CITY OF WINONA, MINNESOTA

EMPLOYEE HANDBOOK

September 20, 2004

Amended June 16, 2008

City of Winona
207 Lafayette, P.O. Box 378
Winona, MN 55987-0378

THIS HANDBOOK IS NOT A CONTRACT

This Employee Handbook is not a contract between the City and any person. The City may modify or rescind any provisions of the Handbook at any time without notice. No provision of this Handbook should be read as creating a contractual relationship between the City and any person, or as conferring express or implied contractual rights to any person, including but not limited to the right to any term or condition of employment. The Handbook also should not be read as imposing any express or implied contractual responsibility upon the City. To the extent any provision of this Handbook may be construed as inconsistent with this subsection, including but not limited to any provision created by an amendment to this Handbook after the drafting of this subsection, this subsection shall prevail and render the conflicting provision null and void to the extent of its inconsistency with this subsection. To the extent any prior handbook may be construed as creating express or implied contractual relationships or contractual rights, this Handbook revokes those earlier handbook provisions effective immediately.

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WELCOME

The City of Winona welcomes you to serve our public.

As a City of Winona employee, you are embarking on one of the most rewarding of all careers—providing public service to the community. The City of Winona delivers a wide range of municipal services and, as a City employee, you are an integral and necessary part of that process. It is your responsibility to provide these services in the most professional, responsive, and efficient way.

You are not only part of the City's organization, to those members of the public with whom you will come in contact, *you **are** the City of Winona*. You make an impression each time you contact a member of the public, whether it is on or off the job. Each individual impression adds up to the City's collective reputation.

The City depends on you to work hard and to contribute in providing the best possible public service at the lowest possible cost. In appreciation for your effort, the City will continue to strive to provide safe working conditions, fair treatment, fair pay, advancement opportunities, and the chance for you to make a worthwhile and significant contribution to the community.

Thank you, and welcome to the Winona team.

GOVERNMENT AND ORGANIZATIONAL STRUCTURE

The City of Winona operates under a Council-Manager form of government. This is the most popular form of government for cities our size, as it engenders an efficient framework for honesty in government and performance of public services efficiently, cost effectively, and responsively.

Under the Council-Manager form of government in Winona, the City Council has final responsibility and authority for municipal affairs. The City Council is comprised of seven members: the Mayor and six Council Members. The City Council represents the citizens of the community and makes policy decisions that affect them. The City Manager is responsible to the Council for seeing that these policies are carried out as intended by the Council.

Each department of the City operates to serve the City as a whole. Likewise, as a City employee, you work for the City of Winona, not merely for a particular department within the City. In this way, you are indeed part of the City's overall organization. The citizens of the Winona community have high expectations concerning the services they expect from the City, and you have been selected to serve in your position because the City is confident that you will meet those expectations in the manner of your service.

ADDITIONAL INFORMATION

The Employee Handbook contains useful but limited information pertaining to your employment with the City. More specific information about your position and the City's expectations concerning your performance may be found in the collective bargaining agreement relevant to your position, the specific job description designed for your position, the City of Winona's Administrative Manual, the specific policies pertaining to personnel, and any departmental directives and guidelines for your position. It is your obligation to become familiar with each of these important documents.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Winona is an equal opportunity employer. The City's policy is to provide employment opportunities for all persons, regardless of race, color, religion, national origin, marital status, political affiliation, status with regard to public assistance, disability, sex, or age.

DEFINITIONS

For the purposes of these policies and the designation of employees, unless a different meaning is clearly stated or indicated by the context, the terms defined in this policy and the designation of employees shall have the meanings given them in this section.

City Manager – the person appointed to be the chief administrative officer of the City. Among the powers and duties of the City Manager prescribed by the City Charter is to serve as the personnel director of the City.

Confidential Employee - employees who either:

- have access to labor relations information, including management positions on economic and non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position; and/or

- actively participate in the meeting and negotiating on behalf of the public employer.

Department Head - a person appointed to administer the programs and supervise the personnel of a City department.

Employee – any person appointed or employed by the City. The following persons are not considered employees:

- members of the City Council or any City board, committee, commission, or other such body established by statute or City charter, ordinance, or resolution;
- independent contractors; and
- Volunteers.

Management Employee – employees who have the authority to undertake a majority of the following functions on behalf of the City: appoint, transfer, suspend, promote, terminate, assign, reward or discipline, direct, or adjust grievances of other employees, or effectively recommends any of those actions. The exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment.

Non-management Employee – employees who do not meet the definition of "management employee."

Nonunion Employee - an employee who is not in a collective bargaining unit of the City represented by an exclusive representative.

Union Employee – an employee who is designated in a collective bargaining agreement as an employee in a collective bargaining unit of the City represented by an exclusive representative.

Working Day – refers to any time frame within a 24 hour period in which an employee is normally scheduled to work in a position.

