

**COUNCIL BUDGET WORKSESSION**  
**6 P.M.**  
REGULAR WASECA CITY COUNCIL MEETING  
TUESDAY, DECEMBER 1, 2020 7 p.m.  
*Truth in Taxation Meeting: 7 p.m.*

- 1 CALL TO ORDER/ROLL CALL
- 2 MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE
- 3 APPROVAL OF AGENDA
- 4 *Truth in Taxation Meeting*
- 5A PUBLIC COMMENT

**PUBLIC ACCESS INSTRUCTIONS**

Dial: 1-929-436-2866  
Meeting I.D: 958 4890 9773  
Passcode: 154658

Those wishing to speak must state their name and address for the record after they **announce their name and address over the phone or the City Manager reads a Resident Request Form**. Each person will have three (3) minutes to make his/her remarks. Speakers will address all comments to the City Council as a whole and not one individual councilmember. The Council may not take action on an item presented during the Public Comment period, unless the item is already on the agenda for action. When appropriate, the Council may refer inquiries and items brought up during the Public Comment period to the City Manager for follow up

- 5B Requests & Presentations  
None

- 6 CONSENT AGENDA

- A. Minutes – November 17 Regular Council Meeting & Work Sessions November 12, 17
- B. Payroll & Expenditures
- C. Approval of Contract Payments
- D. RCCA: TLCF Final Payment – Dugouts
- E. RCCA: Engineering Work for South State Street Water Main Project
- F. RCCA: Designating 2021 Official City Newspaper
- G. RCCA: Approving 2021 Meeting Dates
- H. Accepting Sophia Hoiseth's Planning Commission Application

- 7 ACTION AGENDA

- A. RCCA: Wetland Replacement Credit Payment
- B. RCCA: Personnel Policy

- 8 REPORTS

- A. City Manager's Report
- B. Commission Reports

9      ANNOUNCEMENTS

**10: CLOSED SESSION PER M.S. 13D.05, Subdvs. 1(d), 3(a) *Individual Performance Evaluation re: City Manager***

11      ADJOURNMENT

**Notice of ALL Meetings of the  
Waseca City Council  
By Telephone and Electronic Means**

Pursuant to Minn. Stat. § 13D.021, subd. 1(1) I, Lee Mattson, City Manager of the City of Waseca, Minnesota, determined that in-person meetings of the Waseca City Council are not prudent during the COVID-19 health pandemic/peacetime emergency declared by the Governor's Executive Order No. 20-01 under Minn. Stat., Ch. 12. **As such, the Waseca City Council's meetings during such states of emergency, beginning with the Local Board of Appeal and Equalization meeting scheduled to occur at 7 p.m. on April 6, 2020, and all regular City Council meetings held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month at 7 p.m. will be held by telephone / other electronic means such as video conferencing, any or all member(s) of the Council may potentially attend such meeting by phone or electronic device.** A schedule of the Council's regular meetings is available in the City Clerk's office or on the City Website.

Additionally, I determine the presence of the public at the regular meeting location is not feasible due to the COVID-19 health pandemic/emergency declaration, pursuant to Minn. Stat. § 13D.021, subd. 1(3).

Finally, I determine that the presence of at least one member of the body, chief legal counsel, or chief administrative officer at the regular meeting location is unfeasible due to the COVID-19 health pandemic/emergency declaration, pursuant to Minn. Stat. § 13D.021, subd. 1(4).

Members of the public may monitor the meeting electronically from a remote location by dialing a conference number and entering a conference code; listening to a live audio stream available at a website or obtaining a link by email. Information on accessing each meeting remotely will be provided on the meeting's agenda. The City may require the person making a connection to pay for the documented additional cost that the body incurs as a result of the additional connection.

THIS NOTICE OF REGULAR MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS IS GIVEN PURSUANT TO MINN. STAT. § 13D.04, subd. 2.

Dated: April 2, 2020

  
Lee Mattson, Waseca City Manager

MINUTES  
REGULAR WASECA CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 17, 2020

**CALL TO ORDER/ROLL CALL**

- 1 The regular Waseca City Council meeting was called to order by Mayor Roy Srp at 7:00 p.m. The meeting was held virtually, due to COVID-19.

Councilmembers Present: Mayor Roy Srp  
Daren Arndt Les Tlougan  
Jeremy Conrath Mark Christiansen  
Allan Rose

Councilmembers Absent: Larry Johnson

Staff Present: Lee Mattson, City Manager  
Mike Anderson, Assistant to the City Manager  
Alicia Fischer, Finance Director  
Nate Willey, City Engineer  
Carl Sonnenberg, Utilities & PW Director  
Paul Snook, Recovery Coordinator

Others Present: Andrew Breck, Waseca Art's Center  
Larry Sipe, Neighborhood Service Center

**MOMENT OF SILENT PRAYER/PLEDGE OF ALLEGIANCE**

- 2 A moment of silence was observed. The Pledge of Allegiance to the Flag was recited.

**APPROVAL OF AGENDA**

- 3 It was moved by Arndt, seconded by Conrath to approve the agenda as presented. Roll call 6-0. Motion carried.

**PUBLIC COMMENT**

- 4 Andrew Breck and Larry Sipe told Council that they appreciate their yearly contributions. They also gave updates on their organizations.

**REQUESTS AND PRESENTATIONS**

- 5 Paul Snook introduced himself to the Council and they welcomed him to the City of Waseca.

**CONSENT AGENDA**

- 6 It was moved by Rose, seconded by Srp, to approve the Consent Agenda as presented. Roll call 6-0. The motion carried.

- A. Minutes – November 4, 2020 Regular Meeting & November 12 Special Meeting  
B. Payroll & Expenditures

- C. Approval of 2021 Licenses
- D. Approval of Contract Payments

### **ACTION AGENDA**

7      A.      **Ordinances 1083-1085: Text Amendments**

The City Manager presented five separate amendments in three different ordinances.

A motion was made by Conrath, seconded by Tloughan to approve Ordinance 1083. Roll call 6-0, motion carried.

A motion was made by Tloughan, seconded by Christiansen to approve Ordinance 1084. Roll call 6-0, motion carried.

A motion was made by Arndt, seconded by Srp to approve Ordinance 1085. Roll call 6-0, motion carried.

B.      **RCCA: Approval of Final Payment: 3<sup>rd</sup> Street Project**

City Engineer Willey informed Council that the project has been completed and asked for approval of the final payment for the 3<sup>rd</sup> Street construction project.

A motion was made by Christiansen, seconded by Srp to approve the final payment. Roll call 6-0, motion carried.

C.      **Conagra Business Subsidy & Development Agreements**

City Manager Mattson presented both the Business Subsidy and Development Agreements for Conagra to Council. He asked them to approve Resolution 20-60 for the Tax Abatement approval before making a motion to approve both agreements.

A motion was made by Tloughan, seconded by Arndt to approve Resolution 20-60. Roll call 6-0, motion carried

A motion was made by Tloughan, seconded by Srp to approve the Business Subsidy & Tax Abatement Agreement. Roll call 6-0, motion carried.

A motion was made by Arndt, seconded by Srp to approve the Development Agreement. Roll call 6-0, motion carried.

D.      **RCCA: Housing Incentives**

City Manager Mattson presented some information regarding Residential Tax Abatement. He informed Council the current program is set to expire in December 2020. The EDA has made some recommendations to the Council to continue new residential construction. After discussion, the Council decided to continue the current program through 2022 and allow Staff to continue to research some alternative ideas to bring forth to Council at a future meeting.

A motion was made by Christiansen, seconded by Srp to extent the existing Residential Tax Abatement program through 2022. Roll call 6-0, motion carried.

### **REPORTS**

- 8        A.        City Manager's Report
- Staff is working on updates to the COVID response plan.
  - Last week of leaf pick up
  - Gaiter Lake RFP has been extended
  - Staff is still working on a Water Services Agreement with Conagra.
- B.        Commission Reports
- Planning Commission
- Went through the Ordinances 1083-1085 and made recommendation for Council approval

### **ANNOUNCEMENTS**

- 9        All Council wished everyone a safe and Happy Thanksgiving.
- Srp – The Conagra site is looking good. Thank you to the Waseca Area Foundation for helping assist Wasecans with their needs.

### **ADJOURNMENT**

- 10       There being no further business to be brought before the Council, it was moved by Christiansen, seconded by Arndt, to adjourn the meeting at 8:08 p.m.; Roll call, 6-0. Motion carried.

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R. D. SRP  
MAYOR

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MIKE ANDERSON  
ASSISTANT TO THE CITY MANAGER

MINUTES  
CITY COUNCIL WORK SESSION  
TUESDAY, NOVEMBER 17, 2020

The work session began at 6:00 p.m. virtually.

Councilmembers present:      Roy Srp  
   Mark Christiansen  
   Jeremy Conrath              Les Tlougan  
   Daren Arndt                  Allan Rose

Staff present:                      Lee Mattson, City Manager  
   Mike Anderson, Assistant to the City Manager  
   Alicia Fischer, Finance Director  
   Carl Sonnenberg, Utilities & PW Director  
   Nate Willey, City Engineer

**Utility Budgets**

The Work Session began at 6:00 P.M.

Finance Director Fischer presented information on the following Utility Funds:

Water Utility Fund  
Sanitary Sewer Fund  
Storm Water Fund  
Electric Utility Fund

In each fund the improvements to Buildings, I & I, and Machinery were presented with possible 5 year options for the Electric Utility Fund were presented.

The City Council discussed each fund with the Finance Director and asked to extend the conversation at the next work session on December 1, 2020

There being no further discussion and no action taken, the work session ended at 6:55 p.m.

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R. D. SRP  
MAYOR

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MIKE ANDERSON  
ASSISTANT TO THE CITY MANAGER

MINUTES  
CITY COUNCIL WORK SESSION  
THURSDAY, NOVEMBER 12, 2020

The work session began at 6:00 p.m. virtually.

Councilmembers present: Roy Srp  
Mark Christiansen  
Jeremy Conrath Les Tlougan  
Daren Arndt Allan Rose

Staff present: Lee Mattson, City Manager  
Mike Anderson, Assistant to the City Manager  
Alicia Fischer, Finance Director  
Carl Sonnenberg, Utilities & PW Director  
Nate Willey, City Engineer

**General Fund Budget**

The Work Session began at 6:00 P.M.

Finance Director Fischer presented information on the following:

The Budget process to date  
Preliminary Levy for December  
Revenue changes for 2021  
Expenditure changes for 2021  
Full Time Employee count  
Outside funding sources

The City Council discussed each fund with the Finance Director and thanked her and staff for all their hard work during the budget process.

There being no further discussion and no action taken, the work session ended at 7:30 p.m.

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R. D. SRP  
MAYOR



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MIKE ANDERSON  
ASSISTANT TO THE CITY MANAGER



## LIST OF EXPENDITURES

December 1, 2020

City Council	4,250.00	
Streets	25,775.72	
Parks	11,210.89	
Wastewater	8,334.09	
Utility Administration	4,709.62	
Utility Billing	7,917.93	
Electric	14,176.91	
Water	6,802.72	
Building and Code Compliance	2,706.52	
Police	62,074.61	
Administration	7,500.16	
Community Aides	870.75	
Fire	10,827.50	
Paid On Call Fire Department	400.00	
Election Judges	5,910.25	
PEG	0.00	
Finance	7,974.05	
Connections	2,193.64	
Community Development	5,382.98	
Engineering	15,282.32	
Recreation	1,329.20	
Econ Development	<u>4,403.46</u>	
 Total Gross Payroll	 210,033.32	
 *Less- Payroll Deductions	 <u>(66,686.37)</u>	
 Net Payroll Cost		\$ 143,346.95

\*These costs are included in Accounts Payable totals below

Accounts Payable

Expenditures dated:

November 14, 2020-November 25, 2020

Includes check #'s 156044-156088

Bank ACH Withdrawals.....	<u>538,112.68</u>
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GRAND TOTAL EXPENDITURES	<u>\$ 681,459.63</u>
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Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
<b>General Fund</b>						
11/25/2020	156071	Quadient Finance	Postage	101-15510-0000	1,000.00	
Total 101155100000:					1,000.00	
11/18/2020	112027	ACH Internal Revenue Service	FEDERAL WITHHOLDING TAX Pay Period: 11/15/2020	101-21701-0000	18,679.49	M
Total 101217010000:					18,679.49	
11/18/2020	112022	MN Department of Revenue	STATE WITHHOLDING TAX Pay Period: 11/15/2020	101-21702-0000	8,503.63	M
Total 101217020000:					8,503.63	
11/18/2020	112027	ACH Internal Revenue Service	SOCIAL SECURITY Pay Period: 11/15/2020	101-21703-0000	7,981.83	M
11/18/2020	112027	ACH Internal Revenue Service	SOCIAL SECURITY Pay Period: 11/15/2020	101-21703-0000	7,850.11	M
Total 101217030000:					15,831.94	
11/18/2020	112024	Public Employees Retirement Assn (ACH	PERA COORD Emplr 1% Pay Period: 11/15/2020	101-21704-0000	1,275.81	M
11/18/2020	112024	Public Employees Retirement Assn (ACH	PERA COORDINATED Employee Pay Period: 11/15/20	101-21704-0000	8,292.64	M
11/18/2020	112024	Public Employees Retirement Assn (ACH	PERA POLICE Employee Pay Period: 11/15/2020	101-21704-0000	7,887.01	M
11/18/2020	112024	Public Employees Retirement Assn (ACH	DEF CONTRIBUTION/EMPL Pay Period: 11/15/2020	101-21704-0000	88.05	M
11/18/2020	112024	Public Employees Retirement Assn (ACH	PERA COORDINATED Employer Pay Period: 11/15/20	101-21704-0000	8,292.64	M
11/18/2020	112024	Public Employees Retirement Assn (ACH	PERA POLICE Employer Pay Period: 11/15/2020	101-21704-0000	11,830.48	M
11/18/2020	112024	Public Employees Retirement Assn (ACH	DEF CONT Employer Pay Period: 11/15/2020	101-21704-0000	88.05	M
Total 101217040000:					37,754.68	
11/25/2020	20200919	Greater Mankato Area United Way	UNITED WAY Pay Period: 11/15/2020	101-21708-0000	45.00	
Total 101217080000:					45.00	
11/19/2020	156044	NCPERS Minnesota - 8266711	LIFE INSURANCE - PERA Pay Period: 11/15/2020	101-21711-0000	192.00	
Total 101217110000:					192.00	
11/18/2020	112027	ACH Internal Revenue Service	MEDICARE Pay Period: 11/15/2020	101-21712-0000	2,734.64	M
11/18/2020	112027	ACH Internal Revenue Service	MEDICARE Pay Period: 11/15/2020	101-21712-0000	2,734.64	M
Total 101217120000:					5,469.28	
11/18/2020	112028	MSRS- (DEF COMP)	MSRS - ROTH (AFTER TAX) Pay Period: 11/15/2020	101-21713-0000	990.00	M
11/18/2020	112028	MSRS- (DEF COMP)	MSRS - DEF COMP Pay Period: 11/15/2020	101-21713-0000	669.00	M
Total 101217130000:					1,659.00	
11/18/2020	112026	Vantagepoint Transfer Agents 457	ICMA DEF COMPENSATION Pay Period: 11/15/2020	101-21714-0000	2,409.00	M
Total 101217140000:					2,409.00	
11/18/2020	112023	AFLAC	AFLAC AFTER TAX Pay Period: 11/1/2020	101-21715-0000	325.78	M
11/18/2020	112023	AFLAC	AFLAC PRE TAX Pay Period: 11/1/2020	101-21715-0000	643.61	M
11/18/2020	112023	AFLAC	AFLAC AFTER TAX Pay Period: 11/15/2020	101-21715-0000	325.78	M
11/18/2020	112023	AFLAC	AFLAC PRE TAX Pay Period: 11/15/2020	101-21715-0000	643.61	M

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
Total 101217150000:					1,938.78	
11/25/2020	112031	Further	Flex/HSA Reimbursement	101-21716-0000	1,193.95	M
11/25/2020	112034	Further	Flex/HSA Reimbursement	101-21716-0000	663.40	M
11/18/2020	112029	Further	HSA Contribution Pay Period: 11/15/2020	101-21716-0000	373.36	M
Total 101217160000:					2,230.71	
11/18/2020	112025	MN Child Support Payment Center	CHILD SUPPORT FLAT AMT Pay Period: 11/15/2020	101-21717-0000	880.47	M
Total 101217170000:					880.47	
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Family Pay Period: 11/1/2020	101-21720-0000	12,643.93	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Single Pay Period: 11/1/2020	101-21720-0000	12,166.40	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Employee + 1 Pay Period: 11/1/2020	101-21720-0000	877.24	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Employee + 1 Pay Period: 11/1/2020	101-21720-0000	3,509.17	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Family Pay Period: 11/1/2020	101-21720-0000	3,160.84	M
11/18/2020	112030	MN Public Employees Insurance Progra	Timlin Nov Cobra	101-21720-0000	1,663.66	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Single Pay Period: 11/15/2020	101-21720-0000	12,166.40	M
11/18/2020	112030	MN Public Employees Insurance Progra	McKay Nov Cobra	101-21720-0000	608.32	M
11/18/2020	112030	MN Public Employees Insurance Progra	Rugger Nov Cobra	101-21720-0000	608.32	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Employee + 1 Pay Period: 11/15/2020	101-21720-0000	877.24	M
11/18/2020	112030	MN Public Employees Insurance Progra	Rugger Adj	101-21720-0000	644.94-	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Employee + 1 Pay Period: 11/15/2020	101-21720-0000	3,509.17	M
11/18/2020	112030	MN Public Employees Insurance Progra	Kellogg Ajd	101-21720-0000	1,253.26-	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Family Pay Period: 11/15/2020	101-21720-0000	3,160.84	M
11/18/2020	112030	MN Public Employees Insurance Progra	Seberson Adj	101-21720-0000	608.32	M
11/18/2020	112030	MN Public Employees Insurance Progra	PEIP Family Pay Period: 11/15/2020	101-21720-0000	12,643.93	M
Total 101217200000:					66,305.58	
11/25/2020	20200918	Discover Waseca Tourism	October Lodging Tax	101-41110-4440	1,834.48	
Total 101411104440:					1,834.48	
11/25/2020	156068	MPeters Enterprises Inc.	City Hall Flag	101-41110-4450	26.00	
Total 101411104450:					26.00	
11/25/2020	20200926	JT Services of MN	Purple Lights	101-41110-4455	150.00	
Total 101411104455:					150.00	
11/25/2020	156075	Shred-it USA LLC	Monthly Service	101-41320-3100	16.68	
Total 101413203100:					16.68	
11/25/2020	20200906	APG Media of So MN LLC	Airport Farm	101-41320-3400	78.00	
11/25/2020	20200906	APG Media of So MN LLC	Public hearing 10/20	101-41320-3400	34.13	
11/25/2020	20200906	APG Media of So MN LLC	Notice given 11/4	101-41320-3400	48.75	
11/25/2020	156062	Iowa League of Cities	Job Advertisement	101-41320-3400	130.00	
Total 101413203400:					290.88	
11/25/2020	20200938	Waseca Area Chamber of Commerce	Employee Recognition	101-41320-4930	210.00	

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
11/25/2020	20200938	Waseca Area Chamber of Commerce	Employee Recognition	101-41320-4930	50.00
Total 101413204930:					260.00
11/25/2020	20200904	A. H. Hermel Company	Pop for vending machine	101-41320-4945	62.82
Total 101413204945:					62.82
11/25/2020	112033	Further	Admin Fees Flex/HSA	101-41500-1600	296.15 M
Total 101415001600:					296.15
11/25/2020	20200923	Innovative Office Supply	New Chair	101-41500-2200	431.20
Total 101415002200:					431.20
11/25/2020	20200932	Pantheon Computer Systems Inc.	Laptops and docking stations	101-41920-2050	2,241.99
11/25/2020	20200932	Pantheon Computer Systems Inc.	Laptops	101-41920-2050	14,958.97
11/25/2020	20200932	Pantheon Computer Systems Inc.	Laptop	101-41920-2050	1,899.00
Total 101419202050:					19,099.96
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	101-41920-3100	1,722.95
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	101-41920-3100	516.99
Total 101419203100:					2,239.94
11/25/2020	20200923	Innovative Office Supply	Pens	101-41940-2000	5.99
11/25/2020	20200923	Innovative Office Supply	Office Supplies	101-41940-2000	8.81
Total 101419402000:					14.80
11/25/2020	20200921	H & J Fuel Inc	fuel	101-41940-2120	1,281.27
Total 101419402120:					1,281.27
11/25/2020	156049	Cintas Corporation	First aid cabinet supplies	101-41940-2170	39.30
11/25/2020	20200923	Innovative Office Supply	Bowls for breakroom	101-41940-2170	72.04
11/25/2020	20200923	Innovative Office Supply	Dusters and spray bottles	101-41940-2170	42.09
11/25/2020	20200923	Innovative Office Supply	Soap for Break room	101-41940-2170	39.79
11/25/2020	20200923	Innovative Office Supply	Credit for wrong plates	101-41940-2170	75.08-
11/25/2020	156073	Red Feather Paper Company	Cleaning supplies	101-41940-2170	181.44
Total 101419402170:					299.58
11/25/2020	20200911	Cady Business Technologies Inc	Monthly Phone Support Plan	101-41940-3100	262.62
11/25/2020	156048	Cintas Corporation	Floor mat service	101-41940-3100	45.05
Total 101419403100:					307.67
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-41940-3200	180.04
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-41940-3200	97.31
Total 101419403200:					277.35
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-41940-3800	210.72

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101419403800:					210.72
11/25/2020	20200906	APG Media of So MN LLC	Zoning Code	101-41950-3400	156.00
11/25/2020	20200906	APG Media of So MN LLC	Business/residential grants	101-41950-3400	721.30
Total 101419503400:					877.30
11/25/2020	20200913	Chrz, Jared	Uniform Allowance-chrz	101-42100-2180	83.66
11/25/2020	20200935	Schroeder, Timothy	Uniform allowance-Schroeder	101-42100-2180	153.00
11/25/2020	20200936	Streicher's	Uniform Credit - Gruenhagen	101-42100-2180	259.98-
11/25/2020	20200936	Streicher's	Uniforms - Tomsche	101-42100-2180	174.99
11/25/2020	20200936	Streicher's	Uniform - Jess	101-42100-2180	289.99
Total 101421002180:					441.66
11/25/2020	156049	Cintas Corporation	First Aid - Police	101-42100-2190	66.34
Total 101421002190:					66.34
11/25/2020	156048	Cintas Corporation	Floor Mats	101-42100-3100	13.80
11/25/2020	156048	Cintas Corporation	Floor Mats	101-42100-3100	13.79
11/25/2020	156075	Shred-it USA LLC	Monthly Service	101-42100-3100	16.68
Total 101421003100:					44.27
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-42100-3200	180.04
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-42100-3200	299.22
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-42100-3200	28.78
Total 101421003200:					508.04
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-42100-3800	235.45
Total 101421003800:					235.45
11/25/2020	156049	Cintas Corporation	first aid -Fire Dept.	101-42200-2190	39.30
Total 101422002190:					39.30
11/25/2020	156048	Cintas Corporation	Floor Mats	101-42200-3100	13.79
11/25/2020	156048	Cintas Corporation	Floor Mats	101-42200-3100	13.80
Total 101422003100:					27.59
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-42200-3200	28.78
Total 101422003200:					28.78
11/25/2020	20200906	APG Media of So MN LLC	Volunteer Firefighters	101-42200-3400	1,153.60
Total 101422003400:					1,153.60
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-42200-3800	235.46
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-42200-3800	31.63

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101422003800:					267.09
11/25/2020	20200923	Innovative Office Supply	Pens for Mike B	101-42400-2000	15.58
Total 101424002000:					15.58
11/25/2020	20200914	City Building Inspection Services LLC	Building inspections	101-42400-3000	6,470.51
Total 101424003000:					6,470.51
11/25/2020	20200917	DDA Human Services Inc	City Engineer Search	101-43000-3000	11,000.00
Total 101430003000:					11,000.00
11/25/2020	156079	Troxler Electronic Laboratories Inc.	Badge monitoring services	101-43000-3100	62.00
Total 101430003100:					62.00
11/25/2020	156087	Willey, Nate	Moving Expenses - N Willey	101-43000-3150	2,182.41
Total 101430003150:					2,182.41
11/25/2020	112035	Verizon Wireless	Monthly Verizon Data Bill	101-43000-3200	65.03 M
Total 101430003200:					65.03
11/25/2020	20200906	APG Media of So MN LLC	Assessment notice	101-43000-3400	117.00
11/25/2020	20200906	APG Media of So MN LLC	Bid Notice-safe routes to school	101-43000-3400	380.25
Total 101430003400:					497.25
11/25/2020	20200909	Bomgaars Supply	Parts & Supplies	101-43100-2170	28.76
11/25/2020	156049	Cintas Corporation	First aid supplies	101-43100-2170	82.41
11/25/2020	20200927	KTee Safety Gear Inc.	Gloves	101-43100-2170	397.19
Total 101431002170:					508.36
11/25/2020	20200905	AmeriPride Services Inc	uniform-service	101-43100-2180	181.63
Total 101431002180:					181.63
11/25/2020	20200940	Ziegler Inc	annual inspection shop gen	101-43100-3100	2,036.59
Total 101431003100:					2,036.59
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-43100-3200	31.63
Total 101431003200:					31.63
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-43100-3800	435.29
Total 101431003800:					435.29
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-45130-3200	173.83

