

## CHAPTER TWO. OPERATIONS AND ADMINISTRATION

### PART 1. THE COUNCIL AND MAYOR

#### 201.01 MEETINGS

**Subdivision 1. Regular Meetings.** The dates and times of the regular meetings of the Council shall be set by the Council by resolution during the first Council meeting of each calendar year. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place.

**Subdivision 2. Location of Meetings.** All regular meetings shall be held in the Pelican Rapids City Council Chambers, except that a regular meeting which has been started at the Pelican Rapids City Council Chambers may be adjourned to a different location for a particular purpose provided that the time, location and purpose of the adjourned meeting is announced during the regular meeting at the Pelican Rapids City Council Chambers prior to adjournment. The City Council may by resolution set a different location for one or more regular meetings, notice of which shall be given in the same manner as for special meetings.

**Subdivision 3. Special Meetings.** The Mayor or any two members of the Council may call a special meeting of the Council upon at least 24 hours written notice of the time, place and purpose of said meeting to each member of the Council. This notice shall be delivered personally to each member or shall be left at his/her usual place of residence with some responsible person. Similar notice shall be given to the Pelican Rapids Press and a copy shall be posted on the bulletin board at the City Hall and the Pelican Rapids Public Library. Unless a different location is specified in the notice, all special meetings shall be held in the Pelican Rapids City Council Chambers. However, a special meeting which has been started at one location may be adjourned to a different location for a particular purpose provided that the time, location and purpose of the adjourned meeting are announced during the special meeting prior to adjournment, and provided that the purpose shall be the same as one of the purposes for which the special meeting was called.

**Subdivision 4. Initial Meeting.** At the first regular Council meeting in January of each year the Council shall:

1. Designate the depositories of City funds;
2. Designate the official newspaper;
3. Choose one of the Council members as acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
4. Appoint such officers and employees and such members of boards, commissions and committees as may be necessary.

5. Establish and appoint council members to such council committees as are deemed appropriate for the efficient and orderly management of the city.

**Subdivision 5. Public Meetings.** All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be open to public, unless properly closed to the public according to state law.

## **201.02 PRESIDING OFFICER**

**Subdivision 1. Who Presides.** The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the acting Mayor shall preside. In the absence of both, the Clerk shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

**Subdivision 2. Procedure.** The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with Robert's Rules of Order, Revised.

**Subdivision 3. Appeal Procedure.** Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

## **201.03 MINUTES**

**Subdivision 1. Who Keeps.** Minutes of each Council meeting shall be kept by the Clerk or by the Deputy Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes.

**Subdivision 2. Approval.** The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Clerk or Deputy Clerk, and copies thereof shall be delivered to each Council member at or prior to the first regular meeting of the following calendar month. At said first regular meeting, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

## **201.04 ORDER OF BUSINESS**

**Subdivision 1. Order Established.** Each meeting of the Council shall convene at the time and place appointed therefor. Council business shall be conducted in the following order:

1. Call to order
2. Approval of minutes
3. Approval of bills
4. Department reports
5. Public hearings
6. Unfinished business
7. New business
8. Miscellaneous
9. Adjournment

**Subdivision 2. Varying Order.** The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

**Subdivision 3. Agenda.** The Clerk shall prepare or cause to be prepared an agenda of business for each regular Council meeting and file a copy in his office on or before the day of the meeting. All persons desiring to present new business before the council shall inform the clerk thereof at least 72 hours before said new business is to be heard. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council member as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is added to the agenda without objection of any Council member present.

## **201.05 QUORUM AND VOTING**

**Subdivision 1. Quorum.** At all Council meetings a majority of all the Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

**Subdivision 2. Voting.** The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall so indicate.

**Subdivision 3. Votes required.** A majority vote of all members of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

## **201.06 ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS**

**Subdivision 1. Readings.** Every ordinance and resolution shall be presented in writing. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.

**Subdivision 2. Signing and Publication Proof.** Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Clerk, and filed by him in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

**Subdivision 3. Repeals and Amendments.** Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

**Subdivision 4. Motions, Petitions and Communications.** Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition shall be recorded in the minutes by title and filed with the minutes of the office of the Clerk.

## **201.07 COMMITTEES**

**Subdivision 1. Committees Designated.** There shall be the following standing committees:

1. Park Board committee
2. Airport committee
3. Economic development committee

Except as otherwise provided by the Council, committee members shall be appointed by the Mayor at the first regular Council meeting in January of each year, and approved by the Council.

**Subdivision 2. Membership.** Each committee member shall serve as appointed unless excused by a majority of the members of the Council. If the committee does not provide otherwise, committee meetings shall be held at the call of the chairman. The same notice shall be given of committee meetings for special meetings of the Council except that personal notice need not be given each member if the committee so decides.

**Subdivision 3. Referral and Reports.** Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee appointed by him for a written report and recommendation before it is considered by the Council as a whole. Each committee report shall be signed by the chairman of the committee and shall be filed with the Clerk prior to the Council meeting at which it is to be submitted. Each committee shall act promptly and faithfully on any matter referred to it.

## **201.08 SUSPENSION OR AMENDMENT OF RULES**

These rules may be suspended only by a two-thirds vote of the members present and voting.

## **201.09 SALARIES OF MAYOR AND COUNCIL MEMBERS**

**Subdivision 1. Mayor.** The salary of the Mayor shall be at the rate of \$240.00 per month plus \$25.00 per meeting of one hour duration or longer plus expenses.

**Subdivision 2. Council.** The salary of a Council member shall be at the rate of \$175.00 per month plus \$25.00 per meeting of one hour duration or longer plus expenses.

**Subdivision 3. All-Day Meetings.** The salary of the Mayor and/or any Council member who attends an all-day meeting shall be \$50.00 per day plus expenses.

**Subdivision 4. Disallowance.** Any fees presented for meetings attended by the Mayor and/or any Council member may be disallowed by the Council if not deemed beneficial to the City of Pelican Rapids.

## **201.10 ELECTIONS/ABSENTEE BALLOTS**

**Subdivision 1. General and Special Elections.** General and special elections for the positions of Mayor and Council members shall be held in accordance with applicable Minnesota Statutes.

**Subdivision 2. Absentee Ballots.** In accordance with Minnesota Statutes §203B.13, all absentee ballots cast in the City of Pelican Rapids shall be counted by the county-wide Absentee Ballot Counting Board established by Otter Tail County.

- A. The County Auditor is authorized to direct that all absentee ballots obtained by residents of the City of Pelican Rapids be returned to the County Auditor for safe and secure storage until election day.
- B. The County Auditor shall deliver the absentee ballots directly to the Absentee Ballot Counting Board on election day.
- C. City of Pelican Rapids hereby appoints the Otter Tail County Absentee Ballot Counting Board as the election judges for the sole purpose of tallying absentee ballots in the City of Pelican Rapids.

## **PART 2. POLICE DEPARTMENT**

### **202.01 ESTABLISHMENT**

A police department is hereby continued. The head of the department shall be known as the Chief of Police and the number of additional members of the department, together with their ranks and titles, shall be determined by the Council by resolution. The compensation to be paid

members of the police department shall be fixed by the Council. Members of the department shall be appointed by the Council.

