Council has had a chance to deliberate.

These principles help ensure fairness, transparency, and integrity in the council's interactions with the community.

#### **Meeting requests by residents and businesses**

1. **AFTER DECISION:** If a councilmember is invited to a meeting about an issue the Council has decided upon, that member may explain how the Council arrived at that decision
2. **DURING DISCUSSION:** If a councilmember is invited to a meeting about an issue that will be before the Council in the future, the councilmember must uphold the above principles for working with the community, and:
  - a. Must not make a decision about an issue to come before the City Council until the process allows.
  - b. Must be sensitive to the fact that the councilmember is not hearing everyone and give equal consideration to all feedback regardless of the way it was received.
3. **DURING SPECIFIED ENGAGEMENT PROCESS:** If a councilmember meets with a resident during a planned engagement process, they must notify the resident that they are there to listen and



encourage them to participate through the established process to engage. The councilmember should ensure that staff receives any feedback provided by residents.

## Intergovernmental Relations

Members must represent positions approved by the City Council to the best of their ability when working with:

- Legislative bodies
- Federal or state agencies
- Other local governments, such as school boards or counties

If an individual councilmember's opinion differs from the City position or a matter agreed upon by the full Council, members must explicitly state that their opinion does not represent that of the City Council or the City of Maple Plain, nor should they make any inference to the contrary.

## Social Media Use

The term "social media" refers to forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. Some examples include, but are not limited to, internet-based platforms, such as Facebook, Instagram, X, and YouTube.

**Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page, for example:**

*"This account is intended for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent those of the City of Maple Plain. If you are a citizen of Maple Plain and would like to discuss city business, please go to [mapleplainmn.gov](http://mapleplainmn.gov) or contact me at [official email]."*

## Commenting on City Accounts

The City of Maple Plain uses social media to send and receive messages about City information, services, and related programs with community stakeholders, including employees, vendors, citizens, media, and other members of the public.

- Similar to others who engage with the city on social media, as an elected or appointed official you should understand the City's current guidelines for public participation, which are subject to change as new technology and tools emerge.
- Public comments may be removed from City-administered social media accounts if they contain any one or more of the following:
  - Vulgar, physically threatening, or harassing language
  - Content that promotes, fosters, or perpetuates discrimination based on race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, or other protected status under applicable law

- Inappropriate sexual content or similar links
- Private or otherwise confidential information
- Content that promotes illegal activity or encourages actions that may compromise public safety
- Content that violates a copyright or other legal ownership interest of any other party
- Comments not topically related to the original article or post
- Comments in support of or opposition to political candidates, campaigns, or ballot measures during an election season
- Promoting or advertising a commercial transaction, organization, or event that is not sponsored or in direct relationship with the City
- Organized political activity
- Information that may compromise the safety or security of the public or public systems

### Use of Personal Accounts

As a policy-making body, councilmembers are given more latitude than City employees to publicly express thoughts and opinions on local issues. However, as an elected official, you should be aware of additional risks related to your general participation on social media.

**Open Meeting Law.** (Reference available in Appendix A) Communications between a quorum of councilmembers about public business, no matter the forum or time, can constitute a “meeting” to which the Open Meeting Law applies.

Therefore, you should consider the following when using personal social media accounts:

- Remove elected titles from profiles used to identify a personal social media account, and clearly state how constituents should communicate regarding public matters
- Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page, for example:

*“This account is intended for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent those of the City of Maple Plain. If you are a citizen of Maple Plain and would like to discuss city business, please go to [mapleplainmn.gov](http://mapleplainmn.gov) or contact me at [official email].”*

- Redirect information to official government sources and avoid making posts related to your official duties or governmental bodies
- Redirect political dialogue requests to an alternative means of communication (i.e. email, phone, or other preferred social media account).
- Avoid commenting on local issues where other councilmembers are also participating in discussion
- Avoid making posts and/or comments on behalf of the City and/or the City Council



- Avoid making posts and/or comments in your official capacity as an elected or appointed official
- Avoid making posts and/or comments regarding City business

**Minnesota Government Data Practices Act.** State law defines “government data”, potentially subject to public disclosure, as all data collected, created, received, maintained, or disseminated by any government entity, regardless of its physical form, storage media, or conditions of use. Government data includes email, internet posting, text messages, instant messages, and other electronic communications

Therefore, you should consider the following:

- Hide, rather than delete, clearly inappropriate public comments on your personal or official social media account, if possible. In some cases, these comments may still be subject to verification or public disclosure in the future. When in doubt, don’t delete it.
- Avoid responding to inappropriate comments or personal attacks on social media. If the commenter persists, redirect them to an alternate method of communication (i.e. email)
- Be aware that personal social media accounts, depending on its content, may still be subject to the Data Practices Act.

**First Amendment.** More constituents are posting comments on elected official’s personal pages to voice concerns on public issues. Once an elected official’s social media page is opened for political discussion, it is likely transformed into a public forum for speech and debate, instantly granting every user a First Amendment right to comment.

Therefore, you should consider the following:

- Limit open-ended political and City business discussions from your personal social media accounts and redirect dialogue requests to an alternate channel
- When in doubt, don’t block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and then document your actions and reasons for blocking

#### **Posting or commenting on Non-City Public Accounts**

Elected officials may also wish to post or comment on public social media accounts maintained by outside individuals or groups. Because it is more difficult to distinguish whether you are posting your official capacity as a councilmember or as a private citizen in this scenario, you should recognize that your comments or posts may be seen as actions taken on behalf of the City or in your capacity as a City official.

Therefore, in addition to complying with the guidelines above for the use of personal accounts, councilmembers should avoid posting or commenting on any of the following content on public social media groups or accounts that are not sponsored by the City:

- Vulgar, physically threatening, or harassing language, or inappropriate sexual content or links
- Content that promotes fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, or other protected status under applicable law



- Private or otherwise confidential information
- Information that may compromise the safety or security of the public or public systems

### Use of Official Accounts

If you choose to create a social media account to engage with constituents, the best practice is to keep this account distinct and separate from other personal accounts that you maintain.

Elected officials increasingly use social media for reelection purposes as well. However, mixing campaign and constituent communications from the same account could put you at risk for violating laws that prohibit using government resources for political purposes.

Therefore, you should consider the following:

- Make it official – Your account profile, descriptions, and photo should clearly indicate your position as a member of the Maple Plain City Council and your intent to use the account as a way of communicating with constituents
- Your account is a public forum – Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on the content you publish. It also means that any speech restrictions or censorship is subject to strict scrutiny, and First Amendment activities generally may not be prohibited. So, when in doubt, don't delete it
- Prohibited content is defined by City policy – For consistency, consider managing prohibited content on your accounts in the same way City-administered accounts are managed
- Campaign separately – Councilmembers in office should not use City administered or funded social media accounts for electioneering. It's equivalent to campaigning from the dais during a public meeting, which may violate state law
- Seek guidance – If you are unsure about publishing certain content, or feel you are justified in the removal of content, involve the City Administrator and/or the City Attorney before making a decision

### Violation of Policy

This policy is not meant to circumvent or bypass any of the other processes, policies, or laws that apply to the City Council. Social media activity and conduct by Council members should not only comply with these policy terms but all other processes, policies, and laws that may apply as well.



## EMPLOYEE HANDBOOK

Revisions Approved:

October 26, 2020  
March 28, 2022  
October 24, 2022  
March 27, 2023  
June 26, 2023  
September 23, 2024  
April 29, 2025

Originally Created: January 1981

*[This page intentionally left blank.]*

# TABLE OF CONTENTS

1	Introduction	4
2	Citywide Work Rules & Code of Conduct	7
3	Employee Recruitment & Selection	10
4	Performance Reviews	12
5	Organization & Classifications	13
6	Hours of Work & Compensation	14
7	Benefits & Leave	18
8	Safety, Workers' Compensation & Return to Work	30
9	Respectful Workplace	33
10	Separation From Service	38
11	Discipline	38
12	Appeal Procedure	41
13	Employee Education, Training & Travel	42
14	Outside Employment	47
15	Drug Free Workplace	48
16	City Driving Policy	48
17	Technology Policy	49
18	Fire Department Membership	54

## Appendices

A	Drug and Alcohol Testing for Commercial Drivers Policy
B	Maple Plain Fire Department Compensation Schedule

# 1. INTRODUCTION

## Purpose

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Maple Plain. They should not be construed as contract terms. The 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 Council. These policies supersede all previous personnel policies. Appendices A and B are incorporated in and made a part of this document. In the event of inconsistency between the Appendices and this document, the Appendices shall control.

Except as otherwise prohibited by law, the City of Maple Plain 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.

## Scope

These policies apply to all employees of the City. Applicability to the following employment classifications are noted at the beginning of each section or sub-section. Employment classifications include:

- \* Elected
- \* Volunteer
- \* City Administrator
- \* Regular Employees
- \* Part-Time Employees
- \* Temporary Employees
- \* Firefighters

If a section or subsection applies to all categories, the term “All” shall be used. If any specific provisions of these personnel policies conflict with any employment agreement conditions of that agreement shall prevail. Any policy, or portion thereof, that does not conflict with an employment agreement, will remain in full force and effect and will continue to govern the actions of all covered employees. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

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. Employee shall receive a copy of such work rules upon hiring. The immediate supervisor shall explain and discuss enforcement of those rules with the employee.

Elected officials are subject to State law as described, for example, in the League of Minnesota Cities Council Handbook.



## **Employment Classifications**

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the City Administrator.

### Elected

Persons elected by the citizens of Maple Plain or appointed by the City Council to serve as Mayor or City Councilmember.

### Volunteer

Persons, including those serving on citizen advisory boards, commissions and other task-oriented groups organized by the City Council, who participate, coordinate and/or organize City-sponsored meetings, functions, and events without compensation. Volunteers must follow the parameters of the City's employment policies. They are not eligible for City benefits or leave.

### Regular Employees (Full Time)

Employment expected to exceed more than nine (9) months in duration. Regular employees work a minimum of 40 hours per week and are entitled to benefits and accrual of benefits from the initial day of employment, as described in those respective policy sections. Newly hired, promoted and re-hired employees shall serve a six (6) month probationary period. Continued employment is at the sole discretion of the employer.

### Part Time Employees

Employees performing regular, but limited, duties for the City continually for more than (6) months and for less than 40 hours per week on average are considered part-time. Such employees are not eligible for City benefits or leave considerations, except for Earned Sick and Safe Time as provided in Section 7. Work schedules are determined by the City Administrator.

### Temporary Employees

Persons hired for specific jobs, projects or period of time of less than six (6) months are considered temporary. Temporary employees are not eligible for City benefits or leave considerations, except for Earned Sick and Safe Time as provided in Section 7. Employees included in this classification include, but are not limited to, interns, seasonal parks or public works employees, etc.

### Fire Fighters

Employees of the Maple Plain Fire Department. Refer to the Fire Department's Standard Operating Guidelines for more information. The probationary period for a new paid on-call fire fighter is the later of one (1) year from the date of hire or until receiving Firefighter I and Firefighter II certification. Continued employment is at the sole discretion of the employer.

## **Equal Employment Opportunity Statement**

The City of Maple Plain is committed to providing equal opportunity in all areas of employment, including but not limited to hiring, demotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training.

The City shall not discriminate against any employee or job applicant on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs, and twists), color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, disability, age, marital status, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

## **Data Practices Advisory**

Employee records are maintained in a location designated by the City Administrator. Personnel data is kept in personnel files, finance files, and benefit/medical files. Information is used for, but not limited to the following: administer employee salary and benefit programs, process payroll, complete state and federal reports, and document employee performance.

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.

## **Media Contact**

Formal news releases concerning municipal affairs are the responsibility of the City Administrator. All media interviews must be approved by the City Administrator before the interview. All contacts with the media should be reported to the City Administrator as soon as practicable. The Chief of Police and Fire Chief shall handle all media contact and inquiries regarding public safety and emergency matters in consultation with the City Administrator.

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

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

## **Accepting Gifts**

The City of Maple Plain prohibits an interested person from giving a gift or requesting another to give a gift to a local official. A local official may not accept a gift from an interested person.

An “interested person” means a person or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

A “local official” means all members of the city council, appointed boards, commissions, committees, City Administrator, city staff, and contracted positions, such as the City Attorney, City Engineer, City Planner or other positions where a person is representing the City.

A “gift” means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

A local official shall not solicit or accept from any person, business, or organization any gift for themselves or for the benefit of the City or Department if it may reasonably be inferred that the person, business, or organization:

- Seeks to influence action of an official nature, or seeks to affect the performance or non-performance of an official duty; or
- Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

The above prohibitions shall not apply to gifts that are exceptions under Minn. Stat. §471.895, subd. 3.

## 2. CITYWIDE WORK RULES & CODE OF CONDUCT

### **Applicable employment classifications: All**

#### **Conduct as a City Employee**

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Maple Plain. Employees should exhibit conduct that is ethical, professional, responsive and of standards becoming of a City employee.

To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors. The following are job requirements for City of Maple Plain employees.

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as those of their departments.
- Conduct themselves with decorum 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.

## **Attendance & Absence**

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

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

The employee must contact 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 three (3) 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 if extenuating circumstances warranted such behavior.

Councilmembers are subject to the requirements of State law pertaining to extended absences, vacancies and abandonment of office as referenced in the League of Minnesota Cities Handbook.

## **Access to and Use of City Property**

Employees may have access to keys, cell phones, pagers, tools, and other equipment necessary to perform the duties of their positions. All equipment made available to an employee is the property of the City of Maple Plain. Access to and use of these items is considered a privilege, which may be revoked if abused. Employees are responsible for the safekeeping and care of all such equipment. Prior to receiving a final paycheck from the City all such equipment must be returned and accounted for by any employee leaving City employment.

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.

## **Appearance**

Personal appearance should be appropriate to the nature of the work, and contacts with other people and should present a professional look and positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace.

## **Conflict of Interest**

City employees, elected officials, consultants, members of appointed boards and commissions, volunteers and paid on-call firefighters shall remove themselves from situations in which they would have to take action or make a decision where that action or decision could be an actual conflict of interest.

Elected or Appointed City Council members may not concurrently hold a position as a regular, full-time, temporary, paid on-call fire fighter, or consultant position. Employees with questions about whether such a conflict exists should consult the City Administrator.

### **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 may be subject to immediate disciplinary action up to and including termination and or potential criminal prosecution.

### **Personal Telephone Calls**

Personal telephone calls are to be made or received only when truly necessary. They are not to interfere with City work and are to be completed as quickly as possible. Please refer to the Cell Phone Policy for information on use of cellular phones.

### **Political Activity**

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, during hours of employment, no City employee will directly or indirectly engage in political activities, including but not limited campaigning on behalf of local, state, or federal candidates for office, solicit or receive funds for political purposes, etc.