PROBATIONARY PERIOD

Except to the extent specified by the City's Charter, Merit Board rules, or a controlling collective bargaining agreement, all positions within the City are "at-will" positions. This means the City may end the employment relationship at any time, without cause, within the City's sole discretion. For all other positions, unless another express provision of the City's Charter, Merit Board rules, or applicable collective bargaining agreement specifies a different length, all employees commence their employment as probationary at-will employees. This probationary period shall be for a period of twelve (12) months, unless otherwise expressly agreed upon in writing, except that the probationary period for department heads shall be two (2) years. After this probationary period the City may end the employment relationship under the standards set forth in the applicable documents.

During the probationary period of employment, all City employees are expected to meet all requirements and standards of the position to which the employee has been hired. During your probationary period, you are encouraged to discuss your progress with your supervisor and become fully acquainted with your responsibilities. If your work meets established standards, at the end of your probationary period you may

become a regular employee of the City of Winona. The decision concerning whether a probationary employee has satisfactorily met the standards and responsibilities of his or her position rests solely upon the discretion of the City.

EMPLOYEE TYPES

Employees of the City may be designated as one or more of the following employee types:

Probationary Employee – an employee who is serving a probationary period in a position to or from which the employee was appointed, promoted, transferred, demoted, reclassified, or reinstated.

Regular Employee – An employee who may work varying numbers of hours per week, but is normally scheduled for a set number of hours per week. Their position is ongoing and they have successfully completed the probationary period in that position. This term does not imply an employee has a vested right to continued employment.

Periodic Employee - An employee who is scheduled for and works varying numbers of hours per week. Their position is ongoing and they have successfully completed the probationary period in that position. This term does not imply an employee has a vested right to continued employment.

Temporary Employee- A temporary employee is hired to fill a temporary need of a department and is appointed by the day or week to perform unskilled or semi-skilled labor. A temporary employee is not eligible for City employee benefits except those mandated by state or federal law or otherwise expressly stated in these policies or otherwise contained in benefit contracts.

Seasonal Employee – an employee hired to perform work for the City for less than 6 months in a calendar year. A seasonal employee is not eligible for City employee benefits except those mandated by state or federal law or otherwise expressly stated in these policies or otherwise contained in benefit contracts.

Limited Term Employee - A limited term employee is hired to fill a temporary need of a department. These positions are established for a fixed period of time or as may be otherwise designated by the City Council. These employees are eligible for the same benefits conferred upon regular employees defined as full-time and nonunion and are subject to the terms and conditions set forth by the City Council.

Temporary or seasonal employees may be considered one of the following subtypes of employees:

- **Student** – an employee who is 21 years of age or younger and is enrolled full time in a public, non-profit, or private educational institution or who has indicated an intention to continue as a full-time student following seasonal employment.

The student may not work more than 100 working days in a calendar year.

- **Short Term** – an employee who works or is in a position that is filled no more than 67 working days in a calendar year.

- **Emergency** – an employee who is employed by the City for emergency work caused by natural disaster.

All employees may also be considered the subtype of management and/or confidential.

SCHEDULE TYPES

Employees of the City may have one of the following schedule types:

Full-Time - an employee who meets one or more of the following criteria:

- is normally scheduled to work an average of 80 hours in a two-week pay period;
- works in a department that requires 24-hour coverage and has an alternative full-time schedule; and/or
- is expressly defined as full-time by a collective bargaining agreement.

Part-Time – an employee who meets one or more of the following criteria:

- is normally scheduled to work more than an average of 14 hours per week, but less than an average of 80 hours in a two-week pay period; and/or
- is expressly defined as part-time by a collective bargaining agreement

Intermittent – an employee who is normally scheduled for work an average of 14 hours or less per week.

OUTSIDE WORK RESTRICTIONS

Generally, the City does not restrict you from engaging in outside employment or business, provided the nature of the employment or business does not conflict with the duties and responsibilities as an employee of the City. Outside employment or business conflicts with the duties and responsibilities of an employee if it creates a conflict of interest or if it has the potential to create the appearance of conflict or impropriety. If you wish to take outside employment but are uncertain about whether that outside employment violates this provision, you should inform your supervisor and receive approval before taking the employment.

Outside employment or business shall be conducted outside your work hours, and you shall not use any City resources in conducting your business. The City generally will not change your work hours to facilitate the scheduling of any outside employment or business.

GIFTS AND CONFLICTS OF INTEREST

You shall avoid any action that might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, losing independence or impartiality, or making a City decision outside official channels. Specifically, you may not:

1. Solicit or accept directly or indirectly any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who has or is seeking to obtain contractual or other business or financial relations with the City or has interests that may be substantially affected by the performance or nonperformance of the your official duties;

2. Use information obtained under City authority that has not become part of public information for private gain for yourself, or another person, particularly one with whom you have family business or financial ties;

3. Have a direct or indirect financial interest that conflicts or appears to conflict with your City duties and responsibilities;

4. Directly or indirectly engage in a financial transaction as a result of, or primarily relying on, information obtained through your employment with the City;

5. Use or attempt to use your official position to secure benefits, privileges, exemptions, or advantages for yourself or your immediate family or an organization with which you are associated; or

6. Participate in the award or administration of a contract supported by federal or state funds if you, any member of your immediate family, your life partner, or an organization that employs or is about to employ any of the above has a financial or other interest in the firm selected for an award.