## **202.02 CHIEF OF POLICE**

The Chief of Police shall have supervision and control of the police department and its members. He shall be responsible to the Council for law enforcement and for property of the City used by the department. He shall be responsible for the proper training and discipline of the members of the department. He shall be responsible for the keeping of adequate records and he shall report to the Council on the needs of the department and its work. Every member of the department subordinate to the chief shall obey the instructions of the chief and any superior officer. The Chief of Police shall designate one of the police officers to be acting chief in his absence, who shall have all the powers and duties of the chief during the absence or disability of the Chief of Police. The Council may overrule such designation, or if such designation has not been made, the Council may designate one of the police officers as acting chief, who shall have all the powers and duties of the chief during his absence or disability.

## **202.03 DUTIES OF POLICE**

Members of the police department shall enforce the ordinances and laws applicable to the City, bring violators before the county court, and make complaints for offenses coming to their knowledge. Members of the police department shall serve processes on behalf of the City and shall serve such notices as may be required by the Council. When the City is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law for town constables. All such fees shall be paid into the City treasury.

## **202.04 UNIFORM AND BADGE**

Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the City, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminates his membership in the department, he shall immediately deliver to the City his badge, uniform and all other property of the City in his possession.

## **202.05 EXTRA POLICE**

In case of riot or other law enforcement emergency, the Mayor or Council may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During such term of appointment, the special police officers shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police.

## **PART 3. FIRE DEPARTMENT**

### **203.01 FIRE DEPARTMENT CONTINUED**

There is hereby continued in this City a volunteer fire department consisting of a chief, one or more assistant chiefs and not fewer than 21 additional member firefighters, for a total fire department membership of not less than 24 firefighters.

### **203.02 APPOINTMENT**

The chief, the one or more assistant chiefs, the secretary, the treasurer and firefighters shall be appointed by the department. Each officer and every other member of the department except a probationary firefighter shall serve during good behavior and may be removed by the Council only for cause after a public hearing.

### **203.03 FIRE PROTECTION AGREEMENTS**

The City is authorized to enter into such fire protection agreements with surrounding townships as from time to time may be agreeable to the Council.

### **203.04 DUTIES OF CHIEF**

The chief shall have control of all the fire fighting apparatus and shall be solely responsible for its care and condition. He shall report to the Council at its meetings in January and such other times as requested by the Council on the condition of the equipment and needs of the fire department. He may submit additional reports and recommendations at any meeting of the Council, and he shall report each suspension by him of a member of the fire department at the first meeting of the Council following such suspension. He shall be responsible for the proper training and discipline of the members of the fire department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his discharge or retention.

### **203.05 RECORDS**

The chief shall keep in convenient form a complete record of all fires. Such a record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as he may deem advisable or as may be required from time to time by the Council or state department.

### **203.06 FIREFIGHTER TRAINING**

The chief shall give or arrange for instruction to the firefighters in approved methods of fire fighting and fire prevention.

### **203.07 ASSISTANT CHIEFS**

In the absence or disability of the chief, the assistant chiefs shall perform all the functions and exercise all of the authority of the chief.

## **203.08 FIREFIGHTERS**

The assistant chiefs and firefighters shall be able-bodied and not less than 18 years of age. They shall become members of the fire department only after a six months' probationary period. The department may require that each candidate, before he may become a probationary firefighter, must satisfy certain minimum requirements of height, weight, education and any other qualifications which may be specified by the department and that he must pass satisfactorily a physical examination.

## **203.09 COMPENSATION**

The members and officers of the fire department shall receive compensation as set from time to time by the City.

## **203.10 RELIEF ASSOCIATION**

The members and officers of the fire department may organize themselves into or continue to maintain a firefighters' relief association in accordance with law.

## **203.11 INTERFERENCE WITH DEPARTMENT**

No person shall give or make, or cause to be given or made, a fire alarm without probable cause, or neglect or refuse to obey any reasonable order of the chief at a fire, or interfere with the fire department in the discharge of its duties.

## **203.12 FEES FOR EMERGENCY PROTECTION FIRE SERVICES**

### **Subdivision 1. Purposes and Intent.**

This ordinance is adopted for the purpose of authorizing the City of Pelican Rapids to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

### **Subdivision 2. Definitions.**

- A. "Fire service" means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- B. "Fire service charge" means the charge imposed by the City for receiving fire service.
- C. "Fire protection contract" means a contract between the City and a town or other city for the City to provide fire service.

- D. “Mutual aid agreement” means an agreement between the City and a town or other city for the City’s fire department to provide assistance to the fire department of a town or other city.

**Subdivision 3. Parties Affected.**

- A. Owners of property within the City who receive fire service.
- B. Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- C. Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

**Subdivision 4. Fees.** The schedule of fire service fees is as follows:

| Activity   | Fee   |
|--|---|
| Structural Firefighting<br>- External Structural<br>- Internal Structural<br>Grass/Forest Firefighting<br>General Firefighting<br>- Vehicle & Equipment<br>- Other Non-Structural<br>Rescue<br>- Vehicle & Equipment Extraction<br>- General Search & Rescue<br>- Confined Space Rescue<br>- High Level Rescue<br>- Water Rescue<br>- Other<br>Hazardous Materials Response<br>Disaster Response | \$500.00 / first hour, \$200.00 for each additional hour, \$500.00 minimum  |
| Service Calls<br>- Ambulance assist<br>- Carbon Monoxide<br>- Other  | \$200.00 / hour   |
| Alarm Calls – Commercial, Industrial   | \$200.00 / hour (no charge for first two false alarms in a 12 month period) |
| Alarm Calls – Residential  | \$200.00 / hour   |

**Subdivision 5. Billing and Collection.**

- A. Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or

other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

- B. Parties billed for fire service will have 15 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
- C. If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- D. If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with property taxes. The county auditor is responsible for remitting to the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- E. False alarms, subject to Section 203.12, Subdivision 4 above, may be billed as a fire call at the discretion of the fire chief.

**Subdivision 6. Mutual Aid Agreement.**

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

**Subdivision 7. Application of Collections to Budget.**

All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

**PART 4. PLANNING COMMISSION**

**204.01 CONTINUATION OF COMMISSION**

A Planning Commission for the City of Pelican Rapids is hereby continued. The Commission shall be the City planning agency authorized by Minnesota Statutes, Section 462.354, Subdivision 1.

## 204.02 COMPOSITION

**Subdivision 1. Membership.** The City Planning Commission shall consist of six members. The City Clerk of the City shall be a member ex-officio and the City Council shall select one member of the Commission from its own membership. The other five members shall be appointed and may be removed by the Council.

**Subdivision 2. Terms, Vacancies, Oath.** Of the members of the Commission first appointed, two shall be appointed for a term of one year, two for a term of two years and two for a term of three years. Their successors shall be appointed for terms of three years, except that the member from the City Council shall be appointed on an annual basis. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex-officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his duties take an oath that he will faithfully discharge the duties of his office. All members shall serve without compensation. After calendar year 1993, no member of the Commission shall serve for more than three consecutive three-year terms. Terms begun prior to January 1, 1994 shall not be counted toward this limitation. Members completing a third three-year term shall not be eligible for reappointment for one year after the expiration of the third three-year term.

## 204.03 ORGANIZATION, MEETINGS, ETC.

**Subdivision 1. Officers.** The Commission shall select a chairman from among its appointed members for a term of one year; and the Commission may create and fill such other offices as it may determine. The City Clerk or Deputy Clerk shall act as secretary of the Planning Commission, but he shall not be a member.