Employees must always be cognizant of their position with the City when engaged in political activities. This is to avoid conflict of interest, perception of bias and to refrain from being a representative of the City on political positions or for candidates.

Elected officials are subject to State law pertaining to political activities as referenced in the League of Minnesota Cities Handbook.

### **Tobacco, Alcohol, and Cannabis Free Workplace**

All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or cannabis flower, use cannabis product, use lower-potency hemp edible, or use smokeless tobacco and hemp derived consumer products while in a City facility, vehicle, or equipment. No person or employee shall smoke or use a tobacco product within 50-feet of any public facility.

Smoking of any kind, including pipes, cigars, cigarettes, cannabis products, or hemp-

derived consumer products, and vaping with e-cigarettes; the use of chewing tobacco and consumption of or being under the influence of alcohol or cannabis or hemp-derived consumer products is prohibited for employees while on duty. Possession of tobacco, alcohol, cannabis, hemp-derived consumer products or non-prescribed drugs is also prohibited on City property.

No employee, including elected officials, consultants, members of appointed boards and commissions, volunteers and paid-on call firefighters, shall operate equipment or engage in work activities or City functions while under the influence of alcohol, cannabis products, or hemp-derived consumer products, non-prescribed drugs, and or prescribed drugs taken outside the directives of a licensed medical professional.

See Section 15 – Drug Free Workplace regulating drugs in the workplace.

### **3. EMPLOYEE RECRUITMENT & SELECTION**

**Applicable employment classifications:** Regular Employees, Part-Time Employees, Volunteer and Fire Fighters

#### **Scope**

The City Administrator will manage the hiring process for all positions within the City. All positions shall be posted. The City Council approves all hires to City employment as recommended by the City Administrator. All hires will be made according to merits of the position being filled.

#### **Features of the Recruitment System**

Interested persons must submit applications for city employment on application forms provided by the City. Other materials (e.g., resumes) may be accepted in lieu of a formal application in certain recruitment situations. Supplemental questionnaires may also 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. The City Administrator may extend the deadline as needed to obtain more quality candidates for a position.

The City Council may fill position vacancies on an “acting” basis as needed. The Council shall determine pay rate adjustments, if necessary.

#### **Applicant Evaluations**

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 (for specific jobs), or another appropriate job-related exam.

The City Council will establish minimum qualifications for each position with input from the City Administrator. In the event of a vacancy within the Fire Department, the Fire Chief shall review applications and recommend to the City Administrator applicants to

be hired as fire fighters. To be eligible to participate in the selection process, a candidate for any position must meet the minimum qualifications. All final candidates must be approved by the City Council.

### **Pre-Employment Medical Exams**

A pre-employment medical examination is required of all firefighters interested in vacant Fire Department position. The City reserves the right to also require a psychological evaluation. The City Administrator may determine that a pre-employment medical examination and/or psychological evaluation are also required when considering employment for other position vacancies.

Medical examinations and/or psychological evaluations are necessary to determine fitness to perform the essential functions of the position. When a pre-employment medical exam is required, it shall be required of all firefighters receiving employment offers. All firefighters must successfully complete examinations in order to receive consideration for employment. Information obtained from the medical exam will be treated as confidential medical records.

The medical and/or psychological exam will be conducted by a licensed physician or psychologist or psychiatrist designated by the City with the cost of the exam paid by the City. The provider will notify the City Administrator 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 drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Administrator will confer with the provider and candidate regarding reasonable and acceptable accommodations. In the event of a fire fighter position, this information shall also be shared with the Fire Chief.

Candidates rejected for employment based on the results of the medical and/or psychological exam will be notified of this determination.

### **Selection Process**

The selection process for filling position vacancies shall be coordinated by the City Administrator and respective Department heads, as appropriate. The City Council shall have final approval of all candidates selected for City employment.

The process for hiring seasonal and temporary employees is delegated to the City Administrator with each hire subject to final City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the City Administrator at any time, subject to City Council approval.

The City Administrator shall oversee the process for filling the Fire Chief and two Assistant Fire Chief positions within the Fire Department. The selection process of the Fire Chief and two Assistant Chief positions shall be conducted according to this policy and Chapter Five, Section 5.1 of the Fire Department Standard Operating Guidelines (SOGs).

The Fire Chief shall recommend appointment of other Department officers according to the Department's Standard Operating Guidelines, Chapter 5.1. Those positions include: Lieutenant(s), Captain(s), and Training Officer as outlined in the SOGs.

All recommendations are subject to the review and approval of the City Administrator and the City Council.

## **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. All employees of the City, except for City Councilmembers, are at-will employees.

## **Training Period**

The training, or probationary, period is an integral part of the selection process and will be used for the purpose of observing the employee's work and for training the employee in work expectations. Training periods apply to new hires, promotions, and re-hires. Training periods are 6 months in duration unless expressly otherwise provided for herein.

## **Fire Relief Association Membership**

Any regular active member of the Maple Plain Fire Department is eligible to apply for membership to the Fire Relief Association, see Fire Relief Bylaws for more information.

## **4. PERFORMANCE REVIEWS**

**Applicable employment classifications:** Regular Employees, Part Time Employees, Temporary Employees and Fire Fighters

The City Administrator shall use an objective performance review system for the purpose of annually evaluating the performance of all City employees, including the Fire Chief. The Fire Chief is responsible for conducting annual performance reviews for all paid on-call fire fighters, Assistant Chiefs and department officers. The Fire Chief shall collaborate with the City Administrator to ensure reviews are done timely and in accordance with City policy. The quality of an employee's past performance is considered in personnel decisions such as promotions, demotions, terminations and, where applicable, salary adjustments.

Performance reviews will be discussed with the employee. An employee does not have the right to change or challenge his/her performance review but may submit a written response which will be attached to the performance review.

Performance reviews are done annually. The form, with all required signatures, will be



retained as part of the employee's personnel file. During the training, or probationary, period, informal performance meetings should occur frequently between the City Administrator, or designee, and the employee.

Signing of the performance review document by the employee acknowledges that the review has been discussed and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

## 5. ORGANIZATION & CLASSIFICATIONS

**Applicable employment classifications:** Regular Employees, Part Time Employees, Temporary Employees, and Fire Fighters

### Job Descriptions

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.

Job descriptions shall include: position title, department, supervisor's title, FLSA status (exempt or nonexempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. Attendance and compliance with work rules and policies are essential functions of all City positions.

Prior to positing a vacancy notice, the City Administrator shall review job descriptions to ensure each job description accurately reflects the position and job qualifications. The Administrator shall present changes to those job descriptions, if necessary, to the City Council for approval.

### Assigning and Scheduling Work

Work duties assignments and scheduling work is subject to the approval of the City Administrator. The Fire Chief shall oversee work duty assignments and scheduling work for Fire Department staff.

### Employment Classifications

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the City Administrator and are more fully described in the Introduction section.

### Layoff

If it becomes necessary to reduce personnel, the City Council has discretion to determine which employees are subject to that reduction. The City Council may retain an employee in a probationary period if that employee/position is deemed essential to

City operations.

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.

## **6. HOURS OF WORK & COMPENSATION**

**Applicable employment classifications:** Regular Employees, Part Time Employees, and Temporary Employees

### **WORK HOURS**

Work schedules for employees shall be established by the City Administrator with input from City employees.

### **Meal Breaks and Rest Periods**

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

### **Adverse Weather Conditions**

City facilities will generally be open during adverse weather. Any and all decisions to close City facilities or cancel City programs (i.e. public meetings, special events, etc.) will be made by the Mayor and City Administrator.

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, personal time, or compensatory time, with the approval of the City Administrator. The City Administrator may also allow the employee to modify the work schedule or make other reasonable schedule adjustments.

Public Works employees will generally be required to report to work regardless of conditions, unless instructed otherwise by the City Administrator.

### **COMPENSATION**

Compensation shall be designated as salaried or hourly. Employees will not receive any amount from the City in addition to the pay authorized unless approved by the City Council. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

Compensation for seasonal and temporary employees will be set by the City Council at

the time of hire, or on an annual basis. Compensation for Fire Department employees are outlined in the Department's Standard Operating Guidelines.

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, discipline, penalize, interfere with, or otherwise retaliate or discriminate 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) 284-5075 or (800) 342-5354.

## **Paychecks**

The pay periods for Regular, Part Time, and Temporary Employees are biweekly beginning on Saturday at 12:01 a.m. and ending at 11:59 p.m. on Friday. Paychecks are issued no later than the Thursday following the end of the pay period.

Elected officials are paid monthly, with pay periods beginning on the first of each month and ending on the last day of each month. Paychecks are issued no later than 5 business days following the end of the pay period.

Fire Department employees (Paid on Call) receive paychecks quarterly. The Fire Chief shall submit department timecards within 10 days of the end of the quarter, and paychecks will be issued no later than the 15<sup>th</sup> of the month.

When a payday falls on a holiday, or weekend, checks may be issued the day before the holiday.

Paychecks will not be given to anyone other than the employees for whom they were prepared unless the employee has notified the City Administrator in writing authorizing someone else to collect the check.

Employees are responsible for notifying the City Administrator of any change in status including changes in address, phone number, names of beneficiaries, and any tax

information changes.

Employees must sign up for Direct Deposit. Check stubs will be mailed or emailed to the employee. Employees who do not opt for direct deposit must pick up checks from City Hall during office hours.

Full-time, non-exempt employees are expected to work the number of hours as according to their job description and 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 Act, hours worked, and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a biweekly basis. Employees required to report hours worked are required to complete, sign, and turn in a biweekly timecard to the City Administrator for review and approval. Employees must have a completed and signed timecard in order to receive a paycheck. Timecards for Bi-Weekly and Monthly pay periods must be submitted by 12:00 pm on the first business day following the end of the pay period or risk being excluded from the payroll processing.

The City Administrator must complete a utilization sheet and have the Mayor sign off on each pay period and for any time requested off City Administrator shall notify the Council of any extended vacations or sick leave in advance.

Falsification or misrepresentation of hours worked may result in disciplinary action, which may include termination of employment.

### **Overtime & Compensatory Time**

The City of Maple Plain has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. In general, only non-exempt, or hourly employees working a minimum of 40 hours per week, in the City of Maple Plain are eligible for overtime.

Compensation for all overtime-eligible employees is at a rate of time and one-half (1.5) for all hours worked over 40 in one workweek. Employees must complete a 40-hour work week before receiving overtime compensation. Vacation, sick leave, and paid holidays do not count toward "hours worked." Absent City Administrator approval, the City of Maple Plain does not offer compensatory time in lieu of overtime.

Employees shall notify the City Administrator in advance of all known overtime, unless otherwise directed by the City Administrator. Notification is not required for responding to water or sewer main breaks, snowplowing, or City emergencies. The City Administrator reserves the right to adjust employee schedules accordingly to manage overtime compensation. Employees are not authorized to work at home without the prior written approval of the City Administrator.

Hourly employees scheduled to work or called to work on weekends, holidays, or emergencies will be paid at the applicable rates for those hours actually worked. The City Administrator has the discretion to adjust employee to work schedules in lieu of overtime. Employees shall be notified in advance of such adjustments. An employee may also request a work schedule adjustment in lieu of receiving overtime.

Exempt employees are expected to work the hours necessary to meet the performance expectations. Generally, to meet these expectations, and for reasons of public accountancy, an exempt employee may need to work more than 40 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.

All employees are required to work overtime as requested by the City Administrator. Refusal to work overtime may result in disciplinary action. Efforts will be made to balance the personal needs of all employees when assigning overtime work.

## **Differential Pay**

### **Applicable employment classifications: Regular Employees**

One Public Works employee is expected to be on-call during weekends and holidays and shall receive Differential pay. Differential Pay shall equal the value of two (2) hours of regular pay for Friday evenings and four (4) hours of regular pay for Saturdays, Sundays and holidays. Differential pay shall compensate the on-call employee for time spent on call and for up to 5 hours of overtime which may be necessary during the weekend and an additional 2 hours of overtime which may be necessary during each holiday. Differential pay shall be paid in full to the on-call employee whether or not the employee is required to report for duty during a weekend or holiday and regardless of the actual number of hours worked.

The on-call employee shall track all hours worked during weekends and holidays. The on-call employee shall report for duty as necessary during weekends and holidays but shall not exceed 5 hours worked during a weekend or 2 hours worked during a holiday unless the on-call employee obtains permission in advance to exceed these limits from the City Administrator. All authorized hours in which the employee reports for duty to work beyond the 5 weekend hours and 2 holiday hours contemplated in this section shall be counted as overtime hours worked, and the on-call employee shall be compensated for such time worked at the overtime rate.

## **Upon Leaving Employment Pay**

Benefit-eligible employees leaving the City in good standing will be paid accrued, unused vacation, earned through the last date of employment, subject to applicable caps noted herein (and applicable taxes and other withholdings) following termination of employment, will receive 100% of their earned but unused vacation leave balance as compensation; applicable taxes are withheld.

Employees shall not be paid accrued, unused sick time following termination of employment.

## 7. BENEFITS & LEAVE

### BENEFITS

#### Applicable employment classifications: Regular Employees

#### Health, Dental & Life Insurance

The City offers health, dental and life insurance benefits to eligible employees. Benefits shall be established annually during the budget process and approved by motion of the Council. Benefits shall only remain in effect throughout the employee’s service with the City.

Additional insurance policies offered by the City, including long-term disability, supplemental life insurance, etc., are optional to employees. These optional coverages are the sole responsibility of the employees and are deductible from employee paychecks pre-tax.

#### Retirement

The City participates in the Public Employees Retirement Fund (PERA) to provide pension benefits for its eligible employees. The City and employees contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the City matches the employee’s Social Security and Medicare withholding).

The City and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the City matches the employee’s Social Security and Medicare withholding for many employees). For information about PERA eligibility and contribution requirements, contact the City Administrator.

#### Holidays

The City observes the following official holidays for all permanent employees.

New Year’s Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Presidents’ Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve- ½ Day Paid	December 24
Christmas Day	December 25

In the event that a holiday falls on a Saturday, the holiday shall be “observed” on the preceding Friday. For a holiday falling on a Sunday, the following Monday shall be the observed holiday. The City Administrator may interpret and adjust observed holidays when dates do not line up as intended, such as Christmas Day.

Only Regular employees are eligible for holiday pay. Regular employees shall receive pay for official holidays at their normal straight time rates. An employee on a leave of absence without pay from a City is not eligible for holiday pay. Employees must be on the City payroll during the holiday in order to receive holiday pay. Employees wanting to observe holidays other than those officially observed by the City may request either vacation leave, use of sick leave, or unpaid leave for time off.