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 101451303200:					173.83
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-45130-3800	232.01
Total 101451303800:					232.01
11/25/2020	156065	Mankato Tent & Awning Co.	Umbrella Repair	101-45130-4000	280.00
Total 101451304000:					280.00
11/25/2020	20200920	Gundermann, Jolene	Uniform Allowance	101-45200-2180	250.00
Total 101452002180:					250.00
11/25/2020	156049	Cintas Corporation	Safety supplies	101-45200-2190	143.28
Total 101452002190:					143.28
11/25/2020	20200909	Bomgaars Supply	Parts & Supplies	101-45200-2230	39.91
Total 101452002230:					39.91
11/25/2020	20200925	Jobs Plus Inc.	City Parks - October Cleaning	101-45200-3100	401.40
11/25/2020	156066	McClune's Tree Service	Tree Removal	101-45200-3100	1,225.00
11/25/2020	156074	Sam Bartelt Tree Service & Snow Remov	Stump Removal	101-45200-3100	776.00
Total 101452003100:					2,402.40
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-45200-3200	25.92
Total 101452003200:					25.92
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-45200-3800	143.87
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-45200-3800	20.07
Total 101452003800:					163.94
11/25/2020	156047	Centerpoint Energy	Monthly Billing	101-45500-3800	288.46
11/25/2020	156051	Consolidated Communications	Monthly Billing	101-45500-3800	54.01
Total 101455003800:					342.47
Total General Fund:					221,228.52
<b>Airport</b>					
11/25/2020	156064	John Langford Electric Inc.	Wiring of Hangar Door Operator	230-49810-2230	195.00
Total 230498102230:					195.00
11/25/2020	112036	CenturyLink	Airport Phone and Internet	230-49810-3200	111.91 M
Total 230498103200:					111.91
11/25/2020	156047	Centerpoint Energy	Monthly Billing	230-49810-3800	24.43

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 230498103800:					24.43
11/25/2020	156056	Greener World Solutions LLC	Airport Hangar Roof Repairs	230-49810-5300	24,994.00
Total 230498105300:					24,994.00
Total Airport:					25,325.34
<b>Economic Development-General f</b>					
11/25/2020	156053	Economic Development Association of M	Membership	261-46700-4330	295.00
Total 261467004330:					295.00
Total Economic Development-General f:					295.00
<b>Police Reserve</b>					
11/25/2020	20200936	Streicher's	Uniforms - Reserve	275-49212-2180	429.99
Total 275492122180:					429.99
11/25/2020	20200930	Miller, Ali	Reserve uniforms	275-49212-3100	89.99
Total 275492123100:					89.99
Total Police Reserve:					519.98
<b>Safe Haven Grant</b>					
11/25/2020	20200929	Mcintosh, Sue	Lysol	279-46350-2170	11.56
Total 279463502170:					11.56
Total Safe Haven Grant:					11.56
<b>Firefighter's Relief</b>					
11/25/2020	156084	Waseca Fire Relief Association	2020 Pension Allocation	280-49070-1240	13,703.67
11/25/2020	156084	Waseca Fire Relief Association	2020 State Aid Fire	280-49070-1240	62,080.94
Total 280490701240:					75,784.61
Total Firefighter's Relief:					75,784.61
<b>Capital Improvement</b>					
11/25/2020	20200924	Javens Mechanical Contracting Co.	Raypack Pool Boiler	430-43010-5260	12,380.00
Total 430430105260:					12,380.00
11/25/2020	20200909	Bomgaars Supply	Parts & Supplies	430-43010-5340	42.94
Total 430430105340:					42.94
11/25/2020	156054	Erickson Engineering	Construction inspection Pedestrian Bridge Installation	430-43010-5440	2,515.06
11/25/2020	20200934	Sanco Equipment LLC	NE Trail Equipment Rental	430-43010-5440	200.00
Total 430430105440:					2,715.06



Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
11/25/2020	156059	Heselton Construction LLC	Payment held for damages-Invoice 2046	430-43010-5560	6,992.96	
11/25/2020	156059	Heselton Construction LLC	Payment held for damages-Invoice 2304	430-43010-5560	439.48	
11/25/2020	156059	Heselton Construction LLC	Payment held for damages-Invoice 2366	430-43010-5560	2,620.62	
11/25/2020	156059	Heselton Construction LLC	Payment held for damages-Invoice 2302	430-43010-5560	4,394.78	
11/25/2020	156058	Heselton Construction LLC	3rd Street improvement-Final Payment	430-43010-5560	58,540.45	
11/24/2020	155947	Heselton Construction LLC	3rd St NE Payment No. 12-Final Payment	430-43010-5560	72,988.29-	V
11/25/2020	156072	RAW Construction LLC	2020-01 Partial Payment No. 6	430-43010-5560	26,320.70	
Total 430430105560:					26,320.70	
Total Capital Improvement:					41,458.70	
<b>Water</b>						
11/25/2020	112032	MN Sales and Use Tax Payable	Sales Tax payable	601-20210-0000	2,236.51	M
Total 601202100000:					2,236.51	
11/25/2020	20200909	Bomgaars Supply	Parts & Supplies	601-49401-2230	15.99	
Total 601494012230:					15.99	
11/25/2020	156046	Automatic Systems Company	SCADA Repair	601-49401-3100	375.00	
Total 601494013100:					375.00	
11/25/2020	156047	Centerpoint Energy	Monthly Billing	601-49401-3800	59.05	
Total 601494013800:					59.05	
11/25/2020	156057	Hawkins Inc	Chlorine Equipment Terminator Testing	601-49401-4000	407.02	
Total 601494014000:					407.02	
11/25/2020	20200909	Bomgaars Supply	Parts & Supplies	601-49430-2170	47.98	
Total 601494302170:					47.98	
11/25/2020	20200909	Bomgaars Supply	Parts & Supplies	601-49430-2180	69.99	
Total 601494302180:					69.99	
11/25/2020	20200905	AmeriPride Services Inc	uniform service	601-49430-3100	17.25	
11/25/2020	20200905	AmeriPride Services Inc	uniform service	601-49430-3100	17.25	
11/25/2020	20200905	AmeriPride Services Inc	uniform service	601-49430-3100	17.25	
11/25/2020	20200928	Lenz Lawn Care & Landscaping Inc.	Lawn Restoration	601-49430-3100	465.00	
Total 601494303100:					516.75	
11/25/2020	20200923	Innovative Office Supply	Toner	601-49585-2000	33.13	
Total 601495852000:					33.13	
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	601-49585-3000	191.44	
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	601-49585-3000	34.47	

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 601495853000:					225.91
11/25/2020	156051	Consolidated Communications	Monthly Billing	601-49585-3200	48.01
11/25/2020	156081	U.S. Postal Service	Postage - December utility bills	601-49585-3200	429.69
11/25/2020	156081	U.S. Postal Service	First class pre-sort annual permit fee	601-49585-3200	80.00
Total 601495853200:					557.70
11/25/2020	20200933	Personalized Printing Inc.	Envelopes	601-49585-3500	570.16
Total 601495853500:					570.16
11/25/2020	156050	City of Waseca	Summit AR	601-49585-4320	43.52
Total 601495854320:					43.52
11/25/2020	20200906	APG Media of So MN LLC	hydrant flushing	601-49586-3200	351.00
Total 601495863200:					351.00
11/25/2020	20200916	Core & Main LP	Hydrant supplies	601-49593-5300	672.42
Total 601495935300:					672.42
Total Water:					6,182.13
<b>Sanitary Sewer</b>					
11/25/2020	156046	Automatic Systems Company	NW lift backup replacement	602-49470-3100	3,197.00
11/25/2020	20200940	Ziegler Inc	SW lift insp.	602-49470-3100	1,389.30
11/25/2020	20200940	Ziegler Inc	NW lift gen insp.	602-49470-3100	1,210.38
11/25/2020	20200940	Ziegler Inc	fairground gen insp	602-49470-3100	1,389.30
Total 602494703100:					7,185.98
11/25/2020	156051	Consolidated Communications	Monthly Billing	602-49470-3200	480.10
Total 602494703200:					480.10
11/25/2020	156047	Centerpoint Energy	Monthly Billing	602-49470-3800	19.46
11/25/2020	156047	Centerpoint Energy	Monthly Billing	602-49470-3800	110.29
Total 602494703800:					129.75
11/25/2020	20200940	Ziegler Inc	SW Lift Station water heater	602-49470-4020	121.99
11/25/2020	20200940	Ziegler Inc	generator water pump	602-49470-4020	1,887.94
Total 602494704020:					2,009.93
11/25/2020	156052	Double A Custom Pumping Inc	Biosolids Application	602-49480-2150	8,983.33
Total 602494802150:					8,983.33
11/25/2020	20200908	Batteries Plus Bulbs	UPC battery Backups	602-49480-2170	527.10
11/25/2020	20200915	Continental Research Corporation	TLC Lift station	602-49480-2170	591.66
11/25/2020	156082	USA Blue Book	Lab Supplies	602-49480-2170	260.93

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 602494802170:					1,379.69
11/25/2020	20200922	Hellevik, Brian	Clothing Allowance	602-49480-2180	74.94
Total 602494802180:					74.94
11/25/2020	156076	Stantec Consulting Services Inc	Chlorine Audit	602-49480-3000	2,254.00
Total 602494803000:					2,254.00
11/25/2020	156048	Cintas Corporation	Floor mat service	602-49480-3100	19.10
11/25/2020	20200931	North Shore Analytical Inc.	Mercury Permit Testing	602-49480-3100	320.00
Total 602494803100:					339.10
11/25/2020	156051	Consolidated Communications	Monthly Billing	602-49480-3200	171.94
Total 602494803200:					171.94
11/25/2020	156047	Centerpoint Energy	Monthly Billing	602-49480-3800	1,431.54
11/25/2020	156088	Xcel Energy	October Service	602-49480-3800	3,149.35
Total 602494803800:					4,580.89
11/25/2020	156077	Thermal Process Systems	TPS Radar Gauge	602-49480-4000	4,501.00
Total 602494804000:					4,501.00
11/25/2020	156049	Cintas Corporation	WWTP First Aid Cabinet Supplies	602-49480-4940	77.98
Total 602494804940:					77.98
11/25/2020	20200923	Innovative Office Supply	tape	602-49585-2000	18.66
11/25/2020	20200923	Innovative Office Supply	Toner	602-49585-2000	33.13
Total 602495852000:					51.79
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	602-49585-3000	191.44
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	602-49585-3000	34.47
Total 602495853000:					225.91
11/25/2020	156051	Consolidated Communications	Monthly Billing	602-49585-3200	48.01
11/25/2020	156081	U.S. Postal Service	Postage - December utility bills	602-49585-3200	429.68
11/25/2020	156081	U.S. Postal Service	First class pre-sort annual permit fee	602-49585-3200	80.00
Total 602495853200:					557.69
11/25/2020	20200933	Personalized Printing Inc.	Envelopes	602-49585-3500	570.17
Total 602495853500:					570.17
11/25/2020	156050	City of Waseca	Summit AR	602-49585-4320	83.41

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount	
Total 602495854320:					83.41	
Total Sanitary Sewer:					33,657.60	
<b>Electric Utility</b>						
11/25/2020	112032	MN Sales and Use Tax Payable	Sales Tax payable	604-20210-0000	29,595.49	M
Total 604202100000:					29,595.49	
11/25/2020	156060	High Voltage Equipment Diagnostics Inc.	Substation Annual Testing	604-49570-3100	6,498.09	
Total 604495703100:					6,498.09	
11/25/2020	20200909	Bomgaars Supply	Parts & Supplies	604-49571-2170	39.89	
11/25/2020	20200910	Border States Electric Supply	volt meter	604-49571-2170	244.99	
Total 604495712170:					284.88	
11/25/2020	20200910	Border States Electric Supply	Electric Service Liimiters	604-49571-2215	6,152.19	
Total 604495712215:					6,152.19	
11/25/2020	20200910	Border States Electric Supply	Kritzer Bldg Service	604-49572-2230	1,019.00	
11/25/2020	20200910	Border States Electric Supply	Kritzer Bldg Service	604-49572-2230	98.82	
Total 604495722230:					1,117.82	
11/25/2020	156086	Wesco Receivables Corp	Metering CT's	604-49575-2170	386.55	
Total 604495752170:					386.55	
11/25/2020	20200923	Innovative Office Supply	Toner	604-49585-2000	33.14	
Total 604495852000:					33.14	
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	604-49585-3000	191.44	
11/25/2020	156067	Metro Sales Inc.	Maintenance Agreement	604-49585-3000	34.47	
Total 604495853000:					225.91	
11/25/2020	156051	Consolidated Communications	Monthly Billing	604-49585-3200	90.02	
11/25/2020	156051	Consolidated Communications	Monthly Billing	604-49585-3200	34.65	
11/25/2020	156081	U.S. Postal Service	Postage - December utility bills	604-49585-3200	429.69	
11/25/2020	156081	U.S. Postal Service	First class pre-sort annual permit fee	604-49585-3200	80.00	
Total 604495853200:					634.36	
11/25/2020	20200933	Personalized Printing Inc.	Envelopes	604-49585-3500	570.17	
Total 604495853500:					570.17	
11/25/2020	156050	City of Waseca	Summit AR	604-49585-4320	235.73	
Total 604495854320:					235.73	

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
11/25/2020	156075	Shred-it USA LLC	Monthly Service	604-49586-3100	16.68
Total 604495863100:					16.68
11/25/2020	20200907	Barr Engineering Company	Substation Engineering	604-49593-5300	1,033.00
11/25/2020	20200910	Border States Electric Supply	EV Charge Station	604-49593-5300	1,641.33
11/25/2020	20200939	Waseca Sand & Gravel Inc.	EV Charge Station	604-49593-5300	392.50
Total 604495935300:					3,066.83
Total Electric Utility:					48,817.84
<b>Storm Water Utility</b>					
11/25/2020	156085	Waseca Public Schools	16th Ave NE Catch Basin Replacement	651-43140-4000	5,665.65
11/25/2020	20200939	Waseca Sand & Gravel Inc.	Storm sewer repair	651-43140-4000	183.00
Total 651431404000:					5,848.65
Total Storm Water Utility:					5,848.65
<b>Central Garage Services</b>					
11/25/2020	20200912	Christensen Tire Service	Tire Repair	701-43180-2210	94.54
11/25/2020	20200912	Christensen Tire Service	Tire Repair	701-43180-2210	94.54
11/25/2020	156055	Force America Distributing LLC	loader couplers	701-43180-2210	304.29
11/25/2020	156061	Interstate Battery Systems	inventory	701-43180-2210	130.95
11/25/2020	156063	John Deere Financial	mower belts	701-43180-2210	382.66
11/25/2020	156069	Olsen Chain & Cable Inc	auger cable #38	701-43180-2210	34.77
11/25/2020	156070	Pomp's Tire Service Inc	New tires for skid steer	701-43180-2210	1,192.04
11/25/2020	20200934	Sanco Equipment LLC	bobtach parts	701-43180-2210	18.08
11/25/2020	20200934	Sanco Equipment LLC	door glass	701-43180-2210	181.97
11/25/2020	20200934	Sanco Equipment LLC	Spare for skidloader	701-43180-2210	2,150.00
11/25/2020	156078	Toppers Plus Inc	Snow Deflector	701-43180-2210	263.00
11/25/2020	156080	Truck Center Companies East LLC	Air Element	701-43180-2210	122.11
Total 701431802210:					4,968.95
11/25/2020	20200937	Total Tool Supply Inc.	cordless impacts	701-43180-2400	585.51
Total 701431802400:					585.51
Total Central Garage Services:					5,554.46
<b>Equipment Replacement Fund</b>					
11/25/2020	156045	Advanced Graphix Inc.	new squad expense	705-49920-5400	415.00
11/25/2020	156083	Waseca County License Bureau	New Vehicle - License	705-49920-5400	25.00
Total 705499205400:					440.00
Total Equipment Replacement Fund:					440.00
Grand Totals:					465,124.39

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Report Criteria:

Report type: GL detail  
[Report].Amount = {<>} 0

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**CONTRACT CONSTRUCTION PAYMENT REQUEST**

DATE: NOVEMBER 23, 2020

TO: Mayor & City Council  
Lee Mattson-City Manager

PROJECT NAME: 2020 STREET AND UTILITY IMPROVEMENTS

CITY PROJECT NO. : 2020-01

PAYMENT REQUEST : NO. 6

PAYMENT PERIOD : OCTOBER 24, 2020 to NOVEMBER 20, 2020

CONTRACTOR: RAW CONSTRUCTION, LLC

<u>CONTRACT</u>		<u>PAYMENT</u>	
Original Contract sum:	<u>\$ 983,405.91</u>	Contract Sum to date:	<u>\$ 995,923.41</u>
Change Orders		Total earned to date (Includes Change Orders)	<u>\$ 955,104.29</u>
Change Order No. 1 28-Jul-20	<u>\$ 1,600.00</u>	Retainage: 5%	<u>\$ 47,755.21</u>
Change Order No. 2 24-Aug-20	<u>\$ 1,750.00</u>	Total earned less retainage:	<u>\$ 907,349.08</u>
Change Order No. 3 28-Sep-20	<u>\$ 625.00</u>	Less previous payment requests:	<u>\$ 881,028.38</u>
Change Order No. 4 23-Nov-20	<u>\$ 8,542.50</u>	Payment due this request:	<u>\$ 26,320.70</u>
Net change by change orders:	<u>\$ 12,517.50</u>	% Contract completed to date:	<u>96%</u>
Contract Sum to date:	<u>\$ 995,923.41</u>	Amount remaining on contract:	<u>\$ 40,819.12</u>
		Total Amount Due:	<u>\$ 26,320.70</u>

Approved By:

Contractor

Date

Director of Finance

Date

City Engineer

Date

City Manager

Date

# CHANGE ORDER

CHANGE ORDER NO. FOUR

CITY OF WASECA PROJECT NO. 2020-01

DATE: NOVEMBER 23, 2020

PROJECT NAME: 2020 STREETAND UTILITY IMPROVEMENTS

CONTRACTOR: R.A.W. CONSTRUCTION, LLC  
17575 ECHO AVE  
FARIBAULT, MN 55021

THE JUSTIFICATION FOR THIS CHANGE ORDER IS:

1. The City requested that the Contractor seed the disturbed turf areas on 3rd Avenue SE instead of sodding. This change was made because the City Electric Utility plans to convert this area from overhead to underground power in 2021. The contract did not include an item for seed and hydromulch.

ITEM	UNIT	QTY.	UNIT PRICE	TOTAL PRICE
SEED AND HYDROMULCH	SQ. YD.	1139	<u>\$7.50</u>	<u>\$8,542.50</u>
TOTAL CHANGE ORDER NO. FOUR				<u>\$8,542.50</u>

ORIGINAL CONTRACT PRICE	\$983,405.91
PREVIOUS CHANGE ORDERS	\$3,975.00
AMOUNT OF THIS CHANGE ORDER	\$8,542.50
REVISED CONTRACT AMOUNT	\$995,923.41

APPROVED BY:

*John Winger* 11-23-2020  
CONTRACTOR DATE

*Nathan Willey* 11-23-20  
CITY ENGINEER DATE

DIRECTOR OF FINANCE DATE

*Lee A. Mittels* 11-24-2020  
CITY MANAGER DATE



CERTIFICATE OF PAYMENT

PAGE ONE OF THREE

PROJECT: 2020 STREET AND UTILITY IMPROVEMENTS

PAYMENT PERIOD  
FROM: OCTOBER 24, 2020  
TO: NOVEMBER 20, 2020

CITY PROJECT NO. 2020-01

PAYMENT REQUEST NO. SIX

ORIGINAL CONTRACT AMOUNT: \$ 983,405.91

DATE: NOVEMBER 23, 2020

REVISED CONTRACT AMOUNT: \$ 995,923.41

CONTRACTOR:  
R.A.W. CONSTRUCTION, LLC  
17575 ECHO AVE  
FARIBAULT, MN 55021

CONTRACT APPROVAL DATE: MAY 20, 2020

CONTRACT COMPLETION DATE: JUNE 30, 2021

To the City Council of the City of Waseca, The following payment is requested in accordance with the plans, specifications and conditions of the contract.

NO.	MNDOT SPEC NO.	DESCRIPTION	UNIT	PLAN QTY.	UNIT PRICE	PLAN AMOUNT	THIS PERIOD QUANTITY	THIS PERIOD PAYMENT	TO DATE QUANTITY	TO DATE PAYMENT
2ND AND 3RD AVE SE 2020-01										
1	2021.501	MOBILIZATION	L.S.	1	\$ 15,000.00	\$ 15,000.00	0	\$ -	1	\$ 15,000.00
2	2101.524	CLEARING	TREE	2	\$ 690.00	\$ 1,380.00	0	\$ -	2	\$ 1,380.00
3	2101.524	GRUBBING	TREE	2	\$ 225.00	\$ 450.00	0	\$ -	2	\$ 450.00
4	2104.502	REMOVE EXISTING HYDRANT AND GATE VALVE	EACH	1	\$ 180.00	\$ 180.00	0	\$ -	1	\$ 180.00
5	2104.502	REMOVE EXISTING GATE VALVE AND BOX	EACH	6	\$ 85.00	\$ 510.00	0	\$ -	6	\$ 510.00
6	2104.502	REMOVE EXISTING MANHOLE	EACH	7	\$ 180.00	\$ 1,260.00	0	\$ -	7	\$ 1,260.00
7	2104.502	REMOVE SIGN	EACH	12	\$ 53.00	\$ 636.00	0	\$ -	5	\$ 265.00
8	2104.502	SALVAGE SIGN	EACH	12	\$ 53.00	\$ 636.00	2	\$ 106.00	5	\$ 265.00
9	2104.502	REMOVE EXISTING CATCH BASIN	EACH	10	\$ 150.00	\$ 1,500.00	0	\$ -	10	\$ 1,500.00
10	2104.503	REMOVE CONCRETE CURB & GUTTER	LN. FT.	2717	\$ 2.25	\$ 6,113.25	0	\$ -	2717	\$ 6,113.25
11	2104.503	REMOVE WATER MAIN	LN. FT.	1495	\$ 0.50	\$ 747.50	0	\$ -	1495	\$ 747.50
12	2104.503	REMOVE SEWER PIPE (STORM)	LN. FT.	1003	\$ 9.00	\$ 9,027.00	0	\$ -	917	\$ 8,253.00
13	2104.503	REMOVE SEWER PIPE (SANITARY)	LN. FT.	753	\$ 1.00	\$ 753.00	0	\$ -	742	\$ 742.00
14	2104.503	REMOVE SAN. SEWER SERVICE PIPE	LN. FT.	977	\$ 0.75	\$ 732.75	0	\$ -	976	\$ 732.00
15	2104.503	SAWING CONCRETE PAVEMENT (FULL DEPTH)	LN. FT.	121	\$ 2.00	\$ 242.00	0	\$ -	90	\$ 180.00
16	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LN. FT.	742	\$ 2.00	\$ 1,484.00	0	\$ -	645	\$ 1,290.00
17	2104.504	REMOVE CONCRETE DRIVEWAY PAVEMENT	SQ. YD.	230	\$ 2.50	\$ 575.00	0	\$ -	550	\$ 1,375.00
18	2104.504	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SQ. YD.	28	\$ 5.00	\$ 140.00	0	\$ -	24	\$ 120.00
19	2104.504	REMOVE BITUMINOUS PAVEMENT	SQ. YD.	5717	\$ 5.00	\$ 28,585.00	0	\$ -	5717	\$ 28,585.00
20	2104.601	SALVAGE AND REINSTALL OUTWALK RAILINGS	L.S.	1	\$ 1,685.00	\$ 1,685.00	0	\$ -	1	\$ 1,685.00
21	2104.518	REMOVE CONCRETE WALK	SQ. FT.	10482	\$ 0.50	\$ 5,241.00	0	\$ -	10210	\$ 5,105.00
22	2105.504	GEOTEXTILE FABRIC TYPE V	SQ. YD.	5096	\$ 0.80	\$ 4,076.80	0	\$ -	5096	\$ 4,076.80
23	2105.507	COMMON EXCAVATION (PLAN QUANTITY)	CU. YD.	2336	\$ 6.00	\$ 14,016.00	0	\$ -	2336	\$ 14,016.00
24	2105.507	SUBGRADE EXCAVATION	CU. YD.	125	\$ 6.00	\$ 750.00	0	\$ -	66	\$ 396.00
25	2105.507	SELECT GRANULAR BORROW (CV)	CU. YD.	1699	\$ 26.00	\$ 44,174.00	0	\$ -	1747	\$ 45,422.00
26	2105.507	STABILIZING AGGREGATE (CV)	CU. YD.	125	\$ 32.00	\$ 4,000.00	0	\$ -	53.5	\$ 1,712.00
27	2105.601	CONSTRUCT AND MAINTAIN TEMPORARY ACCESS SIDEWALK	L.S.	1	\$ 110.00	\$ 110.00	0	\$ -	1	\$ 110.00
28	2123.610	STREET SWEEPER WITH PICKUP BROOM	HOUR	40	\$ 130.00	\$ 5,200.00	3	\$ 390.00	22	\$ 2,860.00
29	2211.507	AGGREGATE BASE, CLASS 5 (CV)	CU. YD.	849	\$ 28.00	\$ 23,772.00	0	\$ -	849	\$ 23,772.00
30	2231.502	BITUMINOUS PATCHING MIXTURE	SQ. YD.	697	\$ 40.00	\$ 27,880.00	404	\$ 16,160.00	1009	\$ 40,360.00
31	2232.504	MILL BITUMINOUS SURFACE (2")	SQ. YD.	154	\$ 25.00	\$ 3,850.00	0	\$ -	40.67	\$ 1,016.75
32	2301.602	DRILL & GROUT REINFORCEMENT BAR (EPOXY COATED)	EACH	180	\$ 11.00	\$ 1,980.00	0	\$ -	73	\$ 803.00
33	2357.506	BITUMINOUS MATERIAL FOR TACK COAT	GAL	320	\$ 2.10	\$ 672.00	175	\$ 367.50	275	\$ 577.50
34	2360.503	BITUMINOUS WEDGE	L.F.	2748	\$ 4.50	\$ 12,366.00	0	\$ -	2673	\$ 12,028.50
35	2360.509	TYPE SP 12.5 NON-WEAR COURSE MIXTURE (C)	TON	585	\$ 87.00	\$ 50,895.00	0	\$ -	632.21	\$ 55,002.27
36	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (C)	TON	441	\$ 83.25	\$ 36,713.25	0	\$ -	0	\$ -
37	2502.503	6" PVC PERFORATED TILE (SDR 35)	LN. FT.	2605	\$ 14.00	\$ 36,470.00	0	\$ -	2605	\$ 36,470.00
38	2502.503	4" PVC SUMP LINE SCHEDULE (SDR 35)	LN. FT.	382	\$ 14.00	\$ 5,348.00	0	\$ -	319	\$ 4,466.00
39	2502.602	CONNECT EXISTING SUMPS TO TILE LINE	EACH	2	\$ 75.00	\$ 150.00	0	\$ -	2	\$ 150.00
40	2502.602	6" X 4" WYE FOR SUMP SERVICE	EACH	30	\$ 115.00	\$ 3,450.00	0	\$ -	29	\$ 3,335.00
41	2502.602	TILE LINE CLEANOUT	EACH	21	\$ 275.00	\$ 5,775.00	0	\$ -	21	\$ 5,775.00
42	2502.602	CONNECT TO EXISTING PIPE DRAIN	EACH	2	\$ 175.00	\$ 350.00	0	\$ -	0	\$ -