Acceptance of food and refreshments of nominal value on infrequent occasions in the course of a meeting where you may properly be in attendance, or acceptance of plaques or similar mementos recognizing individual services will be deemed not to violate this policy.

Employees found to be violating the proscriptions of this personnel policy may be disciplined up to and including termination. This discipline is in addition to any sanctions that may be imposed under state or federal law.

ENDORSEMENTS

Employees are prohibited from recommending or endorsing a particular product or business to an individual who is not an employee of the City in the course of or in relation to their duties performed for the City.

PERSONNEL RECORDS

It is your responsibility to insure that your personnel records are kept accurate and up-to-date. You must therefore notify the personnel office when there is any change in the following: your name (for any reason), your address, beneficiaries for City-provided life insurance and retirement policies, telephone number(s), and emergency contact persons.

CONTROL OF COLLECTIVE BARGAINING AGREEMENT

Each of the provisions of this Employee Handbook apply to all employees, to the extent that the terms of the provision are not in conflict with the collective bargaining agreement directly applicable to an employee's position. Where a provision of this Employee Handbook directly conflicts with a provision of the collective bargaining agreement that pertains to an employee's position, the collective bargaining agreement shall control.

WORK WEEK AND OVERTIME PAY

The City follows the requirements of the Fair Labor Standards Act in determining an employee's work week. The ordinary work week consists of a total of forty (40) hours. For some positions, the work day and work week may vary considerably. For employees covered by the provisions of the Fair Labor Standards Act, time worked as "overtime" in excess of the work week is considered overtime and payable at the rate designated by the collective bargaining agreement relative to that position, and where there is no such express agreement, at one and one-half (1-1/2) times the employee's regular rate of pay. However, employees who are salaried and who are exempt from coverage by the Fair Labor Standards Act, may not be eligible for overtime wages. All overtime must be pre-approved by the employee's department head or designated supervisor, except in cases of emergency. Employees are entitled to a fifteen (15)-minute rest break in the first four (4) hours of the work day and fifteen (15) minutes in the last four (4) hours of the work day. Breaks do not carry over beyond the day of service, and if not used, shall not result in compensation or accrued time off. Positions for which the work day is longer than eight (8) hours, by direction of the applicable collective bargaining agreement shall be entitled to breaks as specified in the agreement. To provide for continuity in City operations, the timing of employee breaks is subject to the approval of the directing supervisor.

ATTENDANCE

You are expected to be in attendance during all scheduled hours of work. Unsatisfactory attendance, including reporting late or quitting early, may be grounds for disciplinary action. If you believe you may be late for any reason, it is your responsibility to inform your supervisor in advance whenever possible.

COURTEOUS BEHAVIOR

Each employee must treat every other person encountered as a result of the employee's employment with the City with courtesy, respect, and professionalism.

WAGES

The City shall pay an employee's wages as determined by the wage schedules established by the City Council.

COMPENSATORY TIME

Employees who are not exempt under the Fair Labor Standards Act have the option of choosing overtime wages or accruing compensatory time off for compensation for working overtime hours. Compensatory time is calculated at one and one-half (1-1/2) times the overtime hours worked.

PAYDAY

Employees are paid on alternate Fridays for the previous two weeks ending on the Friday immediately preceding the payday.

PAYROLL DEDUCTIONS

The City will deduct from your paycheck all applicable taxes and retirement contributions. The City will also deduct other items that you may choose including pledges to the United Way, deferred compensation, and other optional benefits. For more information concerning deductions, please contact the Finance Department or the City's benefits coordinator.

EMPLOYEE ASSIGNMENT, DUTIES, AND RESPONSIBILITIES

The employee's duties are primarily those impliedly or expressly stated in the job description for the employee's position. The City, through the City Manager or person authorized by the City, may by written or oral directive reassign any employee or refashion the duties and responsibilities of any employee or position, even where that reassignment or refashioning of duties would effectively modify the job description for the employee's position.

ADVANCEMENT AND TRANSFER

The quality and extent of your service, your background and experience, and your training and education may qualify you for other positions within your department or in another department of the City. It is the policy of the City to provide you with training that will enable you to enhance your skills to a level commensurate with your potential.