## **COUNCIL MEETING PAY**

### **Applicable employment classifications: Elected**

The Mayor and City Council receive a monthly stipend for their work preparing for and attending regular business meetings. They also receive additional compensation for various meetings/events where they represent the City of Maple Plain in an official capacity.

Special meetings where the Mayor and City Council receive additional compensation are as follows:

- Council Workshops
- Special Meetings
- Public Hearings
- Commissions, task forces, committees where the mayor or council members are appointed to serve as the official city representative and approved by City Council on the Council Appointments list. Council shall adopt the Council Appointments list annually, and may amend it from time to time as needed.
- Training sessions approved by the City Council and budgeted in advance (e.g., League of MN training activities)

The following types of meetings are not typically reimbursed, unless approved in the aforementioned Council Appointments, including:

- 1:1 meetings with city administrator or staff
- 1:1 or group meetings with residents or businesses
- Professional association meetings
- Meetings with consultants, contractors, or staff unless part of meetings defined above
- Meetings or briefings with elected officials or government agencies
- Service projects by local organizations
- Ribbon cutting ceremonies
- Emergency management activities and events
- Any activity that may be considered campaigning

## LEAVE

**Applicable** employment classifications: Regular Employees, Part Time Employees, Temporary Employees, and Firefighters

Depending on an employee’s situation, more than one form of leave may apply during the same period (e.g., the Family and Medical Leave Act may apply during a worker’s compensation absence). An employee will need to meet the requirements of each form of leave separately. Leave requests are evaluated on a case-by-case basis.

Except as otherwise states, 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.

### Earned Sick And Safe Time

**Applicable Employment Classification:** All eligible employees, except Elected and Fire Fighters.

#### *Eligibility*

Effective January 1, 2024, Earned Sick and Safe Leave is required by the City to provide paid leave benefits to all eligible employees. Employees who earn leave under this policy may use such leave as provide for below.

#### *Provisions*

Earned Sick and Safe Leave is paid time off earned at one hour of Earned Sick and Safe for every 30 hours worked by an employee, up to a maximum of 48 hours of sick and safe leave per year. The hourly rate of Earned Sick and Safe Leave is the same hourly rate an employee earns from employment with the City. This specific leave applies to all employees (including temporary and part-time employees) performing work for at least 80 hours in a year for the City. Earned Sick and Safe Leave cannot be transferred from one employee to another.

Regular Employees only will accumulate Earned Sick and Safe Leave at a rate of one (1) day per month, prorated based on a Full-Time Equivalent (FTE, or 40 hours per week). Prorated Earned Sick and Safe Leave accrual per pay period is calculated as the number of paid hours (except overtime) divided by eighty (80) hours multiplied by the accrual rate (3.69 hours per pay period). Earned Sick and Safe Leave may accumulate annually up to 120 hours maximum.

#### *Use for Earned Sick and Safe Leave Purposes*

The leave may be used as it is accrued in the smallest increment of time tracked by the city’s payroll system in 15-minute increments for the following circumstances:

- An employee’s own:
  - Mental or physical illness, injury or other health condition



- Need for medical diagnosis, care or treatment, of a mental or physical illness
- injury or health condition
- Need for preventative care
- Closure of the employee's place of business due to weather or other public emergency
- The employee's inability to work or telework because the employee is prohibited from working by the city due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.
- Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
  - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
  - Obtain services from a victim services organization
  - Obtain psychological or other counseling
  - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
  - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- Care of a family member:
  - With mental or physical illness, injury or other health condition Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition Who needs preventative medical or health care Whose school or place of care has been closed due to weather or other public emergency When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
  - Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:
    - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
    - Obtain services from a victim services organization
    - Obtain psychological or other counseling
    - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
    - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking

**Use** for Earned Sick and Safe Leave purposes, family member includes an employee's:

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

### ***Advance Notice for use of Earned Sick and Safe Leave***

If the need for sick and safe leave is foreseeable, the City requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Earned Sick and Safe time as soon as practicable. When an employee uses Earned Sick and Safe time for more than three consecutive days, the City may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Leave for a qualifying purpose. The City will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. In accordance with state law, the City will not require an employee using Earned Sick and Safe leave to find a replacement worker to cover the hours the employee will be absent.

### ***Carry Over of Earned Sick and Safe Leave***

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

### ***Retaliation prohibited***

The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Leave rights, requesting an Earned Sick and Safe Leave absence, or pursuing remedies. Further, use of

Earned Sick and Safe Leave will not be factored into any attendance point system the City may use. Additionally, it is unlawful to report or threaten to report a person or a family member’s immigration status for exercising a right under Earned Sick and Safe Leave.

**Benefits and return to work protections**

During an employee’s use of Earned Sick and Safe Leave, an employee will continue to receive the City’s employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

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

The employee shall notify the City Administrator, and shall provide a written notice from a physician, of any illness or injury affecting an employee’s ability to return to work and safely perform the essential functions with or without reasonable accommodations. 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.

When there is a separation from employment with the City and the employee is rehired again within 180 days of separation, previously accrued Earned Sick and Safe Leave that had not been used will be reinstated. An employee is entitled to use and accrue Earned Sick and Safe Leave at the commencement of reemployment.

**Vacation Leave**

**Applicable employment classifications: Regular Employees**

Regular Employees will earn vacation leave in accordance with the schedule below. Years of continuous service shall determine an employee’s vacation accrual rate. Employees rehired after terminating City employee will not receive credit for their prior service unless specifically negotiated at the time of hire. Accrual rates shall be prorated based on a Full Time Equivalent (FTE, or 40 hours per week). Prorated vacation leave accruals per pay period are calculated as the number of hours of paid service (except overtime) divided by eighty (80) hours and multiplied by the employee’s rate of accrual.

Vacation Leave Schedule

Length of Service	Hours Per Payroll Period	Annual Accrual
0-2 Years	3.08	80 Hours
3-10 Years	4.62	120 Hours
11+ Years	6.15	160 Hours

## Accrual

Regular Employees start accruing vacation from their hire date. Annual accrual rates shall be adjusted on an employee's date of hire anniversary. The adjustment shall take place during the current payroll period. Employees may accumulate no more than 160 hours (20 days) of accrued vacation leave annually. Vacation earned in excess of said maximum limits shall be used or forfeited.

Compensation for accrued vacation leave may only be provided upon separation from City employment. An employee who separates, or is released, from City employment prior to the completion of required training or a probationary period shall not receive compensation for accrued vacation leave.

## Use

Vacation leave may be used as it is earned and is subject to approval by the City Administrator. An employee on probationary or extended probationary status is not eligible to use accrued vacation leave. Requests for vacation leave must be received at least forty-eight (48) hours in advance of the requested time off. This notice may be waived at the discretion of the supervisor and City Administrator.

Hourly employees can request vacation in increments as small as one-quarter ( $\frac{1}{4}$ ) hour up to the total amount of the accrued leave balance. Exempt salary employees can request vacation in four (4) hour increments (e.g., a half day or full day) up to the total amount of accrued leave balance. Vacation leave may not be transferred to another employee.

## **Funeral Leave**

**Applicable employment classifications: Regular Employees.**

Employees will be permitted to use up to three (3) consecutive working days, with pay, as Funeral Leave upon the death of an immediate family member, which includes brother, sister, father, mother, daughter, son, grandfather, grandmother, and step brother, step sister, step father, step mother, step daughter and step son. This paid leave will not be deducted from the employee's vacation or sick leave balance.

The actual amount of time off, and Funeral Leave approved, will be determined by the City Administrator depending on individual circumstances (i.e. closeness of the relative, arrangements to be made, distance to the funeral, etc.).

## **Military Leave**

**Applicable employment classifications: Regular Employees**

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding

a total of fifteen (15) days in any calendar year. The leave of absence is only in the event the employee returns to employment with the City as required upon being relieved from service or is prevented from returning by physical or mental disability or other cause not the fault of the employee or is required by the proper authority to continue in military service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five (5) years.

Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. Employees that have not yet exhausted their fifteen (15) days of paid leave when called to active duty may use the remaining unpaid time prior to the unpaid leave of absence.

Employees returning from military service will be re-employed in the job they would have attained had they not been absent for military service, and with the same seniority, statues and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

Employees will be granted up to ten (10) working days of unpaid leave whose immediate family member (defined as a person's parent, child, grandparents, siblings or spouse) is a member of the United States armed forces who has been injured or killed while engaged in active service. The ten (10) days may be reduced if an employee elects to use appropriate accrued paid leave.

The City will grant employees an unpaid leave of absence for time spent serving as a member of the Civil Air Patrol upon request and authority of the State or any of its political subdivisions, unless the absence would unduly disrupt the operations of the City. Employees may choose to use vacation while on Civil Air Patrol Leave but are not required to do so.

## **Jury Duty**

### **Applicable employment classifications: Regular Employees**

Eligible employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation (excluding mile and meal reimbursement) they receive for jury duty, to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

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

Employees are required to notify the City Administrator 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 complete by the Clerk of Court, so the City will be able to determine the amount of compensation due for the period involved.

All other employees are generally not eligible for compensation for absences due to jury duty but can take a leave of absence without pay subject to City Administrator approval.

Employees are expected to return to work when not required in court.

## **Court Appearances**

### **Applicable employment classifications: Regular Employees**

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

## **Victim or Witness Leave**

### **Applicable employment classifications: Regular Employees**

An employee who is a witness and is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony will be granted unpaid leave to attend criminal proceedings.

A victim of a violent crime, as well as the victim's spouse or immediate family member (immediate family members include parents, child, or siblings of the employee) will be granted reasonable unpaid leave to attend criminal proceedings related to the victim's case. An employee must give 48 hours advance notice to the City of their need to be absent unless it is impracticable or an emergency prevents them from doing so.

The City may request verification that supports the employee's reason for being absent from the workplace.

## **Unpaid Leave**

### **Applicable employment classifications: All**

Unpaid leaves may be approved in accordance with the City personnel policies. Employees must normally use all accrued vacation leave and sick leave prior to taking an unpaid leave. If the leave qualifies under Parenting Leave or Family and Medical Leave, the employee may retain a balance of forty (40) hours when going on an unpaid leave. Any exceptions to this policy must be approved by the City Administrator.

## **Administrative Leave**

### **Applicable employment classifications: All**

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. Regular Employees on administrative leave may continue to receive benefits and accrue personal (sick) and vacation leave.

If placed on administrative leave while an internal or external investigation is to take place the following steps should be taken in the first 24 hours of administrative leave.

1. Access to City Email is no longer available to the Employee.
2. Access to any City owned building is no longer permitted to the Employee.
3. Any keys to City owned property are confiscated and provided to the City Administrator or City Council if the investigation is pertaining to the City Administrator.
4. Any Access codes or passwords to City software or building access are confiscated and provided to the City Administrator or City Council if the investigation is pertaining to the City Administrator.

While on administrative leave the employee shall not have contact with other City Employees pertaining to City business unless directed by the City Administrator or City Council if the investigation is pertaining to the City Administrator.

## **Elections / Voting**

### **Applicable employment classifications: Regular Employees**

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 that the employee gives the City at least ten (10) 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 during the election day. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues.

## **Delegates to Party Conventions**

### **Applicable employment classifications: Regular Employees**

An employee may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a member of the committee. The employee may attend any convention of a major political party delegate, including meetings of official convention committees if the employee is a delegate or an alternate delegate to that convention.

The employee must give at least ten days written notice of their planned absence to attend committee meetings or conventions. Time away from work for this purpose will be considered unpaid unless the employee chooses to use vacation during their absence.

### **Regular Leave without Pay**

#### **Applicable employment classifications: Regular Employees.**

The City Administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council to a maximum of one (1) year.

Normally, employee benefits will not be earned by an employee while on leave without pay. However, the City's contribution toward health, dental and life insurance may be continued, if approved by the City Council, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA 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, or vacation leave. Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue sick leave and vacation leave based on actual hours worked.

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 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 FMLA will be guaranteed return to the original position only for absences of thirty (30) calendar days or less.

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the City Administrator subject to approval of the City Council.

### **Family and Medical Leave Act (FMLA)**

#### **Applicable employment classifications: Regular Employees**

In accordance with the Family and Medical Leave Act ("FMLA") unpaid job protected leave will be granted to all eligible employees for up to twelve (12) weeks per twelve (12) month period per federal statute.

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



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

The twelve (12) month period is calculated using the calendar year. Employees are required to give verbal or written notice to the City Administrator at least thirty (30) days prior to the date on which leave is to begin or, if thirty (30) days' notice cannot be given, as much notice as practical.

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

During the Family and Medical Leave, employees must use accrued sick leave and vacation leave prior to taking an unpaid leave unless their medical condition/injury is covered by worker's compensation. Employees returning from Family and Medical Leave will be reinstated in their former position or a position equivalent in pay, benefits and other terms and conditions of employment.

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

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

Refer to the Family and Medical Leave Act for definitions, employee eligibility, further requirements, and return to work policies.

Refer to Worker's Compensation & Return to Work policy for returning to work following a FMLA leave of absence, if applicable.

### **School Conference Leave**

**Applicable employment classifications:** Regular Employees, Part-Time Employees, Temporary Employees, and Firefighters

Any employee 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.

## Reasonable Work Time for Nursing Mothers

**Applicable employment classifications:** Regular Employees, Part-Time Employees, Temporary Employees, and Firefighters

Nursing mothers and lactating employees will be provided reasonable paid break times (which may run concurrently with already provided break times) to express milk.

The city will provide a clean, private and secure 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.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

## 8. SAFETY, WORKER'S COMPENSATION, & RETURN TO WORK

The City of Maple Plain encourages all employees to practice care and follow all safety procedures and policies when performing duties of their positions. Practicing safety-first measures will ensure employees help prevent workplace accidents.

### SAFETY

**Applicable employment classifications:** All

The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. To the greatest degree possible, employees will maintain an environment free from unnecessary hazards and will follow all safety policies and procedures established for each department. Adherence to these policies is the responsibility of each employee. In the event of a workplace accident, employees shall follow the appropriate procedures to document the incident and provide or obtain medical treatment.

Overall administration of this policy is the responsibility of the City Administrator

### Reporting Accidents and Illnesses

Both Minnesota Worker's 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 who will then report to the City Administrator.

If no one is available, the employee should seek medical treatment at the nearest available medical facility and, as soon as possible, notify the City Administrator or City office personnel of the action taken. In the case of a serious emergency, 911 should be

called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment. Worker's compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

The City Administrator shall file the First Report of Injury (FROI) with the League of Minnesota Cities Insurance Trust upon notification of job-related injury or illness. FROI must be filed with the Insurance Trust within 24 hours of the incident. The employee's supervisor and employee shall also complete and file any other workplace accident forms.