CERTIFICATE OF PAYMENT

PAGE TWO OF THREE

PROJECT: 2020 STREET AND UTILITY IMPROVEMENTS

PAYMENT PERIOD  
FROM: OCTOBER 24, 2020  
TO: NOVEMBER 20, 2020

CITY PROJECT NO. 2020-01

PAYMENT REQUEST NO. SIX

ORIGINAL CONTRACT AMOUNT: \$ 983,405.91

DATE: NOVEMBER 23, 2020

REVISED CONTRACT AMOUNT: \$ 995,923.41

CONTRACTOR:  
R.A.W. CONSTRUCTION, LLC  
17575 ECHO AVE  
FARIBAULT, MN 55021

CONTRACT APPROVAL DATE: MAY 20, 2020

CONTRACT COMPLETION DATE: JUNE 30, 2021

To the City Council of the City of Waseca, The following payment is requested in accordance with the plans, specifications and conditions of the contract.

NO.	MnDOT SPEC NO.	DESCRIPTION	UNIT	PLAN QTY.	UNIT PRICE	PLAN AMOUNT	THIS PERIOD QUANTITY	THIS PERIOD PAYMENT	TO DATE QUANTITY	TO DATE PAYMENT
<b>2ND AND 3RD AVE SE 2020-01</b>										
43	2503.503	4" PVC PIPE SEWER SCHEDULE 40 (SANITARY)	LN. FT.	761	\$ 32.00	\$ 24,352.00	0	\$ -	523	\$ 16,736.00
44	2503.503	6" PVC PIPE SEWER SCHEDULE 40 (SANITARY)	LN. FT.	216	\$ 33.00	\$ 7,128.00	0	\$ -	455.5	\$ 15,031.50
45	2503.503	8" PVC PIPE SEWER SDR 35 (SANITARY)	LN. FT.	1430	\$ 34.00	\$ 48,620.00	0	\$ -	1470	\$ 49,980.00
46	2503.503	15" RCP PIPE SEWER CL V	LN. FT.	186	\$ 52.00	\$ 9,672.00	0	\$ -	188	\$ 9,776.00
47	2503.503	18" RCP PIPE SEWER CL III	LN. FT.	952	\$ 53.00	\$ 50,456.00	0	\$ -	952	\$ 50,456.00
48	2503.503	18" RCP PIPE SEWER CL IV	LN. FT.	32	\$ 53.00	\$ 1,696.00	0	\$ -	32	\$ 1,696.00
49	2503.503	24" RCP PIPE SEWER CL III	LN. FT.	49	\$ 63.00	\$ 3,087.00	0	\$ -	49	\$ 3,087.00
50	2503.601	SANITARY SEWER BYPASS PUMPING	L.S.	1	\$ 800.00	\$ 800.00	0	\$ -	0	\$ -
51	2503.601	STORM SEWER BYPASS PUMPING	L.S.	1	\$ 800.00	\$ 800.00	0	\$ -	0	\$ -
52	2503.602	CONSTRUCT SANITARY MANHOLE (0-8 FT)	EACH	6	\$ 2,275.00	\$ 13,650.00	0	\$ -	6	\$ 13,650.00
53	2503.602	CONNECT TO EXISTING DRAINAGE STRUCTURE	EACH	4	\$ 860.00	\$ 3,440.00	0	\$ -	4	\$ 3,440.00
54	2503.602	CONNECT TO EXISTING SANITARY SEWER	EACH	4	\$ 575.00	\$ 2,300.00	0	\$ -	6	\$ 3,450.00
55	2503.602	CONNECT TO EXISTING SANITARY SEWER SERVICE	EACH	29	\$ 215.00	\$ 6,235.00	0	\$ -	26	\$ 5,590.00
56	2503.602	8" x 4" PVC WYE	EACH	25	\$ 115.00	\$ 2,875.00	0	\$ -	13	\$ 1,495.00
57	2503.602	8" x 6" PVC WYE	EACH	6.0	\$ 152.00	\$ 912.00	0	\$ -	16	\$ 2,432.00
58	2503.603	CONSTRUCT SANITARY MANHOLE OVERDEPTH (>8')	LN. FT.	5.89	\$ 263.00	\$ 1,549.07	0	\$ -	5.14	\$ 1,351.82
59	2503.603	TELEWISE SANITARY SEWER MAIN	LN. FT.	1430	\$ 1.70	\$ 2,431.00	0	\$ -	0	\$ -
60	2503.603	TELEWISE SANITARY SEWER SERVICE-LATERAL LAUNCH	LN. FT.	1053	\$ 5.50	\$ 5,791.50	0	\$ -	0	\$ -
61	2503.603	TELEWISE SANITARY SEWER SERVICE-CLEANOUT	LN. FT.	567	\$ 13.00	\$ 7,371.00	0	\$ -	0	\$ -
62	2503.603	PLUG FILL AND ABANDON WATERMAIN/PIPE SEWER	LN. FT.	1414	\$ 1.55	\$ 2,191.70	0	\$ -	1389	\$ 2,152.95
63	2504.601	TEMPORARY WATER SERVICE	L.S.	1	\$ 5,000.00	\$ 5,000.00	0	\$ -	1	\$ 5,000.00
64	2504.602	6" GATE VALVE AND BOX	EACH	11	\$ 1,750.00	\$ 19,250.00	0	\$ -	11	\$ 19,250.00
65	2504.602	8" GATE VALVE AND BOX	EACH	1	\$ 2,225.00	\$ 2,225.00	0	\$ -	2	\$ 4,450.00
66	2504.602	CONNECT TO EXISTING WATER MAIN	EACH	10	\$ 825.00	\$ 8,250.00	0	\$ -	10	\$ 8,250.00
67	2504.602	FURNISH & INSTALL ZINC ANODE BAG	EACH	9	\$ 150.00	\$ 1,350.00	0	\$ -	9	\$ 1,350.00
68	2504.602	HYDRANT AND GATE VALVE WITH BOX	EACH	2	\$ 6,550.00	\$ 13,100.00	0	\$ -	2	\$ 13,100.00
69	2504.602	CONNECT SERVICE TO WATER MAIN 1" (INCLUDES CORP.)	EACH	30	\$ 220.00	\$ 6,600.00	0	\$ -	29	\$ 6,380.00
70	2504.602	CONNECT SERVICE TO WATER MAIN 1 1/2" (INCLUDES CORP.)	EACH	1	\$ 350.00	\$ 350.00	0	\$ -	1	\$ 350.00
71	2504.602	1" CURB STOP AND STAND PIPE	EACH	30	\$ 275.00	\$ 8,250.00	0	\$ -	28	\$ 7,700.00
72	2504.602	1 1/2" CURB STOP AND STAND PIPE	EACH	1	\$ 475.69	\$ 475.69	0	\$ -	1	\$ 475.69
73	2504.602	REPAIR EXISTING SPRINKLER HEAD	EACH	2	\$ 165.00	\$ 330.00	0	\$ -	0	\$ -
74	2504.603	1" TYPE PE PIPE	LN. FT.	1003	\$ 26.00	\$ 26,078.00	0	\$ -	1113	\$ 28,938.00
75	2504.603	1 1/2" TYPE PE PIPE	LN. FT.	28	\$ 26.00	\$ 728.00	0	\$ -	15	\$ 390.00
76	2504.603	6" PVC C900 WATER MAIN PIPE	LN. FT.	1547	\$ 35.00	\$ 54,145.00	0	\$ -	1547	\$ 54,145.00
77	2504.603	8" PVC C900 WATER MAIN PIPE	LN. FT.	18	\$ 48.00	\$ 864.00	0	\$ -	27	\$ 1,296.00
78	2504.608	WATER MAIN FITTINGS	LBS.	825	\$ 6.00	\$ 4,125.00	0	\$ -	898	\$ 4,490.00
79	2505.601	UTILITY COORDINATION	L.S.	1	\$ 1,500.00	\$ 1,500.00	0	\$ -	1	\$ 1,500.00
80	2506.502	DRAINAGE STRUCTURE 2 x 3 CATCH BASIN	EACH	9	\$ 2,000.00	\$ 18,000.00	0	\$ -	9	\$ 18,000.00
81	2506.502	CASTING ASSEMBLY MANHOLE (NEENAH R-1733)	EACH	5	\$ 600.00	\$ 3,000.00	0	\$ -	3	\$ 1,800.00
82	2506.502	CASTING ASSEMBLY CATCH BASIN (NEENAH R-3067V)	EACH	4	\$ 600.00	\$ 2,400.00	0	\$ -	4	\$ 2,400.00
83	2506.502	ADJUST FRAME AND RING CASTING SANITARY WITH INFI-SHIELD	EACH	1	\$ 400.00	\$ 400.00	0	\$ -	1	\$ 400.00
84	2506.502	ADJUST FRAME AND RING CASTING STORM MH	EACH	8	\$ 400.00	\$ 3,200.00	0	\$ -	8	\$ 3,200.00

CERTIFICATE OF PAYMENT

PAGE THREE OF THREE

PROJECT: 2020 STREET AND UTILITY IMPROVEMENTS

CITY PROJECT NO. 2020-01

PAYMENT REQUEST NO. SIX

DATE: NOVEMBER 23, 2020

CONTRACTOR:  
R.A.W. CONSTRUCTION, LLC  
17575 ECHO AVE  
FARIBAULT, MN 55021

PAYMENT PERIOD  
FROM: OCTOBER 24, 2020  
TO: NOVEMBER 20, 2020

ORIGINAL CONTRACT AMOUNT: \$ 983,405.91

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CONTRACT APPROVAL DATE: MAY 20, 2020

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To the City Council of the City of Waseca, The following payment is requested in accordance with the plans, specifications and conditions of the contract.

NO.	MnDOT SPEC NO.	DESCRIPTION	UNIT	PLAN QTY.	UNIT PRICE	PLAN AMOUNT	THIS PERIOD QUANTITY	THIS PERIOD PAYMENT	TO DATE QUANTITY	TO DATE PAYMENT
<b>2ND AND 3RD AVE SE 2020-01</b>										
85	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020	LN. FT.	55.33	\$ 315.00	\$ 17,428.95	0	\$ -	54.35	\$ 17,120.25
86	2506.602	CONNECT STORM SEWER TO EXISTING STORM SEWER	EACH	4	\$ 715.00	\$ 2,860.00	0	\$ -	3	\$ 2,145.00
87	2506.602	CONNECT TILE LINE TO STORM STRUCTURE	EACH	2	\$ 360.00	\$ 720.00	0	\$ -	0	\$ -
88	2521.518	4" CONCRETE WALK	SQ. FT.	8403	\$ 6.65	\$ 55,879.95	0	\$ -	9168.13	\$ 60,968.06
89	2521.518	6" CONCRETE WALK	SQ. FT.	1700	\$ 23.00	\$ 39,100.00	0	\$ -	1042.35	\$ 23,974.05
90	2521.518	6" CONCRETE WALK (HIGH EARLY)	SQ. FT.	168	\$ 17.50	\$ 2,940.00	0	\$ -	0	\$ -
91	2531.503	CONCRETE CURB & GUTTER, DESIGN B618	LN. FT.	2638	\$ 19.75	\$ 52,100.50	0	\$ -	2810	\$ 55,497.50
92	2531.503	CONCRETE CURB & GUTTER, DESIGN B618 (HIGH EARLY)	LN. FT.	60	\$ 34.00	\$ 2,040.00	0	\$ -	0	\$ -
93	2531.503	CONCRETE CURB, DESIGN V6	LN. FT.	35	\$ 23.00	\$ 805.00	0	\$ -	0	\$ -
94	2531.504	6" CONCRETE DRIVEWAY PAVEMENT	SQ. YD.	300	\$ 78.00	\$ 23,400.00	0	\$ -	600.05	\$ 46,803.90
95	2531.504	6" CONCRETE DRIVEWAY PAVEMENT (HIGH EARLY)	SQ. YD.	24	\$ 74.00	\$ 1,776.00	0	\$ -	0	\$ -
96	2531.601	ADA COMPLIANCE SUPERVISOR	L.S.	1	\$ 1,500.00	\$ 1,500.00	0	\$ -	1	\$ 1,500.00
97	2531.618	TRUNCATED DOMES	SQ. FT.	144	\$ 40.00	\$ 5,760.00	0	\$ -	152	\$ 6,080.00
98	2563.501	TRAFFIC CONTROL	L.S.	1	\$ 10,500.00	\$ 10,500.00	0.1	\$ 1,050.00	1	\$ 10,500.00
99	2573.501	STABILIZED CONSTRUCTION EXIT	L.S.	1	\$ 2,665.00	\$ 2,665.00	0	\$ -	1	\$ 2,665.00
100	2573.501	EROSION CONTROL SUPERVISOR	L.S.	1	\$ 1,500.00	\$ 1,500.00	0.1	\$ 150.00	1	\$ 1,500.00
101	2573.502	STORM DRAIN INLET PROTECTION	EACH	30	\$ 235.00	\$ 7,050.00	4	\$ 940.00	19	\$ 4,465.00
102	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	LN. FT.	80	\$ 5.00	\$ 400.00	0	\$ -	0	\$ -
103	2575.504	SOD, TYPE LAWN AND BOULEVARD	SQ. YD.	2014	\$ 10.50	\$ 21,147.00	0	\$ -	1725	\$ 18,112.50
<b>TOTAL PROJECT 2020-01</b>						<b>\$ 983,405.91</b>		<b>\$ 19,163.50</b>		<b>\$ 942,566.78</b>

<b>Title:</b>	APPLICATION AND CERTIFICATE FOR FINAL PAYMENT TO FENDLER PATTERSON CONSTRUCTION FOR PROJECT 2020-15 TLCF DUGOUT RENOVATION		
<b>Meeting Date:</b>	December 1, 2020	<b>Agenda Item Number:</b>	<b>6D</b>
<b>Action:</b>	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	<b>Supporting Documents:</b>	Application and Certificate for Payment No. 2-Final, IC-134 Forms
<b>Originating Department:</b>	Parks	<b>Presented By:</b>	Park Superintendent
<b>Approved By City Manager:</b> <input checked="" type="checkbox"/>	<b>Proposed Action:</b> Motion to Approve the Final Payment, Request No. 2 for Tink Larson Community Field Dugout Renovation Project No. 2020-15.		
<b>How does this item pertain to Vision 2030 goals?</b>	Create High Quality Community Assets		

**BACKGROUND:** The work on the Tink Larson Community Field Dugouts has been completed and all work has been approved and accepted by staff. The project is ready for final acceptance and final payment. The total cost of the project is \$55,000. The original contract amount was \$55,000. The contractor has provided all documentation required to release of the final payment.

**BUDGET IMPACT:** The costs for this final payment have been included in the project budget.

**RECOMMENDATION:** Staff recommends the Waseca City Council accept the work and approve the Final Payment No. 2 for the Tink Larson Community Field Dugout Renovation Project No. 2020-15.



# Transmittal

**Stantec Architecture Inc.**

733 Marquette Avenue, Suite 1000  
Minneapolis, MN 55402  
Tel: (612) 712-2000

To: Carl Sonnenberg

Company: City of Waseca

Address: 508 South State Street  
Waseca, MN 56093

Phone: (507) 521-1540

Date: November 11, 2020

File: 193804966

Delivery: Email

From: Bruce Paulson

☐ For Your Information

☒ For Your Approval

☒ For Your Review

☐ Returning Documents

**Reference: Tink Larson Community Field Dugouts Improvements – Application and Certificate for Payment No. 2-Final**

Attachment:

Copies	Doc Date	Pages	Description
1	11/2/2020	3	Application and Certificate for Payment No. 2-Final
1	11/11/2020	5	IC-134 forms

Hi Carl,

Please have the attached copy signed and then it can be scanned and emailed to Nick Driessen at [ndriessen@fendlerpatterson.com](mailto:ndriessen@fendlerpatterson.com) and to me. Please let me know if you need paper copies and I will get them to you. Thank you.

Respectfully yours,

**STANTEC ARCHITECTURE INC.**

Bruce P. Paulson  
Senior Project Manager/Architect  
Phone: (612) 712-2108  
Cell: (651) 492-9089  
Bruce.Paulson@stantec.com

c. File

Design with community in mind



Owner:	City of Waseca, 508 South State Street, Waseca, MN 56093	Date:	November 17, 2020
For Period:	10/1/2020 - 10/30/2020	Request No:	2-FINAL
Contractor:	TMG Construction, Inc., 576 Front Ave., St. Paul, MN 55117		

**CONTRACTOR'S REQUEST FOR PAYMENT**  
TINK LARSON COMMUNITY FIELD DUGOUTS IMPROVEMENTS

STANTEC FILE NO. 193804966

SUMMARY

1	Original Contract Amount		\$	55,000.00
2	Change Order - Addition	\$	0.00	
3	Change Order - Deduction	\$	0.00	
4	Revised Contract Amount		\$	55,000.00
5	Value Completed to Date		\$	55,000.00
6	Material on Hand		\$	0.00
7	Amount Earned		\$	55,000.00
8	Less Retainage 0%		\$	0.00
9	Subtotal		\$	55,000.00
10	Less Amount Paid Previously		\$	47,025.00
11	Liquidated damages -		\$	0.00
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO.	2-FINAL	\$	7,975.00

Recommended for Approval by:  
**STANTEC ARCHITECTURE INC.**

See attached for signature

Approved by Contractor:  
**FENDLER PATTERSON CONSTRUCTION, INC.**

See attached for signature

Approved by Owner:  
**CITY OF WASECA**

Specified Contract Completion Date:  
September 18, 2020

Date:

**APPLICATION NO:** 2  
**INVOICE NO:** 2  
**PERIOD:** 10/01/20 - 10/30/20  
**PROJECT NO:** 20-147  
**CONTRACT DATE:**

**PROJECT:**  
 20-147 Tink Larson Field Dugouts  
 400 7th Avenue NE  
 Waseca, Minnesota 56093

**TO OWNER/CLIENT:**  
 City of Waseca

**VIA ARCHITECT/ENGINEER:**

**FROM CONTRACTOR:**

Fendler Patterson Construction, Inc  
 4839 West 124th Street  
 Savage, Minnesota 55378

**CONTRACT FOR:** 20-147 Tink Larson Field Dugouts Prime Contract

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1. Original Contract Sum	\$55,000.00
2. Net change by change orders	\$0.00
3. Contract Sum to date (Line 1 ± 2)	\$55,000.00
4. Total completed and stored to date (Column G on detail sheet)	\$55,000.00
5. Retainage:	
a. 0.00% of completed work	\$0.00
b. 0.00% of stored material	\$0.00
Total retainage	\$0.00
6. Total earned less retainage (Line 5a + 5b or total in column I of detail sheet)	\$55,000.00
7. Less previous certificates for payment (Line 6 from prior certificate)	\$47,025.00
8. Current payment due:	\$7,975.00
9. Balance to finish, including retainage (Line 3 less Line 6)	\$0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$0.00	\$0.00
Total approved this month:	\$0.00	\$0.00
Totals:	\$0.00	\$0.00
Net change by change orders:	\$0.00	

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Fendler Patterson Construction, Inc

By: [Signature] Date: 11/2/2020

State of: MN

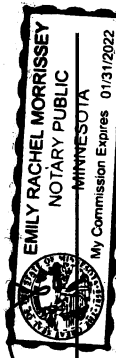
County of: Scott

Subscribed and sworn to before

me this 2nd day of November 2020

Notary Public:

My commission expires: 01/31/22



**ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

\$7,975.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm the amount certified.)

ARCHITECT/ENGINEER:

[Signature]

By: [Signature] Date: 11-17-2020

This certificate is not negotiable. The amount certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

Document SUMMARY SHEET, APPLICATION AND CERTIFICATE FOR PAYMENT, containing

Contractor's signed Certification is attached.

Use Column I on Contracts where variable retainage for line items apply.