**Subdivision 2. Meetings, Records, Reports.** Regular meetings of the Planning Commission shall be held on a quarterly basis of each year at 5:00 P.M. Said regular meetings shall be held at City Council Chambers, except that a regular meeting which has been started at the City Council Chambers may be adjourned to a different location for a particular purpose provided that the time, location and purpose of the adjourned meeting are announced during the regular meeting at City Council Chambers prior to adjournment, and provided that the purpose shall be the same as one of the purposes for which the special meeting was called. Notice of said regular meetings will be posted in accordance with applicable law.

The Mayor, City Clerk Chairman of the Planning Commission or any two members of the Planning Commission may call a special meeting of the Planning Commission on at least 24 hours written notice of the time, place and purpose of said meeting to each member of the Planning Commission. This notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. Similar notice shall be given to the Pelican Rapids Press and a copy shall be posted on the bulletin board at the City Hall and at the Pelican Rapids Public Library. Unless a different location is specified in the notice, all special meetings shall be held at the City Council Chambers. However, a special meeting which has been started at one location may be adjourned to a different location for a particular purpose

provided that the time, location and purpose of the adjourned meeting are announced during the special meeting prior to adjournment, and provided that the purpose shall be the same as one of the purposes for which the special meeting was called.

#### **204.04 POWERS AND DUTIES OF THE COMMISSION**

The Planning Commission shall have the powers and duties given planning agencies generally by law. The commission shall also exercise the duties conferred upon it by this code and by the Council.

**Subdivision 1. Comprehensive Plan.** After the commission has prepared and adopted a comprehensive plan, the commission shall periodically as requested by the Council or as required by law, review the comprehensive plan, any ordinances and any program the Council has adopted to implement the plan. After such review it shall, to the extent it deems necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan, and recommend it to the Council in accordance with law. Similarly, after such review, it shall recommend to the Council any amendments it deems desirable to the comprehensive plan and any ordinance implementing the plan.

**Subdivision 2. Zoning Ordinance.** The Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the Council as may be prescribed by the zoning ordinance.

**Subdivision 3. Special Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The commission shall report its recommendations to the Council for action.

**Subdivision 4. Subdivisions.** The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance; the commission shall report its recommendations to the Council for action.

**Subdivision 5. Variances.** All applications for variances shall be referred to the Planning Commission and forwarded with or without recommendations directly to the Council for its decision.

#### **204.05 PLANNING COMMISSION ACTION REQUIRED**

No zoning ordinance, zoning ordinance amendment, subdivision plat, subdivision ordinance, amendment to subdivision ordinance, or comprehensive plan shall be adopted by the Council unless, prior to final approval, it be referred to the Planning Commission for review and recommendation. Any item so referred to the Planning Commission shall be returned to the Council by the commission with its recommendations within 30 days, and failure of the commission to report within that period is deemed to have satisfied the requirements of this section. If such a report is made in a timely manner, the Council shall consider the recommendations of the Planning Commission prior to final approval.

## **PART 5. PARK BOARD**

### **205.01 CONTINUATION OF PARK BOARD**

The Park Board for the City of Pelican Rapids is hereby continued. The Park Board shall operate under the supervision of the City Council and shall be an advisory board to the City Council.

### **205.02 COMPOSITION**

**Subdivision 1.** The Park Board shall consist of three members, all of whom shall be appointed and may be removed by the City Council.

**Subdivision 2. Terms and Vacancies.** Of the members of the Park Board first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. Their successors shall be appointed for terms of three years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified, or until removed by the Council. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. All members shall serve without compensation. After calendar year 1993, no member of the Park Board shall serve for more than three consecutive three-year terms. Terms begun prior to January 1, 1994 shall not be counted toward this limitation. Members completing a third three-year term shall not be eligible for reappointment for one year after the expiration of the third three-year term.

### **205.03 ORGANIZATION, MEETINGS, ETC.**

**Subdivision 1. Officers.** The Park Board shall select a Chairman from among its appointed members for a term of one year; and the Board may create and fill such other offices as it may determine, and may select a secretary either from its own members or otherwise, to serve without compensation unless compensation is authorized by the City Council. The City Clerk or Deputy Clerk may act as secretary of the Park Board.

**Subdivision 2. Meetings, Records, Reports.** The Park Board shall hold at least one regular meeting each year. It may adopt rules for the transaction of business, and shall keep a record of its resolutions, recommendations, transactions and findings, which record shall be a public record. The Park Board shall report to the City Council at least annually.

### **205.04 POWERS AND DUTIES OF PARK BOARD**

The Park Board shall act as an advisory board to the City Council, and from time to time shall make recommendations to the City Council regarding all parks, streets and publicly owned property within the City. Included but not limited to acquisition of land for park purposes; purchase of materials, supplies, equipment and services for park purposes; beautification, maintenance and care of park property; construction of roadways, paths, buildings and other improvements in parks; rules and regulations for the use of park property; and any other matters relating to the use of parks, streets and publicly owned areas in the City.

## **205.05 PARK FUND**

For purposes of carrying out the functions of the Park Board, there is hereby established a separate account in the City Treasury, which shall be called the park fund. The City Council may transfer to the park fund such monies as it shall consider necessary or desirable for park purposes. The Park Board, with prior approval of the City Council, may make or request to be made such expenditures as may be authorized from time to time by the City Council for park purposes.

## **PART 6. LIBRARY BOARD**

### **206.01 LIBRARY BOARD CONTINUED**

There is hereby continued in this City a Library Board consisting of 5 members.

### **206.02 QUALIFICATIONS OF OFFICE**

#### **Subdivision 1. Qualifications for Office.**

- A. All Library Board members will be of voting age and residents of the City of Pelican Rapids or County of Otter Tail, provided that a majority of the members of the Library Board shall be residents of the City of Pelican Rapids.
- B. No more than one city council member shall at any time be a member of the Library Board.

**Subdivision 2. Appointment.** Library Board members will be appointed by the Mayor with the approval of the City Council before the first meeting of the Library Board after the end of the fiscal year.

#### **Subdivision 3. Terms of Office, Membership and Compensation.**

- A. The term of office for the Library Board will be three years, beginning the first day of a City's fiscal year and ending with the last day of the city fiscal year.
- B. Library Board terms will alternate so that two vacancies will occur at the end of each of the first two years and one vacancy at the end of the third year.
- C. After calendar year 1993, no Library Board member will be eligible to serve more than three consecutive three-year terms. Terms begun prior to January 1, 1994 shall not be counted toward this limitation. Members completing a third three-year term shall not be eligible for reappointment for one year after the expiration of the third three-year term.

- D. The Mayor with the approval of the Council may remove any Library Board member for misconduct or neglect.
- E. The Council will fill any vacancies by appointment for the unexpired term.
- F. The Library Board members will receive no compensation for their services but may be reimbursed for expenses incurred in the discharge of Library Board duties and activities.

### **206.03 DUTIES AND POWERS OF THE LIBRARY BOARD**

**Subdivision 1. Officers.** The Library Board will elect a president, a secretary and any other officers it deems necessary.

**Subdivision 2. By-Laws.** The Library Board shall adopt by-laws and regulations for the government of the library.

**Subdivision 3. Financial Matters.** The Library Board shall have the exclusive control of the expenditure of all monies collected for or placed to the credit of the library fund and of all interest earned on money within the library fund.