Supervisor's Report of Accident

When a new injury is reported, it is important to conduct an immediate investigation to record the facts of how the injury occurred and what body parts were injured. The Supervisor's Report of Accident (SRA) should be completed based on the supervisor's first-hand contact with the injured employee and review of the area where the injury occurred. The SRA is due to the City Administrator within three (3) working days of the incident.

Employee Incident Report

The Employee Incident Report (EIR) should also be completed by the employee, but should not be substituted for an in-person interview or completion of the supervisor's analysis via the SRA. If possible, this form should be included with the FROI, but do not delay the filing of the FROI for more than one day. If the EIR is not completed and returned within one day, the City Administrator or responsible supervisor should continue to follow up with the employee the form is completed and received. The EIR is due to the City Administrator within three (3) working days of the incident.

**Safety Equipment/Gear**

Where safety equipment/gear is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn and/or used by the employee. The City of Maple Plain is not liable for employees that do not use the appropriate safety equipment/gear while performing the duties of the job.

**Unsafe Behavior**

The City Administrator is hereby authorized to send an employee home immediately when the employee's behavior violates the City's personnel policies, department policies, or creates a potential health or safety issue for the employee or others. This authorization is also extended to the Fire Chief or other Fire Department officers.

**WORKER'S COMPENSATION**

**Applicable employment classifications: All**

Worker's Compensation benefits are extended only to employees injured as a result of

Maple Plain Employee Handbook - 31

workplace accidents while performing the required duties of their positions for the City of Maple Plain. In order to be eligible for and receive Worker's Compensation benefits, an employee and/or employee's supervisor must notify the City Administrator within 24 hours of the incident. All required incident reporting forms must also be submitted to the City Administrator within the required period of time.

Worker's Compensation "lost wages" benefits are paid at two-thirds ( $\frac{2}{3}$ ) of the employee's regular gross wages as of the date of injury. Lost wages benefits are intended to meet an employee's regular take home pay after taxes. Employees suffering "lost time" – missing work due to a work-related injury or illness – have the option of using sick leave until Worker's Compensation benefits begin. Any City compensation paid to the employee from the date of injury shall be repaid to the City. The City shall then reinstate sick leave used.

Eligible employees receiving Worker's Compensation lost wage benefits shall not receive their regular pay from the City while absent from work due to a work-related injury or illness. Permanent employees on Worker's Compensation shall continue to receive all applicable City-provided benefits, including City benefit contributions, and accrue leave during their absence from work. Personal (sick), vacation and other accrued leave may not be used while receiving Worker's Compensation lost wage benefits. The employee will be responsible for any family contributions for health and dental insurance.

## **RETURN TO WORK**

### **Applicable employment classifications: All**

#### Fitness for duty determination

The City shall require a medical certificate or letter from the employee's physician attesting to the employee's fitness for duty prior to return to work. The fitness for duty report must be based on the health condition(s) for which the employee was absent. It must address whether the employee can perform the essential functions of his/her regular job. If a fitness for duty certification or physician letter is not furnished, the City will deny reinstatement until it is provided.

The City Administrator may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the ADA (Americans with Disabilities Act).

#### Notification of duty restrictions

Employees unable to perform the essential requirements of their job due to a short-term, temporary disability, they will notify the supervisor in writing as to the nature and extent of the disability and the reasons 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.

#### Light duty and modified duty assignment

Employees returning to work with physician restrictions, temporary disability or who are medically unable to perform their regular work duties resulting from a job-related injury or illness shall work with the City Administrator, and Fire Chief, in the event said employee is a fire fighter, to establish a light duty or modified duty assignment and work schedule. Assignments and work schedule shall meet the restrictions or disabilities of employee as outlined by the employee's physician. Written documentation from a physician as to the specific restrictions is required before accepting light duty or modified duty assignment. Fire Chief will provide documentation for firefighters.

Light duty is evaluated by and at the discretion of the City Administrator on a case-by-case basis. This policy does not guarantee assignment to light duty or a modified duty assignment. Such assignments are for short-term, temporary disability-type purposes and shall not exceed six (6) months in duration.

#### Notice to employees

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

If the City offers a light duty assignment to employees who are out on worker's compensation leave, the employees may be subject to penalties if they refuse such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment. The circumstances of each temporarily disabled employee performing light duty work will be reviewed regularly. Any light duty or modified work assignment may be discontinued at any time.

## **9. RESPECTFUL WORKPLACE**

### **Applicable employment classifications: All**

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

#### **Abusive Customer Behavior**

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

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

## **Professionalism**

Employees shall be courteous, professional, and respectful when in contact with any member of the public while in the course and scope of City business.

Employees shall work in a cooperative manner with their supervisors and fellow employees to foster an atmosphere of civility.

## **Types of Disrespectful Behavior**

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

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

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

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

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

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

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

implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

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. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and City Administrator what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from the City Administrator.

### **Employee Response to Unprofessional or Disrespectful Workplace Behavior**

Employees who believe that unprofessional behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below, and to report the allegations to the City Administrator. If the City Administrator is the complainant or the subject of the complaint, the incident should be brought, in writing, to the Personnel Committee. The Personnel Committee is an appointed committee of the City Council.

Upon a finding by the City Administrator or the Personnel Committee that the behavior in question involves an allegation of violent behavior, sexual harassment, or discriminatory behavior, the City Administrator and/or the City Attorney shall determine whether an investigation is warranted and, as necessary, conduct that investigation and report to the City Council.

If employees see or overhear a violation of this policy, they are encouraged to follow these steps.

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

Step 1(b). If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to the City Administrator. If the City Administrator is the complainant or the subject of the complaint, the incident should be brought, in writing, to the Personnel Committee. The party to whom the report is brought is responsible for documenting the issues and for giving you a status report on the matter within a reasonable period of time.

In the event an employee believes unprofessional or disrespectful behavior is occurring within the Fire Department, Fire Department employees are encouraged to notify the Fire Chief. The Fire Chief shall confer with the City Administrator regarding the incident(s). Should the alleged behavior include the Fire Chief, the complaint shall be directed to the City Administrator.

Step 1(c). In the case of violent behavior, all employees are required to report the incident immediately to the City Administrator. If the City Administrator is the complainant or the subject of the complaint, the incident shall be brought immediately, in writing, to the Personnel Committee.

Any employee who observes violent behavior, sexual harassment, or discriminatory behavior, or receives any reliable information about such conduct, must report it as soon as possible to the City Administrator. If the City Administrator is the complainant or the subject of the complaint, the incident shall be brought, in writing, to the Personnel Committee. The party to whom the report is brought shall decide as to the nature of the allegations brought. All allegations of violent behavior, sexual harassment, or discriminatory behavior will be turned over to the City Administrator and/or the City Attorney for further action. All other matters may be referred to a follow up meeting with the Personnel Committee, to determine further action.

Step 2. If, after what is considered to be a reasonable length of time you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident, in writing, to the Personnel Committee. If the matter was initially reported to the Personnel Committee, the matter should be reported directly to the City Attorney.

### **City's Response to Allegations of Unprofessional or Disrespectful Workplace Behavior**

In the case of allegations of violent behavior, sexual harassment, or discriminatory behavior, these incidents shall be immediately reported to the City Administrator and/or the City Attorney. As soon as possible following a report of such allegations, the City Administrator and/or the City Attorney will determine whether an investigation is warranted. All reports must be acted upon even if requested otherwise by the victim. All matters formally investigated by the City Administrator and/or the City Attorney shall be brought before the City Council, as necessary.

**In situations that do not involve allegations of violent behavior, sexual harassment or discriminatory behavior, the City Administrator or (when applicable) the Personnel Committee will use the following guidelines when an allegation is reported.**

Step 1. If the nature of the allegations and the wishes of the victim warrant a simple intervention, the City Administrator or the Personnel Committee may choose to handle the matter informally. The City Administrator or Personnel



Committee may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was unprofessional or disrespectful.

Step 2. If a formal investigation or further intervention is warranted, the individual alleging a violation of this policy will be interviewed by the City Administrator and/or the City Attorney to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. The City Administrator and/or the City Attorney will obtain a written statement from the reporting party, containing a description of the incident, including date, time, and place, and will also compile the following:

- Any corroborating evidence.
- A list of witnesses.
- Identification of the alleged offender.

Step 3. The City Administrator or City Attorney shall investigate of the matter.

Step 4. As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

Step 5. After adequate investigation and consultation with the appropriate personnel, the City Administrator or City Attorney will present the results of the investigation to the City Council and a decision will be made regarding whether disciplinary action will be taken.

Step 6. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable.

### **Special Reporting Requirements**

If a City Council member is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City Attorney who will undertake the necessary investigation. The City Attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator or, in the event of a conflict, the City Attorney shall take appropriate action to protect the alleged victim, other employees, or citizens.

### **Confidentiality**

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

investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

## **Retaliation**

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

## **10. SEPARATION FROM SERVICE**

**Applicable employment classifications:** Regular Employees, Part-Time Employees, Temporary Employees, and Fire Fighters

### **Resignations**

Employees, other than regular employees, wishing to leave the City service in good standing must provide a written resignation notice to their supervisor, at least fourteen (14) calendar days before leaving. Regular Employees must give thirty (30) calendar days' notice. The written resignation must state the effective date of the employee's resignation. Employees must complete their required notice period. The City shall not provide a pay-in-lieu of the required notice work period unless otherwise agreed to by the City Council or per employment agreements.

Failure to comply with this procedure may be cause for denying the employee's separation pay and any future employment with the City.

For Severance or Separation Pay see the Hours of Work & Compensation section.

## **11. DISCIPLINE**

**Applicable employment classifications:** Regular Employees, Part-Time Employees, Temporary Employees, Fire Fighters and Volunteer

### **General Policy**

The City Administrator is 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 Maple Plain. All City employees are subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable City policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense

committed may pursue a remedy through the grievance procedures established in the City's personnel policies. The City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

The Fire Chief shall oversee all disciplinary actions under the direction of the City Administrator regarding Fire Department employees. Reports and documentation of disciplinary actions shall be provided to the City Administrator for review and placed in an employee's file.

### **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.

### **Process**

The City may elect to use progressive discipline with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that City employees have 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. Employees shall not have contact with any City Council member regarding disciplinary procedures and decisions, except as explicitly articulated in this Handbook. Employees not satisfied with the outcome of such procedures and decisions may file an appeal through the City's Appeal policy.

The following are descriptions of the types of disciplinary actions:

#### **Oral Reprimand**

This measure will be used where documented discussions and coaching with the City Administrator and City employees, or Fire Chief and Fire Department employees, have not resolved the matter. Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The oral reprimand shall be documented in written form, including date(s) and a summary of discussion and corrective action needed and/or agreed to. The Fire Chief shall consult with or get approval from the Administrator when issuing discipline.

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

#### **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 City Administrator, or Fire Chief for Fire Department employees.

A written reprimand will:

- state what happened
- state what should have happened
- identify the policy, directive or performance expectation that was not followed
- provide history, if any, on the issue
- state goals, including timetables, and expectations for the future
- indicate consequences of recurrence.

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

### **Suspension**

The City Administrator may suspend an employee 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.

### **Demotion**

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

### **Salary**

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

### **Discharge**

The City Administrator, with the approval of the City Council, may dismiss any 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 the initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

## 12. APPEAL PROCEDURE

**Applicable employment classifications:** Regular Employees, Part-Time Employees, Temporary Employees, Fire Fighters and Volunteer

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

Step 1: The employee must present appeal in writing, stating the nature of the appeal, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the City Administrator within twenty-one (21) calendar days after the alleged violation or dispute has occurred. If the City Administrator is the party presenting the appeal or the subject of the appeal, it shall be directed to the Personnel Committee within the same period. The party to whom the grievance is presented will respond to the employee in writing within seven (7) calendar days unless the employee and that party agree on another term for reply. If the appeal is initially directed to the Personnel Committee, Step 2 shall not be implemented, and any unsettled appeal shall be addressed pursuant to Step 3.

Step 2: If the appeal has not been settled in accordance with Step 1, the employee must present it in writing, stating the nature of the appeal, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested to the Personnel Committee within seven (7) days after the City Administrator's response. The Personnel Committee shall confer with the City Administrator regarding the grievance and will either refer the matter to the City Attorney, if further investigation is required, or respond to the employee in writing. A response from either the City Attorney or the Personnel Committee must be provided within fourteen (14) calendar days, and that response may indicate that additional time is necessary to render a decision.

Step 3. If the appeal has not been settled in accordance with Steps 1 or 2, the employee may request a hearing before the City Council. Such request must be made within seven (7) days after receipt of a decision from the Personnel Committee or City Attorney. The City Council shall review all information and set a hearing date, time and location at the Council's discretion.

No employee filing an appeal shall have contact with any City Council member not on the Personnel Committee about the appeal. This is to ensure a fair and impartial hearing should an administrative hearing be requested.

### **Waiver**

If an appeal is not presented within the time limits set forth above, it will be considered "waived." If an appeal is not taken to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the City's last answer. If the City does not answer an appeal within the specified time limits, the employee may elect to treat the appeal as denied at that step and may choose to bring the appeal to the next level. The time limit in each step may be extended by mutual

agreement of the City and the employee without prejudice to either party.

The following actions are not appealable.

- Performance evaluations
- Pay increases or lack thereof
- Merit pay awards.

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

## **13. EMPLOYEE EDUCATION, TRAINING & TRAVEL**

### **TRAINING**

#### **Applicable employment classifications: All**

The City of Maple Plain 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.

#### **Policy**

The City will pay for the costs of an employee's participation in training and attendance at professional conferences if attendance is approved in advance under the following criteria and procedures. Advanced approval shall include either with the annual budget or as a separate request.

#### **Training, Conferences & Meetings**

The subject matter of the training session, conference or attending professional meetings directly job-related is considered relevant to the performance of the employee's work responsibilities. 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.

Continuing learning credits or similar courses taken by permanent employees in order to maintain licensing or other professional accreditation required as a condition of employment with the City, or necessary to perform essential job functions, is covered under this policy.

The City Administrator and Fire Chief are responsible for determining appropriate job-related training and approving or disapproving training and conference attendance.

#### Participation in training, conferences and meetings

All potential training sessions, conferences or attendance at professional meetings shall

be outlined and approved during the annual budget process. The City Administrator shall notify the City Council and other eligible employees of training opportunities. Eligible employees shall notify the City Administrator of their interest in participating in those opportunities.

Requests not budgeted for and totaling more than \$200 per registrant require City Administrator approval or City Council approval if the training is for City Administrator.

The City Council shall approve all non-budgeted training requiring travel expenses, such as airfare, hotel, etc. Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to the City for prompt payment.

### **Memberships and Dues**

Membership in professional organizations is encouraged and is viewed as a benefit to the employee and City of Maple Plain. Unless an organizational or individual-only membership is available, the City normally obtains only one membership per agency, as determined appropriate by the City Administrator with approval from the City Council.