APPLICATION NUMBER: 2

APPLICATION DATE: 10/26/2020

PERIOD: 10/01/20 - 10/30/20

Contract Lines

A		B	C	D	E	F	G		H	I
ITEM NO.	COST CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	1-10000 - Misc General Requirements	Misc General Requirements	\$4,866.00	\$4,379.40	\$486.60	\$0.00	\$4,866.00	100.00%	\$0.00	\$0.00
2	1-11200 - Insurance	Insurance	\$255.00	\$229.50	\$25.50	\$0.00	\$255.00	100.00%	\$0.00	\$0.00
3	1-11300 - Contractors Fee	Contractors Fee	\$3,118.00	\$2,806.20	\$311.80	\$0.00	\$3,118.00	100.00%	\$0.00	\$0.00
4	1-12000 - Price and Payment Procedures	Price and Payment Procedures	\$616.00	\$554.40	\$61.60	\$0.00	\$616.00	100.00%	\$0.00	\$0.00
5	1-992000 - Superintendent	Superintendent	\$4,600.00	\$4,140.00	\$460.00	\$0.00	\$4,600.00	100.00%	\$0.00	\$0.00
6	4-40000 - Masonry	Masonry	\$23,850.00	\$21,465.00	\$2,385.00	\$0.00	\$23,850.00	100.00%	\$0.00	\$0.00
7	7-76000 - Flashing and Sheet Metal	Flashing and Sheet Metal	\$5,950.00	\$5,355.00	\$595.00	\$0.00	\$5,950.00	100.00%	\$0.00	\$0.00
8	7-79200 - Joint Sealants	Joint Sealants	\$2,500.00	\$2,250.00	\$250.00	\$0.00	\$2,500.00	100.00%	\$0.00	\$0.00
9	9-99100 - Painting	Painting	\$4,550.00	\$4,095.00	\$455.00	\$0.00	\$4,550.00	100.00%	\$0.00	\$0.00
10	32-323113 - Chain Link Fence	Chain Link Fence	\$4,695.00	\$4,225.50	\$469.50	\$0.00	\$4,695.00	100.00%	\$0.00	\$0.00
TOTALS:			\$55,000.00	\$49,500.00	\$5,500.00	\$0.00	\$55,000.00	100.00%	\$0.00	\$0.00

Grand Totals

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
GRAND TOTALS:		\$55,000.00	\$49,500.00	\$5,500.00	\$0.00	\$55,000.00	100.00%	\$0.00	\$0.00





## Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

### Confirmation Summary

Confirmation Number: 0-339-516-704  
Submitted Date and Time: 11-Nov-2020 9:57:06 AM  
Legal Name: FENDLER PATTERSON CONSTRUCTION INC  
Federal Employer ID: 41-0902517  
User Who Submitted: emilyfors  
Type of Request Submitted: Contractor Affidavit

### Affidavit Summary

Affidavit Number: 1243471872  
Minnesota ID: 9445031  
Project Owner: CITY OF WASECA  
Project Number: 20-147  
Project Begin Date: 17-Aug-2020  
Project End Date: 07-Oct-2020  
Project Location: TINK LARSON FIELD DUGOUTS  
Project Amount: \$55,000.00

### Subcontractor Summary

Name	ID	Affidavit Number
BLACKHAWK PROFESSIONAL CONSTRUCTION SERVICES INC	7782411	1465442304
CENTURY FENCE COMPANY	8678834	1335844864
NORTHERN EXPOSURE ROOFING AND SHEET METAL INC	2711446	729604096
THE CREW FACILITY MAINTENANCE INC	1229693	1870848000

### Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

### Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) [withholding.tax@state.mn.us](mailto:withholding.tax@state.mn.us). Business hours are 8:00 a.m. - 4:30 p.m. Monday - Friday.

Please [print this page](#) for your records using the print or save functionality built into your browser.



## Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

### Confirmation Summary

Confirmation Number:	0-503-297-312
Submitted Date and Time:	15-Oct-2020 4:58:44 PM
Legal Name:	BLACKHAWK PROFESSIONAL CONSTRUCTION SERVICES INC
Federal Employer ID:	20-2790798
User Who Submitted:	7782411
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

<b>Affidavit Number:</b>	<b>1465442304</b>
Minnesota ID:	7782411
Project Owner:	CITY OF WASECA
Project Number:	20-147
Project Begin Date:	10-Sep-2020
Project End Date:	30-Sep-2020
Project Location:	400 7TH AVE NE, WASECA MN 56093
Project Amount:	\$20,850.00

### Subcontractor Summary

Name	ID	Affidavit Number
ADP TOTALSOURCE	2348838	1009311744

### Important Messages

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### Contact Us

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Please [print this page](#) for your records using the print or save functionality built into your browser.



## Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

### Confirmation Summary

Confirmation Number:	0-937-841-952
Submitted Date and Time:	1-Oct-2020 1:07:53 PM
Legal Name:	CENTURY FENCE COMPANY
Federal Employer ID:	39-0203700
User Who Submitted:	CENTFENCE
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

Affidavit Number:	1335844864
Minnesota ID:	8678834
Project Owner:	CITY OF WASECA
Project Number:	20-147
Project Begin Date:	01-Sep-2020
Project End Date:	10-Sep-2020
Project Location:	WASECA, MN
Project Amount:	\$4,695.00
Subcontractors:	No Subcontractors

### Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

### Contact Us

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Please [print this page](#) for your records using the print or save functionality built into your browser.

**From:** MN Revenue e-Services <eservices.mdor@state.mn.us>  
**Sent:** Monday, October 12, 2020 11:55 AM  
**To:** Angie Tjelmeland <atjelmeland@nersm.com>  
**Subject:** Your Recent Contractor Affidavit Request

This email is an automated notification and is unable to receive replies.

## Contractor Affidavit Completed

Thank you, your Contractor Affidavit has been approved.

### Confirmation Summary

Confirmation Number:	0-732-738-848
Submitted Date and Time:	12-Oct-2020 11:54:34 AM
Legal Name:	NORTHERN EXPOSURE ROOFING AND SHEET METAL, INC.
Federal Employer ID:	45-5088427
User Who Submitted:	nersminc
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

Affidavit Number:	729604096
Minnesota ID:	2711446
Project Owner:	CITY OF WASECA PARKS
Project Number:	20-147
Project Begin Date:	07-Oct-2020
Project End Date:	07-Oct-2020
Project Location:	400 7TH AVENUE NE, WASSECA, MN 56093
Project Amount:	\$5,950.00
Subcontractors:	No Subcontractors

### Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

### Contact Us

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### How to View and Print this Request

You can see copies of your requests by going into your History.

This message and any attachments are solely for the intended recipient and may contain nonpublic / private data. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us and immediately and permanently delete this message and any attachments. Thank you.

## Contractor Affidavit Completed

Thank you, your Contractor Affidavit has been approved.

### Confirmation Summary

Confirmation Number:	0-378-656-032
Submitted Date and Time:	9-Oct-2020 10:38:09 AM
Legal Name:	THE CREW FACILITY MAINTENANCE INC.
Federal Employer ID:	27-1087314
User Who Submitted:	emilyf
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

<b>Affidavit Number:</b>	<b>1870848000</b>
Minnesota ID:	1229693
Project Owner:	THE CITY OF WASECA
Project Number:	6706
Project Begin Date:	12-Aug-2020
Project End Date:	02-Oct-2020
Project Location:	WASECA, MN
Project Amount:	\$2,000.00
Subcontractors:	No Subcontractors

### Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

### Contact Us

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<b>Title:</b>	DESIGNATE CITY NEWSPAPER FOR 2021		
<b>Meeting Date:</b>	DECEMBER 1, 2020	<b>Agenda Item Number:</b>	<b>6F</b>
<b>Action:</b>	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	<b>Supporting Documents:</b>	
<b>Originating Department:</b>	Administration	<b>Presented By:</b>	Consent Agenda
<b>Approved By City Manager:</b> <input checked="" type="checkbox"/>	<b>Proposed Action:</b> Motion to designate Waseca County News as the official City Newspaper for 2021.		

**BACKGROUND:** Section 12.01 of the Waseca City Charter requires the Council to annually designate the official City newspaper for legal publications.

Waseca County News is the only publication eligible according to MN Statutes 331A.02 to be designated as the official City newspaper.

**RECOMMENDATION:** Staff recommends a motion to designate Waseca County News as the official City Newspaper for 2021.

<b>Title:</b>	SET 2021 CITY COUNCIL MEETING DATES		
<b>Meeting Date:</b>	DECEMBER 1, 2020	<b>Agenda Item Number:</b>	<b>6G</b>
<b>Action:</b>	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	<b>Supporting Documents:</b>	List of meeting dates 2021 Calendar
<b>Originating Department:</b>	Administration	<b>Presented By:</b>	Consent Agenda
<b>Approved By City Manager:</b> <input checked="" type="checkbox"/>	<b>Proposed Action:</b> Motion to approve 2021 City Council meeting dates.		

**BACKGROUND:** The City Council annually sets the meeting dates for the upcoming year, for planning and scheduling purposes.

Attached is a list of dates for the 2021 regular City Council meetings. Any foreseen conflicts are noted as follows:

- August 3 (Night to Unite)

Last year the Council agreed to schedule the meetings on Wednesdays when there was a conflict.

The Council can reschedule other meetings as needed throughout the year as long as public meeting notice requirements are met.

**RECOMMENDATION:** Staff recommends a motion to approve the 2021 City Council meeting dates as presented.

**WASECA CITY COUNCIL  
2021 MEETING DATES**

JANUARY

Tuesday, January 5  
Tuesday, January 19

FEBRUARY

Tuesday, February 2  
Tuesday, February 16

MARCH

Tuesday, March 2  
Tuesday, March 16

APRIL

Tuesday, April 6  
Tuesday, April 20

MAY

Tuesday, May 4  
Tuesday, May 18

JUNE

Tuesday, June 1  
Tuesday, June 15

JULY

Tuesday, July 6  
Tuesday, July 20

AUGUST

**Wednesday**, August 4 (Night to Unite, pending per COVID-19)  
Tuesday, August 17

SEPTEMBER

Tuesday, September 7  
Tuesday, September 21

OCTOBER

Tuesday, October 5  
Tuesday, October 19

NOVEMBER

**Wednesday**, November 3 (Elections held Tuesday, November 2)  
Tuesday, November 16

DECEMBER

Tuesday, December 7  
Tuesday, December 21



## CITY OF WASECA

## Board/Commission/Authority Application Form

Date 11/16/2020Name Sophia HoisethAddress 200 6th Street SE Waseca MN 56093Telephone Number: (Home) 320-333-1283 (Work) \_\_\_\_\_ email: sophiahoi@ci.waseca.mn.usOccupation: Lead For Minnesota Fellow

Please check the Board/Commission/Authority for which you are applying:

☐ Airport Board☒ Human Rights Commission☐ Charter Commission☐ Community Ed Advisory Board☐ Park Board☒ Planning Commission☐ Economic Development Authority☐ Heritage Preservation Commission☐ Housing & Redevelopment Authority

Please tell us why you are interested in serving on this Board/Commission/Authority.

Great experience to learn!

Have you previously served on this Board/Commission/Authority? (if yes provide dates)

No

Have you held, or do you currently hold, an office on this Board/Commission/Authority?

No.Please list what qualifications you possess that will be helpful to this Board /Commission /Authority.  
(List your experience, education, certification, etc.)BS in Political Science  
work @ city hall

Please return completed application to Waseca City Hall, ATTN: City Clerk, 508 South State Street, Waseca, MN 56093.

<b>Title:</b>	APPROVE PAYMENT FOR WETLAND REPLACEMENT ON THE NE TRAIL CONNECTION PROJECT (CITY PROJECT NO. 2020-06)		
<b>Meeting Date:</b>	December 1, 2020	<b>Agenda Item Number:</b>	<b>7A</b>
<b>Action:</b>	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	<b>Supporting Documents:</b>	Joint Application Form for Activities Affecting Water Resources in Minnesota, Transaction Form to Withdraw Credits
<b>Originating Department:</b>	Engineering	<b>Presented By:</b>	City Engineer
<b>Approved By City Manager:</b> <input checked="" type="checkbox"/>	<b>Proposed Action:</b> Motion to approve payment for wetland bank credits and fees associated with the NE Trail Connection Project, City Project 2020-06		
<b>How does this item pertain to Vision 2030 goals?</b>	Creating high quality community assets		

**BACKGROUND:** During construction of the NE Trail Connection Project (City Project No. 2020-06), wetland disturbance of 0.067 acres was anticipated resulting in compensatory wetland mitigation (purchase of wetland bank credits) and fees totaling \$5,209.79. However, due to poor soil conditions and modifications necessary to meet slope and design standards, the actual wetland disturbance that occurred was 0.288 acres. This increase in wetland disturbance area corresponds to an increase of \$17,184.51 in the wetland bank credit payment and fees. Therefore, the total wetland replacement payment and fees associated with the NE Trail Connection Project is \$22,394.30.

**BUDGET IMPACT:**

**RECOMMENDATION:** Staff recommends the Waseca City Council approve the wetland bank credit payment and fees associated with the NE Trail Connection Project (City Project 2020-06).

# Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

## Regulatory Review Structure

### Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

### State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

## Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

## Submission Instructions

Send the completed joint application form and all required attachments to:

**U.S Army Corps of Engineers.** Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

**Section 401 Water Quality Certification:** Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

**Wetland Conservation Act Local Government Unit:** Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**DNR Public Waters Permitting:** In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

## PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

**Applicant/Landowner Name:** City of Waseca

**Mailing Address:** 508 S. State St.

**Phone:** 507-835-9700

**E-mail Address:**

**Authorized Contact (do not complete if same as above):** Brad Dushaw

**Mailing Address:** 508 S. State St.

**Phone:** 507-835-9727

**E-mail Address:** bradd@ci.waseca.mn.us

**Agent Name:**

**Mailing Address:**

**Phone:**

**E-mail Address:**

## PART TWO: Site Location Information

**County:** Waseca

**City/Township:** Waseca

**Parcel ID and/or Address:** 170050625 and 170080400

**Legal Description (Section, Township, Range):** 5 + 8, T-107-N, R-22-W

**Lat/Long (decimal degrees):**

**Attach a map showing the location of the site in relation to local streets, roads, highways.**

**Approximate size of site (acres) or if a linear project, length (feet):** 1400'

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

## PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

See attachment 3-1.

## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>
BTW-1	Wetland	Fill	P	.288		Wet Meadow	Waseca

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

## PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: Bridget J. Rusko Date: 8.25.2020

I hereby authorize \_\_\_\_\_ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

## **Attachment C**

### **Avoidance and Minimization**

**Project Purpose, Need, and Requirements.** Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

#### **See Attachment C-1: Project Purpose, Need, and Requirements**

**Avoidance.** Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

#### **See Attachment C-2: Avoidance**

**Minimization.** Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

#### **See Attachment C-3: Minimization**

**Off-Site Alternatives.** An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

## Attachment D

### Replacement/Compensatory Mitigation

Complete this part **if** your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

**Replacement/Compensatory Mitigation via Wetland Banking.** Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
1536	Waseca	39/8	8		.576

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

**Project-Specific Replacement/Permittee Responsible Mitigation.** Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit <sup>1</sup>	Corps Mitigation Compensation Technique <sup>2</sup>	Acres	Credit % Requested	Credits Anticipated <sup>3</sup>	County	Major Watershed #	Bank Service Area #

<sup>1</sup>Refer to the name and subpart number in MN Rule 8420.0526.

<sup>2</sup>Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

<sup>3</sup>If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):



Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative:

Title:

**Part Three: 3-1 Project Information (Update 8-25-2020)**

The City of Waseca was awarded grant funding through the MNDNR Local Trail Connection Program. The purpose of this project is to provide a connection between the 5.3-mile Clear Lake Trail and the 0.6-mile trail system at Northeast Park. The City had to stay within City property and the location of the wetland made a trail connection not possible without wetland impacts.

The original trail alignment was designed to cross at the narrowest point of the wetland to reduce wetland impact. The original wetland impact was calculated at 0.067 acres. Due to various factors listed below our wetland impacts were greater than what we anticipated and increased to .288.

Those additional wetland impacts were caused by the following:

- The original trail alignment was revised due to design standards as we approached the ditch near 19<sup>th</sup> Ave NE. Also, the trail realignment increased impacts where the new trail meets the existing trail on the south end.
- We also encountered very poor soil conditions on the south half of the trail construction area. The poor soils needed to be removed and corrected to meet sub-base standards. The result of soil corrections was to construct a wider cross section to provide adequate structural support.
- Additional impacts were also created because we needed to ensure we had safe slopes/banks off the trail to meet specific design standards and facilitate storm water run-off. Most slopes adjacent to the trail were constructed at a 10% grade for safety concerns.
- Please refer to the Disturbed Wetland Exhibit for a visual of the wetland impacts.

The impacts will be replaced at 2:1 ration totaling 0.576 acres using wetland bank account #1536  
– Waseca County – Bank Service Area: 8

### **Attachment C-1: Project Purpose, Need, and Requirements**

The City of Waseca has been awarded grant funding through the MN DNR Local Trail Connection Program. The purpose of this project is to provide a connection between the 5.3-mile Clear Lake Trail which circles Clear Lake and the .6-mile trail system at Northeast Park which connects to the remainder of the City's trail system on the west side of TH 13. The construction of a new 10-ft wide bituminous trail which will conform to all MnDOT's trail requirements. The trail will be constructed entirely on City owned property or within City rights-of-way.

These grant funds will be used directly for construction and engineering related to the proposed trail connection. Construction will include the bituminous trail and associated grading as well as one prefabricated steel truss recreation bridge for the ditch crossing at 19<sup>th</sup> Ave NE. Noted as Project Location on the attached map there will be an off-street trail that connects from the Clear Lake Trail through the City's Treatment Marsh. This trail has been identified as the City's top priority trail connection according to the City's most recent comprehensive plan completed in 2013 and has the support of the City Council, Waseca Park Board, Waseca County Board, Waseca School District, and others. Proposed project timeline is Spring of 2020 with a completion date of no later than June 2021.

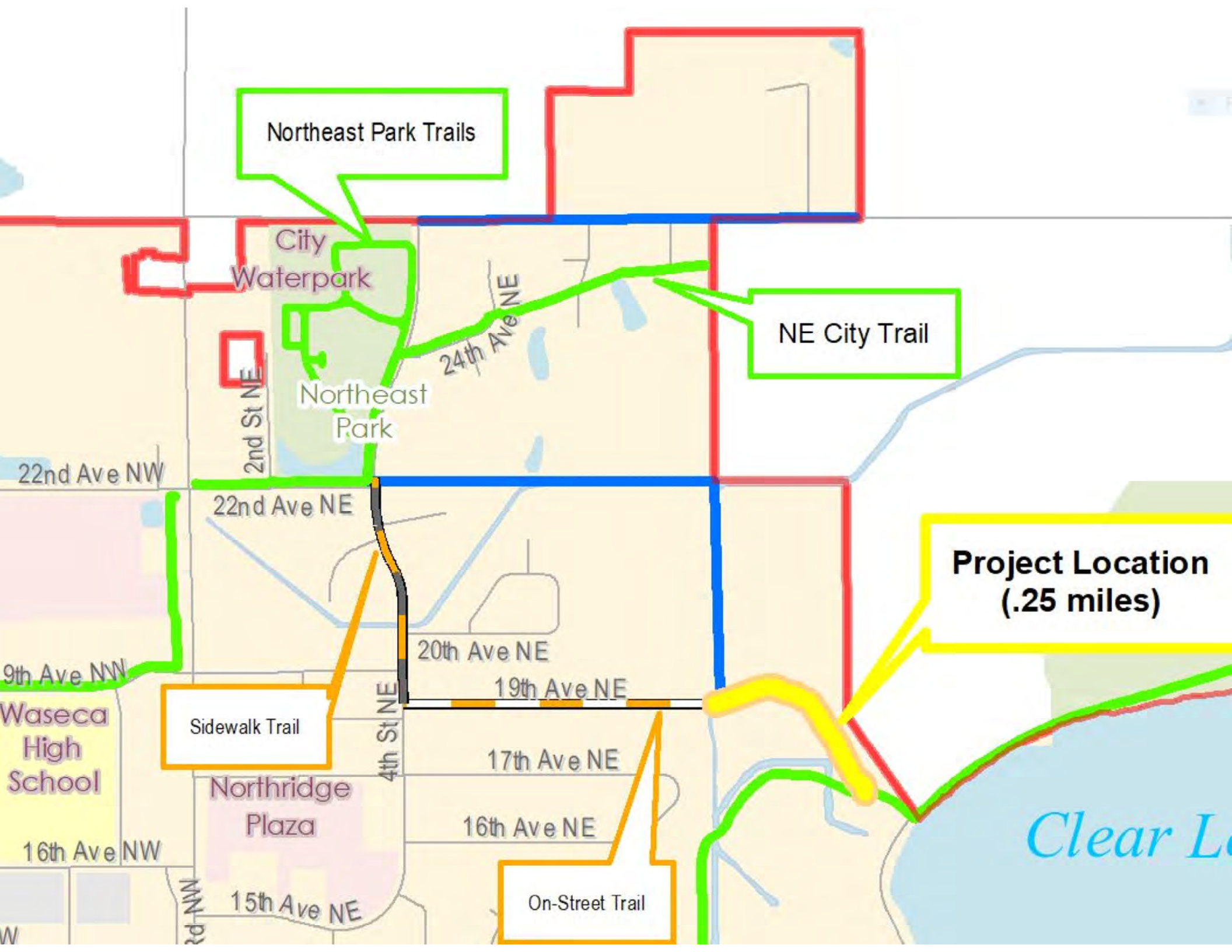
### **Attachment C-2: Avoidance**

This trail connection is proposed through a parcel of City owned land that contains both wetland and upland undeveloped land. A wetland mitigation has been completed, and the City has made trail route alterations to avoid or minimize impacts to existing wetlands. The surrounding land uses are a mix of undeveloped natural land, low density residential housing, City stormwater treatment basins and Clear Lake. This project enhances the uses of these adjacent areas and is considered compatible. There are no known impacts to any aquatic resources.

All disturbed natural areas will be restored with native grasses and plantings to promote and enhance the natural environment and recreational opportunities of the trail users. Impacts such as dust, odor and noise will be limited to activities associated with standard construction practices for a project like this and should have no long-term effects once construction has ended. All impacted areas will be protected with industry standard erosion control measures for similar projects.

### **Attachment C-3: Minimization**

The City of Waseca has modified the trail route after the wetland mitigation survey was complete. The City has minimized the wetland impacts to extent possible however poor soils encountered and slopes needed to meet safety concerns required more impacts than originally proposed.



Northeast Park Trails

City Waterpark

Northeast Park

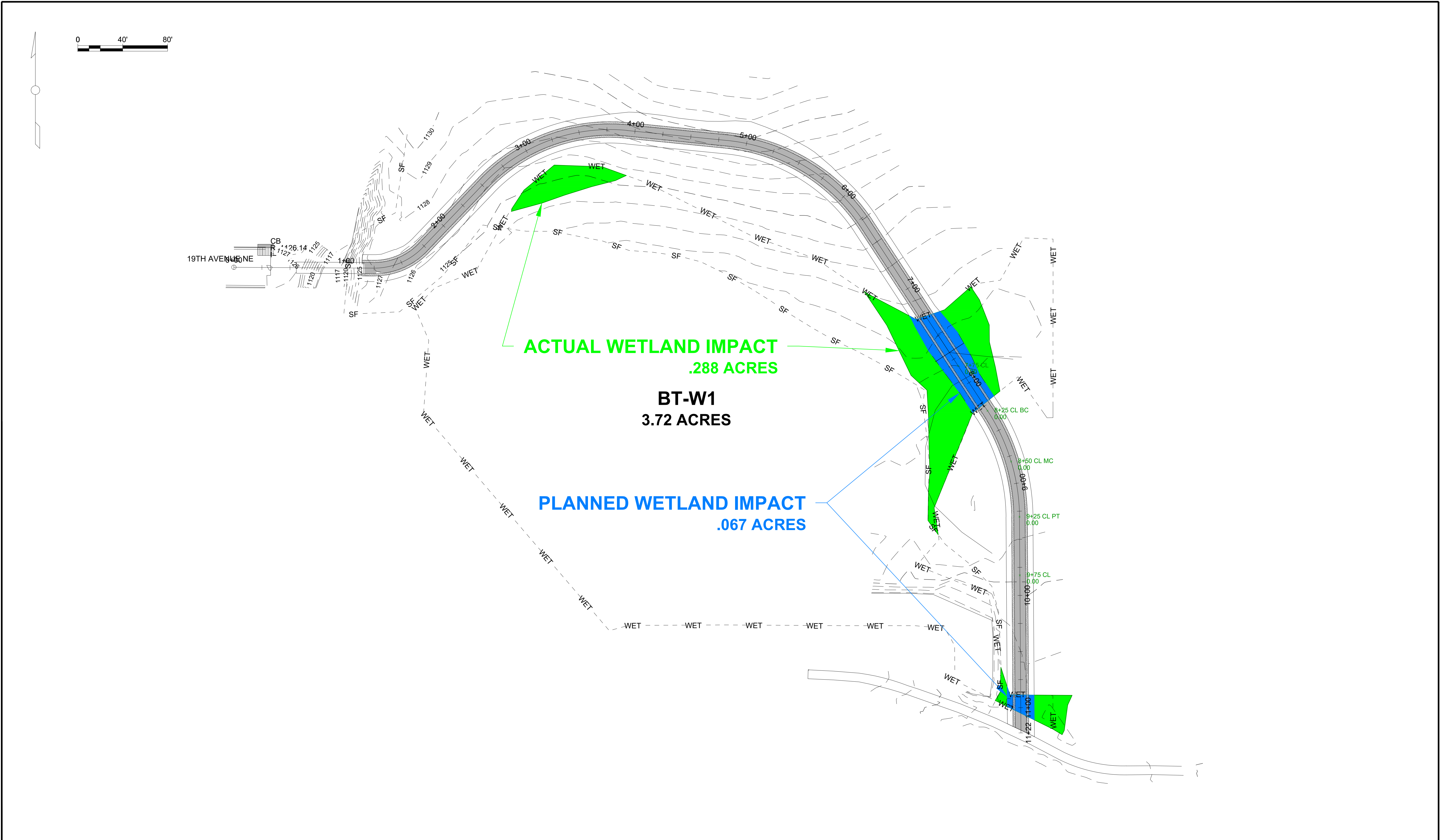
NE City Trail

**Project Location  
(.25 miles)**

Sidewalk Trail

On-Street Trail

*Clear Lake*



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER, UNDER THE LAWS OF THE STATE OF MINNESOTA.