USE OF CITY VEHICLES

Particular provisions of the City's Administrative Manual control the use and care of City vehicles. These include Sections 108-2, 101-4, and 107. In addition to these provisions of the Administrative Manual, any City employee operating a City vehicle must have a valid driver's license. Any employee who operates a City vehicle without a valid driver's license will be subject to disciplinary action. City vehicles are to be operated in accordance with the law. City employees operating City vehicles (or non-City vehicles) must abide by the same traffic laws that control all other drivers. Likewise, City employees operating City vehicles must follow the parking laws. Emergency or urgent response vehicles shall be operated under the established procedures of their departments.

City of Winona vehicles must be used for City business only, and passengers are permitted only when necessary to conduct City business. Employees who are uncertain as to whether the transportation of a passenger is in the best interest of the City or otherwise necessary to conduct City business, should consult their department head and follow all departmental policies.

City employees conducting official business out of town (such as conventions, meetings, and the like) are permitted to carry family members as passengers only if such accompaniment does not interfere with the best interests of the City. In that event, the employee should not assume that the City takes responsibility for the health and well-being of the passengers.

CITIZEN COMPLAINTS

The City's Administrative Manual, Section 103-1, details the City's policy concerning the handling of citizen complaints. Consistent with the policy, employees should be aware that citizen complaints provide the City an opportunity for feedback in identifying problem areas. Handling complaints well enhances the level of confidence and respect that the public holds for its municipal government. Because our primary responsibility is to serve the community, part of our responsibility includes effectively handling citizen complaints.

Any employee who receives a citizen complaint must remain polite. The employee must never argue with the complainant, even if the complainant is angry, unreasonable, or insulting toward the employee or others. Remain calm and professional. Even if the complaint is directed toward your own performance or

behavior, do not take criticisms personally. Properly handled, a criticism will improve your ability to solve the problem and avoid becoming a part of it.

Whether you receive the complaint over the telephone or in person, allow the complainant to express fully his or her concerns. Next, politely inform the complainant that you are sorry the complainant has experienced a problem, and inform the complainant that you will try to do what you can to solve the problem. If you receive a complaint, you must follow through properly and completely. At a minimum, you must do the following:

- Receive and document in written form the information relevant to the complaint;
- Determine which City employee is responsible to investigate the complaint and to take corrective action concerning the subject matter of the complaint;
- Take any urgent corrective action immediately, and forward the complaint to the responsible City employee;
- Follow-up on what action has been taken to correct the problem; and
- If you are a supervisor who has received or is otherwise responsible for resolving the problem, you should notify the complainant to advise him or her of the corrective action that was taken concerning the problem.

Of course, if a complaint concerns an urgent health and safety matter, the employee taking the complaint should report the matter immediately through 911.

GRIEVANCES

If you feel that you are being treated unfairly, or that your rights as a City employee have been infringed upon, report the concern immediately to your supervisor, your department head, or the City Manager's office. The City will take reasonable steps to respond to your concerns and to resolve the problem through whatever process is deemed appropriate under the circumstances.

KEYS AND SECURITY

Each employee must secure his or her work station at the close of each workday. Be sure that your office, confidential files, computer, and other areas that may contain City property or information are properly secured. Do not provide any person with any codes that would provide access to any physical space, software, or equipment belonging to the City. If you are entrusted with keys, pass cards, or other access devices, you will be required to turn them in upon any administrative or other extended paid or unpaid leave, suspension, resignation, or termination.

PRIVACY

All facilities of the City of Winona exist to further the business of Winona, and no employee should consider that any physical space or electronic communication is private to the employee and inaccessible to the City.

Privacy Regarding Physical Places:

Where the City assigns offices, vehicles, cubicles, desks, file cabinets, drawers, lockers, or other work spaces and storage areas to an employee, those work spaces and storage areas continue at all times to belong to the City and may be monitored and inspected at any time without the consent or knowledge of the employee to whom they may be assigned.

No employee should consider any of these areas, or any compartment within these areas, as belonging to the employee or otherwise to be areas private to the employee, even if the employee uses his own lock or other security device.

Privacy Regarding Physical Things Brought Into the Workplace:

Employees who bring personal property into or onto the facilities or vehicles of the City should understand that such personal property may also become the subject of a workplace inspection. Because employees are presumed to use the facilities of the City to conduct the business of the City, employees should be aware that personal storage or conveyance items such as briefcases and file folders owned by the employee may be deemed to contain the property of the City and may be included in routine or focused workplace inspections.

Privacy Regarding Computer Equipment and Use:

Every employee of the City must comply with the City's computer usage policies as stated in the Administrative Manual, Section 100-3. The computers and all related equipment and software authorized for use as an employee of the City belong to the City, and the primary purpose of that equipment is to further the business of Winona. By using this equipment and software, including internet access, each employee consents to the City's interception, storage, and disclosure of any data or communication that the employee may obtain or engage in while using the equipment, including but not limited to emails, instant messaging, "bulletin board" posting, and the like.

Each employee's computer usage may be monitored at any time by the City without the employee's consent or knowledge. *Anything that you see or do on your computer at any time may be stored or observed by officials of the City*.