The City shall pay for all professional organization membership costs for employees if membership is specifically related to the duties of the employee and City of Maple Plain.

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

### **TRAVEL**

#### **Applicable employment classifications: All**

This policy includes, but is not limited to, travel, lodging, conference expenses, and other related expenditures incurred while conducting City business. This policy also establishes procedures for authorization and reimbursement of such expenses.

All expenses that do not fall within this adopted expense and reimbursement policy must be approved by the governing body, in a public meeting, before the expense is incurred.

#### **Travel Authorization**

Travel expenses identified and allocated for during the budgeting process are deemed approved the City Council. Requests for incurring travel expenses not budgeted for requires City Council approval. Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to the City for prompt payment.

## **Transportation**

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements should be used, using the most direct and time-efficient route. The use of government and/or group rates offered by a provider of transportation are encouraged. The following transportation modes may be employed for the purpose of traveling on City business.

### Airfare

Employees shall utilize coach accommodations when traveling within the continental United States by commercial airline. Reservations, where possible, should be made at least (30) or more days in advance to take advantage of all available discounts. Employees may, at their own expense, pay to upgrade their airline accommodations. City Council approval is required. Airfare expenses shall include baggage handling fees of the employee.

### Alternate Travel Methods

Employees using alternative travel methods, such as commercial bus or train for travel to and from designated places on City business outside the City will be reimbursed for the actual expense of the alternative travel method, not to exceed coach airfare.

Airfare and tickets for other alternative travel methods shall be purchased in advance using the City credit card. Employees must obtain approval from the City Administrator before purchasing tickets and seeking approval. Receipts are required in order to receive reimbursement.

### Vehicle Rentals, Taxi, and Transit Fare

Out of town expenses for such transportation may be authorized where reasonable and necessary to conduct City business. Receipts must be provided to obtain reimbursement. An employee shall cite reasons when choosing vehicle rental over taxi or shuttle service. If rental vehicle is subsequently denied, the related parking fees will also be denied, and the official will be reimbursed the round-trip shuttle charges.

## **Lodging**

Lodging expenses for employee overnight travel shall be paid by the City. The City shall only pay the single room rate and will not cover expenses for a spouse or dependent accompanying an employee on the trip unless previously approved by the City Administrator.

If lodging is in connection with a conference or event, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, the official shall use lodging that offers rates comparable to government and/or group rates.



Employees and their spouses or dependents traveling on City business are responsible for costs including baggage; phone calls; room service, unless part of employee per diem; etc. Transportation may be reimbursed for trips directly to and from the hotels, airports or meeting sites as stated above.

Lodging reservations shall be purchased in advance using the City credit card. Employees must obtain approval from the City Administrator before reserving and paying for lodging accommodations with a personal credit card. Receipts are required in order to receive reimbursement.

**Mileage**

When a personal vehicle is used for City business, the City of Maple Plain reimburses actual miles traveled at the IRS mileage rate. Mileage is only reimbursed for trips in excess of eight (8) miles round trip. Employees shall also be reimbursed for parking, including airport parking. A receipt for parking is required for reimbursement. The City does not reimburse for valet parking.

**Meals**

Employees traveling as a representative of the City or representing the City at various functions. The per diem rates include tips up to twenty percent (20%) of the actual meal costs (which meal costs shall not exceed the below allotment) and are:

<u>Meals</u>	<u>Amount</u>
Breakfast	\$15.00
Lunch	\$25.00
Dinner	\$35.00

Eligibility for meal reimbursement shall be based on the employee on assignment, representing the City at meetings, and events more than 20 miles from Maple Plain. The City may also reimburse employees for meals at City-sponsored meetings or events. Expenses for which City officials receive reimbursement from another agency are not reimbursable.

The City does not reimburse employees for alcohol and entertainment.

The City does not reimburse employees for breakfast if a hotel they are staying at includes breakfast or if the event they are attending offers breakfast.

If meals are included in conference registration or hotel accommodations, the City shall not reimburse employees for additional costs.

**Special Expense**

Employees incurring special expenses while on travel status may submit receipts for reimbursement. Special expenses include writing utensils, writing paper, faxes for City business, windshield washer fluid and oil when driving City-owned vehicles, etc. Volunteers and others requesting reimbursement of expenses must request receive

prior approval from the City administrator before incurring any expense.

## **Entertainment**

Expenses for entertainment not related to the event or function for which an employee is attending are the responsibility of the employee. The City does not reimburse employees for alcohol and entertainment.

## **Reimbursement of Travel & Related Expenses**

The following are required in order to receive reimbursement for travel and travel-related expenses employees must submit the following along with appropriate documentation of purpose of trip.

### Receipts

- Credit card and/or cash payment receipts.
- Meal, hotel, transportation, and other expense receipts.

### Documentation

- Conference brochure.
- Meeting agenda.
- Trip or meeting purpose.
- Other attendees at a meal or meeting.

The reason for the expenses should be clearly documented on the expense reimbursement request and forms.

## **Unable to Attend Pre-Planned Trip**

Employees unable to attend a planned trip or event where the City pre-paid travel expenses (i.e. airfare) and/or conference registration fees shall notify the City Administrator. If the City has prepaid an employee's expenses, it is the employee's responsibility to cancel their registration and ensure any prepaid and/or credit card fees are refunded within thirty (30) days of the unattended event to the City.

Employees paying for travel expenses out of pocket and unable to attend the planned trip or event, and seeking reimbursement from the City, shall provide a written explanation as to the reason(s) why they were unable to attend (i.e. unexpected illness, injury or death in the family, etc.) and why they should be reimbursed for those expenses.

Employees may be required to pay any applicable cancellation fees.

## **City Prepayment & Credit Card Use Policy**

The City does not issue credit cards. The City Administrator or their designee may authorize prepayment by the City and/or use of the City's credit card for the following types of expenses only: conference or event registrations, airline, bus or train tickets and lodging expenses for employees.

## Compensation for Travel & Training Time

Time spent traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act. Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

## Out of State Travel

Any out of state travel for City business must be approved within the sole discretion of the City Council.

## 14. OUTSIDE EMPLOYMENT

### Applicable employment classifications: Regular Employees

The potential for conflicts of interest is lessened when individuals employed by the City of Maple Plain regard the City as their primary employment responsibility. All outside employment is to be reported to the City Administrator. Any City employee accepting employment in an outside position that is determined by the City Administrator to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-City employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with City employment. 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 his/her 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 his/her own business, while using paid sick leave from the City for those same hours.

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.

## 15. DRUG FREE WORKPLACE

### **Applicable employment classifications: All**

In accordance with Federal Law, the City of Maple Plain has adopted the following policy on drugs in the workplace:

- 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 drugfree, safe, and secure work environment.
- The unlawful manufacturing, distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- The City recognizes drug 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.
- 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.

## 16. CITY DRIVING POLICY

### **Applicable employment classifications: All**

This policy applies to all employees who drive a vehicle on City business at least once (1) 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. City employees are also required to always wear their seat belts while on City business, whether operating a City-owned or personal vehicle.

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

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

## 17. TECHNOLOGY POLICY

**Applicable employment classifications: All**

### CELLULAR PHONE USE

This policy is intended to define acceptable and unacceptable uses of cellular telephones. Its application is to ensure that 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.

The City Administrator may authorize an employee to use his/her own personal cellular phone for City business and be reimbursed by the City for those calls. An employee will not be reimbursed for business-related calls without prior authorization from the City Administrator. The City Administrator may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

It is the objective of the City of Maple Plain to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones shall be subject to disciplinary action.

The City Administrator, or designee, will have primary responsibility for implementation and coordination of this policy. All passwords and access information for any technology shall be documented.

### COMPUTER USE

#### Purpose

The purpose of this policy is to assist the City in protecting its technology system security and assets, to protect the privacy rights of employees, to manage City resources, and to protect the rights of third parties for appropriate access to City files.

#### Policy

This document sets forth the City's policies with regard to access and use of computer hardware, software, data, and electronic mail messages. It also sets forth the City's policies with regard to disclosure of computer files, created or received, or electronic mail messages sent or received by City employees with the use of the City's computer resources or electronic mail system. This document sets forth policies on the proper use of computer hardware, software, data, the electronic mail system, and Internet system provided by the City.

All employees that will work with the City's computers are responsible for reading and adhering to these policies. It is the responsibility of supervisors to ensure that each of their employees has received this document and signed off that they have read it.

## **General**

### Inappropriate uses of City technology

City technology is to be used only for business purposes and in a professional manner. The following is a list of inappropriate uses of the City's technology which may result in disciplinary action up to and including dismissal. This is not a complete list of inappropriate uses.

- Displaying, printing, or transmitting material that contains false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, discriminatory, or illegal material.
- Displaying, printing, or transmitting material that violates City regulations prohibiting sexual harassment.
- Using the City's computer system or software or allowing others to use it for personal profit, commercial product advertisement or partisan political purposes.
- Using e-mail to solicit for commercial ventures, or charitable, religious, or political causes, with the exception of charitable campaign drives sponsored by the City.
- Inappropriately sharing your user ID or password to allow an individual to obtain confidential information to which they normally would not have access.
- Deliberately damaging or disrupting a computer system (hardware or software) or intentionally attempting to "crash" network systems or programs.
- Attempting to gain unauthorized access to internal or external computer systems.
- Attempting to decrypt system or user passwords.
- Unauthorized copying of system files or software programs.

### Storage of Data

All data shall be stored on the City's network servers.

### Management of Files – Official Records

Because the storage capacity of the network is limited, all users are responsible for deleting outdated files, being sure to adhere to any records retention policies and procedures. If computer files are deleted, employees should take care in maintaining paper copies of any files that must be retained according to the records retention schedule.

All data that is composed, transmitted or received on City owned, leased, or rented technology, including internal and external electronic mail (e-mail), is considered to be part of the official records of the City, and therefore subject to disclosure as appropriate under state and federal laws. Most documents will be considered public records unless classified otherwise by state or federal law. However, employees must use the same caution in releasing information on City technology systems as they do when release

hard copies of information. If in doubt about whether information is public, employees must wait to release it until they have checked with the City Administrator

E-mail and other electronic documents must be saved in accordance with the City's records retention schedule if they are required for ongoing legal, fiscal, administrative, operational or research purposes. These records should be saved to a word processing or paper file for storage according to the City's records retention schedule.

### Portable Files

Files used to facilitate off-site work, such as word processing documents, electronic spreadsheets and presentation graphic files are considered public property and may fall under the records retention schedule.

### Work Product Ownership

All City technology systems are the property of the City of Maple Plain. This includes, but is not limited to, all hardware, software, programs, applications, templates, internal and external email messages, facsimile (fax) messages, data, data files, and voicemail messages developed or stored on City-owned, leased, or rented technology systems. The City reserves the right to access, retrieve and read any data, messages or files stored on City technology and disclose any data, messages, or files without prior employee consent. Employee use of city technology is not private. This includes, but is not limited to, use of internal and external email and use of the Internet.

### Virus Protection

Users shall not change their system's configuration or take other steps to defeat virus protection devices or systems.

### Configuration

Individual workstations are configured to operate in a complex, networked environment. Users may not change their system's setup files.

## **Security**

The City of Maple Plain uses a computer security system to protect information from unauthorized or inappropriate access or modification. Users shall not add additional security, such as passwords, to their workstations or files.

Computer users shall identify themselves to the system by signing on with their assigned username. Users shall never attempt to sign on to the system with any other username. All users provide the City Administrator with User IDs and passwords used to access workstations.

## **Software**

In addition to authorized roles regarding software, the legal implications for improper handling of software can be significant:

According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages of as much as \$100,000 per work copied, and criminal penalties, including fines and imprisonment. The City of Maple Plain does not allow the illegal duplication of software or any other form of criminal activity. Employees who engage in such activity are also subject to discipline using City personnel procedures.

## **Personal Use of City Computers**

The City currently allows personal use of City-owned computers by City employees only. City computers are not to be used to manage any part of a private business, for personal gain or for political or criminal activity. No personal software or hardware is to be used or installed on City computers.

## **Portable Computer Use**

Portable personal computer(s) can be used for City business, outside of City facilities, after normal working hours provided these procedures are followed. Employees are responsible for loss or damage to a portable computer. If a portable computer is stolen while outside of City facilities, an insurance claim should first be submitted to the employee's insurance company. No employee will be held responsible for a theft unless an investigation determines the employee played a part in that theft.

## **Internet Use**

The use of the Internet during work hours should be limited to those subjects that are directly related to an individual's job duties for the City of Maple Plain. Employees are advised to exercise discretion when using the Internet for personal business since any use can be monitored. Use of the Internet to view illegal, pornographic, or other inappropriate materials, whether during work hours or on personal time, is prohibited and may be cause for disciplinary action.

The primary function of the computer system is to assist in service delivery to our residents and customers. Allowing employees to spend personal time learning how to use and conduct research on the Internet will ultimately result in improved performance as employees for the City of Maple Plain.

To that end, employees may use the Internet for personal use during non-work time. However, employees may not intentionally access any site that is inappropriate for a public sector employee, or which could cause embarrassment to the organization or the employee. Public sector organizations are held to a high standard of scrutiny and ethical behavior. Some examples of inappropriate sites include adult entertainment, sexually explicit material, Web sites promoting violence or terrorism, illegal use of controlled substances (drugs) and intolerance of other people/races/religions, etc.



City Councilmembers will be provided with a computer for use during their term.

## **Electronic Communications**

Electronic communications can take a variety of forms such as telephone messages, voicemail, facsimile, e-mail, social media, texts, instant messaging, and similar computer-based documents. Data stored in any form using City equipment is considered City data. Such data is available to anyone authorized to see that data. All passwords and security codes shall be kept in the City safe.

Electronic communication is any message or data sent or received electronically. There are two main categories of electronic communication currently being utilized by the City: e-mail and voicemail. E-mail is computer based and involves receiving and delivering some type of computer output (e.g., messages, letters, memos, spreadsheets) via the city network and phone lines. Voicemail is a system whereby sounds, usually voices, are digitally recorded, transmitted, and stored. E-mail and voicemail systems are provided to facilitate City business communication among employees and other business associates.

### Proper Use

The e-mail and voicemail systems are City property and are intended for City business. The systems are not be used for employee personal gain, illegal activities, or political activities. All data and other electronic messages within these systems are the property of the City of Maple Plain. Limited and brief personal use of e-mail and voice mail is acceptable.

### Privacy

The City's computer and telephone systems are the property of the City of Maple Plain, and employees should have no expectation of privacy of the communications made using these systems. The City Administrator reserves the right to review the contents of employee's e-mail or voicemail files. Also, employees may not intentionally intercept, eavesdrop, record, alter, or receive other persons' e-mail or voicemail messages without proper authorization.