TOM KELLOGG

DATE: \_\_\_\_\_ LIC. NO. 26917



**Waseca**  
CITY OF WASECA  
508 SOUTH STATE STREET  
WASECA MINNESOTA 56093

REVISIONS	
DATE	DESCRIPTION

## DISTURBED WETLAND EXHIBIT

2020 NORTHEAST TRAIL CONNECTION

2020-06

SURVEY	AMS
DESIGNED	---
CHECKED	---
DRAWN	AMS
SHEET NO.	01





# Transaction Form to Withdraw Credits

## Minnesota Wetland Bank Program

If the layout of this form looks incorrect, click on [View, Edit Document](#), then save it to your computer.

<b>1. Credit User</b>		<i>This space for BWSR use only.</i>
Name: Brad Dushaw	Organization: City of Waseca	
Address: 508 South State Street Waseca, MN 56093	Email: bradd@ci.waseca.mn.us	
Phone: 507-835-9727	LGU File #: 193705843	
Consultant:		

<b>2. Wetland Impact Information</b>	
To be completed for the project impacting wetlands and with which this withdrawal is intended to replace.	
Project Name: Northeast Trail Connection (Clear Lake Trail)	Impact Size (acres): 0.288
Impact County: Waseca	Impact Wetland type: 2
Impact Major Watershed/BSA: _39 / _8_	Replacement Ratio: 2:1
Sec/Twp/Range: 5 & 8/107N/R22W	
*Projects with multiple locations should use the most central location in relation to the project as a whole.	
Are Federally authorized credits required for this impact?    Yes    No	
Corps Regulatory File Number:                      MVP-	
Comments:	

<b>3. Credits to be Withdrawn</b> To be completed by the seller of the credits (account holder)				
<b>Account Information</b>				
Account: 1536		County: Waseca		Bank Service Area: 8
Credit Subgroup	Wetland Type/Plant Community Type	Federally Approved?	Cost per Credit	Credit Amounts
A	Shrub-carr/alder thicket		\$36,000	0.4140
B	Sedge meadow		\$36,000	0.0620
C	Deep marsh		\$36,000	0.1000
<b>Per Credit Withdrawal Fee by BSA</b> BSA 1 \$520                      BSA 6 \$1,083 BSA 2 \$371                      BSA 7 \$1,992 BSA 3 \$725                      BSA 8 \$2,577 BSA 4 \$1,412                    BSA 9 \$2,628 BSA 5 \$685                      BSA 10 \$3,099			<b>Enter the Withdrawal Fee for the BSA of the account:</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$2,577</div>	
			<b>Total Credits:</b>	0.576
			<i>(Withdrawal Fee x total credits)</i>	
			<b>Withdrawal Fee:</b>	\$1,484.35
			<i>(Easement Stewardship fee x total credits)</i>	
			<b>Easement Stewardship Fee:</b>	
			<div style="border: 1px solid black; padding: 2px; display: inline-block;">\$302</div>	<b>Stewardship Fee:</b>
				\$173.95
			<b>Total Fees:</b>	\$1,658.30

Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash.

BWSR fee policy: [http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee\\_and\\_sales\\_data/Wetland\\_Banking\\_Fee\\_Policy\\_Effective\\_June1\\_2017.pdf](http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Banking_Fee_Policy_Effective_June1_2017.pdf)

**Project Name: Northeast Trail Connection (Clear Lake Trail)**

If anyone else should be notified please indicated their emails below:

#### 4. Regulatory Authorization

By signing below, the identified agency and authorized representative hereby certifies that they have: **a)** verified that the subject wetland credits are deposited in the account of the owner/seller, **b)** approved a wetland replacement plan or similar agreement under their jurisdiction, and **c)** approve the proposed use of the wetland bank credit described above.

WCA LGU/Agency:

LGU Representative:

Email Address:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

For NRCS, DNR, etc. as applicable

Agency Name and Location:

Representative:

Email Address:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### 5. Credit User Signature

By signing below the proposed credit user attests that he/she owns or has purchased the credits identified in this form and has received approval from the regulatory authority(ies).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### 6. Account Holder Signature

By signing below I, the seller and holder of the aforementioned account in the State of Minnesota Wetland Mitigation Bank, certify that:

- 1) The credits described in this transaction form have been sold to the credit user or will be used for my own project;
- 2) I have received payment in full from the buyer (if applicable);
- 3) The credits described in this transaction form have not been sold or used in any way to mitigate wetland losses other than for the project and location identified in the wetland impact information block on the previous page;
- 4) The credits described in this application should be withdrawn from my account; and
- 5) I will not have a negative balance of credits after the subject credits are debited from my account

***Disclaimer: All transactions in the Wetland Bank system are public information***

Name/Representative:

Email Address:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Send complete forms and fee payments to:**

**Wetland Bank Administration  
Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
Saint Paul, MN 55155**

<b>Title:</b>	Personnel Policies		
<b>Meeting Date:</b>	12/1/2020	<b>Agenda Item Number:</b>	<b>7B</b>
<b>Action:</b>	<input checked="" type="checkbox"/> MOTION <input type="checkbox"/> REQUESTS/PRESENTATIONS <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input type="checkbox"/> DISCUSSION	<b>Supporting Documents:</b>	Personnel Policies  Summary of Changes
<b>Originating Department:</b>	Human Resources	<b>Presented By:</b>	City Manager
<b>Approved By City Manager:</b> <input checked="" type="checkbox"/>			
<b>How does this item pertain to Vision 2030 goals?</b>	Contributing to the City of Waseca organization as a high-quality community asset.		

**BACKGROUND:** The City Manager, Department Directors, and Human Resources have been working together for about two years toward updating our Personnel Policies. The version you have before you is a combination of our current policies, the League of Minnesota Cities' recommended policies, customizations from the City Manager and Department Directors, and adjustments made as a result of advice from Flaherty & Hood.

**BUDGET IMPACT:** Clear and updated policies facilitate efficiency for employees and managers in many aspects of the employment experience, as well as reducing the time and money spent on legal advice needed when a situation arises that is not included in our policies.

**RECOMMENDATION:** Staff recommends the Waseca City Council accept the document and make a motion to approve these updated City of Waseca Personnel Policies.



# Updated Personnel Policy

## Summary of Significant Changes

November 2020

### Update Process

Step 1	Merge current policies (2004) with League of Minnesota Cities personnel policy template.
Step 2	Review draft with City Manager Lee Mattson and make adjustments.
Step 3	Review draft with Department Directors and make adjustments.
Step 4	Review draft with Flaherty & Hood and make adjustments.
Step 5	Review significant Flaherty & Hood changes with City Manager Lee Mattson and make adjustments.
Step 6	Review significant Flaherty & Hood changes with Department Directors and make adjustments.
Step 7	City Council review of updated Personnel Policy.
Step 8	Rollout to employees, including signed acknowledgement.

### Summary of Significant Changes

(organized by structure of new policy document)

Section 1: Introduction	
1.2 Scope	Current policy does not include part-time or temporary positions. New policy includes them.
1.4 Equal Employment Opportunity Policy Statement	Update language.
1.5 Data Practices Advisory	New content.

Section 3: City-Wide Work Rules and Conduct	
3.5 Appearance	New content.
3.11 Employment of Relatives and Domestic Partners	New content.

Section 6: Work Hours	
6.3 Flexible Work Schedules	New content.
6.6 Adverse Weather Conditions	Incorporated separate, stand-alone policy.

Section 7: Compensation	
7.1 Wage Disclosure	New content (in compliance with Minnesota Wage Theft and other legislation)

Section 8: Performance Management	
Section 8	New content.

<b>Section 11: Leaves</b>	
11.1 Sick Leave	Added that sick leave can be used absences related to sexual assault, domestic abuse, and stalking.
11.5 Donating Leave	Added City practice to written policy.
11.6 Bereavement Leave	Changed number of days permitted per calendar year to 4 from 3. Broadened use of leave to all forms of bereavement from just the act of attending a funeral.
11.11 Domestic Abuse and Harassment Restraining Order Leave	New content.
11.12 Pregnancy and Parenting Leave	New content.
11.14 Adoptive Parents	New content.
11.17 Elections/Voting	New content.
11.18 Elected Official	New content.
11.19 Civil Air Patrol	New content.
11.21 Family and Medical Leave	Update language throughout.
11.22 Reasonable Unpaid Work Time for Nursing Mothers	New content.

<b>Section 12: Workplace Modifications</b>	
12.1 Reasonable Accommodation for Disability	Updated language and additional information, definitions.
12.2 Procedures	New content.
12.3 Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy	New content.
12.4 Reasonable Accommodation for Religion	New content.

<b>Section 13: Respectful Workplace Policy</b>	
Our current policy's Harassment section, expanded and updated.	
13.1 Applicability	New content.
13.2 Abusive Customer Behavior	New content.
13.3 Types of Disrespectful Behavior	New content.
13.4 Names and Pronouns	New content.
13.5 Access to Gender-Segregated Activities and Area	New content.
13.6 Employee Response to Disrespectful Workplace Behavior	Updated process.
13.7 Employer Response to Allegations if Disrespectful	Updated process.

Workplace Behavior	
13.8 Special Reporting Requirements	New content.
13.11 Possession and Use of Dangerous Weapons	New content.

<b>Section 14: Separation from Service</b>	
14.2 Retirement	Added a timeline for notifying the City of retirement: 60 calendar days.

<b>Section 17: Employee Education and Training</b>	
17.2 Procedure for Participation in Training and Conferences	New content.
17.5 Travel and Meal Allowance	Meals: Added dollar amount maximums for breakfast, lunch, and dinner. Airline Travel: Added that the City Manager or designee must approve air travel, and that airline reservations must be made using a City credit card.

<b>Section 19: Communications, Privacy, and Security</b>	
19.3 Communications	New content.
19.4 Monitoring and Inspection	New content.

<b>Section 20: Acceptable Use Policy for Telephone, Computer, and Network Systems</b>	
Added that employees must check and respond to email and phone messages as needed to carry out their job duties. Added that employees must change their email and voicemail messages as applicable to provide notice of vacations and other leaves.	
20.1 Use of Telephone	Added cell phone policy. Incorporated cell phone stipend program.
20.2 Computer Use Policy	Added social media policy. Added password guidelines. Added remote access policy. Added notice of computer problems policy.

<b>Section 21: Drug and Alcohol-Free Workplace</b>	
Abbreviated content. Will develop separate policies on drug and alcohol policy and testing protocols in 2021.	

<b>Section 22: City Vehicles and Equipment</b>	
22.3 City Driving Policy	Incorporated this policy, which was previously a stand-alone policy.

## Content from Current Policy Not Incorporated into New Policy

Page 4: How the City of Waseca Operates	This type of content is not generally included in personnel policy documents.
Page 8: Affirmative Action	This is referenced in the new policy; however, a stand-alone policy will be developed in 2021.
Page 13: Longevity Adjustments	We no longer pay longevity adjustments to employees. Longevity pay was incorporated into the compensation structure that was implemented in 2016.
Page 13: Compensatory Time	For several years, we haven't followed the policy stating that comp time must be used or paid out within three months of when earned. Rather, comp time must be used within a 12-month period.

CITY OF WASECA

# Personnel Policies

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Adopted: DATE

Effective: DATE

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## **SECTION 1: INTRODUCTION**

### **1.1 Purpose**

It is the purpose of these policies to establish a uniform and equitable system of personnel administration for employees of the City of Waseca. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current City policy at all times.

### **1.2 Disclaimer**

Nothing in these personnel policies or any other written or unwritten policies or the like, course of conduct, or practices of the City creates, or is intended to create, an express or implied contract, covenant, promise or representation between the City and its employees.

These policies are not intended to cover every situation that might arise. Exceptions may be made by the City Manager in cases of extraordinary circumstances. The City may change or eliminate policies, or portions thereof, contained herein at its discretion at any time, and without notice.

These policies do not vest in any employee a right, benefit, or privilege which cannot be changed or eliminated by the City, in its exclusive discretion, at any time without notice to employees.

Employment with the City is at-will, except as otherwise provided by law or contract. This means that employment may be terminated with or without cause at any time at the option of either the employee or the City. No supervisor or other representative of the City has authority to enter into any agreement to the contrary unless approved by the City Manager.

### **1.3 Scope**

These policies apply to all employees of the City (including but not limited to full-time, part-time, temporary, paid on-call, and seasonal). Except where specifically noted, these policies do not apply to:

- Elected officials
- City Attorney
- Members of City boards, commissions, and committees
- Consultants and contractors
- Volunteers

If any specific provisions of the Personnel Policies conflict with any current collective bargaining agreement, the collective bargaining agreement will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions.

Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an information guide to help employees become better informed and to make their experience with the City more rewarding. Departments may have special work rules deemed necessary by the Department Director and approved by the City Manager for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring, and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

### **1.4 Management Rights**

The Employer retains full and unrestricted rights to operate and manage all work force, facilities, and equipment; to establish functions and programs, to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules, shifts, and hours; to contract for goods or services; to make and enforce reasonable rules and regulations; to take any and all actions necessary to carry out the operations of the Employer in situations involving a disaster or emergency; to hire, promote, assign, and transfer Employees; to demote, suspend, discipline and discharge Employees; to lay off Employees; to assign duties, tasks, jobs, hours, shifts, and overtime to Employees; and to perform any other managerial right.

Any term and condition of employment shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

The foregoing enumeration of the Employer's authority shall not be deemed to exclude other inherent management rights and functions.

The Employer's failure to exercise any right, prerogative, or function hereby reserved to it, or the Employer's exercise of any such right, prerogative, or function in a particular way, shall not be considered a waiver of the Employer's right to exercise such right, prerogative, or function or preclude it from exercising the same in some other way.

### **1.5 Equal Employment Opportunity Policy Statement**

We all deserve to work in an environment where we are treated with dignity and respect. The City of Waseca is committed to creating such an environment because it brings out the full potential in each of us, which, in turn, contributes directly to our success in serving the citizens of Waseca. We cannot afford to let anyone's talents go to waste.



The City of Waseca is committed to providing equal opportunity in all areas of employment, including, but not limited to, recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation, and selection for training. The City of Waseca will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity (including pregnancy, childbirth, and related medical conditions), gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, membership on a local human rights commission, lawful participation in the Minnesota Medical Cannabis Patient Registry, reserve or National Guard status, military service, citizenship, or any other basis protected by law, except where there is a bona fide occupational qualification. The City will not discriminate upon any protected class identified by the Human Rights Act, the US Civil Rights Act, or the Pregnancy Discrimination Act.

As part of this commitment to providing equal employment opportunities, the City of Waseca maintains an Affirmative Action Plan. For more information, please refer to the Affirmative Action Plan document.

### **1.6 Data Practices Advisory**

Employee records are maintained in a location designated by the City Manager. Personnel data is retained in personnel files, finance files, benefit/medical files, and other employment files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

## **SECTION 2: DEFINITIONS**

For purposes of these policies, the following definitions will apply:

### ***Benefits***

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

### ***Core Hours***

The core hours that employees (exempt and non-exempt) are expected to work are 8 a.m. to 4:30 p.m., Monday through Friday. Some departments have different core hours, and some departments do not have core hours and work the schedules established by their supervisors.

### ***Demotion***

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

***Department Director***

An employee who is responsible for managing a department or division of the City. Also referred to as "Director."

***Direct Deposit***

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

***Regular Employee***

An individual who has successfully completed all stages of the selection process, including the training/probationary period.

***Exempt Employee***

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

***FICA (Federal Insurance Contributions Act)***

FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare as of the date these policies were approved. The City contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers). These amounts may change if required by law.

***Fiscal Year***

The period from January 1 to December 31.

***Full-Time Employee***

Employees who are required to work forty (40) or more hours per week year-round in an ongoing position. Full-time employees are eligible to participate in all City benefits.

***Hours of Operation***

The City's regular hours of operation are Monday through Friday, from 8:00 a.m. to 4:30 p.m.

***Non-Exempt Employee***

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

***Part-Time Employee***

Employees who are required to work less than 30 hours per week year-round in an ongoing position. Employees who work at least 20 hours per week are eligible to accrue vacation and sick leave on a pro-rated basis.

***Part-Time Employee with Benefits***

Employees who are required to work 30-39 hours per week year-round in an ongoing position. These employees are eligible for benefits such as 75% of full-time holiday, vacation, and sick leave benefits, and the option to participate in the City's flexible benefits program.

***Pay Period***

A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Monday through 11:59 p.m. on Sunday, fourteen (14) days later.

***PERA (Public Employees Retirement Association)***

Statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee's retirement account.

***Promotion***

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

***Provisional Employee***

Provisional employees may be hired by the City Manager to fill either part-time or full-time positions that are unique to a project or transitional period of the City. The benefits are determined by the City Manager.

***Seasonal Employee***

Employees who work only part of the year (67 days or less or 100 days for high school employees) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

***Temporary Employee***

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

***Training/Probationary Period***

A six-month period at the start of employment with the City (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job.

***Transfer***

Movement of an employee from one City position to another position with an equivalent maximum pay.

***Weapons***

Weapons are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

***Workweek***

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

## **SECTION 3: CITY-WIDE WORK RULES AND CONDUCT**

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

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Waseca. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

The following are job requirements for every position at the City of Waseca. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations as set forth in these personnel policies as well as those of their departments.
- Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.
- Maintain good attendance while meeting the goals set by an employee's supervisor.

### **3.2 Address Changes**

Employees are responsible for informing the City of all temporary and permanent changes of address. It is not the City's responsibility to ensure employees receive official notices when an employee fails to inform the City of an address change.

### **3.3 Attendance and Absence**

All employees are expected to report to work on time, focus on work during work hours, use their time efficiently, and leave only after the regular working hours are completed.

The operations and standards of service in the City require that employees be at work unless valid reasons warrant absence, or an employee has a position that has been approved to work remotely. For a team to function efficiently and effectively, employees must be on the job. Attendance is an essential function of every City position.

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. Employees may not be absent from duty without permission from their supervisor. In the event of an unexpected absence, employees should contact their supervisor before the scheduled starting time and keep in mind the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where they can be reached and/or contact any other individual who was designated by the supervisor.
- The employee must contact the supervisor on each day of an absence extending beyond one (1) day unless other arrangements have been made with the supervisor.
- Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy will be considered to have voluntarily resigned not in good standing.
- The City may waive the preceding absence rule if extenuating circumstances warrant such behavior.

Failure to use the established reporting process will be grounds for disciplinary action. This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days.

Individual departments may establish more specific reporting procedures.

For budgetary, confidentiality, and federal employment law reasons, non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their supervisor.

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

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other City-owned equipment must register their name and the serial number (if applicable) or identifying information about the equipment with their supervisor.

All such equipment must be turned in and accounted for by any employee leaving employment with the City in order to leave employment in good standing.

Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the City is prohibited unless authorized by the City Manager. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Employees are prohibited from using City property for personal purposes, except for limited exceptions addressed in other policies herein.

### **3.5 Appearance**

Departments may establish dress codes for employees as part of departmental rules. Clothing, personal appearance, and hygiene should be appropriate to the nature of the work and contacts with other people, present a positive image to the public, and contribute to a pleasant workplace atmosphere for co-workers and visitors. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their supervisors.

### **3.6 Conflict of Interest**

City employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be a perceived or actual conflict of interest or could result in a personal benefit for themselves or an immediate family member. If an employee has any question about whether such a conflict exists, they should consult with the Department Director. More guidance related to conflicts of interest follows.

### **3.7 Falsification of Records**

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

False statements made in materials used when applying for employment may be considered grounds for termination.

### **3.8 Personal Telephone Calls**

Personal telephone calls are to be made or received only when truly necessary (e.g., family or medical emergency). They are not to interfere with City work and are to be completed as quickly as possible. Any personal long-distance call costs will be paid for by the employee. Please refer to the cell phone policy for information on use of cellular phones.

### **3.9 Political Activity**

City employees have a right personally to express their political views and to get involved in the political system to the extent permitted by law. However, City employees cannot use City resources, working time, or their position with the City while participating in or to participate in personal political activity or influencing other City employees on political matters. While engaging in such actions, City employees must also comply with other workplace expectations, including other personnel policies.

No campaign materials, pamphlets, or buttons may be displayed on City vehicles, City property, or by an individual on the work site. These campaign materials also may not be disseminated while using City property or representing the City.

### **3.10 Smoking**

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

Employees 21 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose if on City-owned property.

### **3.11 Employment of Relatives and Domestic Partners**

The City does not restrict employment of more than one member of a family or persons related by blood or marriage, but it does not show favoritism toward hiring relatives of employees. To avoid a conflict of interest, no City employee may take part in decisions to hire, fire, retain, promote, discipline, manage performance, or determine the salary of his/her spouse, other family member, any other relative by blood or marriage, someone living in same household, or someone who such employee is in a romantic relationship. Preferential treatment of a family member is grounds for discipline, up to and including termination.

### **3.12 Workplace Issues Resolution Policy**

City employees must, unless otherwise established or appropriate, attempt to resolve any workplace issues or concerns with the following individuals in the following order and may only attempt to resolve the issue or concern with the next appropriate individual(s) herein if the preceding individual(s) did not adequately address their issue or concern:

- 1) Immediate supervisor
- 2) Department Director
- 3) City Manager



## **SECTION 4: EMPLOYEE RECRUITMENT AND SELECTION**

The City Manager or a designee manages the hiring process for positions within the City. All hires will be made according to merit and fitness related to the position being filled.

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

The City Manager or designee determines if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method. This determination is made on a case-by-case basis. The majority of position vacancies are filled through an open recruitment process.

Application for employment generally is made by application forms provided by the City. Other materials, such as a resume, cover letter, and/or a supplemental questionnaire may be required. Sometimes, other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Manager or designee. All candidates must complete and submit the required application materials by the posted deadline in order to be considered for the position. Applications from active employees are considered in the same manner as applications from new applicants.

The deadline for application may be extended by the City Manager or designee. Unsolicited applications will not be kept on file.

Position vacancies may be filled on an “acting” basis as needed. The City Manager approves all acting appointments. Pay rate adjustments, if any, are determined by the City Manager. If the City Manager position is vacated, these determinations are made by the City Council.

### **4.2 Testing and Examinations**

Applicant qualifications are evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test; or other appropriate job-related exam.

Internal-only recruitments are normally open to any City employee who: 1) has successfully completed the initial training/probationary period; 2) meets the minimum qualifications for the vacant position; and 3) currently is and for the past year has been in good standing with the City as determined by the City Manager.

To be eligible to participate in the selection process, a candidate must generally meet the minimum qualifications.

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

The City Manager or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of

any City position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

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

When required, the medical exam is conducted by a licensed medical provider designated by the City with the cost of the exam paid by the City. The medical provider notifies Human Resources that a candidate either is or is not medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires an accommodation to perform one or more of the essential functions of the job, Human Resources will confer with the medical provider and candidate regarding reasonable and acceptable accommodations.

Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist.

If a candidate is rejected for employment based on the results of the medical exam, they will be notified of this determination.

#### **4.4 Selection Process**

The selection process is a cooperative effort between the City Manager or designee and the hiring supervisor. Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final approval by the City Manager or designee. Except where prohibited by law, seasonal and temporary employees may be terminated by the City Manager at any time.

The City has the right to make the final hiring decision based on qualifications, abilities, experience and City of Waseca needs.

#### **4.5 Background Checks**

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

#### **4.6 Training/Probationary Period**

The training/probationary period is an integral extension of the City's selection process and is used for the purpose of closely observing the employee's work and for training the employee in work expectations. Probationary periods apply to new hires, transfers, promotions, and rehires.

The first six months of employment shall be considered a training/probationary period.

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

Nothing in these Personnel Policies shall be construed to imply that after completion of the training/probationary period, an employee has any vested interest or property right to continued City employment.

Training/probationary periods may be extended at any time by the City Manager.

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

Should an employee's performance not meet expectations at the end of a training/probationary period, but it is felt that an extension of time and further training would be beneficial, that option will be discussed with the employee for consideration. Extensions of the training/probationary period may go up to thirty (30) days past the initial period. An extension beyond thirty days must be approved by the City Manager.

#### **4.7 Response Time Requirements**

Unless otherwise stated in a collective bargaining agreement or department policy, City employees are not required to live in the City of Waseca.

## **SECTION 5: ORGANIZATION**

### **5.1 Job Descriptions**

The City prepares and maintains job descriptions for each regular position within the City. New positions are developed as needed but must be approved by the City Manager prior to the position being filled.

A job description is prepared for each position within the City. Each job description includes: position title, department, supervisor's title, FLSA status (exempt or non-exempt), position summary, essential functions of the position, minimum qualifications, desired qualifications, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. Good attendance and compliance with work rules and policies are essential functions of all City positions.

Prior to posting a vacant position, the existing job description is reviewed by the City Manager or designee and the hiring supervisor to ensure the job description is an accurate reflection of the position and the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Supervisors, in partnership with Human Resources, are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the City Manager or designee.

