

**NOTICE OF ALBANY
CITY COUNCIL MEETING**

There will be a regular meeting of the city council in and for the city of Albany, Stearns County, Minnesota at 6:30 o'clock in the evening on Wednesday, January 3, 2024, in the council room at 400 Railroad Avenue for the said City.

AGENDA

1. Convene meeting.
2. Pledge of Allegiance
3. Audit Bills
4. Act on the regular council meeting minutes held on December 20th.
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Jeremy Mathiasen, City Engineer – present the following:
 - Resolution 2024-02 approving plans and specifications and ordering advertisement for bids for the 2024 Roadway Surface Improvements.
 - Project updates
7. Reports of Boards and Department Heads
 - Joseph Mergen, Public Works Supervisor
 - Councilor Al Amdahl, Park Board Liaison – present Park Board application received from Dalton Herzog, 160 3rd Street, for a 3-year term ending December 31, 2026.
 - Gary Winkels, Administrator/Clerk – present the following:
 - Resolution 2024-01 approving the delegation of authority for paying claims.
 - 2024 Employee Personnel Policy
 - Recommendation to appoint 2024 Election Judges
8. Mayor Tom Kasner - announce the next regular council meeting date (January 17, 2024) and adjourn.

Gary Winkels
Administrator/Clerk

Pursuant to due call and notice thereof a regular meeting of the Council in and for the City of Albany, Stearns County, Minnesota, was called to order by Mayor Tom Kasner at 6:30 o'clock in the evening on Wednesday, December 20, 2023, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were councilors Keith Heitzman, John R. Harlander, Al Amdahl, and Adam Rushmeyer. Other's present were Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, city engineer with the firm Stantec, Inc., St. Cloud, MN, Police Chief Ozzie Carbajal, Tom Schneider, Interim City Administrator, Gary Winkels, Public Works Department Assistant, Tim Hennagir, Staff Writer with the Star Post, and Bruce Winter, resident.

The council recited the Pledge of Allegiance.

The council took notice of approval of payment of bills. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve/authorize payroll (3935-3950), electronic payments, transfers, and the payment of the following bills: Check Numbers 73171-73200. All voted for the motion and it carried.

Mayor Tom Kasner called for any corrections or additions to the minutes of the regular meeting of the council held on December 6th and hearing none declared them approved.

Open forum/public comments: none.

Mr. Mathiasen appeared before the council to present a revised map of the proposed 2024 Roadway Improvements (mill and overlay) that included the location of streets to be bid on as alternates as requested by the council at the last meeting. Mr. Mathiasen noted the project can be bid on in February 2024 and presented a proposed Professional Services Agreement for engineering services in the amount of \$58,320+/- for the said project. After due discussion, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to approve the Professional Services Agreement for the said project. All voted for the motion and it carried.

Councilor Keith Heitzman, Albany Golf Club Liaison, presented to the council the club's checkbook register. After due discussion, a motion was made by Keith Heitzman and seconded by Al Amdahl to approve electronic payments, transfers, and the payment of the following checks 40632-40642. All voted for the motion and it carried. Mr. Heitzman informed the council that the clubhouse interior demolition is progressing and interior walls have been erected in conjunction with plumbing improvements.

Mr. Schneider informed the council the golf club's refuse enclosure located in the southwest corner of the city parking lot will be rebuilt with either concrete block or wood post frame in the spring of 2024 and paid for by West Central Sanitation, the company who damaged the enclosure in the spring of 2023. Mr. Schneider noted West Central Sanitation was unable to hire a concrete contractor to rebuild the enclosure with concrete block in 2023. Mr. Harlander recommended the new enclosure be built with concrete block as per the original construction and not wood post frame. Mayor Tom Kasner, with the consensus of the council, directed Mr. Harlander to contact a local contractor to install concrete block refuse enclosure similar to the original and forward the cost to West Central Sanitation.

Mr. Mergen informed the council he inspected the 2014 80kw standby diesel generator owned by the school district that will be going out to bids on December 21st located at 300 3rd Avenue. Mr. Mergen noted he found the generator has not been operational for quite some time due to the building being vacant for the past several years. Mr. Mergen noted there are additional expenses to relocate the used generator; whereby it may be wise for the council to consider purchasing a new standby generator for the lift station in the Albany Business and Industrial Park, 389 Huskie Drive. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mergen to present to the council information to purchase a new standby generator at the lift station and NOT to submit a bid for the used generator at 300 3rd Avenue.