All software or data in any form that is accessible by, passes through, or is stored upon any computer issued by the City or used by an employee in the course of work for the City, belongs to the City and may be recovered by the City at will. The City has

access to technology capable of intercepting, monitoring, storing, and recreating any image, text, audio file, video file, or information that may appear in any form on any such computer screen, or which is transmitted by or through any such computer, and may use that technology at any time. The City can and will override personal passwords, and overcome any inscription or scrambling. All deleted electronic data can be recovered by the City. Additionally, where an employee uses a City computer, the City's internet connection, or the City's server system to access privately-held email or internet accounts that may belong to the employee, the separate nature of the email or internet account will not insulate any communication through those accounts from monitoring or review by the City.

Privacy Regarding Mail and Packages:

Employees should not provide the City's mailing address to third parties for the employee's personal business. All mail delivered to the City's mailing address is presumed to belong to the City and to concern City business, even where the mail might be addressed to a specific employee. Therefore, each employee who receives mail at a City mailing address understands that the City may open this mail, and expressly designates by receipt of this policy that the City is authorized to receive and open mail so addressed.

Mail sent by employees to third parties from the City's facilities also presumably concerns the business of the City. Therefore, all mail or packages sent from a City facility may be opened and inspected by the City to assure the compliance with any City policy or procedure, or any other legitimate business interest of the City.

SAFETY

Each employee must become familiar with the City's Safety Manual, particularized departmental safety practices and procedures, and those provisions of the City's Administrative Manual that bear upon safety issues (including, but not limited to, Section 112 of the Administrative Manual). After reading these safety materials carefully, it is your duty to raise any questions you may have to clarify any area of uncertainty. Your continued employment requires you to develop safe work habits and to contribute to the safety of yourself, your co-workers, and the public. Among the other requirements concerning safety matters, you must do the following:

- Immediately report to your supervisor any unsafe equipment, and any unsafe practice or procedure;
- Cooperate with and assist in the investigation of accidents to identify the causes and to prevent recurrence;
- Be active in your departmental safety programs;
- Be conscientious, observant, and promote safe work habits; and
- Report any injury to your supervisor immediately.

EMPLOYEE ASSISTANCE PROGRAM

The City recognizes that everyone experiences personal challenges from time to time. To assist you in those difficult times, the City has established the Employee Assistance Program. This program can provide you with professional assistance at little or no cost to you. The program operates under the protection of confidentiality, except of course where the law requires disclosure of limited information to responsible authorities. This program has been very successful in helping employees cope with difficult situations, and the City encourages you to take advantage of it whenever necessary. Feel free to call one of the Employee Assistance Program Coordinators.

CONFLICT RESOLUTION

Where the City Manager learns of an interpersonal conflict between employees, the City Manager may, at the City Manager's sole discretion, choose to engage a mediator of the City Manager's selection to assist in resolving the conflict, and the City Manager may make participation in the process mandatory for any employee the City Manager directs to participate. The City Manager may also defer this authority to department heads or supervisors. Likewise, the City Manager may determine that the situation calls for investigation and possible discipline in lieu of or in addition to mediated discussions.

DISCIPLINE

City employees are expected to maintain the highest level of performance. In the case that an employee's job performance or behavior falls below acceptable standards, discipline, including termination, may result.

DISCIPLINARY PROCEDURES

Probationary employees and employees who serve "at-will" may be removed from their position at the discretion of the City. The following definition of "just cause" shall apply to all other positions, including those positions covered by a collective bargaining agreement, for which there may be discipline only in the event of "just cause."

Just Cause:

Just cause is intended to be and is a broad term that encompasses any legitimate basis to conclude that correction, including discipline, is appropriate. It includes, but is not limited to, conduct which falls below expected standards of performance or integrity for the position, as established by the City and the department; the failure to meet any of the City's policy objectives or the fulfillment of the standards expressed in departmental rules, regulations, guidelines or acceptable practices, and the failure to abide by the express or implied directives of supervisors. It includes any conduct, performance, or issue of integrity which, if repeated regularly, would tend to impact negatively the quality of the City's services, the health, safety, morale and well-

being of other employees or members of the public, or would tend to cast the City in a negative public light.

Just cause also includes off-duty conduct, including certain types of crimes and offenses, where that conduct negatively impacts the employee's qualifications essential to his or her position.

Just cause also includes the failure to maintain necessary prerequisites or qualifications for the position, such as professional licenses, driver's licenses, and other necessary certification.