**Subdivision 4. Facilities.** The Library Board shall have the exclusive control of the construction of library buildings and of the grounds, rooms and buildings provided for library purposes.

**Subdivision 5. Employees.** The Library Board shall appoint a qualified library director, establish the compensation of employees and remove any of them for cause.

**Subdivision 6. Land and Buildings.** With the approval of the Council, the Library Board may purchase grounds and erect a library building thereon.

**Subdivision 7. Gifts.** The Library Board may accept any gift, grant devise or bequest made by any person without further approval from the City, except in those cases where gifts are granted with conditions which the Library Board has no power to fulfill. Approval for the acceptance of such gifts must be made by the City Council.

**Subdivision 8. Report.** The Library Board will make an annual report to the City Council as required by Minnesota Statutes §132.13.

### **206.04 THE LIBRARY FUND**

**Subdivision 1. Establishment.** The City Council will establish a library fund by levying a specific library tax and/or by annually budgeting money for the library.

**Subdivision 2. Control.** Exclusive control of the library fund is granted to the Library Board.

**Subdivision 3. Title to Property.** All property given, granted, donated or bequeathed to the public library shall be vested in and held in the name of the city.

**206.05 MEMBERSHIP IN VIKING LIBRARY SYSTEM**

The public library shall meet the eligibility requirements for participation in the Viking Library System.

**206.06 LIBRARY ENDOWMENT FUND**

**Subdivision 1. Establishment.** The Board of Trustees of the Pelican Rapids Public Library has established Friends of the Pelican Rapids Public Library Endowment Fund (The "Endowment") for the purpose of soliciting contributions and funding for the library from individuals, foundations and corporations ("Private Funds" or "Private Funding") in an effort to create a permanent endowment and to provide additional funding for the library.

**Subdivision 2. Additional Revenue.** Private Funding contributed by the Endowment for the benefit of the library will be considered an additional, not an alternative, source of revenue for the library and increased Private Funding will not be the basis of justification for offsetting reductions in Public Funding by the City.

**Subdivision 3. City Funding.** There should not be included in any ordinance to the City Council a recommendation proposing a reduction from amounts which would otherwise be included therein because of Private Funding raised or expected to be raised by the Endowment.

**Subdivision 4. City Cooperation.** The City will use its best efforts to cooperate and assist the Endowment in its efforts to solicit Private Funding.

**PART 7. CIVIL DEFENSE AGENCY**

**207.01 ACT ADOPTED**

The Minnesota Civil Defense Act, Minnesota Statutes, Chapter 12, insofar as it relates to cities, is adopted by reference as part of this ordinance as fully as if set forth explicitly herein.

**207.02 CIVIL DEFENSE AGENCY**

**Subdivision 1. Agency and Director.** There is hereby created within the City government a civil defense and disaster agency which shall be under the supervision and control of a director of civil defense, hereinafter called the director. The director shall be appointed by the Mayor for an indefinite term and may be removed by him at any time. He shall serve without salary but shall be paid his necessary expenses. The director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the Mayor.

**Subdivision 2. Organization and Functions.** The civil defense agency shall be organized into such divisions and bureaus, consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency shall perform civil defense functions within the City and in addition shall conduct such functions outside the City as may be required pursuant to Minnesota Statutes, Chapter 12, or this ordinance.

## **207.03 POWERS AND DUTIES OF DIRECTOR**

**Subdivision 1. Intergovernmental Arrangements.** With the consent of the Mayor, the director shall represent the City on any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the Council for its action. Such agreements shall be consistent with the civil defense plan and during a civil defense emergency, the civil defense agency and civil defense forces shall render assistance in accordance with the provisions of such agreements.

**Subdivision 2. Civil Defense Plan.** The director shall prepare a comprehensive general plan for the civil defense of the City and shall present such plan to the City Council for its approval. When the Council has approved the plan by resolution, all civil defense forces of the City shall perform the duties and functions assigned by the plan.

**Subdivision 3. Reports.** The director shall prepare and present to the Council periodically a report of activities and recommendations.

## **PART 8. PERSONNEL POLICY**

### **PART 8. PERSONNEL POLICY**

#### **208.01 PURPOSE**

It is the purpose of this part to establish a uniform and equitable system of personnel administration for employees of the City.

#### **208.02 SCOPE/DEFINITIONS**

**Subdivision 1. Personnel Covered.** Except as otherwise specifically provided, this part of the City Code applies to all employees of the City except the following:

1. All elected officials;
2. The City Attorney and the health officer;
3. Members of City boards, commissions and committees;
4. Volunteer firefighters and other volunteer personnel;
5. Emergency employees;

6. Other employees not regularly employed in permanent positions.

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

**Subdivision 3. Definitions.** The following definitions shall apply to this Part 8, Personnel Policy:

1. Employee: A person employed by the City of Pelican Rapids, whether on a full or part-time basis, including a member of an exclusively recognized bargaining unit, and including non-union employees.
2. Employer: The City of Pelican Rapids.
3. Scheduled Shift: A consecutive work period including rest breaks and a lunch break.
4. Rest Breaks: Periods during the scheduled shift during which the employee remains on continual duty and is responsible for assigned duties. A rest break shall consist of a fifteen (15) minute period. The employee shall be entitled to one paid rest break during each half of a scheduled shift of eight hours or more, at such times as may be scheduled by the employer.
5. Lunch Break: A period during the scheduled shift during which the employee remains on continual duty and is responsible for assigned duties. A lunch break shall consist of either a thirty (30) minutes, forty-five (45) minutes or one (1) hour as may be scheduled by the employer. An employee is entitled to one unpaid lunch break for each scheduled shift of more than six hours.
6. Base Pay Rate: The employee's hourly pay rate exclusive of any other special allowances.
7. Probationary Period: A period of time not to exceed six calendar months from the date of employment.

### **208.03 APPOINTMENTS**

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

## **208.04 PROBATIONARY PERIOD**

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

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

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

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

**Subdivision 4. Completion.** Immediately prior to the expiration of the probationary period, the department head shall notify the Council in writing whether or not the services of the employee have been satisfactory and whether or not the employee will be continued. If the notification states that the employee will be continued, the employee shall become a permanent employee at the end of the probationary period.

## **208.05 COMPENSATION**

**Subdivision 1. Amount.** Employees of the City shall be compensated according to the schedule established by the City Council. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official business. Unless approved by the Council, no employee shall receive pay from the City in addition to the wage or salary authorized for the position or positions to which he/she has been appointed.

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

**Subdivision 3. Overtime.** Employees to whom federal or state fair labor standards acts apply shall be compensated for overtime in accordance with this Subdivision. Exempt employees are expected to work the necessary hours required to complete the duties of the job. As of November 2004, the following employment positions are exempt employees: City Administrator.

- A. Policy Statement: The City has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator or other person designated by the City will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime. In general, employees in executive, administrative and professional job classes are exempt; all others are non-exempt.
  
- B. Non-Exempt (Overtime-eligible) Employees: All overtime-eligible employees will be compensated at one and one-half times the employee’s regular base pay rate for hours worked in excess of a determined number of regular shift hours or 40 hours per week. If an employee’s regular shift consists of five 8 hour days, then the employee shall be compensated at one and one-half times the employee’s regular base pay rate for hours worked in excess of 8 hours per shift or 40 hours per week. If an employee’s regular shift consists of four 9 hour days and one four day, then the employee shall be compensated at one and one-half times the employee’s regular base pay rate for hours worked in excess of 9 hours per shift or 40 hours per week. If an employee’s regular shift consists of four 10 hour days, then the employee shall be compensated at one and one-half times the employee’s regular base pay rate for hours worked in excess of 10 hours per shift or 40 hours per week.