### **5.2 Assigning and Scheduling Work**

Assignment of work duties and scheduling work is the responsibility of the Department Directors and supervisors, subject to the approval of the City Manager.

### **5.3 Job Descriptions and Classifications**

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the City Manager or his/her designee.

## **SECTION 6: WORK HOURS**

### **6.1 Work Hours**

The regular workweek for many employees is five (5), eight-hour days in addition to a lunch period, Monday through Friday, except as otherwise approved by the City Manager. Some departments observe different “regular” workweeks based on the needs of the City and provisions of collective bargaining agreements. Employee work schedules and opportunities to work remotely are established by Department Directors or designee with the approval of the City Manager or designee.

### **6.2 Core Hours**

To ensure employee availability and accountability to the public the City serves, all full-time employees (exempt and non-exempt) are to be at work or available to the public and co-workers during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, unless away from the work site for a work-related activity or on approved leave. Department Directors can temporarily alter their work schedules for short periods of time at their own discretion. Other schedule arrangements must be approved by the Department Director.

### **6.3 Flexible Work Schedules**

The City is committed to helping employees face the demands of juggling work, family, and life-related issues. Flexible work schedules can provide employees with increased flexibility with their work schedule while allowing the City to maintain a productive work environment. A flexible work arrangement is a business and workplace strategy, not an employee benefit or right. Employees do not have the right to set their own daily work schedule at will; the City has the right to assign a work schedule.

Paid rest periods/breaks may not be accumulated and counted toward accommodating a flexible work schedule request. To ensure that City operations can continue efficiently, requests to flex time should be kept to a minimum.

#### **Non-Exempt Employees**

Non-exempt employees may receive permission to flex their hours during a workweek. For example, a non-exempt employee who needs to leave 30 minutes early for an appointment may request to start their workday 30 minutes early that day in lieu of taking a half hour of vacation time.

#### **Exempt Employees**

Exempt employees may receive permission to flex their hours during a pay period. In special circumstances, a Department Director may authorize exempt employees to use flex time in an adjacent pay period.

Exempt positions that have unique job duties that require work to be performed outside of the core hours of 8 a.m. – 4:30 p.m. (e.g., Water Park Supervisor) should work closely with their Department Director to determine the appropriate core work hours and amount of flexibility needed.

Exempt employees may not flex an entire day. If taking the whole day off based on flex time, exempt employees must use at least 4 hours of vacation for that day.

Department Directors have the discretion to set their own personal work schedules, as long as their hours generally fall between 8 a.m. and 4:30 p.m.

#### **6.4 Alternative Work Schedules**

Long-term alternative work schedules (e.g., a compressed workweek of four, 10-hour workdays; 9-hour days Monday through Thursday and a half day on Friday) must be approved by the City Manager.

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

A paid fifteen (15) minute rest period is allowed within each four (4) consecutive hours of work. An unpaid thirty (30) -minute lunch period is provided when an employee works 8 or more consecutive hours. Employees are expected to use these breaks as intended and are not permitted to adjust work start time, end time, or lunch time by saving these breaks. Unused breaks may not be accumulated and used as paid time off. Employees are expected to schedule breaks so that they do not interfere with work requirements.

Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees not working in City buildings will normally return to their home base or other City building to take a break. At the direction of the supervisor or other position that provides work direction, employees may take a break elsewhere under unusual circumstances.

Employees who work beyond their regular quitting time receive a 15-minute rest period with pay for every 2 hours of continuous time. If the employee is compensated for a meal break during this time, it shall be in lieu of one paid rest period.

Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the Department Director, on the use of meal breaks and rest periods.

#### **6.6 Adverse Weather Conditions**

City Hall offices and most other facilities generally remain open during regularly scheduled hours regardless of weather conditions. Each employee, therefore, must personally evaluate their individual circumstances, the weather, and road conditions when deciding whether to report to work, arrive late, or leave early. Employees must notify their supervisor of their plans in a timely manner.

Employees who choose to miss work are generally expected to use vacation or compensatory time to be paid for this absence. With supervisor pre-approval, an employee may be allowed to make up the hours or work from home.

The City Manager has the authority to close all or part of the City's operations due to weather or other emergency conditions. If City operations are closed, employees are paid for the hours they would have normally worked during the closure. The City Manager is responsible for communicating these decisions with City staff.

Employees may be provided transportation to and from their worksites by the City.

Police Officers, Public Works Maintenance Workers, and Firefighters are generally expected to work during inclement weather conditions. Based on the nature and severity of the emergency, other employees may also be required to work during inclement weather conditions.

Decisions to cancel City events (e.g., evening meetings) are made by the applicable Department Director or City Manager.

## **SECTION 7: COMPENSATION**

Full-time employees of the city will be compensated according to schedules adopted by the City Council. Unless approved by the Council, employees will not receive any amount from the city in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

Compensation for seasonal and temporary employees will be set by the City Council at the time of hire, or on an annual basis.

### **7.1 Wage Disclosure**

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

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

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

### **7.2 Direct Deposit**

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

### **7.3 Time Reporting**

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek, except for public safety employees. They will be paid according to the time reported on their time sheets or as recorded in any electronic time keeping system.



All times reported or recorded will be rounded to the nearest one-quarter hour. If an employee reports or records a start time or end time that is or results through rounding in at least a one-quarter hour difference from their scheduled start or end time, the employee must record in the City-specified manner the reason for the different reported or recorded start or end time. Employees are prohibited from starting or ending work and/or reporting or recording a start or end time resulting in a start or end time that is rounded to at least one-quarter hour different than their scheduled start or end time unless such earlier start or later end time is approved in advance by their supervisor or designee or the employee is working in an emergency requiring the employee to work such time.

To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. Each time reporting form must include the certification or signature of the employee and immediate supervisor. Reporting false information on a time sheet or the like will be cause for discipline, up to and including termination.

FLSA exempt employees must record on their time sheets or the like the time they worked as well as time off taken during the workday. At least 40 hours must be accounted for by FLSA exempt employees on the time sheets or the like each work week.

## **7.4 Overtime / Compensatory Time**

The City has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. Each position and employee with the City will be designated as “exempt” or “non-exempt” for purposes of determining an employee’s entitlement to overtime. In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt.

### **Non-Exempt (Overtime-Eligible) Employees**

All overtime-eligible employees are compensated at the rate of one and one-half their regular rate of pay for all hours worked over forty (40) in one workweek, except for public safety employees, who will be paid overtime as provided by law. Compensation will take the form of either one and one-half pay or compensatory time. Compensatory time is paid time off at the rate of one and one-half hours off for each hour of overtime worked.

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

The employee’s supervisor must approve overtime hours in advance, unless otherwise established by the Department Director, except that overtime hours may be worked in emergency situation. An employee who works overtime without prior approval may be subject to disciplinary action.

Overtime earned will be paid at the rate of one and one-half on the regularly scheduled payroll date for the pay period in which the overtime was worked and recorded, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

The maximum compensatory time accumulation is forty (40) hours per year. Once an employee has earned the maximum number of hours of compensatory time, no further compensatory time may accrue in that year.

Employees may request and use compensatory time off in the same manner as other leave requests. All further overtime will be paid.

For compensatory time purposes, the “year” is from the first pay period in October through the last pay period in September. Compensatory time may not be “rolled over” from one year to the next. All compensatory time accrued as of the first pay period in October and not used as of the first pay period in December will be paid out. The payout is included in the first pay period in December.

All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used. The department responsible for payroll processing maintains compensatory time records. All compensatory time accrued is paid when the employee leaves City employment at the hourly pay rate the employee is earning at that time. Employees may request and use compensatory time off in the same manner as other leave requests.

### **Exempt (Non-Overtime-Eligible) Employees**

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountability, an exempt employee will need to work forty (40) or more hours per week. Exempt employees do not receive extra pay for the hours worked over forty (40) in one workweek. The normal hours of business for exempt staff are Monday – Friday, 8:00 a.m. – 4:30 p.m., plus evening meeting as necessary.

Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour.

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

- 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.
- The employee is in a position that earns sick leave, receives a disability benefit or workers’

compensation wage loss benefits, and is absent for a full day due to sickness or disability, but he/she is either not yet qualified to use the paid leave or he/she has exhausted all of his/her paid leave.

- 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 his/her paid leave or a situation where the employee does not earn paid leave).
- 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 prorates the employee's salary based on the time actually worked.
- 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.
- 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.
- The employee is on unpaid leave under the FMLA.
- The City of Waseca may, for budgetary reasons, implement voluntary or involuntary unpaid leave and 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 Waseca does not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness, but requires 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.

All exempt positions may require work beyond forty (40) hours per week. If an exempt employee works extra hours due to unique circumstances, he or she may adjust their working hours during the same work week or immediately succeeding work week if operationally feasible to do so. Any adjustment to working hours must be approved by the employee's Department Director or designee and shall not be on a one-for-one basis nor may it be accumulated.

If an exempt employee is routinely absent from work under this policy and it is found that there is excessive time away from work that is not justified, the situation will be handled as a performance issue. If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the City. Additional notification

and approval requirements may be adopted by the City Manager for specific situations as determined necessary.

## **SECTION 8: PERFORMANCE MANAGEMENT**

City employees are essential to providing services to the public. To provide high quality, efficient, and cost-effective services, the performance of employees is crucial. Therefore, the City is committed to a performance management system for its employees that communicates performance expectations for job duties and responsibilities, workplace standards and goals and objectives; identifies an employee's strengths and areas for improvement in meeting these expectations; and fosters an employee's job development. To meet this commitment, the City promotes the following:

1. Ongoing feedback to and candid discussions with employees and about performance throughout the year;
2. Developing and rewarding good performance;
3. Formal personnel actions as necessary to address performance problems through coaching, counseling, performance improvement plans and/or progressive discipline; and
4. An annual performance evaluation that addresses prior and future performance of the employee.

An objective performance review system is established by the City Manager or designee for the purpose of periodically evaluating the performance of City employees. The quality of an employee's past performance is considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

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

During the training/probationary period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and not so well.

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

## **SECTION 9: BENEFITS**

### **9.1 Health, Dental, Vision, Life, Long-Term Disability**

The City will contribute an amount toward group health insurance benefits for each eligible employee and his/her dependents. The amount to be contributed and the type of coverage will be determined by the City Manager.

### **9.2 Retirement/PERA**

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

Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare (the City matches the employee's Social Security and Medicare withholding for those employees).

For information about PERA eligibility and contribution requirements, contact Human Resources.

### **9.3 Employee Assistance Program**

Each regular position employee (seasonal employees are not covered) will be offered access to an Employee Assistance Program (EAP). An EAP is a work-based intervention program designed to identify and assist employees in resolving personal problems (e.g., marital, financial or emotional problems; family issues; substance/alcohol abuse) that may be adversely affecting the employee's performance.]

### **9.4 Status Changes**

Employees are responsible for notifying the Human Resources of any change in status, including changes in address, phone number, names of beneficiaries, banking information, marital status, births, adoptions, etc.

## **SECTION 10: HOLIDAYS**

The City observes the following official holidays for all regular full-time and part-time employees:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Veterans Day
Presidents Day	Thanksgiving Day
Good Friday	Friday after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day

When a holiday falls on a Sunday, the following Monday will be the "observed" holiday, and when a holiday falls on a Saturday, the preceding Friday will be the "observed" holiday for City operations/facilities that are closed on holidays.

Full-time employees will receive pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Part-time employees will receive pro-rated holiday pay based on the number of hours normally scheduled. Any employee on a leave of absence without pay from the City is not eligible for holiday pay. Paid holidays are not available to intermittent or seasonal employees.

All employees scheduled to work on a holiday will receive one and one-half times their regularly hourly rate for hours worked on that day.

Employees wanting to observe holidays other than those officially observed by the City may request either vacation leave or unpaid leave for such time off.

## **SECTION 11: LEAVES**

Employees must request all forms of leave to their direct supervisor. Requests can be made electronically or in written hard copy form.

Prior to taking leave, the request must be approved by the supervisor. All extended leaves (longer than 3 days) are subject to approval by the Department Director. The City acknowledges that advance approval is not practicable in some circumstances.

Depending upon an employee's situation, more than one form of leave may apply during the same period of time (e.g., the Family and Medical Leave Act may apply while using sick leave). An employee needs to meet the requirements of each form of leave separately. Leave requests are evaluated on a case-by-case basis.

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

For an employee's hours compensated by Worker's Compensation, an employee may supplement the Worker's Compensation payments with a pro-rated portion of the employee's sick leave, vacation, or compensatory time so that the combination of the two will equal the employee's regular base pay.

### **11.1 Sick Leave**

Sick leave is authorized absence from work with pay, granted to full-time and benefits-eligible part-time employees. Sick leave is a privilege, not a right.

Employees are to use this paid leave only when they are unable to work for medical reasons and under the conditions explained below. Sick leave does not accrue during an unpaid leave of absence.

- Full-time employees accumulate sick leave at a rate of 8 hours per month.
- Part-time employees regularly scheduled to work at least 20 hours per week accrue sick leave on a pro-rated basis of the full time employee schedule.
- Part-time employees regularly scheduled to work fewer than 20 hours per week do not earn or accrue sick leave.
- Temporary and seasonal employees do not earn or accrue sick leave.
- Sick leave may be used only for days when the employee would otherwise have been at work. If an employee has a need to sick leave (an allowable use) during a scheduled vacation, their Department Director may choose to allow the use of Sick Leave for the applicable period of time.
- Sick leave used for medical appointments can be taken only for the amount of time of reasonable necessary for the appointment. For example, an employee may not take four hours of sick leave if their



medical appointment, including travel to and from the appointment, only takes 3.5 hours.

**Sick leave may be used as follows:**

- When an employee is unable to perform work duties due to illness, disability, or pregnancy.
- For medical, dental, or other care provider appointments, including donating blood.
- When an employee has been exposed to a person with a contagious disease of such a nature that their presence at the work place could endanger the health of others.
- To care for or take to a medical, dental, or other care provider appointment the employee's injured or ill children, including stepchildren or foster children, for such reasonable periods as the employee's attendance with the child may be necessary.
- To care for, including taking to a medical, dental, or other care provider appointment, an ill or injured spouse, father, father-in-law, mother, mother-in-law, stepparent, grandparent, grandchild, sister or brother. This leave for those listed is limited to 160 hours in a calendar year. For reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any calendar year.

After accrued sick leave has been exhausted, vacation leave or other compensatory time must be used to the extent the employee is entitled to such leave.

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

- Communicate with their immediate supervisor, as soon as possible after the scheduled start of the work day, for each and every day absent (for extended periods of sick leave, other communications scheduled may be arranged);
- Keep their immediate supervisor informed of the status of the illness/injury or the condition of the ill family member;
- Submit a medical provider's statement upon request.

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

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

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

Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

Employees must normally use sick leave prior to using paid vacation, or compensatory time, and prior to an unpaid leave of absence during a medical leave, except where Parenting Leave under Minnesota law and the medical leave overlap.

Sick leave will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the City Manager.

Sick leave accrues to a maximum of 1,000 hours.

## **11.2 Vacation Leave**

### **Vacation Leave Schedule**

Full-time employees will start earning vacation leave immediately upon beginning employment by the City in accordance with the schedule below.

- Full-time employees accumulate vacation leave each month.
- Part-time employees regularly scheduled to work at least 20 hours per week accrue vacation leave on a pro-rated basis of the full-time employee schedule.
- Part-time employees regularly scheduled to work fewer than 20 hours per week do not earn or accrue vacation leave.
- Temporary and seasonal employees do not earn or accrue sick leave.

<u>Years of Service</u>	<u>Annual Accrual</u>
Fewer than 12 Years	120 hours (15 Days)
12 or More Years	160 hours (20 Days)

### **Accrual Rate**

For the purpose of determining an employee's vacation accrual rate, years of service will include all continuous time that the employee has worked at the City (including authorized unpaid leave). Employees

who are rehired after terminating City employment will not receive credit for their prior service unless specifically negotiated at the time of hire.

Vacation leave does not accrue during an unpaid leave of absence.

### **Earnings and Use**

Vacation leave may be used as it is earned, subject to approval by the employee's supervisor. Employees at a zero balance of vacation are not allowed to take unpaid vacation unless they have received approval from their Department Director.

Requests for vacation must be received at least 48 hours in advance of the requested time off, unless your department requires a different procedure. This notice may be waived at the discretion of the Supervisor. Vacation can be requested in increments as small as 15 minutes, up to the total amount of the accrued leave balance.

Employees may accrue vacation leave up to a maximum 200 hours. No vacation will be allowed to accrue in excess of this amount without the approval of the City Manager. Vacation leave cannot be converted into cash payments except at termination.

### **11.3 Personal Day**

Regular full-time employees accrue 8 hours of personal leave per year. These hours are awarded each January, and must be used by December 31 of the same calendar year. Personal leave does not accumulate from one year to the next.

### **11.4 Discretionary Leave**

While exempt employees are not eligible for compensatory time, discretionary time off may be granted upon request in situations when an exempt employee has worked extra hours for an extended period of time, completed a noteworthy achievement, performed their job duties under very difficult conditions, or other factors that may be recognized by the employee's Director. Discretionary time must be approved by the City Manager. An exempt employee who has been awarded discretionary time may take that time off only with their supervisor's permission, and only if the leave is not anticipated to negatively affect City services. When discretionary time is awarded, it may be given a deadline by which it must be used.

### **11.5 Donating Leave**

The City recognizes that a catastrophic or prolonged illness of an employee or immediate family member may deplete an employee's available paid leave. This policy is meant to provide employees with the option of voluntarily assisting employees at such time. The purpose of this program is to provide an employee who has exhausted all paid leave a means of financial assistance through the contributions of sick or vacation

leave accruals from other employees. All requests for leave or to donate leave require express written approval of the City Manager or designee.

To be eligible to receive leave donations, the employee must:

- Be experiencing a catastrophic medical situation in their own life, or in the life of their spouse, minor children, or someone living in the employee's immediate household. A catastrophic medical situation is generally defined as a life-threatening event that will cause the employee to be absent from work for a prolonged period of time (e.g, heart attack, stroke, cancer, organ transplant, injuries from major car accident);
- Have exhausted all accrued paid leave balances; and
- Make a request, in writing, to Human Resources for co-workers to donate leave. The written request must include certification from the attending physician or other applicable health care provider regarding the nature of the medical emergency or condition. The name of the employee requesting leave will remain private—only known to Human Resources and the City Manager. It is the employee's choice whether they want to share their circumstances with others.

The following are the criteria for donating leave:

- A prospective donor must indicate the amount of hours they wish to donate in writing addressed to the City Manager or designee.
- Employees can only donate leave to another employee if their current combined balance of vacation, sick leave (and holiday pay for Police and Fire department staff) is 120 hours or more.
- Employees can donate up to 8 hours each of vacation and sick leave, in 1-hour increments.

The recipient can receive no more than 480 hours of leave. Donation of leave will not be allowed if the employee is judged to be disabled by the medical condition and will not be returning to work. Donated time cannot be used for severance pay, paid to an employee in the form of cash, or used in any manner that is not stated in this policy.

An employee who donates leave understands that this time is a gift, and that the donated leave is irrevocable, and that the receiving employee has no obligation to pay it back. Donors will be anonymous—only Human Resources and the City Manager will know the identities of the donors.

## **11.6 Bereavement Leave**

Employees will be permitted to use up to four (4) working days per calendar year, with pay, as bereavement leave upon the death of an immediate family member defined as: spouse, child, parents, parent-in-law, brothers, sisters, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, grandparent-in-law and grandchildren, or member of the immediate household of the employee and the employee's spouse.

This paid leave will not be deducted from the employee's vacation or sick leave balances.

The actual amount of time off, and bereavement leave approved, will be determined by the Department Director depending on individual circumstances (such as the closeness of the relative, arrangements to be made, distance to the funeral, etc.). An employee may request additional time off upon the death of an immediate family member, and the Department Director may approve the use of sick leave for this additional absence, depending on individual circumstances.

### **Departmental Funeral Leave**

Employees are granted up to 4 hours paid leave from work to attend the funeral of a fellow departmental employee or the funeral of a parent, spouse, or child of a fellow departmental employee, unless circumstances unique to the department would prevent such a practice from being allowed and authorized by the Department Director and City Manager.

In an attempt to maintain daily operations or functions when this situation arises, the Department Director is authorized to use other available City personnel or other reasonable means to maintain daily operations and functions.

## **11.7 Military Leave**

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves, National Guard, or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service, not exceeding a total of 15 days in any calendar year.

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

Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used their 15 days of paid leave when called to active duty, any unused paid time is allowed for the active duty time, prior to the unpaid leave of absence.

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

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

## **Leave for Immediate Family Members of Military Personnel**

### ***Injured or Killed in Active Service***

An employee who has a parent, child, grandparent, sibling, or spouse who is injured or killed while engaged in active military service will be granted an unpaid leave of absence for up to ten working days.

Employees must give the City as much notice as practicable of their intent to use such leave, which may be reduced by any period of paid leave provided by the City.

### ***To Attend Military Ceremonies or Other Events***

Employees with a spouse, parent, or child in the military forces of the United States will be granted an unpaid leave of absence not to exceed two consecutive days or six days in a calendar year to attend: departure or return ceremonies for deploying or returning military personnel or units; family training or readiness events sponsored or conducted by the military; and events held as part of official military reintegration programs.

Employees with an immediate family other than a spouse, parent, or child (i.e., grandparent, sibling, grandchild, fiancé, or fiancée) who has been ordered into active service in support of a war or other national emergency as a member of the United States armed forces will be granted a leave of absence without pay to attend a send-off or homecoming ceremony for the mobilized service member, unless the leave would unduly disrupt the operations of the employer. Such leave is limited to the actual time necessary for the employee to attend a send-off ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.

## **11.8 Jury Duty**

Regular full-time and part-time employees are granted paid leaves of absence for required jury duty. Such employees are required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted in computing overtime.

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

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. The employee is responsible for ensuring that a report of time spent on jury duty and pay form is

completed by the clerk of court so the City is able to determine the amount of compensation due for the period involved.

Temporary and seasonal employees are generally not eligible for compensation for absences due to jury duty, but can take a leave without pay subject to Department Director approval. However, if a temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

### **11.9 Court Appearances**

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

### **11.10 Victim or Witness at Criminal Trial Leave**

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

### **11.11 Domestic Abuse and Harassment Restraining Order Leave**

An employee may take reasonable time off from work to obtain or attempt to obtain relief under the Domestic Abuse Act, Minn. Stat. § 518B.01 (2014), as amended or a restraining order under Minn. Stat. § 609.748 (2014), as amended. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace shall give 48 hours' advance notice to the employer. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave shall be kept confidential by the employer.

### **11.12 Pregnancy and Parenting Leave**

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with the birth or adoption of a child, are eligible for up to twelve (12) weeks of unpaid leave. The leave must begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. The employee should provide reasonable notice, which is at least thirty (30) days. If the leave must be taken in less than thirty (30) days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage remains available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee is responsible for the entire premium unless otherwise provided in this policy. For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

### **11.13 Administrative Leave**

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the City Manager.

### **11.14 Adoptive Parents**

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

### **11.15 School Conference and Activities Leave**

Any employee who works an average 20 hours per week or more may take unpaid leave for up to a total of sixteen (16) hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the City. Employees may choose to use vacation leave hours for this absence, but are not required to do so.

### **11.16 Bone Marrow/Organ Donation Leave**

Employees working an average of 20 or more hours per week may take paid leave, not to exceed forty (40) hours, unless agreed to by the City, to undergo medical procedures to donate bone marrow or an organ. The forty (40) hours is over and above the amount of accrued time the employee has earned.

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



marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

### **11.17 Elections/Voting**

An employee selected to serve as an election judge pursuant to Minnesota law, is allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the City at least twenty (20) days written notice.

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

### **11.18 Elected Official**

An employee elected to a public office is permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with other hours when the employee is available.

### **11.19 Civil Air Patrol**

An employee receives a leave of absence without pay for time spent rendering service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions, unless the leave would unduly disrupt the operations of the employer.

### **11.20 Personal Leave of Absence**

The Department Director and City Manager may authorize leave without pay for up to 30 days.

Normally, employee benefits are not earned by an employee while on leave without pay. However, the City's contribution toward health, long-term disability, and life insurance may be continued, if approved by the City Manager, for leaves of up to six (6) months when the leave is for medical reasons and FMLA has been exhausted.

If an employee is on a regular leave without pay and is not working any hours, the employee does not accrue (or be paid for) holidays, sick leave, or vacation leave. Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue sick leave and vacation leave based on actual hours worked.

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

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

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave or FMLA will be guaranteed return to the original position only for absences of thirty (30) calendar days or less.