Mr. Amdahl updated the council on the Albany Area Community Education activities offered to the public and noted many are well attended.

Mr. Schneider informed the council the 2023 omnibus tax bill included \$210 million in one-time public safety aid that will be distributed by the State of Minnesota to cities on December 26th. Mr. Schneider noted the city of Albany's one-time aid is \$122,613+/- . Mr. Schneider also noted the aid may only be used to "provide public safety". Mr. Schneider informed the council the legislature expected most of the funds to be used by the police and fire departments and questioned how the city would like to disperse the funds. Mr. Harlander informed the council the police department has not had a capital equipment fund for several years due to budget constraints and has no fundraising options. Police Chief Ozzie Carbajal noted his department's proposed new equipment needs are to upgrade weapons, portable radio, squad car, and accessories in the amount of \$50,000+/- . Police Chief Ozzie Carbajal also noted the 2019 Dodge Durango squad would be sold to another nearby department or traded to the Albany Chrysler Center. Mr. Harlander updated the council on the fire department's revenue sources and noted he is appreciative of the volunteer firemen annual fundraising efforts. After due discussion, a motion was made by Keith Heitzman to set aside \$100,000 public safety aid to the police department and \$22,613 to the fire department. The motion died for lack of a second. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to designate \$122,613+/- public safety aid to the police department and authorize the expenditure of \$50,000 for the aforesaid new equipment. Voting for the motion Mayor Tom Kasner, councilor's John R. Harlander, Adam Rushmeyer, and Al Amdahl. Councilor Keith Heitzman voted against and the motion carried. Mr. Schneider informed the council he will open a capital equipment fund for the police department with the remaining funds.

Mr. Schneider also presented to the council the proposed 2023 levy, 2024 Budget, and the amount of property taxes the city proposes to collect to pay for the costs of services the city will provide in the year 2024. Mr. Schneider noted the truth and taxation public hearing was held on December 6th. Mr. Schneider informed the council the proposed budget includes \$42,000 which will be set aside in a new street repair fund. After due discussion and careful consideration, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

RESOLUTION 2023-28
APPROVING THE 2023 TAX LEVY, COLLECTIBLE IN 2024
Total Levy: \$1,524,701
(General Government: \$1,002,756)
(PIR Bonds debt service: \$453,145)
(Tax Abatement: \$86,800)

The motion for the foregoing resolution was seconded by John R. Harlander and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Al Amdahl, John R. Harlander, Adam Rushmeyer, and Keith Heitzman, and none voted against the same whereupon the said resolution declared duly passed and adopted. The full text of the said resolution and 2024 Budget is on file for public inspection during regular office hours at City Hall.

The Council took notice of a resolution to certify the location of the election polling place for the year 2024 as required by Mn State Statute. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION 2023-29
A RESOLUTION TO DESIGNATE THE POLLING PLACE FOR 2024
Albany City Hall
400 Railroad Avenue, Albany, MN 56307

The motion for the foregoing Resolution was seconded by Keith Heitzman and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Al Amdahl, Keith Heitzman, Adam Rushmeyer, and John R. Harlander, and none voted against the same whereupon the said Resolution was declared duly passed and adopted. The full text of the said Resolution is on file for public inspection during regular office hours at City Hall.

Mr. Schneider presented to the council a proposed resolution to decertify Tax Increment Finance District No. 16 as recommended by Jason Murray, the City’s Economic Development Consultant, with the firm of David Drown Associates. Mr. Schneider informed the council the fund balance in TIF District No. 16 at the end of the year is \$8,901; whereby the excess increment should be returned to Stearns County for redistribution to the taxing jurisdictions. Mr. Schneider noted the purpose of the district was to assist a local business in the Albany Business and Industrial Park and the obligations have been paid in full. Mr. Schneider also noted the council is required to complete a Confirmation of Decertified TIF District form and submit it to the Stearns County Auditor by the end of the year. After due discussion and upon the recommendation of Mr. Murray, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2023-30
APPROVING THE DECERTIFICATION OF
TAX INCREMENT FINANCING DISTRICT NO. 16
OF THE CITY OF ALBANY

The motion for the foregoing resolution was seconded by Adam Rushmeyer and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Al Amdahl, Adam Rushmeyer, and Keith Heitzman, and none voted against the same whereupon the said resolution declared duly passed and adopted. The full text of the said resolution is on file for public inspection during regular office hours at City Hall.