Vacation, sick leave and paid holidays do not count toward “hours worked”.

For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked.

Overtime will be calculated to the nearest 15 minutes.

Changes of shift do not qualify an employee for overtime under this Article.

Employee shall receive a minimum of two (2) hours pay at one and one-half (1-1/2) times the hourly rate of pay if called back after completing a normal day’s shift or a day off, hours worked beyond the minimum of two (2), during the same call back period, will continue at one and one-half (1-1/2) times the hourly rate of pay. Any subsequent call back will begin a new call back period.. An extension or early report to a regularly scheduled shift does not qualify the employee for the two hour minimum. Additionally, street department weekend duty is considered called back.

The workweek is Saturday morning from 12:00 a.m. to Friday evening at 11:59 p.m., or such other seven-day period as may be designated from time to time by the City.

The employee's supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action and may be denied pay for the overtime worked.

Overtime worked shall be compensated in the form of compensatory time off or pay at the discretion of the employer and shall be governed by the following rules:

1. Except as provided in paragraph 3, below, all overtime worked shall be compensated in the form of compensatory time off or pay at the discretion of the City. All overtime shall be authorized by the City Administrator. In critical situations only, overtime shall be authorized by the supervisor and/or the City Administrator. Compensation for overtime worked will take the form of either time and one-half pay or compensatory time, the method of compensation to be determined from time to time by the City.

Compensatory time is paid time off at the rate of one and one-half hours off for each hour of overtime worked.

2. No employee shall accumulate more than 42 hours of unused compensatory time (resulting from 28 hours of overtime worked). Any accrual of compensatory time above the 42 hour limit shall be lost unless payment for the excess compensatory time is authorized by the supervisor and/or City Administrator prior to the performance of the overtime work. An employee may not be required to work overtime in any situation where compensatory time will be lost without pay.
3. In December of each year, beginning on and effective December 1, 2005, all employees carrying a compensatory time balance shall be paid in full for said balance at the employee's hourly pay rate at the time said payment is made. Said payment shall accompany or be added to the payroll check for the second to last pay period of the calendar year, less normal payroll deductions.
4. Employees may request and use compensatory time off in the same manner as other leave requests.

All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used. The Clerk/Treasurer will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves city employment at the hourly pay rate the employee is earning at that time.

- C. Exempt (Non-overtime-eligible) Employees: Exempt employees are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their supervisors or the City Council. Generally, to meet these expectations and for reasons of public accountancy, an exempt employee will need to work 40 or more

hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

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

The City of Pelican Rapids will only make deductions from the weekly salary of an exempt employee in the following situations:

1. The employee is in a position that does not earn vacation or personal leave and is absent for a day or more for personal reasons other than sickness or accident.
2. The employee is in a position that earns sick leave, receives a short term disability benefit or worker's compensation wage loss benefits and is absent for a full day due to sickness or disability, but employee is either not yet qualified to use the paid leave or employee has exhausted all of employee's paid leave.
3. The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of employee's paid leave or a situation where the employee does not earn paid leave).
4. The very first workweek or the very last workweek of employment with the City in which the employee does not work a full week. In this case, the City will prorate the employee's salary based on the time actually worked.
5. The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness or injury, but:
  - Paid leave has not been requested or has been denied;
  - Paid leave is exhausted;
  - The employee has specifically requested unpaid leave.
6. The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
7. The employee takes unpaid leave under the Family and Medical Leave Act (FMLA).

8. The City of Pelican Rapids may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

The City of Pelican Rapids will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness but will require the employee to pay back to the City any amounts received by the employee as jury fees or witness fees.

If the City inadvertently makes an improper deduction to the weekly salary of an exempt employee, the City will reimburse the employee and make appropriate changes to comply in the future.

- D. Requirement to Work Overtime: All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.
- E. Union Agreements: Where there is a conflict between this policy and an agreement with an employee union, the union agreement shall take precedence. However, where the union agreement does not address a specific practice or issue, this policy shall take precedence.

**Subdivision 4. Pay Days**. Beginning January 1, 1994, employees shall be paid bi-weekly on alternate Fridays. Bi-weekly pay periods shall be designated by the City and begin on a Saturday and end on the second Friday after such Saturday. Work shifts that begin on a Friday shall be treated as entirely worked on that Friday, even though a portion of that shift may actually be worked on Saturday. The pay day for a bi-weekly pay period that ends on a particular Friday shall be the following Friday. When a pay day falls on a holiday, employees shall receive their pay the preceding Thursday. An employee shall turn in his or her time sheet for a bi-weekly pay period on or before the Friday upon which the bi-weekly pay period ends.

## **208.06 WORK SCHEDULES**

**Subdivision 1. Normal Work Week**. The City shall be the sole authority in determining work schedules. The normal work day, or scheduled shift, shall consist of eight (8) hours. The normal work week shall consist of forty (40) hours per week. The day that a work week begins for a particular employee shall be established at the discretion of the City. The City shall have the right to establish the normal work day, or scheduled shift, as other than eight (8) hours.

**Subdivision 2. Different Schedules**. Service to the public may require the establishment of regular shifts for some employees on a daily, weekly seasonal, or annual basis other than the normal 7:30 a.m. to 4:00 p.m. day. The City will give advance notice to the employees affected

by the establishment of work days different than the employees normal eight (8) hour work day. Normal rest breaks and lunch breaks shall be provided during such work days.

**Subdivision 3. Unusual Circumstances.** In the event that work is required because of unusual circumstances, no advance notice need be given. It is not required that an employee working other than the normal work day be scheduled to work more than eight (8) hours; however, each employee has an obligation to work overtime or call backs, if requested, unless unusual circumstances prevent him/her from doing so.

**Subdivision 4. Weekend Work.** Service to the public may require the establishment of regular work weeks that schedule work on Saturday and/or Sunday.

**Subdivision 5. No Guarantee.** Nothing contained in this or any other Part shall be interpreted to be a guarantee of a minimum or maximum number of hours the City may assign employees.

**Subdivision 6. Time Sheets.** All employees or their immediate supervisors shall keep accurate records of the time worked by each employee in the manner and on such forms as may be specified from time to time by the City Council. Falsifying of time sheets by an employee shall be cause for immediate dismissal of that employee from City employment.

## **208.07 VACATIONS**

**Subdivision 1. Vacation Schedule.** Regular, full-time employees shall accumulate paid vacation in accordance with the following schedule based on years of continuous service:

Years of Continuous Service Weeks of Vacation

Start through end of 1st year 1 week (40 hours)

2nd through end of 7th year 2 weeks (80 hours)

8th through end of 15th year 3 weeks (120 hours)

16th through end of 20th year 4 weeks (160 hours)

21st year and over 5 weeks (200 hours)

Each week of vacation shall consist of 40 hours vacation time. Regardless of whether or not an employee is working scheduled shifts of eight (8) hours, ten (10) hours or some other duration, an employee who takes a full week of vacation consisting of 40 hours vacation time shall be entitled to at least nine (9) consecutive days off, said days to be counted from the end of his last scheduled shift prior to the vacation time. For each additional consecutive 40 hours of vacation time taken by an employee, the employee shall be entitled to an additional seven (7) consecutive days off.