Without intending to provide an exhaustive list of particular behavior that constitutes just cause for discipline, employees should be aware that the following types of misconduct are examples of situations giving rise to "just cause" for discipline:

- Dishonesty;
- failure to meet professional standards commonly applied to the position or role;
- withholding or providing false, incomplete or misleading information on any application or other City form or to any supervisor;
- withholding or providing false, incomplete, or misleading information during a formal or informal workplace investigation;
- disrupting others in the provision of City services;
- failure to respond to calls or messages from vendors or members of the public;
- failure to respond to mail or telephone messages regarding allegations of misconduct or disciplinary matters;
- violations of City or departmental policies or rules;
- misuse or unauthorized possession or handling of intoxicants, controlled substances, weapons, or material that may be dangerous to the health and safety of the employee or to others;
- any theft or fraudulent behavior;
- misuse or unauthorized use of City equipment, computer resources, or information;
- violating the rights of others;

- absenteeism, tardiness, or abuse of sick leave;
- creating, encouraging, or adding to a work environment that is offensive to others;
- insubordination or disregard for the stated expectation of supervisors;
- harassment;
- disregard or neglect of the employee's duties and obligations to the employee's position; and
- engaging in any other conduct or action that is adverse to the interests of the City or the public.

The level of discipline to be applied in any situation rests in the discretion of the City Manager. In some cases, the serious nature of the infraction may warrant termination on a first offense. In other cases, discipline will be administered in progressive steps depending again on the seriousness of the infraction, the employee's past disciplinary record, the employee's service record with the City, and any aggravating or mitigating circumstances. Guided by these principles, misconduct may result in non-discipline, such as corrective counseling, verbal warnings, written warnings, or written reprimand. Where discipline is appropriate, discipline may include suspension without pay, demotion, or dismissal from employment. Although a first minor offense might warrant only employee counseling or a verbal warning, repeated offenses will be understood as a disregard for prior correction, warnings, and discipline, and will result in a higher level of discipline.

Due Process:

An employee whose position is governed by Merit Board Rules and who is disciplined by suspension without pay, demotion, or dismissal from employment, will be notified of this action in writing. The City Manager shall take no disciplinary action until the employee has been given notice of the action in writing. The City Manager will also provide the notice to the Merit Board. Except for those employees otherwise provided a grievance and arbitration process through their collective bargaining agreements, employees who have been notified of suspension, demotion or dismissal may obtain a hearing concerning that decision by requesting the hearing within fifteen (15) days of the employee's receipt of the notice. The Merit Board shall then notify the employee and the City Manager's office of the time and place of the hearing. The hearing rules are those established in the Winona Code of Ordinances, Chapter 24.

Union Employees:

Suspensions, demotions or discharge may be appealed by employees who are under a collective bargaining agreement in the same fashion as appeals by nonunion employees, if the employee chooses not to avail himself or herself of the grievance procedures articulated in the applicable collective bargaining agreement.

At-Will Employees:

Employees whose positions are not governed by Merit Board Rules or by a collective bargaining agreement, or who are probationary employees, may be discharged at will, without cause.

RESIGNATIONS

In order to provide City services without disruption, non-management employees who intend to resign should provide at least two (2) weeks' written notice, and management employees should provide at least thirty (30) days' written notice.

RETIREMENT

Each City employee who is eligible for the Public Employee's Retirement Association (PERA) makes required contributions to PERA. Each year, you should receive correspondence from the Public Employee's Retirement Association detailing your contributions and other pertinent retirement information. Please review the yearly information provided to you carefully to keep current on the benefits you are incurring through your retirement fund. Based upon age and years of service in public employment, you may be able to determine when you wish to retire by assessing the anticipated level of your benefits and your own personal preference whether to continue working.

VACATION

Each probationary and regular employee defined as full-time and nonunion is eligible to earn paid vacation leave based on the following accrual rates:

From the start of employment through 4 years: 6.67 hours per month to a maximum of 80 hours per year.

From the start of year 5 through 15 years: 10.00 hours per month to a maximum of 120 hours per year.

From the start of year 16 through 20 years: 13.33 hours per month to a maximum of 160 hours per year.

From the start of year 21 and thereafter: 16.67 hours per month to a maximum of 200 hours per year.

The accrual rates for each probationary and regular employee defined as part-time and nonunion shall be pro-rated according to such rates.

For the first six months of service with the City, employees may not use any vacation time. After six months of service, vacation time may be used as it is accrued. Employees may accumulate vacation leave only to the amount that the employee can earn in one and one-half years. For example, if you earn ten days of vacation per year you may not accumulate more than fifteen days. An employee eligible for paid vacation leave may take vacation time only upon the approval of the employee's department head, under the procedures set forth by the department. If you leave employment with the City, you will be paid for your accumulated vacation time based upon the wage received immediately before the termination date of your employment.

Vacation leave is granted only after approval by the department head. The vacation leave of department heads is subject to approval by the City Manager. Vacation leave may not be waived for the purpose of receiving double pay.

HOLIDAYS

All probationary and regular employees defined as nonunion are entitled to the following holidays at their current rate of pay:

- New Year's Day;
- Martin Luther King Day;
- President's Day;
- Memorial Day;
- Independence Day;
- Labor Day;
- Veteran's Day;
- Thanksgiving;
- Friday after Thanksgiving;
- Christmas Eve; and
- Christmas Day.