Mr. Schneider also presented to the council a proposed resolution to decertify Tax Increment Finance District No. 5, a 25-year Redevelopment District, as recommended by Jason Murray, the City’s Economic Development Consultant, with the firm of David Drown Associates. Mr. Schneider informed the council the fund balance in TIF District No. 5 at the end of the year is \$7,997; whereby the excess increment should be returned to Stearns County for redistribution to

the taxing jurisdictions. Mr. Schneider noted the purpose of the district was to assist in the demolition of a motel formally known as Sand's Motel to construct a new motel at 820 Shamrock Lane; whereby the statutory duration of the district will expire at the end of the year. Mr. Schneider also noted the council is required to complete a Confirmation of Decertified TIF District form and submit it to the Stearns County Auditor by the end of the year. Mayor Tom Kasner, with the consensus of the council, directed Mr. Schneider to sign the said confirmation of decertification form on behalf of the city.

Mr. Schneider presented to the council the proposed 2024 Albany Schedule of Fees and Charges, "Appendix A" beginning January 1, 2024. Mr. Schneider informed the council the only amendments to the fee schedule are to increase the Assessment Search fee from \$15/search to \$30/search and miscellaneous changes to fire department equipment charges due to new equipment being purchased. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to approve the 2024 Albany Schedule of Fees and Charges, "Appendix A". All voted for the motion and it carried. The Albany Schedule of Fees and Charges 2024 is on file for public inspection during regular office hours at City Hall.

The council took notice of a proposed 2024 Agreement between Tri-County Action Program, Inc., and the city of Albany for transportation services in the year 2024. Mr. Schneider informed the council the service is available to all residents each week on Tuesday during the hours of 9:30 a.m. to 1:00 p.m. Mr. Schneider also noted the annual cost to the city is \$850, no increase. After due discussion, a motion was made by Adam Rushmeyer and seconded by Keith Heitzman to authorize Mayor Tom Kasner to execute the said Agreement on behalf of the city. All voted for the motion and it carried.

The Council took notice of a LG230 MN Lawful Gambling application (bingo/raffle/pull tabs) to be held April 13, 2024, submitted by the Albany Lions Club at Shady's Hometown Tavern, 461 Railroad Avenue. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2023-31
APPROVING LG230 MINNESOTA
LAWFUL GAMBLING APPLICATION

The motion for the foregoing resolution was seconded by Adam Rushmeyer and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Adam Rushmeyer, John R. Harlander, Al Amdahl, and Keith Heitzman, and none voted against the same; whereupon the said resolution was declared duly passed and adopted. The full text of the said resolution is on file for public inspection during regular office hours at City Hall.

Mr. Schneider informed the council Molly Thompson, the city Auditor, and Jason Murray, the city financial advisor, recommended the transfer of \$172,000 of unreserved tax increment financing (TIF) funds as per the 2022 City Comprehensive Audit. Mr. Schneider recommended the funds be set aside in a new street repair fund. After due discussion and consideration, and upon the recommendation from the said consultants, a motion was made by Mayor Tom Kasner and seconded by Keith Heitzman to direct Mr. Schneider to transfer \$172,000 of unreserved tax increment funds to a new savings account designated for future street repairs. All voted for the motion and it carried.

Mr. Schneider presented to the council the following Park fund balances:

- North Lake revitalization fund: \$20,000
- Designated North Park maintenance funds: \$29,022
- Undesignated Park fund: \$122,000
- North Park Improvements/TH#238 Ped. \$9,249

Mr. Schneider informed the council the aforesaid fund balances will be provided to the Park Board at their first meeting in 2024 in addition to an update on the improvements that were completed in North Park in 2023.