### Deleting Messages

Generally, e-mail and voicemail messages are temporary communications, which are non-vital and must be discarded routinely. However, depending on the content of the message, it may be considered a more formal record and must be retained pursuant to the City's adopted record retention schedule.

### Junk mail (Spam)

Delete junk mail as soon as possible. If you do not desire mail from any sender you may reply with an e-mail that asks to be deleted from any e-mail list.

## Email

All City employees should be cognizant emails sent or received via the City email server, City Web mail, City Web site, or emails sent from private accounts on City business may be considered public data.

## Emails Between Elected & Appointed Officials

Elected and appointed City officials should exercise extreme caution when sending or receiving emails to other members of elected or appointed City boards and commissions. Electronic communications between members of these boards, whether representing a quorum or not, could be perceived as a public meeting. The City encourages all communication between elected and appointed officials to be conducted at the appropriate public meetings.

# 18. FIRE DEPARTMENT MEMBERSHIP

## **Applicable employment classifications: Fire Fighters**

### **APPLICATION**

Applications for membership shall not be accepted before an applicant's 18th birthday. Applications for membership shall provide all information as required by the Fire Service Employment Application. When applications are deemed to be complete, they will be placed on a waiting list in the order that they are received. The City Council may order any applicant to the top of the waiting list if that applicant is available for critical hours of service on a regular basis. This authority is abated if there are 10 or more members responding to the 1st alarm during critical hours of service.

### Requirements

One of the following Eligibility/Suitability requirements must be met.

Applicant/Members:

- Applicant lives within Maple Plain Fire contract area Applicant is employed in Maple Plain Fire contract area and is available to respond to calls. Employer release statement must be signed.
- Applicant lives within 10-minute legal driving distance to the fire station.

All applicants must hold a valid Minnesota Driver's License and be cleared of any background investigation report before the applicant's Pre-employment Medical examination and entry into the Probationary period.

### **PROBATIONARY MEMBERSHIP**

When a vacancy occurs in the department, the name at the top of the waiting list shall be read at the regular business meeting. One name may be read and considered for each vacancy occurring in the department.

All applicants will be considered for membership in the following chronological order:

1. Filing of Fire Service Employment Application.
2. Acceptance of completed Application.
3. Waiting list. (When applicable).
4. Name read at regular business meeting.
5. Interview by Officers.
6. Signature of By Law Review Form.
7. Fire Service Physical Agility Tests.
8. Background Check completed.
9. Pre-employment Medical examination, or proof of equivalent completed satisfactory medical exam in last six months. Applicant's responsibility to provide equivalent medical exam to department.
10. Formal job offer, contingent on background check, pre-employment medical exam, psychological exam, and physical agility test.
11. Probationary Trainee Membership.
12. Probation training program per Standard Operating Guidelines (SOG's).
13. Acceptance into full membership.

#### Physical Test and Medical Examination Requirements

Pre-employment Medical examination, by a physician of the City's choice, and paid for by the department, must be completed by the applicant within one month of signature of the By Law Review Form. No training drills will be permitted prior to the successful completion of the pre-employment medical examination.

The Fire Service Physical Agility test shall consist of the guidelines set in the Standard Operating Guidelines.

All tests shall be supervised by the Chief, Assistant Chief, or the Training Officer as outlined by the Standard Operating Guidelines. The tests must be completed per the Standard Operating Guidelines and may be attempted more than once, but not more than 3 times. If the applicant does not satisfactory complete the test per the Standard Operating Guidelines, a second officer must administer the test within 30 days of the initial test at the request of the applicant and grant satisfactory or unsatisfactory judgment on the applicant performance per the Standard Operating Guidelines. The Pre-employment medical examination must be completed within 30 days of the completed background check.

Any applicant rejected will be notified in writing, the reasons for rejection.

Upon successful completion of the Fire Service Physical Agility tests and pre-employment medical examination, the applicant will be accepted onto the fire department as a probationary member with all rights, obligations, and privileges of full membership, for a period that is the later of one year or until receiving Firefighter I and Firefighter II certification.

## Training

The Probationary member must complete the training requirements as outlined in the Standard Operating Guidelines, during the one-year probationary period.

The Training Officer will review the progress of the Probationary member every three months in order to promote orderly training progress and to advise of deficiencies. The training progress will be recorded and become a part of the probationary member's personnel file.

## **FULL MEMBERSHIP**

Upon successful completion of all the sections of this article, the probationary member will be recommended for full membership. Upon concurrence of the City Council, the Probationary member will be accepted into full membership at the next regular meeting. If the Probationary member goes beyond the one-year allowed, the City Council will assign a 3-month program to complete the training. If not successfully completed by the Probationary member, the City Council will be authorized to dismiss the Probationary member from the department or make other arrangements for completion.

## **PERSONNEL RULES**

1. All available paid on-call employees (firefighters) should immediately respond when notified of a call for service and perform their duties as assigned by the commanding officer.
2. All firefighters are expected to respond to a minimum of 25% of the calls for service each calendar year. For new hires the expected percentage will be prorated from their hiring date.
3. Each January, the three Fire Chiefs will determine which firefighters are in good standing and the amount of service credit they are to receive for the previous year. The Fire Chief will then supply the Relief Association President with the list of firefighters in good standing and their earned service credit no later than the end of January of each calendar year. After approval by the Fire Relief Board, that information will be provided to the State of Minnesota as required by state statute.
4. All firefighters will attend a minimum of 40 hours of Maple Plain Fire Department approved training per year. For new hires, the minimum hours of training will be set by the Fire Chief.
5. A firefighter may also request an exemption to the call percentage and minimum training requirements for a significant life event exemption (SLEE). This request shall be made in writing with supporting documentation and must be approved by the Fire Chief and City Administrator before a SLEE is effective. The duration of a SLEE will be determined on a case-by-case basis and generally will be a maximum of 6 months.
6. Call for service incidents and training expectations are waived for a paid on-call firefighter who has had a leave of Absence approved by the Fire Chief and City Administrator.
7. All firefighters must report directly to the fire station for an emergency call, unless directed differently by a Fire Officer. Fire Officers may respond to the scene at the

Fire Officer's discretion. In cases where critical care is needed, and a firefighter is at the location of the call, they may assist.

8. All firefighters answering a call, upon completion of operations at the scene, shall return to the station and remain there until all equipment is returned to readiness for the next call, unless excused by the officer in charge.
9. All firefighters shall maintain minimally a current Emergency Medical Responder (EMR) Certification or greater. All firefighters shall maintain their own certification through the Emergency Medical Services Regulatory Board (EMSRB).
10. All firefighters shall maintain minimally a current Fire Fighter 1 and Fire Fighter 2 certification.
11. No firefighter shall respond to any calls or training if they have a blood alcohol content (BAC) greater than 0.00%, or if they have any illegal or hazardous substances in their system, or if they have any prescription medication in their system which was not taken in compliance with the directives of a licensed medical professional.
12. Firefighters shall not use any form of tobacco (cigarettes, chewing tobacco, e-cigarettes) while in an official capacity as a Maple Plain Firefighter, or while at the Maple Plain Fire Station.
13. There shall be no alcohol present at the Maple Plain Fire Station unless an exception is granted by the Maple Plain City Council for a special event. Such exception shall only apply during the duration of that event.
14. No firefighter shall respond to any calls or training if they are under the influence of any drugs, whether prescribed or not prescription medication which may negatively affect the firefighter's physical or mental behavior or judgement. The Fire Chief or their designee may authorize the use of certain prescription medications while a firefighter is on duty.

## **WAGE**

### Definitions

1. Duty pay" is defined as compensation earned for responding to an emergency call or being on a Mutual Aid Standby Crew.
2. "Emergency Call" is defined as any execution of emergency services performed while acting as an agent of Maple Plain Fire Department. All Emergency Calls must be dispatched by Hennepin County Dispatch or designee to amount to an Emergency Call.
3. "Public Relations Event" is defined as any event where fire prevention education is taught, and/or a civic event where Maple Plain Fire Department is officially represented, parade or other event as designated by the Fire Chief. All public relations events must be approved by the fire chief prior to the event.
4. "Duty Time" is defined as the length of time a Firefighter is working during an Emergency Call.

### Duty Pay

Firefighters will receive a minimum of one hour of duty pay for each emergency call

attended. Duty time will be calculated starting at the initial call time and continuing until all equipment is back in service as determined by the Incident Commander. Duty time for emergency calls exceeding one (1) hour will be rounded to the nearest half hour and may be individually prorated to the actual time a firefighter attend.

To receive duty pay for emergency calls, firefighters must respond to the fire station or scene prior to equipment being back in service and must stay at the station or scene until released by the Incident Commander.

At the discretion of the Incident Commander, extended duty pay shall be awarded to individuals performing extra duties. Examples: Assisting paramedics to the hospital, prolonged traffic duty, or investigation time immediately after a fire. Duty time for multiple unrelated emergency calls will be documented and paid as separate calls. Multiple related calls will be documented and paid duty time as one call.

Severe weather or other incidents may dictate the need for immediate station standby crews. Stations standby crews may be established by the Public Safety Director, Fire Chief, or his/her designee. Standby crews will be awarded normal duty pay for each hour of standby time. In addition, each standby firefighter will receive credit for all emergency calls attended during that standby period.

Emergency calls received during scheduled training will be paid as normal duty pay.

Firefighters on Mutual Aid standby crews or planned standby crews will receive duty pay for the entire standby period. Additional duty pay for calls in a Mutual Aid city will not be granted to this standby crew or other Maple Plain Firefighters not on standby in a Mutual Aid City.

The designated Incident Commander shall be responsible for completion of the attendance and call reports.

### Training Pay

"Scheduled training" shall include all Monday training nights, other training drills as posted by the training officer, and mandatory training events, regardless of location. Firefighters will receive training pay or credit on a per session basis upon completion of the course objective as determined by the instructor. All scheduled training drills will be clearly communicated as "Scheduled Training" on the training schedule. Satisfactory completion of the annual First Responder refresher courses or EMT refresher courses shall be considered one "Scheduled training" session per class session. The designated training instructor shall be responsible for completion of the attendance and training reports.

"Incentive Training" is training above and beyond the standard scheduled training. Incentive Trainings may include, but are not limited to: State Schools, Chief or MSFDA Conference, etc. Incentive training pay shall be included with other pay distribution at the end of the calendar quarter in which satisfactory completion of the course has taken place. Satisfactory completion is defined as having received an authentic certificate of course completion. To receive Incentive Training Pay, firefighters shall attach a copy of the received certificate and submit with one training sheet for the

completed course. The Training Team shall determine which courses will qualify for incentive training pay. Qualifying courses shall be posted in the MPFD meeting room.

Probationary firefighters shall receive incentive pay for completing all required training. The value of this award shall be included in Appendix B. Probationary Firefighters shall not receive "scheduled training" pay for those required courses.

Firefighters wishing to participate in any incentive training shall obtain Training Officer approval prior to enrolling in any courses.

Training Pay compensation is outlined in Appendix B.

### Officer Pay

Fire Chief, Assistant Chiefs, Captains, Lieutenants and Training Officers will receive a quarterly stipend for their additional duties and responsibilities. Officers Pay will include officer attendance at the following:

1. Hennepin County Chiefs Meetings
2. Metro Chiefs Meetings
3. City Council Meetings
4. Officer Meetings
5. Lake Area Emergency Management Meetings
6. Meeting with area Fire / Police Chiefs

Officers must submit time worked under the "Officer Duties" category on the "General Attendance Form".

### Public Relations Pay

Firefighters will receive Public Relations Pay or credit on a per event basis. All Public Relations opportunities will be sent to the entire fire department via email will be talked about at a business meeting or posted in the meeting room. Public Relations events may be limited to a certain number of Firefighters at each event. If this is the case, it will be filled on a first come, first served basis. Public Relations events must be pre-approved by the Fire Chief. Public Relations events may include, but are not limited to: Department Open House, Fire Prevention, Parades, Station Tours, Birthday Parties, etc. Fire Officers shall receive Public Relations Pay.

### Administrative Pay

Administrative pay is defined as a non-officer firefighter or civilian conducting administrative functions at the direction of the Fire Chief. Duties may include, but are not limited to: Call Report entry, website and/or records management, creation of necessary Xcel documents, completion and assembly of fire commission reports and packets.

### Credit Only

Employees of the City of Maple Plain, City of Medina, City of Independence and West Hennepin Public Safety will receive credit in lieu of duty pay for emergency calls and training attended during their normal working hours. Firefighters who are employees of other Police Departments, Fire Departments or EMS Providers who attend a Maple Plain Fire Department Call (Mutual Aid or Not) during assigned working hours shall receive credit in lieu of duty pay. Firefighters who receive training at other locations of employment that is beneficial to the Maple Plain Fire Department may submit training for credit only. Approval of these trainings will be by the Training Officer.

Firefighters who attend a training that is being paid for by another agency shall not be compensated for training pay by Maple Plain Fire Department. Maple Plain Fire Department will not pay for the training of those Firefighters who attend a training and are being paid to attend by another agency. Firefighters, who are attending an official Maple Plain Fire Department event (training, meeting, conference) and miss a call, may inform the Fire Chief via email and receive credit for the call.

### Miscellaneous

Compensation awarded to Firefighters as outlined in this policy will be paid by the 15th of the month following Quarter End. (April 15, July 15, Oct 15, Jan 15)

Compensation will be based on the compensation schedule in effect at that time.

It is the responsibility of each firefighter to ensure proper credit is received for his or her participation. If a discrepancy arises, the firefighter shall submit in writing to their Truck Squad Officer the discrepancy and any supporting documentation, as necessary.





# Minnesota Paid Leave Law

Published: May 25, 2023

*Updated June 12, 2025*

**Get answers to frequently asked questions (FAQs) about the Minnesota Paid Leave law, also known as the Minnesota Paid Family and Medical Leave law.**

A new Minnesota law will create a state-administered mandatory paid family and medical leave insurance program beginning Jan. 1, 2026. Minnesota will be the 13th state to launch a statewide paid leave program.

- The program will provide job protections and partial wage replacement per benefit year up to a maximum of 20 weeks for family and medical leave funded through a payroll tax applied to all employers. For each program leave type (broadly categorized as family/caregiving leave and medical leave) an employee can take 12 weeks of leave, up to a combined total of 20 weeks under the program. For more information on the types of leave the law provides for [see Q3](#)).
- The program will be administered by the Minnesota Department of Employment and Economic Development (DEED).

[Read more about the new law](#)

The following frequently asked questions (FAQs) aim to provide information to cities on the new law. The League will update this information as necessary.