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

## **11.21 Family and Medical Leave**

### **Eligibility**

To qualify to take family and medical leave (FMLA) under this policy, an employee must meet all the following conditions:

- Have worked for the City for 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive; however, the City does not consider any service 7 years prior to the employee's most recent hire date, unless the break was due to National Guard or Reserves military service obligation.
- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

### **Types of Leave Covered by FMLA**

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

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

- A covered military member's active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave, described below).

### Definitions

- **"Caring"** for a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties.
- An eligible **"child"** is defined as a person under 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is a biological, adopted, foster, or step child, a ward of the employee, or a person with whom the employee is charged with a parent's rights, duties, and responsibilities.
- **"Spouse"** does not include domestic partners or common-law spouses.
- An eligible **"parent"** includes a biological parent or a person who was charged with parental rights, duties, and responsibilities over the employee when the employee was under the age of 18; "parent" does not include in-laws. **"Serious Health Condition"** means an illness, injury, impairment, or physical or mental condition that involves one of the following:
  - **Hospital Care:** Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
  - **Pregnancy:** Any period of incapacity due to pregnancy, prenatal medical care or child birth;
  - **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
  - **Chronic Conditions Requiring Treatments:** An incapacity from a chronic condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
  - **Permanent/Long-Term Conditions Requiring Supervision:** A period of incapacity due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment from, a health care provider.
  - **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.
- **"Incapacity"** means inability to work, attend school or perform other regular daily activities.

### Length and Amount of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12)-month period. The leave year is calculated on a calendar year basis (January through December).

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

Special Rule Applicable to Spouses who are Both Employed by the City: If the City employs both spouses, the combined total Family and Medical Leave to which they will be entitled together will be 12 weeks in any 12-month period if the leave is taken as 1) a Family Illness Leave to care for the employee's parent or 2) Birth, Adoption and Child Care Leave.

### **How Leave May be Taken**

FMLA leave may be taken for 12 (or fewer) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks.

Intermittent leave may be taken when medically necessary for the employee's serious health condition or to care for a seriously ill family member. Intermittent leave must be documented in the medical certification form as medically necessary.

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

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

Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the City's approval.

### **Procedure for Requesting Leave and Notice**

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to Human Resources.

When the need for the leave is foreseeable, the employee must give verbal or written notice to their supervisor at least thirty (30) days prior to the date on which leave is to begin.

If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures. If an employee fails to give 30 days' notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until 30 days after the employee provides notice

### **Certifications and Documentation Requirements**

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

The City may require an employee obtain a second opinion from a provider which the City selects. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor, who is chosen jointly by the employer and employee. This third opinion will be considered final. An employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

The City may request regular status updates from the employee.

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

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

### **Recertification and Annual Medical Certification**

Recertification of the need for leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification and second and third opinions.

### **Reinstatement**

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment.

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

### **Effect on Benefits**

An employee granted leave under this policy will continue to be covered under the City's group health plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. All paid benefits run concurrently with unpaid FMLA benefits. If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. If paid leave is being used during an FMLA leave, the employee's share of group health plan premiums must be paid by the method normally used during paid leave (usually payroll deduction). An employee on unpaid FMLA leave must make arrangements to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.

### **Failure to Return to Work after FMLA**

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

If an employee does not return to work following 12 weeks of FMLA leave, the employee may be subject to COBRA continuation.

If the employee fails to pay the City a portion of the premiums for which he or she is responsible during the FMLA leave and the employee fails to return to work, coverage may end. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA.

If the employee does not return from the FMLA leave and coverage ended sometime during the FMLA leave due to lack of payment, there is no COBRA election available. For COBRA to apply, the employee must have been covered on the day before the qualifying event. In this situation, the qualifying event would occur at the time the employee did not return from the leave.

### **Activities Prohibited During FMLA**

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

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

### **Seniority**

Unless required by a contract provision, seniority does not accrue during any period of unpaid FMLA except as allowed when the leave is covered by worker's compensation. However, seniority accrued prior to commencement of FMLA leave will not be lost.

### **Use of Accrued Paid Leave or Compensatory Time During Family and Medical Leave**

Prior to taking unpaid FMLA leave employees must use all accrued sick leave, vacation leave and compensatory time prior to taking an unpaid leave unless their medical condition/injury is covered by worker's compensation or the absence qualifies under the Parental Leave Policy.

Any paid disability leave benefits or sick leave available to employees for covered reason, such as an employee's serious health condition or a covered family member's serious health condition, including workers' compensation leave, to the extent that it qualifies, will run concurrently with FMLA.

### **Unpaid Medical Leave of Absence**

If an employee is ineligible for FMLA leave or has exhausted available FMLA leave benefits, it is the policy of the City to consider an employee's request for a medical or personal leave of absence. The amount of medical leave available to each employee will be determined on a case-by-case basis depending on the position held, staffing requirements, the reasons for the leave, and the anticipated return-to-work date. Employees who take unpaid medical leave are not guaranteed to return to the same position held prior to taking leave.

Employees seeking a medical leave of absence will be required to present medical documentation to support the need for the leave, ongoing documentation to support the need for continued leave, and documentation to support a return to work.

During Unpaid Medical Leave, employees will be expected to keep in regular contact with Human Resources.

Employees on an Unpaid Medical Leave of Absence may be subject to COBRA notice and continuation benefits and will be solely responsible for payment of the entire COBRA.

Failure to keep in touch with the City during leave, failure to advise the City of availability to return to work, or failure to return to work following leave will be considered a voluntary resignation of your employment.

### **FMLA – Qualified Exigency and Military Caregiver Leave**

**Qualified Exigency:** Eligible employees (described above) whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: 1) short-notice deployment; 2) military events and activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; 8) parental care; or 9) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

**Military Caregiver Leave:** An employee eligible for FMLA leave (described above) who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or otherwise is on outpatient status or on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, or members on the permanent disability retired list.

### **Definitions**

- A **“son or daughter of a covered servicemember”** means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A **“parent of a covered servicemember”** means a covered servicemember's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- The **“next of kin of a covered servicemember”** is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin



and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

- **“Covered active duty”** means:
  - “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
  - “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.
- **“Covered servicemember”** means:
  - An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
  - A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **“Serious injury or illness”** means:
  - In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

### **Amount of Leave – Qualified Exigency**

An eligible employee can take up to 12 weeks of leave for a qualified exigency.

### **Amount of Leave – Military Caregiver**

An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

Leave taken for any FMLA reason counts towards the 26-week entitlement. If an employee does not take all 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127(e)(1) (2017).

#### **Certification of Qualifying Exigency for Military Family Leave**

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

#### **Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave**

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.

### **11.22 Reasonable Unpaid Work Time for Nursing Mothers**

Nursing mothers are provided reasonable unpaid break time to express milk for nursing her child for one year after the child’s birth. The City will provide a room (other than a bathroom) as close as possible to the employee’s work area, that is shielded from view and free from intrusion from co-workers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

## **SECTION 12: WORKPLACE MODIFICATIONS**

### **12.1 Reasonable Accommodation for Disability**

The City is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants, and employees face barriers to employment without the accommodation process. It is the policy of the City to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

#### **Definitions**

##### ***Disability***

For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

##### ***Reasonable Accommodation***

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodations apply to three aspects of employment:

- To assure equal opportunity in the employment process;
- To enable a qualified individual with a disability to perform the essential functions of a job; and
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.

##### ***Undue hardship***

An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would

fundamentally alter the nature or operation of the City.

## **12.2 Procedures**

### **Procedure for Current Employees and Employees Seeking Promotion**

- The City will inform all employees that this accommodation policy can be made available in accessible formats.
- The employee shall inform the City Manager of the need for an accommodation.
- The City Manager may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
- When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
  1. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  2. Determine the precise job-related limitation.
  3. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
  4. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the City is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
  5. The City Manager or designee will work with the employee to obtain technical assistance, as needed.
  6. The City Manager or designee will provide a decision to the employee within a reasonable amount of time.
  7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the City, the employee and the City Manager or his or her designee(s) shall work together to determine whether reassignment may be an appropriate accommodation.

### **Procedure for Job Applicants**

- The job applicant shall inform the City Manager or designee of the need for an accommodation and they will discuss the needed accommodation and possible alternatives with the applicant.
- The City Manager or designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

### **Procedure for Determining Undue Hardship**

- The employee will meet with the City Manager or designee to discuss the requested accommodation.
- The City Manager or designee will review undue hardships by considering the following:
  1. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
  2. The impact of the accommodation on the nature or operation of the City.
  3. The City Manager or designee will provide a decision to the employee.

### **Appeals**

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may initiate a grievance under the grievance procedure in these policies. If the individual believes the decision is based on discriminatory reasons, then they may address their concerns internally through the City's internal workplace issues resolution policy in these policies.

### **Supported Work**

The City will review vacant positions and assess the current workload and needs of the City to determine if job tasks might be performed by a supported employment worker(s).

## **12.3 Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy**

The City will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth:

- More frequent restroom, food, and water breaks;
- Seating;
- Limits on lifting over 20 pounds and/or temporary transfer to a less strenuous or

hazardous position, should one be available.

Unless such accommodations impose an undue hardship on the City, the City will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

## **12.4 Reasonable Accommodation for Religion**

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business.

An employee whose religious beliefs or practices conflicts with his/her job, work schedule, or with the City's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to his/her Department Director. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

The Department Director will evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available which is reasonable and which would not create an undue hardship on the City's business. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the Director may confer with the City Manager or his or her designee(s).

The Department Director and employee will meet to discuss the request and decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he/she may appeal following the City's general grievance policy and procedure.

## **12.5 Short-Term Modified Duty Assignment**

This policy is to establish guidelines for temporary assignment of modified duties to employees who are unable or limited in performing their essential functions due to a temporary medical condition. A modified assignment is evaluated by the City Manager or designee on a case-by-case basis. This policy does not guarantee any modifications to an assignment.

### **Purpose**

Such assignments are for temporary medical conditions; assignment of it is at the discretion of the City Manager or designee. The City Manager or designee reserves the right to determine when and if modified duties will be assigned.

### **Procedure**

When an employee is unable or limited in performing their essential functions on a temporary basis due to a medical condition, he/she will notify the supervisor in writing as to the nature and extent of the medical condition, the reason why he or she is unable to or is limited in performing their essential functions, and a request for a modified assignment. This notice **must** be accompanied by a qualified medical provider's written document containing a diagnosis, limitations, current treatment, any work restrictions related to the medical condition, and the expected time frame regarding return to work with no restrictions and meeting all essential requirements and functions of the City's job description. Upon receipt of the written request, the supervisor must forward a copy of the written document to the City Manager or his or her designee(s).

The City may require a medical examination conducted by a qualified medical provider selected by the City to verify the diagnosis and limitations, current treatment, expected length of the temporary medical condition, and work restrictions. It is at the discretion of the City Manager or his or her designee(s) whether or not to assign modified duties to the employee. Although this policy is handled on a case-by-case basis, such assignments will be short-term and not generally be approved beyond six months.

If the City offers a modified assignment to an employee who is on leave related to a condition for which the employee is receiving workers' compensation benefits, the employee may be subject to penalties if he or she refuses such work.

### **Review**

The circumstances of each employee assigned to perform modified duties will be reviewed regularly, which may include a request to provide updated medical information related to the condition and limitations. Any modified work assignment may be modified or discontinued at any time.

### ***Non Full-Time Employees***

(e.g., seasonal, temporary, paid on-call)

A request for restricted duty is reviewed on the expectation that the work restriction will last for 3 working days or fewer, and that the employee will be able to return to full performance of their regular duties and responsibilities. An extension may be granted up to a total of 7 working days if restricted duty is available and consistent with the standards and procedures stated in this policy, position description, and as recommended by the Department Director and approved by the City Manager. If the employee is unable to return to full performance of regular duties and responsibilities after 3 working days (or 7 working days if an extension is granted by the City Manager), the employee must provide a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. Periodic reports from a medical provider may be required.

## **SECTION 13: RESPECTFUL WORKPLACE POLICY**

The intent of this policy is to provide general guidelines about conduct that is and is not appropriate in the workplace and other City-sponsored social events.

The City acknowledges this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

### **13.1 Applicability**

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City employees, volunteers, members of boards and commissions, and City Councilmembers.

### **13.2 Abusive Customer Behavior**

While the City has a strong commitment to customer service, the City does not expect employees to accept verbal and other abuse from any customer.

An employee may request that a supervisor intervene when a customer is abusive, or the employee may defuse the situation themselves, including professionally ending the contact.

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

### **13.3 Types of Disrespectful Behavior**

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

#### **Violent Behavior**

Includes the use of physical force, harassment, bullying, or intimidation.

#### **Discriminatory Behavior**

Includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, pregnancy, childbirth, or related medical conditions, gender-biased statements, such as stereotypes about women or men, sexual orientation, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance, veteran status, membership on a local human rights commission, reserve or National Guard status, military status, citizenship, or any other basis protected by law, except where there is a bona fide occupational qualification.



### **Offensive Behavior**

May include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

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

### **Sexual Harassment**

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

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

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

Examples of inappropriate behaviors that are unacceptable and therefore prohibited, even if not unlawful in and of themselves include: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures 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 the unwanted, unwelcome or repeated action of an individual against another individual, using sexual overtones.

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

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

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

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:

1. A supervisor;
2. City Manager;
3. Mayor or City Councilmember.

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

Communicate to the harasser that the conduct is unwelcome. Professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions, and request the person to stop the

behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

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

To reiterate, it's important you notify a supervisor, the City Manager, the Mayor, or Councilmember of your concerns. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Manager, the Mayor, or the City Attorney.

The City urges conduct that is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. Management takes these complaints seriously, and has the obligation to provide an environment free of sexual harassment. The City is obligated to prevent and correct unlawful harassment in a manner that does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, a supervisor must report the allegations promptly to the City Manager. If the City Manager is the subject of the complaint, then the supervisor is to report the complaint to the City Attorney. A supervisor must act upon such a report even if requested otherwise by the victim. The City will take action to correct any and all 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.

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

### **13.4 Names and Pronouns**

Every employee will be addressed by a name and by pronouns that correspond to the employee's gender identity. A court-ordered name or gender change is not required.

### **13.5 Access to Gender-Segregated Activities and Areas**

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

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

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

### **13.6 Employee Response to Disrespectful Workplace Behavior**

All employees should feel comfortable calling their supervisor or another manager to request assistance should they not feel comfortable with a situation. If situations involve violent behavior, call the police or ask the individual to leave the area.

If employees see or overhear a violation of this policy, employees should advise a supervisor, the City Manager, or City Attorney promptly.

Employees who believe disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. If there is a concern about the possibility of violence, the individual should use their discretion to call 911, and as soon as feasible, a supervisor.

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

**Step 1(b).** If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or City Manager. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter.

In some situations with an offender from the public, it is preferable to avoid one-on-one interactions. Talk to your supervisor about available options to ensure there are others available to help with transactions with the offender.

**Step 1(c).** The City urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. It is vitally important you notify a supervisor, the City Manager, the Mayor or Councilmember of promptly of your concerns. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it promptly to a supervisor or the City Manager.

**Step 2.** If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Manager or the Mayor.

### **13.7 Employer Response to Allegations of Disrespectful Workplace Behavior**

Employees who have a complaint of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations promptly to the Department Director and City Manager, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

#### **Step 1(a)**

If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of their actions and requiring the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

#### **Step 1(b)**

Supervisors, when talking with the reporting employee will be encouraged to ask him or her what he or she wants to see happen next. When an employee comes forward with a disrespectful workplace complaint, it is important to note the City cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical, and related information will only be shared on a need-to-know basis and in accordance with the Minnesota Data Practices Act.

#### **Step 2**

If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of their own choosing present during the interview. Typically, the investigator will obtain the following description of the incident, including date, time and place:

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

### **Step 3**

The supervisor must notify the City Manager about the allegations (assuming the allegations do not involve the City Manager).

### **Step 4**

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

### **Step 5**

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

### **Step 6**

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

## **13.8 Special Reporting Requirements**

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Manager who will determine how to proceed in addressing the complaint as well as appropriate discipline.

If the City Manager is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

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

Pending completion of the investigation, the City Manager may at their discretion take appropriate action to protect the alleged victim, other employees, or citizens.

If an elected or appointed City official (e.g., Councilmember or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

### **13.9 Confidentiality**

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

### **13.10 Retaliation**

The City of Waseca does not tolerate retaliation or intimidation directed toward anyone who makes a complaint of employment discrimination, who serves as a witness or participates in an investigation, or who is exercising their rights, including when requesting religious or disability accommodation. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal, or harassment. While each situation is very fact dependent, generally speaking retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations, or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

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

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

- Immediate supervisor;
- City Manager;
- Mayor or City Councilmember

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

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

### **13.11 Possession and Use of Dangerous Weapons**

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

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

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.



## **SECTION 14: SEPARATION FROM SERVICE**

### **14.1 Resignation**

Employees wishing to leave City employment in good standing must provide a written resignation notice to their supervisor at least 14 calendar days in advance. Exempt and supervisory employees must give 30 calendar days' notice. The written resignation must state the effective date of the employee's resignation. The Department Director and City Manager may waive the notice requirement if it is determined to be in the best interest of the City. An employee's effective date of resignation cannot be changed, unless authorized by the City Manager.

Unauthorized absences from work for a period of 3 consecutive work days may be considered as resignation without proper notice.

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

### **14.2 Retirement**

Employees wishing to retire must provide a written notice to their supervisor at least 60 calendar days before retirement. The Department Director and City Manager may waive the notice requirement if it is determined to be in the best interest of the City.

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

### **14.3 Vacation and Compensatory Time**

Employees who leave the employ of the City in good standing by retirement or resignation will receive pay for 100% of accumulated, unused accrued vacation. All employees who leave employment with the City will receive 100% of accumulated, unused compensatory time.

### **14.4 Severance Pay**

Employees retiring and leaving employment in good standing after reaching the minimum age established by the Public Employee Retirement Act shall receive 42 percent of their accumulated sick leave as severance pay. Severance pay must be remitted by the City to the Minnesota State Retirement System to be deposited in a Post-Retirement Health Care Savings Plan for the employee as authorized and governed by Minnesota Statutes Section 352.98. The employee does not have the option of receiving these funds in cash or having them applied for any other purpose. No employer contribution shall be made to the Plan, and the City shall have no responsibility or liability for management or disbursement of any funds remitted to the Plan.

In the event of death or permanent disability, employees or their legal survivors shall receive this severance pay.

#### **14.5 Layoffs**

The City Manager will make decisions about layoffs based on the City's needs and on the performance, knowledge, skills, and abilities of employees first, and seniority will be used as a secondary consideration.

## **SECTION 15: DISCIPLINE**

The City attempts to prevent the necessity for discipline by orienting employees to City rules and regulations and by working with the employee in areas of job performance. Employees and supervisors should review job expectations and performance on a regular basis.

Supervisors and Department Directors are responsible for maintaining compliance with City standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Waseca. City employees are subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules, and standards of conduct, and other applicable City policies.

Several offenses committed by an employee need not be treated as separate counts. One disciplinary action, perhaps more severe than would be administered for only one offense, may be initiated. Although one disciplinary action may be imposed for several offenses, each offense will be discussed with the employee and documented for the employee's personnel file.

Discipline is administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the City's Personnel policies. The supervisor and/or the City Manager investigate any allegations on which disciplinary action might be based before any disciplinary action is taken.

### **15.1 No Contract Language Established**

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

### **15.2 Process**

The City may elect to use progressive discipline with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any City employee has a contractual right or guarantee (also known as a property right) to the job he/she performs.

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

The following are types of disciplinary actions:

- Oral Reprimand
- Written Reprimand

- Suspension With or Without Pay
- Demotion and/or Transfer
- Salary Change
- Discharge

## **SECTION 16: GRIEVANCE PROCEDURE**

### **16.1 Procedure**

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

#### **Step 1**

An employee with a grievance should speak with their supervisor about their concerns within 10 calendar days of the alleged violation or dispute. When any employee grievance comes to the attention of a supervisory employee, the supervisor will discuss all relevant circumstances with the employee, consider and examine the causes of the grievance, consult with the Department Director, and attempt to resolve it to the extent of the supervisor's authority.

#### **Step 2**

If the grievance is not resolved in Step 1, the employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the next higher administrative level (up to and including the City Manager) within 10 calendar days after the discussion with the supervisor. The grievance recipient will respond to the employee in writing within 10 calendar days of receiving the complaint.

#### **Step 3**

If the grievance has not been settled in accordance with Step 2, it must be presented in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the City Manager within 10 calendar days after the response in Step 2 was due. The City Manager or his/her designee will respond to the employee in writing within 30 calendar days. The decision of the City Manager is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

### **16.2 Hearing**

Employees have a right to a hearing in cases of suspensions of 5 or more days, terminations, or demotions, upon written request of the employee within 5 business days of the date of the request, unless the employee and the City mutually agree to another date. Removal of veterans may be made only for incompetence or misconduct shown after a hearing with due notice (M.S. 197.46).

### **16.3 Waiver**

If a grievance is not presented within the time limits set forth above, it will be considered “waived.” If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the City’s last answer. If the City does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the City and the employee without prejudice to either party.

The following actions are not grievable:

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

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

#### **16.4 Sexual Harassment**

If the grievance relates to sexual harassment, this procedure does not apply. The procedure set out in the Sexual Harassment policy take precedence.

## **SECTION 17: EMPLOYEE EDUCATION AND TRAINING**

The City promotes staff development as an essential, ongoing function needed to maintain and improve cost-effective quality service to residents. The purposes for staff development are to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance and to provide employees with an opportunity for job enrichment and mobility.

The City will pay for the costs of an employee's participation in training and attendance at professional conferences, provided that attendance is approved in advance under the following criteria and procedures.

### **17.1 Job-Related Training and Conferences**

The subject matter of the training session or conference must be directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements, and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related.

The supervisor and the City Manager are responsible for determining job-relatedness and approving or disapproving training and conference attendance. Attendance at professional meetings requires the approval of the supervisor and Department Director. Advance supervisor approval is required to ensure adequate department coverage.

### **17.2 Procedure for Participation in Training and Conferences**

The request for participation in a training session or conference must be submitted in writing to the employee's supervisor. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the City.

Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to Finance for prompt payment. No cash advances are provided for training or travel expenses.

### **17.3 Compensation for Travel and Training Time**

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

Travel and other related training expenses are reimbursed subject to the employee providing necessary receipts and appropriate documentation.

## **17.4 Memberships and Dues**

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

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

## **17.5 Travel and Meal Allowance**

If employees are required to travel outside of the area in performance of their duties as a City employee, they receive reimbursement of expenses for airfare, meals, lodging and necessary expenses incurred. However, the City does not reimburse employees for meals connected with training or meetings within City limits, unless the training or meeting is held as a breakfast, lunch, or dinner meeting.

All receipts submitted for reimbursement must be itemized.

Employees who find it necessary to use their private automobiles for City travel and who do not receive a car allowance are reimbursed at the prevailing mileage rate as established by the City Council, not to exceed the allowable IRS rate. Employees need pre-approval for mileage reimbursement if they choose to use their private vehicle rather than an available City vehicle.

### **Meals**

Reasonable expenses for meals, including sales tax and gratuity, are reimbursed according to this policy. Gratuity reimbursement is limited to 15%. No reimbursement is made for alcoholic beverages. Generally, meal expenses should not exceed \$13 for breakfast, \$14 for lunch, and \$23 for dinner. A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending banquets, training sessions, or meetings of professional organizations. Unauthorized amounts that are more than the amounts stated must be repaid to the employer or treated as a taxable benefit.

### **Lodging**

Lodging expenses include actual reasonable costs of lodging while away on approved travel or training. The amount of reimbursement for an individual attendee of a conference or meeting will normally be the least expensive single room rate available at the location of the conference, or the actual cost incurred, whichever is less.



If two representatives of the same gender are attending the same approved event and choose to share lodging, the maximum reimbursement expense will normally be the lowest two-bed, double-room rate at the conference site or the actual expense incurred, whichever is less (one room for two attendees).

Lodging reservations must be made using a City credit card.

### **Airline Travel**

The City Manager or designee must approve all requests for air travel.

Whenever public funds are used to pay for airline travel by an elected official or City employee, all incentives issued by any airline must accrue to the benefit of the City. Examples include frequent flyer vouchers, fare credit, free tickets, or reduced fare. In the event that the issuing airline will not honor a transfer of an incentive, the individual official or employee must report the receipt of the incentive to the Finance Department within 90 days of receipt.

This policy applies to all business-related airline travel, regardless of where or how the airline tickets are purchased.

Airline reservations must be made using a City credit card.

## **SECTION 18: OUTSIDE EMPLOYMENT**

The potential for conflicts of interest is lessened when individuals employed by the City of Waseca regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the City Manager.

Any City employee accepting employment in an outside position that is determined by the City Manager to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-City employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with City employment. The following is to be considered when determining if outside employment is acceptable:

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

City employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services, or any other operational aspect of the City.