Mr. Schneider also informed the council Gary Winkels, who was hired as the new Administrator-Clerk-Treasurer, will assume his new position on January 1st. Mr. Schneider noted he will assist Mr. Winkels for the next several months to make sure the transition in his new role as Administrator-Clerk-Treasurer goes smoothly.

Mayor Tom Kasner presented the following proposed 2024 appointments:

Acting Mayor	John R. Harlander
Weed Inspector	Mayor Tom Kasner
Assistant Weed Inspector	Joseph Mergen
Auditor	Schlenner Wenner Co.
City Attorney	Jovanovich, Dege & Athmann, PA
Emergency Management Director	Ozzie Carbajal, Police Chief
Assistant Emergency Management Director	Gary Winkels
Community Education Liaison	Al Amdahl
EDA Board members	John R. Harlander, Mayor Tom Kasner
Equipment Commissioner	Keith Heitzman
Fire Department Liaison	Mayor Tom Kasner
Albany Golf Board Liaison	Adam Rushmeyer
Health Officer	Stearns County Public Health
Labor Commissioners	Keith Heitzman, Mayor Tom Kasner
Official Depositors	Stearns Bank, Magnifi Financial
Official Publication	Star Post
Park Board Liaison	Al Amdahl
Planning Commission Liaison	John R. Harlander
Police Commissioner	John R. Harlander
Street Commissioner	John R. Harlander
Utility Commissioner	Keith Heitzman
Township Liaison	John R. Harlander
Fire Department Relief Association Ex-Officio	Mayor Tom Kasner, Gary Winkels

Mayor Tom Kasner announced the next regular council meeting for 6:30 PM or as soon as thereafter on Wednesday, January 3, 2024, and adjourned the meeting at 7:25 PM.

Tom Schneider
Interim City Administrator

To: Gary Winkels, Tom Schneider, City Staff & Albany City Council
City of Albany

From: Jeremy Mathiasen
St. Cloud Office

File: 193801690

Date: December 28, 2023

Reference: Engineering Update for the 1/3/24 Council Meeting

2023 Capital Improvement Project (Forest Avenue)

Project is paused until work can resume in the spring.

2025 Railroad Avenue / CR 157 Improvement project.

LRIP application has been submitted and the Active Transportation Funding application is being prepared by Stearns County. Construction work is planned for 2025, and APEX is targeting the end of January to have the 95% completed plan set.

2024 Roadway Improvement project

We've included a resolution in your packets that will allow us to move forward with the project advertisement and bidding. A brief review of the project plans and specifications will be provided at the council meeting. A February 1st bid opening is being planned.

If you have any questions on any of the ongoing projects or anything else, please feel free to call or email me at any time.

Happy New Year!

Jeremy Mathiasen

320.266.5232

RESOLUTION 2024-02
RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS
2024 ROADWAY SURFACE IMPROVEMENTS
(SHAMROCK LANE, SAND LAKE ROAD, 13TH STREET, HIGHVIEW DRIVE, AND
SELECTIVE ROADWAYS WITHIN THE HIGHLANDS, STERLING HEIGHTS,
STONEBROOKE, & COUNTRY ESTATES NEIGHBORHOODS)

WHEREAS, Stantec Consulting Services Inc, St. Cloud, MN, the engineer for the City of Albany, Minnesota (the “City”) has prepared the final plans and specifications for the 2024 Roadway Surface Improvements (the “Improvement”).

NOW THEREFORE, BE IT RESOLVED by the City Council, as follows:

1. Such plans and specifications are hereby approved and are placed on file in the office of the Administrator/Clerk-Treasurer.
2. The Administrator/Clerk-Treasurer is hereby directed to publish an advertisement for bids in the official newspaper and in a recognized industry trade journal, on the Improvement to be given in substantially the form set forth on Exhibit A attached hereto.
3. The advertisement shall be published at least once, not less than three weeks before the date set for opening of bids.

Adopted by the City Council this 3rd day of January 2024.