## Get answers to FAQs regarding the new Minnesota Paid Leave law

[Q1. Are all cities covered by this new law and when does it become effective?](#) *(Updated June 12, 2025)*

[Q2. Which employees are covered by this new law and which are exempted?](#) *(Updated June 12, 2025)*

[Q3. What paid leave benefits will employees receive under this new state plan?](#) *(Updated June 12, 2025)*

[Q4. What job protections does this law provide to employees?](#)

[Q5. How much will this new program cost and how is it funded?](#) *(Updated June 12, 2025)*

[Q6. Will there be annual cost increases?](#) *(Updated Feb. 27, 2025)*

[Q7. Is there a “reimbursement employer” public sector option available, similar to unemployment compensation?](#) *(Updated June 12, 2025)*

Q8. What is the role of the city in administering this program? (Updated June 12, 2025)

Q9. How will we find out if an employee has applied for this benefit and been approved?  
(Updated June 12, 2025)

Q10. How does intermittent leave work? (Updated June 12, 2025)

Q11. Can the employer require proof of the need for the leave? (Updated June 12, 2025)

Q12. Does this run concurrently with federal and state family and medical leave programs?  
(Updated June 12, 2025)

Q13. How does this new law interact with the new law on earned sick and safe time (ESST)?  
(Updated June 12, 2025)

Q14. How can the city apply for an exemption from this program — i.e., establish a “private plan?” (Updated June 12, 2025)

Q15. Can the city require employees to use other paid leave to supplement the Minnesota Paid Leave program benefits? (Updated June 12, 2025)

Q16. Can the city require the employee to use city leave first before accessing this program?  
(Updated Dec. 30, 2024)

Q17. How will this impact collective bargaining agreements (CBAs)? (Updated Oct. 8, 2024)

Q18. What if the employee is using workers’ compensation benefits; can they use this leave in addition to that? (Updated Oct. 8, 2024)

Q19. Does the city have to continue its contribution to health insurance while an employee is on this leave?

Q20. How does this program impact short-term disability and long-term disability benefits we currently provide to employees? (Updated June 12, 2025)

Q21. What if we allow the employee to supplement the benefit by taking paid leave in addition to the leave under this program; can the employee exceed their normal wages? (Updated Oct. 8, 2024)

Q22. What should our city do to prepare for this new law, now and in preparation for Jan. 1, 2026? (Updated June 12, 2025)

Q23. Will the state paid leave/wages that employees receive under the new family and medical leave state program administered by DEED be subject to PERA withholding? (Updated June 12, 2025)

Q24. How will premiums be treated on an employee’s W-2? (Added June 12, 2025)

## **Q1. Are all cities covered by this new law and when does it become effective?**

**A1.** Yes, all cities are covered, including joint powers entities, however premiums will vary depending on city size. The paid family and medical leave coverage and premiums do not begin until Jan. 1, 2026; however, there are some actions employers should take now to prepare (see Q8).

[Return to top of page](#)

## Q2. Which employees are covered by this new law and which are exempted?

**A2.** Self-employed individuals and contractors are not covered by the law but as of 2025 they can opt into coverage for paid leave benefits beginning on Jan. 1, 2026. All other city employees are likely to be covered.

Minnesota Paid Leave law defines Minnesota employees as:

- Employees who worked 50% or more of the prior year in Minnesota.
- For employees who performed some work in Minnesota but did not work 50% or more of the year in Minnesota or any one state, coverage applies if they live in Minnesota during 50% or more of the calendar year.

As the definition reflects, there is no specific exemption for part-time employees, paid on-call firefighters, or elected officials. However, the city should consult with their city attorney to decide whether these paid on-call firefighters or elected official positions would be considered “employees” of the city for the purpose of this law.

Applicants are ineligible for Minnesota Paid Leave benefits for any portion of a typical workweek for which they are incarcerated or are receiving or have received unemployment insurance benefits.

In 2024, the Legislature added a seasonal employee exception for those “who are employed no more than 150 days during any consecutive 52-week period in **hospitality** by an employer whose average receipts during any six months of the preceding calendar year were not more than 44% of the average receipts for the other six months of year.” While some city golf restaurants may fall under this exception, under the current law and guidance, other nonfood oriented seasonal positions may not fall under this narrow exception. Thus, full time, part time, temporary, and most seasonal workers are covered and subject to Minnesota Paid Leave. DEED is in a rulemaking process and may provide additional guidance.

To receive benefits under this new law, the employee must have wage credits of at least 5.3% of the state’s average annual wage (SAAW) rounded down to the next lower \$100. For 2024, the state reported this threshold at \$3,700.

[Return to top of page](#)

## Q3. What paid leave benefits will employees receive under this new state plan?

**A3.** The law provides paid family and medical leave to employees who apply for the benefits and meet eligibility requirements.

The following types of leave qualify under state law are similar to, but not an exact match, to the federal Family and Medical Leave Act (FMLA). Due to the differences between FMLA and Minnesota Paid Leave, an employee may qualify for paid leave, even if they do not qualify for FMLA leave. Employer policies can require that leave taken under paid leave runs concurrently with leave taken for the same purpose under FMLA.

- Bonding after birth, adoption, or foster parenting.
- A “qualifying exigency,” such as a need associated with a military member’s active-duty service or has been notified of an impending call or order to active duty in the Armed Forces.

- Safety leave, which is leave from work because of domestic abuse, sexual assault, or stalking when the leave is associated with seeking medical, victim services, psychological, or legal assistance, as well as relocation due to the event.
- A serious health condition of self or family member.

A family member is defined as:

- A spouse or domestic partner.
- A child, including a biological, adopted, or foster child, a stepchild, a child of a domestic partner, or a child to whom the applicant stands in loco parentis, is a legal guardian, or is a de facto custodian.
- A parent or legal guardian of the applicant.
- A sibling.
- A grandchild.
- A grandparent or spouse's grandparent.
- A son-in-law or daughter-in-law.
- An individual who has a personal relationship with the applicant that creates an expectation and reliance that the applicant care for the individual without compensation, whether or not the applicant and the individual reside together.

Except for benefits for bonding leave, the state law will limit the paid family and medical leave benefits to those certified by a health care provider or designated professional and with a single qualifying event of at least seven days duration, which must be consecutive unless the leave is intermittent (see Q10 for more information on intermittent leave). This seven-day waiting period is not an unpaid period for Minnesota Paid Leave for leaves due to family care, medical care related to pregnancy, serious health condition, qualifying exigency, or safety leave. For intermittent leave, the initial paid week means seven consecutive, nonconsecutive, or a combination of consecutive and nonconsecutive calendar days from the effective date of leave to be paid retroactively after the applicant has met the seven-day qualifying event in the first benefits payment to the applicant.

Generally, bonding leave must end within 12 months of the birth, adoption, or placement of a foster child. The new law sets out circumstances that allow for exceptions to this rule.

The benefit amount of paid leave is progressive and will vary based on an employee's weekly wages, such that lower-income employees will receive a higher percentage of income with a sliding scale of lower percentages as employees earn more. Generally, employees will receive:

- 90% of the portion of their weekly wages that is less than or equal to 50% of the state's average weekly wage (the state's average weekly wage is posted by DEED annually), plus:
- 66% of the portion of their weekly wages that is more than 50% of the state average weekly wage but not 100% weekly wage, plus:
- 55% of the portion of their weekly wages that exceed 100% of the state average weekly wage.

Benefits will be capped at 100% of the state average weekly wage.

Benefits will begin the Sunday of the calendar week in which a benefit application is filed.

The total number of weeks that an employee may take benefits in a single benefit year for a serious health condition is the lesser of 12, or 12 weeks minus the number of weeks that the employee received benefits for bonding, safety leave, family care, and qualifying exigency within the same benefit year, for a maximum of 20 weeks.

[Return to top of page](#)

## Q4. What job protections does this law provide to employees?

**A4.** An employer cannot retaliate against an employee for requesting or obtaining Minnesota Paid Leave, nor can it obstruct or interfere with an employee applying for the paid leave. An employee must be returned to the same position they held when the leave started, with equivalent benefits, pay, and other terms and conditions of employment.

[Return to top of page](#)

## Q5. How much will this new program cost and how is it funded?

**A5.** The program is funded in large part by employer premiums and, in some cases, employee contributions. DEED will collect quarterly electronic premium payments, in the form of a percentage of payroll taxes, from Minnesota employers.

Beginning January 2026, employers will contribute a minimum of 50% of the total premium, though they may choose to pay up to 100% of the premium. Employers may, in some cases, deduct the remainder from employees' pay, up to a maximum 50% of the premium ([refer to Q17](#)), but such cost sharing likely requires negotiation for represented employees. The first payroll deductions begin on Jan. 1, 2026, with premiums due to DEED by April 30, 2026, based on wage detail reported between Jan. 1, 2026, and March 31, 2026.

For reference, initially, Minnesota Paid Leave provided for a 0.7% payroll tax for premiums. On May 13, 2024, an actuarial and consulting firm, Milliman, presented to the state the rate may need to be increased to 0.88% to sufficiently fund the paid leave program. On Feb. 21, 2025, DEED posted on its website, the premium rate for 2026 will be 0.88%. Premiums are capped at the Old-Age, Survivors and Disability Insurance (OASDI) limit (\$176,100 for 2025); the same wage used by the Social Security program. Effective Aug. 1, 2025, there is a cap of 1.1% of taxable wages on the premium rate in the paid leave law. Prior to 2025, this cap was 1.2% but was reduced to 1.1% in the 2025 special session.

DEED includes a [premium calculator](#) on its Minnesota Paid Leave webpage so applicants can better estimate their benefits. Please refer to [Q4](#) for details on taxes.

Going forward, premium rate adjustments will be made by July 31, 2026, and then by July 31 each year thereafter for the following calendar year based on program historical experience and sound actuarial principles so the projected fund balance as a percentage of total program expenditure does not fall below 25%. DEED will contract with a qualified independent actuarial consultant to conduct an actuarial study for this purpose every year.

A [new calculator tool](#) to help employers and individuals estimate costs under paid leave is now on the DEED website.

There are some reductions in cost for employers with fewer than 30 employees.

## Small employers

Effective Jan. 1, 2026, a reduced premium rate of 75% of the annual calculated premium rate will be available for small employers with:

- 30 or fewer employees, and
- The city's employees' average employee wage falls under 150% of the statewide average annual wage (SAAW) for the basis period (\$107,016 in 2025).

The state will notify small employers later in 2025 if they qualify for this small employer rate in 2026 (equivalent to .22% of payroll for 2025, compared to the typical large employer minimum rate of .44%).

The employee premium remains the same for both large and small employers at up to 50% of the full premium.

[Return to top of page](#)

## Q6. Will there be annual cost increases?

**A6.** The premium plan rate will be calculated annually for the following calendar year based on program historical experience and sound actuarial principles so the projected fund balance as a percentage of total program expenditure does not fall below 25%. DEED will contract with a qualified independent actuarial consultant to conduct an actuarial study for this purpose every year. As outlined in [Q5](#), cities budgeting for 2026 will want to include .88% of taxable wages paid to each employee based on DEED's release of 2026 premium rates. Pursuant to [Q17](#), there may be a cost sharing option on premiums with employees, but such cost sharing likely requires negotiation for represented employees.

[Return to top of page](#)

## Q7. Is there a “reimbursement employer” public sector option available, similar to unemployment compensation?

**A7.** There is no option to become a “reimbursement employer” as is the case with unemployment compensation. All city employers are covered by this new law unless they apply for an exemption through an application process to demonstrate they provide employees with an equivalent plan that meets or exceeds the coverage offered through the state. ([see Q14](#)).

[Return to top of page](#)

## Q8. What is the role of the city in administering this program?

**A8.** Employers will have essentially three categories of responsibilities under the Minnesota Paid Leave program: (1) notification requirements, including educating and informing employees (2) reporting wages and paying premiums to fund the program and (3) coordinating benefits and leaves during an absence.

- **Notification requirements, including educating and informing employees.** The city must display DEED's uniform workforce poster in a conspicuous place and provide written information provided by DEED to employees about the paid leave program 30 days before

premium collection begins (December 2025), as well as to newly hired employees. [Minnesota Statute, section 268B.26](#) states DEED will provide the model notice for employers. The information will include an explanation of the available benefits provided under the new law, instructions on how to file a claim, and other specified information. Cities will want to ensure they have an employee's written or electronic acknowledgement of receipt of the written notification because they may be asked by the state to prove they notified employees. While thinking through your notification process, ensure you are able to demonstrate the way the employee had been notified in the event an employee refuses to acknowledge receipt. If five or more employees speak a different language as their primary language, notices must be provided in that language if it is made available by DEED.

- **Reporting wages and in 2026, submitting paid leave premiums.** Much like unemployment compensation, employers are required to submit quarterly wage detail reports, including the total wages paid to an employee and the total number of paid hours worked. While the first premiums are not due until 2026, the good news is wage detail reporting is already underway with the first reports due beginning back on Oct. 31, 2024. When cities submitted their typical wage detail for July through September 2024 in October 2024, the city was meeting BOTH their unemployment insurance (UI) and Minnesota Paid Leave wage reporting requirements for many positions. Employees whom cities do not report for UI, like elected officials or election judges, will need to be kept separate from those that are covered by UI, but submitted by establishing a "Paid Leave Only" account through another process as [outlined on the Minnesota UI webpage](#). There are fees associated with late reporting, but DEED can cancel the fee if the report is submitted within 30 calendar days after DEED issues notice. There are also fees for reports with missing or erroneous information.
- **Coordinating benefits and leaves during an absence.** The 2024 legislative session classified Minnesota Paid Leave data as private, pursuant to some exceptions for exchanging information with certain state and federal agencies, employers and health care providers. Thus, cities will want to begin thinking through processes to ensure reports and submittals for Minnesota Paid Leave are retained in a secured manner. Also see [Q22](#).

[Return to top of page](#)

## Q9. How will we find out if an employee has applied for this benefit and been approved?

**A9.** DEED guidance suggests employees cannot apply for Minnesota Paid Leave until they first notify their employer. Per statute, DEED is required to notify all employers from which the applicant is taking leave, either in writing or electronically, not more than five business days after a claim for benefits has been filed by the employee or former employee.

[Return to top of page](#)

## Q10. How does intermittent leave work?

**A10.** Generally, any leave under the law is eligible for intermittent. All intermittent leaves will result in a prorated benefit. Intermittent leave counts toward the maximum leave allowed by the law.

An employee taking leave on an intermittent schedule must provide the employer with a schedule of the needed workdays off as soon as practicable, taking into account all circumstances.

Employees can use intermittent leave in increments the city allows for other forms of leave, as long as the city's policy permits a minimum increment of at most one calendar day. An applicant may not apply for payment of intermittent Minnesota Paid Leave until the applicant has accumulated eight hours of leave, unless more than 30 calendar days have passed since the initial taking of leave.