**Subdivision 2. Proration.** Vacation time for employees leaving employment shall be prorated on a monthly basis through the end of the month prior to the time that employment is terminated.

**Subdivision 3. Vacation Schedules.** Vacations will be taken with the prior approval of the City. In the case of a conflict in dates, the Department Heads shall determine the vacation schedules to be taken.

**Subdivision 4. Maximum Accrual.** Regular, full-time employees may accrue vacation leave to a maximum of 160 hours. Accrued vacation leave in excess of 160 hours shall be lost at the end of each calendar year beginning with the end of the calendar year 1998. Scheduled vacation which is delayed from one calendar year to the next at the request of the City shall not be lost.

**Subdivision 5. Separation from Employment.** An employee who leaves the City's service in good standing and with a minimum of 14 calendar days' prior notice shall be compensated for vacation leave accrued and unused to the date of separation. In the event of the death of an employee, such compensation shall be paid to the employee's estate.

**Subdivision 6. Suspension or Leave of Absence.** Employees shall not accumulate vacation time during any time when the employee is on suspension without pay or on unpaid leave of absence.

## **208.08 SICK LEAVE**

**Subdivision 1. Accrual.** Regular, full-time employees shall earn sick leave at the rate of 6-2/3 hours per month.

**Subdivision 2. Authorized Use.** Sick leave may be authorized only for personal illness, legal quarantine or serious illness or death in the immediate family.

**Subdivision 3. Definitions.** Immediate family shall be defined as the employee's spouse, children, parents, parents-in-law, and siblings.

**Subdivision 4. Suspension/Unpaid Leaves.** Time on suspension without pay or unpaid leave of absence shall not be counted in determining a month of employment.

**Subdivision 5. Notice by Employee.** To be eligible for paid sick leave an employee shall notify the employee's immediate supervisor prior to the start of the employee's scheduled shift. Such notice may be waived if the employee could not reasonably be expected to have complied due to extenuating circumstances.

**Subdivision 6. Verification.** Verification of the reason for sick leave may be requested by the City.

**Subdivision 7. Maximum Accrual.** Earned sick leave may accrue to the following maximum levels:

- (a) Through ten years of continuous service – 480 hours;
- (b) Eleven years through fifteen years of continuous service – 600 hours;
- (c) Sixteen years through twenty years of continuous service – 720 hours;
- (d) Twenty-one or more years of continuous service – 1000 hours.

Accrued sick leave in excess of these levels shall be lost at the end of each calendar year.

**Subdivision 8. Separation from Employment.** In the event an eligible employee has 90 percent of the applicable earned sick leave referred to in Subdivision 7 of this Section on the date of separation from employment due to retirement, said employee shall be eligible for a payment to be made directly into the Health Care Savings Plan in an amount calculated as follows:

- (a) A calculation will be made to determine whether an employee has at least 90 percent of the applicable sick leave as set forth in the applicable guidelines set forth in Subdivision 7 of this Section. Once it is determined that said individual has at least 90 percent of the applicable hours set forth in Subdivision 7, said number of hours will be multiplied by said employee's base rate of pay. The payment to be made directly into the employee's Health Care Savings Plan shall be in an amount equal to 30 percent of the calculation made above in this paragraph.
- (b) A health care savings plan policy shall allow eligible employees at least 10 years of continuous service with the City, to save money on a pretax basis to pay medical expenses and/or health insurance premiums after retirement. The amount of money to be eligible to be included in said health care savings plan policy will be calculated as follows:
  - (1) A calculation will be made to determine an eligible employee's hours of accrued sick leave, vacation time and compensatory time. The number of hours calculated from these categories will be added. The total number of hours will be multiplied by said employee's rate of pay received during their last day of service.

**Subdivision 9. Work-Related Injuries.** If an employee misses work because of a work-related injury, the first four hours of work missed as a result of the injury shall not be charged as sick leave, and the employee shall continue to be compensated during said time at the employee's base pay rate.

**Subdivision 10. Workers' Compensation.** If an employee misses work because of a work-related injury that becomes compensated under Workers' Compensation, an employee shall not be allowed to claim sick leave pay for any day for which Workers' Compensation benefits are paid to the employee. Sick leave may be claimed and paid for the period of time between the injury and the start of Workers' Compensation benefits. An employee will be charged for the sick leave used only to the extent that the employee claims and is paid for such sick leave. If Workers'

Compensation is paid retroactively for days that otherwise have been charged to sick leave, all appropriate adjustments shall be made to comply with the rules set forth above.

## **208.09 MILITARY LEAVES**

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

## **208.10 MATERNITY LEAVE**

Any permanent, full-time employee shall be granted a maternity leave without pay upon approval of the department head. A maternity leave of absence shall not exceed five months duration.

## **208.11 LEAVES WITHOUT PAY**

**Subdivision 1. Granting of Unpaid Leaves.** Unpaid leave of absence may be granted at the discretion of the City.

**Subdivision 2. Application for Unpaid Leaves.** An employee may apply for unpaid leave of absence by submitting written notice indicating the period of leave requested and the reason for the request to the department head.

**Subdivision 3. Suspension of Benefits.** An employee on unpaid leave of absence shall not accrue holiday, vacation or sick leave.

**Subdivision 4. Relating to the Establishment and Guidelines for the Use of Family and Medical Leave under the Family and Medical Leave Act of 1993 (FMLA).**

### **STATEMENTS OF POLICY:**

**General.** As provided by the Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for specified family and medical reasons.

**Covered Family and Medical Reasons:** An eligible employee shall be entitled to 12 weeks of unpaid leave during a 12-month period for one or more of the following reasons:

1. The birth or placement of a child for adoption or foster care;
2. to care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
3. to take medical leave when the employee is unable to work because of a serious health condition.
4. a serious health condition, which shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences.

Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

An employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position.

Employees with questions about whether specific illnesses are covered under this policy or under the City's sick leave policy are encouraged to talk with the City Administrator and/or City Clerk.

**Employee eligibility:** An employee shall be entitled to family leave when he/she meets the following criteria:

1. The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive. (If the employee was on the payroll for part of a week, the City will count the entire week. The City considers 52 weeks to be equal to twelve months.
2. The employee has to have worked for the employer for at least 1,250 hours over the 12 months before the leave would begin.
3. When both spouses are employed by the City, they are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

**Calculation of Leave:** Eligible employees can use up to twelve (12) weeks of leave during any 12 month period. The City will use a rolling twelve (12) month period measured forward from the date an employee uses any FMLA leave. Each time an employee uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken 5 weeks of leave in the past 12 months, he or she could take an additional 7 weeks under this policy.

**Maintenance of Benefits:** An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments.

This payment shall be made either in person or by mail to the City's Payroll Office by the 1st day of each month. If the employee's payment is more than 30 days overdue than the coverage will be dropped by the City.

If employee informs the city that he/she does not intend to return to work at the end of the leave period the City's obligation to provide health benefits ends. If employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the

employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the City will request that the employee continue to make those payments, along with the health care payments. If the employee does not continue these payments, the City will recover the payments at the end of the leave period, in a manner consistent with the law.