Tom Kasner, Mayor

Gary Winkels, City Administrator

(S E A L)

EXHIBIT A

**NOTICE OF ADVERTISEMENT FOR BIDS
FOR CITY OF ALBANY, MINNESOTA**

Notice is hereby given that the City Council (the "City Council") of the City of Albany, Minnesota (the "City"), will receive electronic bids, until 11:00 a.m., on Thursday, February 1st, 2024, at which time they will be publicly opened and tabulated for consideration by the City Council at a subsequent meeting, for the making of the following improvement under Minnesota Statutes, Section 429:

General nature of improvement:	Bituminous roadway mill and overlay improvements.
Proposal Forms:	All bids shall be made in the form prescribed by the City and shall be accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the order of the City for not less than 5 (five) percent of the amount bid.
Rejection of bids:	The City Council reserves the right to reject all bids.
Plans and Specifications:	Digital copies of the plans and specifications will be available for download and purchase at www.questedn.com and will be available for viewing at City Hall or at the office of Stantec Consulting Services Inc, 3717 23 rd Street South, St. Cloud, MN.

Gary Winkels
City Administrator

Published in the Star Post on January 10th and January 17th, 2024.



Stantec Consulting Services Inc.
3717 23rd Street South, St. Cloud MN 56301-5094

December 28, 2023
File: 193801690

Attention: Mr. Tom Schneider & Mr. Gary Winkels
400 Railroad Avenue
PO Box 370
Albany, MN 56307

Reference: 2024 Rate Schedule

Congratulations again, Gary, on your new role with the City!

In 2023 the City of Albany continued its proactive approach to reconstructing old utilities and making upgrades to the roadway and pedestrian facilities in town. The Forest Avenue project contained ten blocks of utilities, roadways and additional adjacent alleys and sidewalk facilities. New sidewalk was also added along Shamrock Lane this year as the City's pedestrian facilities master plan continues to guide and improve the safety and health of its residents. The City also closed out the 2022 Capital Improvement Project along Midland Avenue and joining streets, and the intersection improvement project at Railroad Avenue and 1st Street intersection.

Moving forward, preliminary work has begun on the next highest priority area of street and utility reconstruction, which includes 9th, 10th, 11th, and 14th Streets, and Midland, Court, and Forest Avenues west of 9th Street. These improvements will be bid and completed in 2025 or later. A surface improvement project is also underway that will see needed pavement improvements to several streets around the City during the 2024 construction season!

As we transition into 2024, we would like to provide you with our proposed rate schedule for our professional services which include: civil and electrical engineering, water resources/environmental, land surveying, GIS, planning, project funding, and construction services.

Our Stantec team is committed to retaining and hiring dedicated and skilled employees that will be an asset to the City of Albany. To accomplish this for the coming year we are requesting a 4% average increase to our 2023 hourly rates. We appreciate your consideration of this proposed rate increase. The individual rates for the Stantec employees conducting the bulk of the work for the City of Albany are shown in the table below.

<u>Albany Team Member</u>	<u>Team Role</u>	<u>2023 Rate</u>	<u>Proposed 2024 Rate</u>
Jeremy Mathiasen, P.E.	City Engineer / Project Manager	\$169	\$176
Sam Butler, EIT	CAD Design, Civil Engineer	\$123	\$127
Jason Nelson, PLS	Land Survey / Right of Way and Easements	\$181	\$188
Kate Nelson	Administrative Assistant	\$87	\$90

Reference: 2024 Rate Schedule

Tim Brawthen	Field Supervisor	\$141	\$147
Paige Schmidt, EIT	Design / Construction Services	\$105	\$109
Steve Jones	Engineer / CAD Design	\$153	\$160
Derek Erickson	GIS / Mapping	\$131	\$136
Louis Sigtermans	Wastewater / Water	\$148	\$154
Matt Meldaus	Senior Survey Crew Chief	\$128	\$133
One Person Survey Crew*	Construction Staking and Survey	\$165	\$173
Two-Person Survey Crew*	Construction Staking and Survey	\$240	\$252

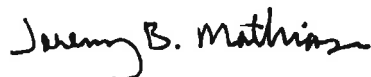
* Survey crew rates include equipment, staking materials, and mileage.

We sincerely appreciate our continued working relationship and were proud to be named your city engineer in your 2024 appointments! If you have any questions regarding the rates listed above or if you have any suggestions on how we can improve our service, please let me know at any point. We value your opinions and your feedback.