Employers must provide a minimum of 480 hours of intermittent leave in any 12-month period for qualifying leave. Although not required, employers can choose to provide the total amount of leave available under Minnesota Paid Leave as intermittent leave. If an employer limits the hours of intermittent leave to 480 hours, the employee is entitled to take the remaining leave continuously, provided the leave does not exceed the maximum 20-weeks in a single benefit year.

[Return to top of page](#)

## Q11. Can the employer require proof of the need for the leave?

**A11.** The employer can require an employee to provide a copy of the certification required by DEED to apply for the benefits. The certification required depends upon the type of leave requested but generally will substantiate the need for the leave and where applicable, the duration and timing of the leave.

Examples of required documentation employees will submit to DEED include the following:

- For **medical leave**, a health care provider will need to complete a certification form that demonstrated the employee's serious health care condition prevents the employee from performing their regular job and the amount of time needed.
- For **caring leave**, for an employee to care for their family member, their family member's health care provider will need to complete a certification form that demonstrates that the employee's care is medically necessary, and the amount of time needed.
- For **bonding leave**, the employee will need documentation completed by a health care professional, adoption agency, or foster care agency that demonstrates the child has arrived or been placed in the employee's home.
- For **military family leave**, the employee will need a copy of the active duty orders or other official military document showing their family member is about to be deployed for duty.
- For **safety leave**, the employee will need documentation that includes proof of the need for leave. This could include a letter from a qualified professional (such as a domestic violence advocate, counselor, or attorney), a police report, restraining order, or other court order. This document does not require detailed information about what happened, only that safety leave is required.

[Return to top of page](#)

## Q12. Does this run concurrently with federal and state family and medical leave programs?

**A12.** Yes. The law specifically states an employer may require this leave to run concurrently with the federal Family and Medical Leave Act or the leave required under [Minnesota Statutes, section 181.941](#) when the leave is taken for the same purpose. Cities must follow both laws



when both apply to the employment situation; they must ensure the employee is receiving the highest level of benefits available under both laws when both apply.

Based on unofficial guidance the League received from DEED in fall 2024, in instances where the employee first takes an unpaid FMLA leave and then subsequently applies for Minnesota Paid Leave as a result of the same condition, employers may designate the FMLA time as qualified leave under 268B. Although an eligibility determination is reserved for the state to decide in response to an application for Minnesota Paid Leave program benefits, this designation may reduce the amount of leave available to the employee through the Minnesota Paid Leave program.

[Return to top of page](#)

## Q13. How does this new law interact with the new law on earned sick and safe time (ESST)?

**A13.** In general, ESST is meant to cover employees in situations such as a brief illness, when they have sick children who cannot attend daycare, etc. ESST is also administered by the employer, so there is no requirement to get approval from DEED or, in many cases, a medical professional, for less than two consecutive business days. However, generally speaking, ESST can be used by employees in place of, or in addition to Minnesota Paid Leave, in different situations.

The Minnesota Paid Leave program, in contrast, is for long-term extended leave, and requires DEED approval based on necessity and eligibility. It is intended to cover more extreme accidents or illnesses, maternity/paternity leave, qualified exigency leave, safety leave, or care for a family member.

[Return to top of page](#)

## Q14. How can the city apply for an exemption from this program — i.e., establish a “private plan?”

**A14.** Employers may apply for approval to be exempted from the state plan by providing a “private plan,” which offers at least the same rights, protections, and benefits as employees are entitled to receive under the state plan. Employers who wish to provide an equivalent plan to their workforce will have the option to either purchase a plan from a private carrier or create their own self-insured plan. Employers can apply to be exempted from the medical benefit program only, or the family benefit program only, or both. Employers with an approved private plan are not subject to the program premium cost ([see Q5](#)), however, they will need to pay an oversight fee and possibly a surety bond depending on the plan.

[Learn more about the State’s application for equivalent plans.](#)

Later in 2025, employers can apply to have an equivalent plan recognized to meet at least the minimum requirements of Minnesota Paid Leave, and applications will be accepted on an ongoing basis. Equivalent plans will require a surety bond and are subject to approval by the Minnesota Department of Commerce. The Minnesota Department of Commerce will also be certifying qualifying plans offered by licensed insurance carriers, so employers who purchase these plans will know they meet the requirements of Minnesota Paid Leave.

[View the Minnesota Department of Commerce equivalent medical leave plan checklist.](#)

[Return to top of page](#)

## Q15. Can the city require employees to use other paid leave to supplement the Minnesota Paid Leave program benefits?

**A15.** No. The law explicitly states that employers cannot require employees use their accrued paid time off to supplement any benefits they receive from the Minnesota Paid Leave program. However, the law allows, but does not require, the city to supplement the payments available under this program by allowing the employee to use paid leave in addition to the paid benefits available under the new program. Recall in Q3, the Minnesota Paid Leave benefit is progressive and varies based on an employee's weekly wages. A city allowing employees to use supplemental benefits (such as sick leave, vacation, PTO and short-term disability) to "top off" Minnesota Paid Leave payments provides employees with the opportunity to be made "whole" in many cases through much of their leave period, and simultaneously draws down accrued leave liabilities for a city. That said, an employee's supplemental benefits combined with Minnesota Paid Leave may not exceed the employees' pre-leave wages. For additional information on short-term disability/long-term disability impacts, refer to Q20. The city should consult with the city attorney to determine if there are other policies, collective bargaining agreements, or state or federal laws that might require or prohibit this. Also see Q17.

In some cases, if an employer provides an employee wage replacement during an absence, and the total of Minnesota Paid Leave benefits and any supplemental benefits exceed the employee's usual salary, the employee must refund the excess to either the employer or DEED. If an employer provides wage replacement benefits to an employee for a week that should have been paid by DEED, then DEED may reimburse the employer directly.

[Return to top of page](#)

## Q16. Can the city require the employee to use city leave first before accessing this program?

**A16.** No. The city cannot require the employee to use paid leave first before applying for benefits under this new program. However, an employee can choose to use vacation, sick, or paid time off, or disability insurance payments in lieu of the state paid leave program. During the period of time the employee is using city paid leaves instead of the Minnesota Paid Leave program, they are entitled to the employment protections of the law.

If the city runs FMLA concurrently with paid leave under this program, that time would likely reduce the amount of leave available to the employee under the state's paid leave benefits, although the state is ultimately responsible for making an eligibility determination decision. In response to an application for benefits under the Minnesota Paid Leave program, the state is responsible for issuing an eligibility determination regarding the amount of benefits available to the applicant. Cities must exercise caution to not interfere with or retaliate against an employee for exercising their rights under the Minnesota Paid Leave law.

[Return to top of page](#)

## Q17. How will this impact collective bargaining agreements (CBAs)?

**A17.** The law does not preclude employers from bargaining with unions with respect to leave benefits and related procedures and employee protections, as long as they meet or exceed, and do not otherwise conflict with, the minimum standards and requirements in the law. Many

labor experts state there is a negotiation obligation to establish a 50% employer / 50% employee premium split for represented employees.

[Return to top of page](#)

## Q18. What if the employee is using workers' compensation benefits or receiving severance benefits; can they use this leave in addition to that?

**A18.** It depends; an applicant is not eligible to receive benefits for any portion of a week in which the applicant is receiving or has received compensation for loss of wages equal to or in excess of the applicant's weekly family or medical leave benefit amount under:

- The Minnesota workers' compensation law.
- The workers' compensation law of any other state or similar federal law.

Generally, if the amount of workers' compensation for any week is less than the applicant's weekly family or medical leave benefit amount, benefits requested for that week are reduced by the amount of that compensation payment.

[Return to top of page](#)

## Q19. Does the city have to continue its contribution to health insurance while an employee is on this leave?

**A19.** Yes. Like the federal Family and Medical Leave Act, this law requires the employer to maintain health insurance coverage as if the employee was not on leave. The employee must continue to pay their share of the cost.

[Return to top of page](#)

## Q20. How does this program impact short-term disability and long-term disability benefits we currently provide to employees?

**A20.** An employee may receive disability insurance payments in addition to Minnesota Paid Leave benefits, provided the employee is eligible for both benefits at the same time. Disability insurance benefits may be offset by family and medical leave benefits paid to the employee pursuant to the terms of a disability insurance policy. Minnesota Paid Leave will be the primary in most circumstances, so short-term disability claims may be offset by Minnesota Paid Leave benefits.

Cities will want to discuss how their own short-term disability plan will be impacted by Minnesota Paid Leave with their carriers for 2026. Some carriers highlight a short-term disability plan may be especially attractive to higher wage earners, again due to the progressive nature of the Minnesota Paid Leave plan that provides greater benefits to lower wage earners (refer to Q3).

[Return to top of page](#)

## Q21. What if we allow the employee to supplement the benefit by taking paid leave in addition to the leave under this program; can the employee exceed their normal wages?

**A21.** No, an employee cannot make more not working than they would actively working. Employers may designate certain benefits as a supplemental benefit, including but not limited to salary continuation, vacation leave, sick leave, or other paid time off. Payments designated as “supplemental benefits” can make up the difference between partial and full wage replacement. Even if supplemental benefits are offered, the choice to receive supplemental benefits lies with the employee. However, Minnesota Paid Leave law specifically prohibits a situation where a supplemental benefit payment combined with any leave benefit under this program exceeds the regular wage or salary of the employee.

[Return to top of page](#)

## Q22. What should our city do to prepare for this new law, now and in preparation for Jan. 1, 2026?

**A22.** Action areas cities may want to begin considering in preparation for the new law include:

- **Review how employees’ accrued leave benefits will interact with the Minnesota Paid Leave plan.** The League is currently developing tools to help cities work through how common existing leaves may work with Minnesota Paid Leave absences, especially for cities considering permitting employees to “topping off” Minnesota Paid Leave benefits with other benefits such as accrued leave. Begin working on personnel policy updates for nonunion employees regarding paid leave policies and other aspects of this program. Part of this review may include the following strategic planning questions:
  - Will the city pay 50% of the premium or more? Refer to [Q5](#) and [Q17](#).
  - Review your time and attendance procedures. Cities can require employees to follow city notification policies for their leave, but those notifications must be outlined in policy and compliant with the Minnesota Paid Leave law.
  - Think through whether your city wishes to allow employees to use other benefits like short-term disability, long-term disability, and accrued city leave to top off/make their salary “whole.” Refer to [Q15](#) and [Q20](#) to review offsets with your short-term disability or long-term disability carriers.
  - Review city policies to determine the minimum increment of time you will allow workers to take leave (i.e., 30 minutes, one hour, a half day, a full day?).
  - Be familiar with [ADA](#) and [MHRA](#) laws to be aware how reasonable accommodations can come into play once an employee’s Minnesota Paid Leave expires. Cities can reach out to the League to learn more.
- **Determine a paid leave administrator**, especially with respect to logging into the state’s portal for Minnesota Paid Leave administration. Per DEED, the paid leave administrator is the point of contact who will:
  - Manage the city’s account with paid leave.
  - Review applications submitted by employees.

- Coordinate paid leave with other city benefits.
- **Budget impact in fiscal year 2025** for the premiums beginning on Jan. 1, 2026.
- **Bargaining with unions** with multiple year contracts, especially for employee cost sharing of premiums, and if the city wishes to establish a private plan or come to agreement on how to handle other aspects of the law.
- **Consult with providers** and prepare payroll and other computer systems for any additional tracking required to report to DEED under the new law.
- **Outline an internal communication plan to employees**, which should include posting the required DEED poster and providing the required detailed information about the program to employees. See Q8.

Prepare to implement wage theft notification requirement changes, effective Jan. 1, 2026, by beginning to follow the new requirements added for keeping statements for three years and preparing to include payroll systems for reporting premium employee deductions and contributions by the employer on wage statements.

[Return to top of page](#)

## Q23. Will the state paid leave/wages that employees receive under the new family and medical leave state program administered by DEED be subject to PERA withholding?

**A23:** Per PERA, state paid family and medical leave program payments are not eligible salary for PERA contributions or service credit. However, employer-paid leave, including sick and vacation, used to supplement paid family and medical leave is eligible salary for PERA contributions and reporting provided the employee is on *medical leave* and the employer-paid leave represents **at least 50%** of the average earnings that the person had received during the first six-months immediately prior to the medical leave. On the other hand, if the employee's medical leave paid time off is less than one-half of the average earnings the individual received in the six months of covered employment prior to the leave, then the pay is not eligible salary for pension purposes and may not be reported to PERA. PERA members may purchase salary and service credit lost during a period of authorized leave. Keep in mind, cities are required to complete an annual leave report listing authorized leaves taken during the prior year that resulted in any unpaid time. Refer to [Chapter 5 of the PERA Employer Manual \(pdf\)](#) pages 5-9 through 5-10.

[Return to top of page](#)

## Q24. How will premiums be treated on an employee's W-2?

**A24:** On Jan. 15, 2025, the Internal Revenue Service (IRS) issued [Revenue Ruling 2025-4](#), which explains how the federal government will approach income taxes for premiums and benefits received from a program like Minnesota Paid Leave. Minnesota follows federal law to determine when income is included or excluded from a taxpayer's gross income. This means Minnesota will generally conform to the IRS conclusions about federal gross income.

For cities paying the minimum employer contribution (i.e., generally in 2026, .44 % of the total premium rate of .88%) and collect premiums from employees, the employee portion of the

contribution should be included on the employee's W-2 and does not reduce federal or state taxable wages.

If a city chooses to pay more than the required minimum share of the premium (i.e., generally in 2026 more than .44% of the total premium rate of .88%), this is additional compensation to the employee and is included in the employee's federal gross income as wages.

Medical leave benefits will be treated two different ways for federal tax purposes. Half of the benefit (the amount attributable to the employer contribution) will be treated as wages. The remaining half (the portion attributable to the employee contribution) are excluded from the employee's federal gross income and are not taxable. As the state outlines, the share of medical leave benefits the state will pay Minnesota Paid Leave applicants counting as wages will be treated as third-party sick pay, as described by the IRS in Notice 2015-16. For medical leave benefits, the state will provide information to the city on a frequent basis so the city can pay their portion of Social Security and Medicare taxes. Again, cities will include these payments as wages on the Form W-2 issued to employees.

When employees apply for paid leave, they will have the option to withhold state and federal taxes from their weekly benefit. If an employee chooses this option, Minnesota Paid Leave will withhold 5% for state taxes and 10% for federal taxes.

[Return to top of page](#)

---

Your LMC Resource

Joyce Hottinger

Assistant Human Resources Director

(651) 281-1216 or (800) 925-1122

[jhottinger@lmc.org](mailto:jhottinger@lmc.org)