## **SECTION 19: COMMUNICATIONS, PRIVACY, AND SECURITY**

### **19.1 Data Practices**

All data collected, received, or maintained by the City, including data collected, received, or maintained by City employees are governed by the Minnesota Government Data Practices Act (“MGDPA”). All employees must exercise extreme care to maintain data in accordance with the provisions of that law. Employees **shall never** release any private, nonpublic, or confidential data to any non- City employee (including, but not limited to, employees’ families, friends, and spouse) or to any City employee not officially concerned with the information.

If an employee is uncertain whether data is public or nonpublic, private or whether the data can be released, accessed or discussed, the employee **must** consult with their supervisor or the City Manager and the applicable policies and provisions of the MGDPA.

An employee found to have violated the Data Practices Act or the provisions of this section may be subject to disciplinary action, up to and including immediate termination.

### **19.2 Personnel File**

Human Resources will maintain a personnel file on each employee. These files are maintained in accordance with the Minnesota Government Data Practices Act and other laws related to the collection and retention of information. Personnel files are generally available for the employee’s review during the City Manager’s regular office hours. The City will release copies of records in the personnel file only in accordance with the Minnesota Government Data Practices Act.

### **19.3 Communications**

#### **Official Communications**

All City employees have a responsibility to help communicate accurate and timely information to the public about City business in a professional manner. Requests for private data or information outside of the scope of an individual’s job duties should be routed to the appropriate department or to the data practices authority. Any employee who identifies a mistake in a communication should bring the error to the City Manager or other appropriate staff. Regardless of whether the communication is in the employee’s official City role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the City Manager. No City employee is authorized to speak on behalf of the City without prior authorization from the City Manager or his or her designee. Media requests include anything intended to be published or viewable to others in

some form such as television, radio, newspapers, newsletters, and web sites. When responding to media requests, employee should follow these steps:

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

All news releases concerning City personnel will be the responsibility of the City Manager. When/if the City Council authorizes a staff person to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the City. Account names on social media sites must be clearly connected to the City and approved by the City Council.
- All information must be respectful, professional and truthful. Corrections must be issued when needed.
- Personal opinions generally don’t belong in official City statements. One exception is communications related to promoting a City service. For example, if an employee posted on the City’s Facebook page, “My family visited Hill Park this weekend and really enjoyed the new band shelter.” Employees who have been approved to use social media sites on behalf of the City should seek assistance from the City Manager on this topic.
- Employees need to notify and receive approval from the City Council if they will be using their personal technology (cell phones, home computer, cameras, etc.) for City business. Employees should be aware that the data transmitted or stored may be subject to the Data Practices Act.

### **Personal Communications**

It is important for City employee to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business. The following guidelines apply to

personal communications including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements.

- Remember that what you write is public, and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper.
- The City expects its employees to be truthful, courteous and respectful towards citizens, customers and other persons associated with the City. Do not engage in name-calling or personal attacks.
- If you publish something related to City business, identify yourself and use a disclaimer such as, "I am an employee of the City. However, these are my own opinions and do not represent those of the City."
- City resources, working time, or official City positions cannot be used for personal profit or business interest, or to participate in personal political activity. For example, a fiscal clerk could not use the City's logo, email or working time to promote his/her side business as an accountant.
- Personal social media account name or email names should not be tied to the City.

## **19.4 Monitoring and Inspection**

There is no general or specific expectation of privacy in the workplace, either on the premises of the city or while on duty. In general, employees should assume that what they do while on duty or on the City premises is not private.

In public spaces and where the City assigns offices, vehicles, cubicles, desks, file cabinets, drawers, lockers, or other work spaces and storage areas to an employee, those public spaces, work spaces and storage areas continue at all times to belong to the City and may be monitored and inspected at any time without the consent or knowledge of the employee in a public space or to whom the work spaces and storage areas may be assigned. Monitoring of these spaces and areas may include video or electronic surveillance. The contents of such surveillance is intended to and may be used for, among other things, determining whether a workplace standard has been violated and in disciplinary proceedings and may be disclosed to appropriate individuals and entities involved in making such a determination and disciplinary proceedings.

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

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

The City reserves the right to conduct inspections to monitor compliance with rules concerning safety of employees, security of the city and individual property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" includes illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. "Control" means knowing where a particular item is, having placed an item where it is currently located, of having any influence over its continued placement. In addition to the City premises, the City may search employees, their work areas, lockers, personal vehicles if driven or parked on City property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, the City is by no means accusing anyone of theft, some other crime, or any other variety of improper conduct.

All employees of the city are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis or based upon reasonable suspicion. "Reasonable suspicion" means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item as defined above. Any search under this policy will be done in a manner protecting employees' privacy, confidentiality, and personal dignity to the greatest extent possible. The City will respond severely to any unauthorized release of information concerning individual employees.

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search will face disciplinary action, up to and possibly including immediate termination of employment.

## **SECTION 20: ACCEPTABLE USE POLICY FOR TELEPHONE, COMPUTER, AND NETWORK SYSTEMS**

Employees are required to check and respond to their e-mail as well as change/update their telephone voice-mail message and respond to such messages, as applicable and necessary to carry out their duties as City employees in a prompt and appropriate manner, including providing notice of vacation and other leaves.

### **20.1 Use of Telephone**

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

#### **General Policy**

City-issued cellular telephones are City equipment and intended for the use of City employees in the conduct of their work for the City. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use.

Use of public resources by City employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the approval of the supervisor.

The City reserves the right to inspect any data, emails, social media content, files, settings or any other aspect or access made by a City-owned cellular telephone and will do so on an as needed basis as determined by the City Manager.

Employees must care for the equipment in a responsible manner and take appropriate precautions to prevent theft, damage and vandalism. In the event a City-owned cell phone is lost or stolen, the employee is responsible for reporting it to their supervisor as soon as possible.

The City recognizes that some personal use of City-owned cellular telephones has and will occur. Some controls are necessary, however, to protect the City's equipment and to prevent abuse of this privilege.

- Only City employees may use City-owned equipment. Family members or friends of employees are not allowed to use City equipment or technology resources.
- Personal use must take place during non-work hours (breaks, lunch hour, before or

- after work). Personal use should never preempt work use.
- Reasonable use of City cellular telephones for personal communications is allowable, provided it does not interfere with an employee's normal work and is consistent with all provisions in this policy.
- If an employee wants to use or connect their own peripheral tools or equipment to City-owned cellular telephones (such as digital cameras, PDAs, disks, cell phones, mp3 players or flash drives), they must have prior approval from their supervisor and must follow provided directions for protecting the City's equipment.
- The City may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.
- Use of City equipment or technology for personal business interests, for-profit ventures, political activities or other uses deemed by the City Manager to be inconsistent with City activities or otherwise impermissible under other City policies is not allowed. If there is any question about whether a use is appropriate, it should be forwarded to the City Manager for a determination.

In cases where the City does not regard accounting for personal calls to be unreasonable or administratively impractical due to the minimal cost involved, personal calls made by employees on a City-provided cellular phone must be paid for by the employee through reimbursement to the City based on actual cost listed on the City's phone bill.

### **Personal Calls**

During working time, employees are expected to keep the number and length of personal calls at a minimum.

### **Long Distance Personal Calls**

Any personal long-distance calls placed by an employee must be reported to the City Manager. The City must be reimbursed by the employee for the cost of any long-distance personal calls.

### **Cellular Telephones**

Cellular telephones may be used for conducting City business at locations or in situations where a regular telephone is not available. If a regular telephone is accessible, it should be used rather than the cellular telephone.

### **Cellular Phone Use**

The City has determined that certain employees are required to be accessible by cellular telephone at all times. Department Directors have the option of providing a City-funded cellular telephone to certain employees or alternatively, may opt to provide a monthly cash stipend to partially defer the cost of an employee's personal cell phone used for City-related activities. This policy outlines the specific



requirements and restrictions related to City-owned cellular telephones and establishes eligibility criteria for employees who may receive a monthly in-lieu stipend.

**Eligible Employees** As determined by Department Directors, certain City employees may be required to be accessible at all times due to the nature of their position, job function, or duties. To facilitate this accessibility, Department Directors have the option to either issue these employees a City-owned cellular telephone or provide the employee with a monthly stipend to assist in offsetting the cost of using their personal cellular telephones to conduct City business activities.

**Issuance of City-Owned Mobile Telephones** Under certain circumstances, it may be necessary for certain City employees to be issued a City-owned cellular telephone. These circumstances may be due to an anticipated high volume of business-related calls at all hours of the day to conduct City business at the discretion of the Department Director, due to the transient nature of some functions, or for safety reasons. Eligible employees may include certain Police Officers, Department Directors, Supervisors, Public Works and Utilities employees, or other employees who may need to respond in emergency situations or who may use cellular telephones on a constant basis during the course of a workday and/or during off duty hours, as determined by their Department Director.

Department Directors will determine which of their employees should be issued a City-owned cellular telephone based on the amount of expected usage or due to other job- or cost-related factors.

Cellular telephones are intended for the use of employees in the conduct of their work for the City. Department Directors are responsible for the cellular telephones assigned to their employees, and all employees will exercise discretion in their use. Nothing in this policy limits Department Director discretion to allow reasonable and prudent personal use of such telephones or equipment provided that:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained by the employee and, there is no additional cost to the City.
- No outside employment or entity (profit or non-profit) is served.

A Department Director may authorize an employee to use his/her own personal phone for City business and be reimbursed by the City for those calls. An employee will not be reimbursed for business-related calls without prior authorization from his/her supervisor.

Department Directors may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

Use of public resources by City employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action that may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the Department Director.

Personal calls will be made or received only under brief circumstances. Such calls must not interfere with working operations and are to be completed as quickly as possible.

Employees are responsible to report any damaged or misplaced cellular equipment to their Department Director within one business day of the damage or loss. A replacement phone will be issued as soon as possible. Employees may be responsible to pay for the replacement of damaged or lost equipment if it is determined by the Department Director that the loss or damage was due to the employee's negligence. Normal wear and tear is to be expected and will not be considered negligent use.

Cellular Telephone Stipend Program Department Directors may opt to approve a monthly stipend in lieu of a City-issued cellular phone to those employees who are required to be available at all times, but do not make or receive a high volume of cellular telephone calls. An employee may request a stipend; approval is at the sole discretion of the Department Director. The stipend is to partially offset the cost of an employee's personal cellular telephone used for City business. This stipend will also help reduce the City's direct and indirect cost to provide and maintain City-owned cellular telephones.

Department Directors are responsible for determining whether certain employees are required to be accessible at all times and, if so, whether it would be more cost effective to issue these employees a City-owned cellular telephone. If the Department Director determines that the expected phone usage does not warrant the issuance of a City-owned cellular telephone, the employee may be eligible to receive a monthly in-lieu stipend. This stipend will be paid on a monthly basis. Department Directors retain the right to decide whether an employee should receive a City-issued cellular phone, a stipend, or neither.

In order to qualify to receive this stipend, eligible employees are required to provide their own cellular telephone and maintain an active cellular telephone account for as long as they are required to be accessible. Employees under the stipend program may be asked to show proof of a cellular telephone account, such as a monthly bill, at any time. Employees are also required to provide their personal cellular telephone number to their Department Director, the City Manager, and other City staff as determined by their Department Director. In addition, for those employees who are expected to respond to a 24-hour answering service or the Waseca County Dispatch Center, their active cellular telephone number shall be provided under all circumstances. Any change to an employee's personal cellular telephone number is to be reported to the Department Director within 24 hours of the change. Employees are required to carry the cell phone on their person on-duty and off-duty and are required to immediately answer all calls received in order to conduct City business in an efficient and effective manner as determined by the Department Director.

### **Procedures**

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

### **Responsibility**

The City Manager or designee will have primary responsibility for implementation and coordination of this policy. All supervisors will be responsible for enforcement within their departments.

This policy applies to all City drivers while operating a company vehicle. The purpose of this policy is to promote a safe work environment and increase public safety. The policy provides guidelines to employees for the use of personal mobile communication devices while operating a vehicle.

This policy applies to both incoming and outgoing communication via personal mobile devices.

Use of a personal mobile device while driving is restricted to the vehicle parked in a safe location and during employee breaks. Text messaging or internet usage while driving is prohibited. Failure to follow this policy may result in disciplinary action up to and including termination.

## **20.2 Computer Use Policy**

This policy serves to protect the security and integrity of the City's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources.

The City reserves the right to inspect any data, emails, social media content, files, settings or any other aspect or access made by a city-owned computer or related system and will do so on an as needed basis as determined by the City Manager.

All employees are responsible for reading and following information that may be distributed from time-to-time by Administration and/or our technology consultants about appropriate precautions to protect City systems.

An employee who violates any aspect of this policy may be subject to disciplinary action including revocation of certain system privileges or termination.

### **Personal Use**

The City recognizes that some personal use of City-owned computers and related equipment has and will occur. Some controls are necessary, however, to protect the City's equipment and computer network and to prevent abuse of this privilege.

- Only City employees may use City-owned equipment. Family members or friends of employees are not allowed to use City equipment or technology resources.
- Personal use must take place during non-work hours (breaks, lunch hour, before or after work). Personal use should never preempt work use.  
Reasonable use of City email systems for personal correspondence is allowable, provided it does not interfere with an employee's normal work and is consistent with all provisions in

this policy. Employees should treat this privilege as they would the ability to make personal phone calls during work hours.

- Reasonable use of the City's access to the Internet for personal reasons is allowable, provided it doesn't interfere with normal work and is consistent with all provisions in this policy.
- If an employee wants to use or connect their own peripheral tools or equipment to City-owned systems (such as digital cameras, PDAs, disks, cell phones, mp3 players or flash drives), they must have prior approval from their supervisor and must follow provided directions for protecting the City's computer network.
- Files from appropriate personal use of the City's equipment may be stored on your computer's local hard drive, providing the size of all personal files does not exceed 50MB. At no time may personal files that contain copyright material, such as mp3 files or photos, be stored on City computer systems. The City may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.
- Use of City equipment or technology for personal business interests, for-profit ventures, political activities or other uses deemed by the City Manager to be inconsistent with City activities is not allowed. If there is any question about whether a use is appropriate, it should be forwarded to the City Manager for a determination.

### **Software, Hardware, Games and Screen Savers**

In general, all software and hardware required for an employee to perform his or her job functions will be provided by the agency. Requests for new or different equipment or software should be made to your supervisor, department director or directly to the City Manager.

The following is approved software that may be downloaded by employees without prior approval:

- Microsoft updates as provided in automatic updates to the user.

Unapproved software or downloads (free or purchased), hardware, games, screen savers, toolbars, clipart, music and movie clips, other equipment, software or downloads that have not been specifically approved by the Supervisor or City Council may compromise the integrity of the City's computer system and are prohibited.

The Administration department and/or its representatives, without notice, may remove all unauthorized programs or software, equipment, downloads, or other resources if they could harm systems or technology performance.

If there is any question about whether software or hardware downloads, etc. are appropriate it should be forwarded to the City Manager for a determination.

### **Electronic Mail**

The City provides employees with an email address for work-related use. Some personal use of the City email system by employees is allowed, provided it does not interfere with an employee's normal work and is consistent with all City policies.

The agency allows employees to access personal email accounts via the Internet provided such access occurs during non-work hours and fully complies with this computer use policy.

An employee's personal email (and other personal documents) accessed via a City computer could be considered "public" data and may not be protected by privacy laws. Personal email and computer use may be monitored as directed by the City Manager and without notice to the employee. Employees should not expect privacy in any activity conducted on a City owned computer.

The following policies relate to both business and personal email content sent from a City computer:

- Use common sense and focus primarily on using email for City business. Never transmit an email that you would not want your boss or other employees to read, or that you'd be embarrassed to see in the newspaper.
- Do not open email attachments or links from an unknown sender. Delete junk or "spam" email without opening it if possible, do not respond to unknown senders.
- Do not gossip or include personal information about yourself or others in an email.
- Do not use harassing language, including sexually harassing language or any remarks including insensitive language or derogatory, offensive or insulting comments or jokes in an email.
- All emails must comply with all City policies, including those related to respectful workplace, harassment prevention and workplace violence.
- Do not curse or use swear words in an email.

### **Instant Messaging**

The City does not provide employees with resources or tools to communicate by Instant Messaging (IM) when conducting City business. Employees are not allowed to use IM as a mechanism for personal communication through the City's computer network or when using City equipment, and are not allowed to download or install any IM software on their City computer.

### **Social Media**

The City may have or use social media sites such as Facebook, blogs and microblogs such as Twitter, for official City business. When using social media to support official City business in accordance with job duties, individuals should clearly identify themselves as connected to the City. Personal use of social media by city staff—whether about the city or not, and whether positive or negative—will reflect on the City as a whole. Personal use of social media should not violate any City policies already in existence, such as those on harassment prevention.

### **Storing and Transferring Documents**

Electronic documents, including emails, electronic communication and business-related materials created on an employee's home or personal computer, should be stored on the agency's network in accordance with agency records retention policies and the Minnesota Data Practices Act. The following are some general guidelines that may be useful to consider.

- Electronic communication that is simple correspondence and not an official record or transaction of City business should be deleted as soon as possible and should not be retained by employees for more than three months.
- City related documents that an employee creates on his or her home computer or any other computer system should be copied to the City's network files.
- Documents or electronic communications that may be classified as protected or private information under data practices requirements should be stored separately from other materials.

If you are unsure whether an electronic communication or other document is a government record for purposes of records retention laws, or is considered protected or private under data practices, check with your supervisor, or the City Manager. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact the City Manager.

Transferring data and documents between computer systems requires information to be stored on a CD-ROM, flash or USB drive, or other storage media. These items can also be used to transmit computer viruses or other items harmful to the city's computer network.

The agency has installed anti-virus software on each computer to protect against these threats by automatically scanning storage media for viruses and similar concerns. The anti-virus software provides automatic updates that employees will be notified of with a pop-up window from the current agency supported Anti-Virus Software. All employees should follow directions for updating anti-virus software as prompted. If you have any questions about how to update your anti-virus software or check your storage media before you use it, check with your supervisor or City Manager.

### **Internet**

The City provides Internet access to employees for work on City business. Employees may use this access for work related matters in a professional manner.

Occasional personal use of the Internet is acceptable within the bounds of all City policies. The following considerations apply to all uses of the Internet whether business related or personal:

- There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.
- Internet use during work hours must be limited to subjects directly related to job duties.
- Personal use of the Internet during non-work hours (breaks, lunch hour, before or after

work) is permitted. However, employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races or religions, or in manners that otherwise violate City policies related to respectful workplace and harassment prevention. This prohibition includes information on social media sites such as Facebook blogs and microblogs such as Twitter. If you are unsure whether a site may include inappropriate information, you should not visit it.

- No software or files may be downloaded from the Internet unless approved in advance by your supervisor or the City Council. This includes but is not limited to free software or downloads, maps, weather information, toolbars, music or photo files, clipart, screensavers and games.
- Employees may not participate in any Internet chat room—an online meeting place to discuss a particular topic, sometimes in semi-privacy—unless the topic area is related to City business.
- The City may monitor any employee's use of the Internet for any purpose without prior notice, as deemed appropriate by the City Council.

### **Passwords and Physical Security of Equipment**

Employees are responsible for maintaining computer passwords and following these guidelines:

- Passwords must be at least eight (8) characters long and include both lower and upper case characters, at least one number and at least one non-alpha-numeric character (e.g., \*,&,% , etc.). An example might be Pol!ci3S.
- Passwords should not be stored in any location on or near the computer.

Use caution if you leave equipment unattended because it is generally small and portable. Do not leave City computer equipment in an unlocked vehicle or unattended at any off-site facility (airport, restaurant, etc.).

### **Remote Access**

Certain employees may be given the ability to access the City's computer systems from remote locations or from home, using either personal equipment or City-owned equipment.

Remote access is limited to staff classified as exempt and who frequently work independently on City business. Non-exempt staff may be given access, but only with the approval of the City Manager.

Employees with remote access privileges will be given specific instructions from the City's technology consultant about how to protect City equipment and information resources. If you have any questions about remote access to the City's network, check with your supervisor or City Manager.

### **Notice of Computer Problems**

Employees are responsible for notifying the Finance Director or designee about computer problems or odd computer behavior. Employees should err on the side of caution when reporting issues because small problems may indicate a more serious network or computer system issue.



## **SECTION 21: DRUG AND ALCOHOL FREE WORKPLACE**

In accordance with federal law, the City of Waseca has adopted the following policy on drugs in the workplace:

Employees are expected and required to report to work in an appropriate mental and physical condition. It is the City's intent and obligation to provide a drug-free, safe, and secure work environment.

The unlawful manufacture, distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The City recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans or employee assistance program, as appropriate.

Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting City business. A report of the conviction must be made within 5 days after the conviction as required by the Drug-Free Workplace Act of 1988.

## **SECTION 22: CITY VEHICLES AND EQUIPMENT**

City vehicles and equipment shall be used only in conjunction with performance of City operations and duties. Employees operating City vehicles and/or equipment must observe all pertinent safety regulations. Failure to do so will result in disciplinary action including possible termination.

People operating City vehicles generally may not provide rides to non-authorized passengers. Employees are prohibited from using City vehicles or other City equipment for personal purposes. The City recognizes that some personal use of City-owned vehicles has and will occur. Be aware that liability coverage does not cover injuries to unauthorized passengers.

### **22.1 Use and Safeguarding of City Property**

No member of the City Council, Commission or Board, Official, or employee may use or permit the use of City-owned vehicles, equipment, tools, machinery, materials, or other property for personal conveniences or profit.

All employees who use City vehicles, equipment, machinery, or property in the course of their duties must assume responsibility for the safeguarding and care of such items. Employees that damage or break City equipment by improper use or willful neglect may be charged for the replacement of the equipment.

### **22.2 Insurance Claims Against the City**

Employees contacted by outside parties regarding action or claims against the City shall not make any comments regarding the claim. Rather, they should refer these claims to the Finance Department. These claims will be processed and forwarded to the City's insurance carrier. No responsibility for damages should be made by City employees, as claims will be determined by an adjustor.

### **22.3 City Driving Policy**

This policy applies to all employees who regularly drive City vehicles. It also applies to employees who drive less frequently but whose ability to drive is essential to their job because their job responsibilities involve responding to emergencies. The City expects all employees who drive as part of their jobs to drive safely and legally while on City business and to maintain a good driving record.

The City examines driving records periodically for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending, or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter. The City determines appropriate action on a case-by-case basis.

For the safety of employees and the public, employees must avoid distractions while driving. Use of electronic devices in vehicles must, at the very minimum, comply with state and federal laws. This includes Minnesota's Hands-Free Cell Phone law.

Emergency Responders must follow their department driving policies and state law.

## **SECTION 23: SAFETY**

The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of Safety policies is the responsibility of each Department Director.

### **23.1 Reporting Accidents, Injuries, and Illnesses**

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken.

In the case of a serious emergency, 911 should be called. If the injury is not of an emergency nature but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment.

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on-the-job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete an Employee Incident Report and any other forms that may be necessary related to an injury or illness on the job. These forms must be submitted to Human Resources as soon as possible. Whenever possible, all of this should be done within 24 hours of the incident.

After any injury requiring medical care, an employee must provide a workability release from the treating medical provider. The report must provide the City with clear guidance as to the work status, including clearly defined work restrictions.

### **23.2 Reporting Accidents Involving City Vehicles**

In case of an accident involving a City vehicle:

- Notify the Police Department immediately.
- Insist that all parties and property concerned remain at the scene of the accident.
- Obtain identifying data from the driver of the other vehicle or property owner (name, address, and insurance company).
- Secure the names and addresses of injured people and any witnesses to the accident.
- Report the accident to the City Manager and Finance Department within 24 hours.

### **23.3 Safety Equipment/Gear**

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

Specific safety equipment may be identified by the City Safety Committee after departmental or project review. Should such equipment needs be identified, the City will purchase the equipment needed by employees.

### **Safety Shoes/Boots**

The City will reimburse 100% of the purchase cost of one pair of safety boots or shoes to employees whose positions require protective footwear. No more than one pair of boots will be provided to any employee during a 12-month period. In the event of damage or destruction that is work related, the City may replace or repair the damaged/destroyed shoes/boots without regard to this limitation. Requests for reimbursement should be submitted to an employee's Department Director with final approval for reimbursement by the Finance Department.

### **Safety Glasses**

The City will reimburse employees up to \$350 for the purchase or repair of prescription or non-prescription OSHA-approved safety glasses. This reimbursement is for up to one pair of glasses per 12-month period per employee. In the event of damage or destruction that is work related, the City may replace or repair the damaged/destroyed safety glasses without regard to this limitation. Requests for reimbursement should be submitted to an employee's Department Director with final approval for reimbursement by the Finance Department.

## **23.4 Unsafe Behavior**

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the City's Personnel Policies, department policies, or creates a potential health or safety issue for the employee or others.