We look forward to working with you in a new and increased capacity, Gary. If there is ever anything we can help you with we hope that you don't hesitate to ask. Tom, thank you for all your support over the many years, it has been an absolute pleasure working with you.

Regards,

Stantec Consulting Services Inc.



Jeremy Mathiasen PE
Senior Associate
Phone: 320.266.5232
Jeremy.Mathiasen@stantec.com

Attachment: none



320-845-4244
P. O. Box 370
Albany, Minnesota 56307

DATE: December 29, 2023
TO: Mayor Tom Kasner and Council
FROM: Tom Schneider, Interim City Administrator *tas*
RE: Pay Equity Program

A notice of a Park Board vacancy was published in the Star Post on December 13th. The deadline for interested applicants was 3:00 p.m. on December 27th. The board term is for a period of three-years.

Dalton Herzog, 160 3rd Street, submitted the only application. Mr. Herzog is employed by a local business. He is a current member of the Stearns County Fair Board of Directors and vice-president of the Albany Area Jaycees. He would like to be a member of the Park Board to maintain and improve local parks for the future.

It is recommended that the council consider Mr. Herzog as a new member of the Park Board for a three-year term at the January 3, 2024 council meeting.

**NOTICE
CITY OF ALBANY
PARK BOARD VACANCY**

The City of Albany is accepting applications for appointment on the City's Park Board to fill a vacancy on the Board. The Board term would commence upon City Council appointment and end December 31, 2026. Meetings are held on an as needed basis. Applicants must reside within the corporate city limits and have a minimum age of 21. Interested residents shall submit their application to the City of Albany no later than 3:00 PM on Wednesday, December 27, 2023. For additional information, please contact Tom Schneider, Interim City Administrator, at 845-4244.

Published in the Star Post this 13th day of December 2023.

RESPONSIBILITIES

The Park Board shall report in an advisory capacity to the city council and shall make recommendations for all property and programs relating to parks and public recreation, and maintain, improve, and operate public parks, playgrounds, and parkways.

The Park Board members shall serve staggered three (3) year terms and shall serve until his or her successor is appointed and qualified.

Park Board members are paid \$20/meeting.

The mayor, with the city council's consent, may remove any member for misfeasance, malfeasance, and non-feasance in office, and fill the position as any other vacancy.

**City of Albany, Minnesota
Resolution 2024-01**

**RESOLUTION APPROVING THE DELEGATION OF
AUTHORITY FOR PAYING CLAIMS PRESENTED TO THE CITY OF ALBANY**

WHEREAS, Minnesota State Statute 412.271 Subd. 7 and Subd. 8 authorizes the City to delegate authority to pay certain claims against the City by the City Administrative Official;

WHEREAS, the City Administrator is a City Administrative Official;

WHEREAS, the City of Albany desires to authorize the City Administrator to pay claims not exceeding \$10,000.00 that the City Administrator deems just and correct and valid for the 2024 Calendar Year.

WHEREAS, all checks drawn for payment of claims must be signed by the City Administrator and the Mayor;

WHEREAS, the City Administrator will present to the City Council at the first council meeting after payment of claims a list of the claims paid and an explanation of the payment.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF ALBANY, MINNESOTA:

That the City Administrator of the City of Albany is authorized to pay claims not exceeding \$10,000.00 for the 2024 Calendar Year presented to the City if in the City Administrator's discretion, the claims are just, correct and valid.

I CERTIFY THAT the above resolution was adopted by the City Council of Albany, Stearns County, Minnesota this 3rd day of January 2024.

Tom Kasner, Mayor

ATTEST:

Gary Winkels, City Administrator

SECTION 1 – PURPOSE

The purpose of this personnel policy is to establish uniform and equitable guidelines for the administration, regulation and compensation for all City employees. The policy is intended as a general guide. It is not intended to be all-inclusive or to cover every situation which may arise. The City does not intend this policy to modify or supersede any applicable law, including the Veterans' Preference Act, Minn. Stat. Sections 197.455, 197.46 and 43A.11, as amended. This policy is subject to the City Council's discretion in interpretation, review, and change at any time. This policy supersedes all previous policies and practices and all employees are subject to the new policy terms. This policy is not intended to create a contract between the City of Albany and its employees, or to imply or guarantee any term of employment or benefit at any time. Employment with the City of Albany is at will. Except as otherwise prohibited by law, the City Council has the right to terminate an employee at any time, with or without cause.