If a holiday falls on Saturday, the preceding Friday shall be the holiday. If a holiday falls on Sunday, the immediately following Monday shall be the holiday. Christmas Eve shall be observed on the workday immediately preceding the workday on which Christmas is observed.

The pay on holidays for each probationary and regular employee defined as part-time and nonunion shall be prorated.

SICK LEAVE

All probationary and regular employees defined as full-time and nonunion accrue sick leave at the rate of one day for each month of service. The accrual rates for each probationary and regular employee defined as part-time and nonunion shall be pro-rated according to such rates

All employees eligible to earn sick leave begin earning sick leave from the date of hire. The maximum accumulation of sick leave is nine-hundred-sixty (960) hours. Employees are not entitled to use sick leave for the first thirty days of employment, but eligible employees still accrue at the rates specified above during such time.

Sick leave may be used due to sickness or injury to yourself or when there is a serious illness in your immediately family. After three consecutive sick days off, however, your department head may request written certification from your physician. Please consult the City's family and medical leave policy for extended use of sick leave. Abuse of sick leave is considered just cause for discipline, as discussed above. Examples of abuse of sick leave include but are not limited to the following: using sick leave when not actually sick; taking sick leave for the purpose of recreational time; using sick leave on Mondays or Fridays with the intent to extend the weekend; consistently depleting the balance of accumulated sick leave suggesting that sick leave is being used in lieu of vacation time.

An employee may also accumulate up to ninety-six (96) hours of sick leave in addition to the nine-hundred-sixty (960) hour maximum during any given calendar year. If the full ninety-six (96) hours are not used by the employee, thirty-three and one-third (33 1/3) percent of the unused balance will be converted to vacation time at the end of the calendar year.

Notwithstanding the foregoing paragraph, the sick leave cap for those employees who have accumulated more than nine-hundred-sixty (960) hours shall be frozen at the levels existing on July 15, 1996. If an employee's use of sick leave exceeds the employee's annual sick leave accrual, the cap shall be reduced by the difference. In no event shall the cap fall below nine-hundred-sixty (960) hours. In addition to this cap, an employee may accumulate an additional ninety-six (96) hours in the current calendar year. If the full ninety-six (96) hours are not used, thirty-three and one-third (33 1/3) percent of the unused balance will be converted to vacation time at the end of the calendar year.

Upon death or retirement of an employee whose date of hire was on or after January 1, 2008, or resignation in good standing, of an employee with five (5) or more years of employment with the City, the employee or designated beneficiary shall receive a maximum of one-third (1/3) of unused accumulated sick leave in cash.

Upon retirement of an employee whose date of hire was before January 1, 2008 and who has five (5) or more years of continuous employment with the City, the employee

shall be allowed to disperse unused accumulated sick leave by choosing one of the following options:

1. The employee may receive a maximum of one-third (1/3) of unused accumulated sick leave in cash; or

2. Employees retiring and eligible to receive a pension from a State of Minnesota public employees pension program shall have the option to apply 100% of their unused accumulated sick leave toward the payment of health insurance premiums in accordance with applicable federal and state law and regulations regarding EMPLOYER designated group health insurance for retired employees. Premiums for participation of a retiree in an EMPLOYER designated group health insurance plan following the effective date of the employee's retirement shall be paid entirely by the retired employee and drawn at the true annual premium rates for the designated plan of group health insurance applicable to the retiree. Use of unused accumulated sick leave for the purpose stated herein may continue until such time that the account has been depleted. Under this option, the employee will not be eligible for cash payments.

The employee's choice of one of the above options shall be irrevocable. In converting unused sick leave to cash payments or establishing escrow accounts, the employee's hourly rate of pay at the time of death, retirement, or resignation shall be used.

FUNERAL LEAVE

In the event of death of an immediate family member of a probationary and regular employee defined as nonunion, that employee may be granted an extended leave up to three eight-hour work days at full pay. The leave time for funeral leave for each probationary and regular employee defined as part-time and nonunion shall be prorated.

For the purposes of this provision, "immediate family" includes the following: the employee's spouse, parent or step-parent, spouse's parent, sibling or step-sibling, spouse's sibling or step-sibling, child or step-child, child's spouse, grandparent, spouse's grandparent, grandchild, and guardian or ward.

In the event of the death of some other relative or person close to the employee, funeral leave will occur only with the approval of the employee's department head. The employee may choose to deduct vacation time or sick leave in that case.

FAMILY AND MEDICAL LEAVE POLICY

The City's Family and Medical Leave Policy may be obtained on the City's website or in the City Manager's office.

OTHER UNPAID LEAVE OF ABSENCE

Separate from the City's policy regarding family and medical leave, the City Manager may approve a request for an unpaid leave of absence under certain circumstances. Ordinarily, a request for an unpaid leave will be considered only when the employee requesting the leave has exhausted the employee's accrued vacation and sick leave. A request for an unpaid leave of absence must be in writing and should state the reason for the requested leave and the time involved. Whether to grant such a request lies entirely within the discretion of the City Manager.