Certain types of earned benefits such as vacation, holiday pay, sick leave, compensatory time, etc. shall not be accrued during the leave period. Paid holidays that occur during an unpaid leave will not be paid nor accrued.

**Job Restoration:** An employee who utilizes family or medical leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms. An employee is required to provide a return to work release from the Health Care Provider prior to job restoration.

The City may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

**Use of Paid and Unpaid Leave:** If an employee has accrued paid leave of less than 12 weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave.

If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, as defined by and allowed under the related sick leave policy, the employee will first use all paid sick leave, paid vacation and compensatory time, and then will be eligible for unpaid leave.

An employee using leave for the birth of a child will use paid sick leave for physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case by case basis. The employee then may use all paid vacation and compensatory time and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

An employee using leave for the adoption or foster care of a child will use all paid vacation and compensatory time and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

**Intermittent Leave and Reduced Work Schedules:** In certain cases, intermittent use of the twelve (12) weeks of family or medical leave or a part of a reduced work week may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced work week for

birth or adoption purposes will need to discuss and gain approval for such use from the employee's department head and the City Administrator.

Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations. This provision is subject to the approval of the health care provider.

In some cases, the City may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

## **PROCEDURES:**

**Procedure for requesting leave:** All employees requesting leave under this policy must give notice in written form. The written notice must be submitted to the employee's supervisor, the City Clerk, or the City Administrator.

When an employee plans to take leave under this policy, the employee must give the City 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

While on leave, employees are requested to report periodically to the City regarding the status of the medical condition, and their intent to return to work.

**Procedure for Notice and Certification of Serious Health Condition:** On occasion, the City may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee should respond to such a request within 10 days of the request, or provide a reasonable explanation for the delay.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentist, clinical psychologists, and optometrists.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

1. Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
2. If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.

3. For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
4. If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

### **208.12 JURY OR WITNESS DUTY**

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

### **208.13 REST BREAKS AND LUNCH BREAKS**

**Subdivision 1. Rest Periods.** Rest breaks are periods during the scheduled shift during which the employee remains on continual duty and is responsible for assigned duties. A rest break shall consist of a fifteen (15) minute period. The employee shall be entitled to one paid rest break during each half of a scheduled shift of eight hours or more, at such times as may be scheduled by the City.

**Subdivision 2. Lunch Breaks.** A lunch break is a period during the scheduled shift during which the employee remains on continual duty and is responsible for assigned duties. A lunch break shall consist of either a thirty (30) minutes, forty-five (45) minutes or one (1) hour as may be scheduled by the City. An employee is entitled to one unpaid lunch break for each scheduled shift of more than six hours.

### **208.14 HOLIDAYS**

**Subdivision 1. Holiday Schedules.** Regular, full-time employees shall receive eight (8) hours of pay at regular straight time hourly rates each of the following days on which they are not required to work:

|                 |                  |                  |
|-----------------|------------------|------------------|
| New Year's Day  | Independence Day | Thanksgiving Day |
| President's Day | Labor Day        | Christmas Day    |

Memorial Day

Veteran's Day

Martin Luther King Day

One Personal Day for each calendar year

In addition, any employee may elect to not work on the Martin Luther King holiday by notifying the employer at least one week prior to said holiday. However, this holiday shall not be a paid holiday. However, if an employee is required to work on the Martin Luther King holiday that employee may elect to take another day off, without pay, in observance of said holiday, by notifying the employer at least one week prior to the day that the employee intends not to work.

**Subdivision 2. Holiday Observance.** A holiday falling on Saturday shall be observed on the preceding Friday and a holiday falling on Sunday shall be observed on the following Monday.

**Subdivision 3. Overtime pay.** Employees eligible for the holiday pay provided by this Article who are required by the employer to work any such holiday shall receive one and one-half times their regular straight time hourly rate of pay for all such hours worked, except for the holidays of Thanksgiving, Christmas and New Years Day. Employees eligible for the holiday pay provided by this Article who are required by the employer to work Thanksgiving, Christmas and New Years Day shall receive two times their regular straight time hourly rate of pay for all such hours worked on Thanksgiving, Christmas and New Years Day. Double-Time for hours worked on Thanksgiving, Christmas and New Years Day shall be applicable for hours worked on the calendar day of the holiday rather than the specified holiday time-off-from-work, when they are different. In the case of employees who are not salaried, but are paid on an hourly basis, this pay shall be in addition to their eight (8) hours of holiday pay provided by this Article. The amount of pay earned in excess of the straight time hourly rate shall be compensated in the form of compensatory time off or pay at the discretion of the employer, in accordance with the rules that apply to overtime pay.

**Subdivision 4. Qualified Employees.** In order to qualify for the holiday pay under this Article an otherwise qualified employee must be in pay status the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday.

**Subdivision 5. Holiday Work Defined.** A scheduled shift that begins on a holiday observed by the employer shall be considered to be entirely worked on that holiday, regardless of whether or not the shift ends on that holiday. On the other hand, a scheduled shift that begins on a day that is not on a holiday shall be considered to have been worked entirely on the day that is not a holiday, regardless of whether or not said shift ends on a holiday.

## **208.15 RESIGNATION**

Any employee wishing to leave the municipal service in good standing shall file with his/her department head, at least 14 days before leaving, a written resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City and denying terminal leave benefits. Unauthorized absence from work

for a period of three working days may be considered by the department head as a resignation without such benefits.

## **208.16 GRIEVANCE POLICY**

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

## **208.17 LAY-OFFS**

After at least two weeks notice to the employee, the Council may lay off any employee whenever such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. No permanent or probationary employee shall be laid off while there is a temporary employee serving in the same class of position for which the permanent or probationary employee is qualified, eligible and available.

## **208.18 DISCIPLINE**

**Subdivision 1. Forms of Discipline.** The Employer will discipline employees for just cause only. Discipline will be in one or more of the following forms

- (a) oral reprimand;
- (b) written reprimand;
- (c) suspension;
- (d) discharge.

**Subdivision 2. Notices.** Notices of suspension, demotions and discharges will be in written form and will state the reasons for the action taken. The employee shall be provided with a copy of such notice.

**Subdivision 3. Written Records.** Written reprimands, notices of suspension, and notices of discharge which are to become part of an employee's personnel file shall be read and acknowledged by signature of the employee. The employee will receive a copy of such reprimands and/or notices.

**Subdivision 4. Examination.** Employees may examine their own individual personnel files at reasonable times under the direct supervision of the Employer.

**Subdivision 5. Other Disciplinary Actions.** The following other disciplinary actions may be taken against any employee after the foregoing steps have been followed:

- A. Involuntary demotion. This step shall be taken only if the employee does not have the ability to function at the higher level.
- B. Forced transfer to a comparable position under a different supervisor. This step may be taken only if the problem is due to personal incompatibility between the supervisor and employee.
- C. Withholding a salary increase or decreasing the employee's salary. The employee shall be notified in writing of the action and the reasons therefor. A copy of the notice shall be placed in the employee's file.
- D. Required completion of specific disciplinary or corrective action by the employee.

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

## **208.19 PERSONAL USE OF CITY PROPERTY**

**Subdivision 1. City Property.** Except as specifically allowed in Subdivision 3, below, no employee or other person shall use City vehicles, tools, machinery, computers, equipment or other City property for personal use.