During an unpaid leave of absence, an employee must pay all costs, premiums and otherwise, of any group insurance or other insurance in which the employee was enrolled in and offered by the City. If an employee fails to make such payments as required by the insurer and/or City, the employee's insurance will be canceled in accordance with applicable policy and federal and state laws, rules, and regulations.

MILITARY LEAVE

Employees shall be entitled to military leave of absence as now or hereafter required by federal or state law concerning the participation in National Guard or Reserve training, or to federal assignment or reassignment to active duty. During such leave there shall be no loss of seniority, sick leave, or vacation rights, except as permitted by law. The employee shall be paid his or her regular rate of pay while on National Guard or Reserve training, not to exceed 15 calendar days per year. Military leave in excess of 15 calendar days shall be without pay. See Administrative Manual Policy 104-11.

JURY DUTY

If you are called to jury duty, you must advise your supervisor. You will be granted a paid leave of absence for the period in which you serve jury duty. To receive full compensation for time served on jury duty, you must first turn over your jury duty check to the Finance Department. You will then be credited as if you were working for the period served on jury duty. The leave of absence for service on jury duty does not include days of partial service or periods of time in which the court has excused the jury; for such periods employees are expected to return to work or to designate the time to be deducted from the employee's accrued vacation time.

MEDICAL AND LIFE INSURANCE

The City provides some employee positions with a hospital and major medical insurance plan. The cost of premiums for single or family coverage shall be shared by

the employee and the City in the amounts determined by City Council action and labor negotiations. The City also provides each probationary and regular employee regularly scheduled to work (30) thirty or more hours per week with group life insurance, accidental death and dismemberment insurance, and long term disability insurance, in the amount of $10,000.00. The City also provides group life insurance to periodic employees.

Employees on unpaid leave of absence or under suspension without pay may retain their insurance coverage only at their own expense, payable to the City.

LONGEVITY BENEFITS

The City may provide longevity pay as an annual bonus to employees who have worked for the City for five years or more, and who are providing competent services to the City. Longevity pay is based upon the employee's length of service and annual wages. The table below details the formula for determining longevity pay for nonunion employees, except for periodic employees. For the purposes of calculating "years of service" for part-time employees under this provision, each 2080 hours of work is one year of service. Union employees should consult the language in the applicable collective bargaining agreement to determine the existence and amount of longevity pay for your position.

Upon completion of:

5 – 9 years of service	1% of gross annual wage or salary
10-14 years of service	2% of gross annual wage or salary
15-19 years of service	3% of gross annual wage or salary
20 years and more of service	4% of gross annual wage or salary

For employees covered under the federal Fair Labor Standards Act, "gross annual wage" equals their base rate of pay multiplied by the number of straight time hours they worked in a calendar year up to 2,080 hours.

Employees awarded longevity pay may only receive such pay if the employee is still employed by the City on December 1 of the year in which the pay is awarded. The longevity pay for employees awarded longevity shall be payable on or before December 10 of the year in which it is awarded. Unless otherwise specified by an applicable collective bargaining agreement, longevity pay shall be awarded at the discretion of the City Manager. Employees who have engaged in behavior that results in significant discipline in the year in which longevity pay was awarded may, at the discretion of the City Manager, receive longevity pay based on the formula that would be applied as if the offending employee had served five fewer years of service.

Periodic employees receive longevity pay as determined by the City Council.

WORKERS' COMPENSATION

If a workplace injury requires you to miss work, you may be entitled to workers' compensation benefits to supplement your sick leave in order to provide you your regular rate of pay. Your accrued sick leave will be charged with the difference between the workers' compensation received and your regular pay. The City, however, will make up the difference between workers' compensation and your regular pay only if there is sick leave available in your account. If your sick leave has been exhausted, you may only receive workers' compensation during your time off from work. Any injury no matter how minor, should be reported immediately to your supervisor.

NOTICES AND ANNOUNCEMENTS

Notices and announcements of interest to you will be placed on bulletin boards at your worksite, included on the City's web page, or as otherwise determined by your department head or supervisors. You must check the bulletin boards and other locations periodically to keep yourself informed on all matters of importance to your position.

ENERGY CONSERVATION AND COST SAVINGS

Always turn off the lights in unoccupied areas and reduce thermostat temperatures in these areas in winter months. Strive to conserve gasoline by combining work-related trips whenever possible and eliminating unnecessary trips. Each employee is responsible to use good judgment and to take steps that will allow the provision of City services in a cost-effective manner, consistent with the City's primary objective to provide services in an environment that is safe for all employees and the public.

OTHER POLICIES

Employees should remain informed of all Administrative directives and policies of the City, including but not limited to the following attached policies concerning harassment, violence in the workplace and drug testing.