**Subdivision 2. City Buildings.** Except as specifically allowed in Subdivision 3, below, no employee or other person shall use City buildings for personal use. This prohibition shall apply to all City buildings, including, but not limited to, the City shop and fire hall.

**Subdivision 3. Personal Use.** The City Council, from time to time, may adopt a policy or policies allowing limited personal use of City buildings and property. Such policies may be adopted and changed from time to time by City Council resolution. Copies of all such policies and changes shall be provided to each City employee.

## **208.20 INSURANCE**

The City provides the following insurance benefits to regular, full-time employees, which benefits may be changed from time to time by resolution of the City Council:

**Subdivision 1. Employer Contribution.** The City contribution per month, per employee and his/her immediate family limited to spouses and children, regardless of whether said spouse and/or children are also employees of the City, for group health insurance, including dependent

coverage, shall not exceed \$450.00. In addition, the City contribution will pay 100 percent of life and disability insurance premiums at current benefit levels. The contribution terms and conditions set forth in this subdivision regarding insurance benefits may be changed by resolution of the Council.

**Subdivision 2. Part-Time Employees.** The City does not provide a City contribution for health/hospital insurance for any part-time city employees, including part-time employees. However, part-time employees may purchase at their own expense such insurance coverages as may be available from time to time for part-time employee's through the City's group insurance carriers. This right to purchase such insurance is subject to any availability restrictions or other limitations imposed by said group insurance carriers.

**Subdivision 3. Single Coverage.** Employees not choosing dependent coverage cannot be covered at City expense for any additional insurance, nor will they receive a cash payment for the difference between the cost of single coverage and the maximum monthly dollar cost paid by the City.

**Subdivision 4. Additional Coverage.** Under the group insurance program, an employee may purchase additional health, disability and life insurance for the employee and the employee's dependents provided that the employee pays the full cost of such additional coverage.

## **208.21 UNLAWFUL ACTS**

**Subdivision 1. Falsification of Records.** No person shall knowingly make any false statement, certificate, mark, rating or report in regard to any test, certificate or appointment held or made under the City personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this Part 8, Personnel Policy.

**Subdivision 2. Rendering of Consideration.** No person seeking employment to or promotion in the municipal service shall either directly or indirectly give, render or pay any money, service or other valuable consideration to any person or on account of or in connection with his test, appointment or promotion, or proposed appointment or promotion.

**Subdivision 3. Discrimination.** No person shall be employed, promoted, demoted or discharged by the City or in any way favored or discriminated against because of political opinions or affiliations, race, color, national origin, religion, sex, marital status, status with regard to public assistance or disability, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minnesota Statutes, Sections 179.61 to 179.76. No person who is between 40 and 70 years of age shall be discriminated against with reference to City employment in any way forbidden by federal law.

## **208.22 OFFICIALS UNDER WORKERS' COMPENSATION ACT**

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

## **208.23 DRUG USE AND ABUSE POLICY**

**Subdivision 1. Statement of Policy.** The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on or in any building or property owned or leased by the City of Pelican Rapids. Violators will be prosecuted to the full extent of the law and are subject to the disciplinary policies of the City of Pelican Rapids.

### **Subdivision 2. Drug-Free Awareness Program.**

- A. Drug use and abuse in the City workplace or on City authorized jobs will not be tolerated by the City of Pelican Rapids. This policy is enacted to prevent employee injury and loss of time and employment as well as injury and loss of time and employment to fellow employees and the public.
- B. Any employee found manufacturing, distributing, dispensing, possessing or using a controlled substance on or in any building or property owned or leased by the City of Pelican Rapids will be prosecuted to the full extent of the law and to the policies set forth by the City of Pelican Rapids.
- C. In the event a problem comes up, the City will help the individual find counseling, rehabilitation, etc.
- D. Each employee shall receive a copy of this Policy.

## **208.24 SEXUAL HARASSMENT POLICY**

**Subdivision 1. Statement of Policy.** The City of Pelican Rapids is committed to creating and maintaining a work place atmosphere free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act. In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment. This policy statement is intended to make all employees sensitive to the matter of sexual harassment, to express the City's strong disapproval of unlawful sexual harassment, to advise employees of their behavioral obligations and to inform them of their rights. In order for a sexual harassment issue to be addressed, it must be brought to the attention of management. In order for action to be taken, information must be forwarded to the appropriate level of management.

**Subdivision 2. Definition.** To provide the employees with a better understanding of what constitutes sexual harassment, the following definition, based on Minnesota Statutes, is provided:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
- B. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education or housing; or
- C. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational or housing environment; and in the case of employment the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Examples of inappropriate conduct include, but are not limited to: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gesture or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior.

In summary, sexual harassment is unwanted, unwelcomed, and repeated action of an individual against another individual, using sexual overtones as a means of creating stress. However, some forms of sexual harassment may be so severe that repetition is not need for the act to be considered sexual harassment.

**Subdivision 3. Education.** The City recognizes the need to educate its employees on the subject of sexual harassment and stands committed to provide information and training. All employees are expected to treat each other and the general public with respect and to assist in fostering an environment that is free from unwanted harassment. Each employee shall receive a copy of the City Sexual Harassment Policy.

**Subdivision 4. Discipline.** Violations of this policy may constitute just cause for discipline, up to and including discharge. Each situation will be evaluated on a case by case basis depending on the severity and the circumstances involved.

**Subdivision 5. Reporting.** Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

- A. Immediate Supervisor;
- B. Department Head; or
- C. Clerk Treasurer.

**Subdivision 6. Employee Action Encouraged.** In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also urged to take the following steps:

- A. Make it clear to the harasser that the conduct is unwelcome and document that conversation;
- B. Document the occurrences of harassment;
- C. Submit the documented complaints to your supervisor, the Department Head or the Clerk. We urge the employee to put the complaint in writing;
- D. Document any further harassment or reprisals that occur after the complaint is made.

Employees have the right to raise the issue of sexual harassment and to file complaints with respect to such harassment without reprisal. The City recognizes that there are inherent difficulties in developing evidence and maintaining close working relationships among employees in instances where harassment has occurred. Because of this, the City urges that conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through educational and initial counseling, if appropriate.

**Subdivision 7. Cooperation With Management.** Management has the obligation to provide an environment free of sexual harassment. The City is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

**Subdivision 8. Investigation.** The City of Pelican Rapids will, in all cases, take action to correct any reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

## **208.25 OTHER PERSONNEL POLICIES**

The personnel policies set forth in this Part are not necessarily the only personnel policies of the City of Pelican Rapids. The City Council may, by resolution, adopt additional personnel policies, and such policies shall be enforceable personnel policies of the City of Pelican Rapids even though they may not be made part of the City Code. Existing personnel policies of the City are repealed by the adoption of this Part only to the extent they are inconsistent with the provisions of this Part.

## **208.26 EMPLOYEE PERFORMANCE EVALUATION POLICY**

All city employees, except those defined in 208.02, Subdivision 1, will be given an annual employee performance evaluation. The employee performance evaluations will be conducted

during the employee's anniversary month. The Mayor will conduct the performance evaluation of the City Administrator. The Council may require that the Mayor be joined by one Council Member for the performance evaluation of the City Administrator in the event the Council elects to do so. The City Administrator will conduct the performance evaluation of each department supervisor. The department supervisor(s) will conduct the performance evaluations of each staff member within the applicable department. Public Library employees will be evaluated based on Library policy as determined by the Library Board.