SECTION 2 – EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The City of Albany 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 Albany 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, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

SECTION 3 – DEFINITIONS

Authorized Hours – Authorized hours are the number of hours an employee was hired to work. The City has the right to change an employee's actual hours worked during any given pay period depending on workload demands or other factors.

Benefit-Earning Status - Status where employees are eligible for at least a pro-rated portion of City-provided benefits. Employees must work forty (40) hours per week or more on year-round regular basis. (Permanent part-time, part-time, temporary, seasonal and intermittent employees are excluded.)

City - City of Albany

City Administrator - City Clerk/Administrator of the City of Albany

City Council - City Council of the City of Albany

Customary Work Day – the average number of hours worked per day on a regular and consistent basis.

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.

Employee - An individual who has successfully completed all stages of the selection process, including any applicable training period.

Exempt Employee - Employees not covered by the overtime provisions of the federal or state Fair Labor Standards Act, including the Police Chief and City Administrator.

Full-Time Employee - Employees who serve in positions that are normally scheduled for an average of 40 hours per week year-round.

Introductory Period - A specified period of time at the beginning of employment (or the beginning period of a promotion) that is designated as a trial period. The Introductory Period is considered the last part of the selection process. The Introductory Period is used by supervisors for closely observing an employee's work. An employee serving his/her Introductory Period may be disciplined at the sole discretion of the City, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights. Nothing in this policy handbook shall be construed to imply that after completion of the Introductory period, an employee has any vested interest or property right to continued City employment.

Non-Exempt Employee - Employees covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at one and one-half (1.5) times their regular hourly wage for all hours worked over forty (40) in any given work week.

Part-Time or Permanent Part-Time Employee - Employees who serve in positions that are normally scheduled for less than 40 hours per week year-round.

Promotion - Internal hiring involving movement of a current employee from one class to another where the maximum salary of the new position is higher than that of the former position.

Reclassify - Movement of an employee from one class to another class because of significant change or evolution of the position's duties.

Regular Employee - An employee who has successfully completed all stages of the selection process including the Introductory Period.

Seasonal Employee - An employee whose appointment is limited to a specific season of the year. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

Supervisor - An employee who has immediate and direct supervisory responsibility over another employee.

Temporary Appointment - Appointment to a position on a temporary basis (usually of short duration) where no benefit eligibility exists and no credit is given for seniority.

Transfer - Movement of an employee from one job class to another, or one position to another, of equivalent 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.

SECTION 4 – APPLICABILITY

These policies apply to all employees of the City. Except where specifically noted, these policies do not apply to:

1. Elected officials
2. Members of City boards, commissions, and committees
3. Consultants and contractors
4. Volunteers
5. Interns, unless otherwise determined
6. Independent Contractors (City Engineer, City Attorney, etc.)

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 supervisor and approved by the City Administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

All City employees are free to terminate their employment at their will. Similarly, the City has the right to terminate employment at any time, with or without cause. This shall be deemed at-will employment.

SECTION 5 – JOB DUTIES

- A. **JOB DESCRIPTIONS:** The City will maintain records of position titles, compensation by position, job descriptions, and other appropriate information. New positions can be developed as needed but shall be approved by the City Council in the budget process, or as needed, prior to filling the position.
- B. **ASSIGNMENT OF WORK:** Assignment of work duties and scheduling work is the responsibility of the department head subject to the approval of the City Administrator. It is recognized that jobs may change over time to respond to the changing needs of the organization. Job descriptions will be prepared for each job. These descriptions will normally be updated periodically as duties or assignments change. Each job description will strive to include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position.
- C. **CLASSIFICATION OF JOB DUTIES:** The classification of job duties, assignment of job titles, establishment of minimum qualifications, and the maintenance of job

descriptions and related records shall be the responsibility of the City Administrator. Good attendance is an essential requirement of all City positions. Other essential duties will normally be specified in the individual job descriptions.

Whenever a job has changed sufficiently so that it can no longer be described adequately by the existing job description, the City Administrator or designee shall take appropriate action which could involve: reclassifying the job to another existing job class; creating a new job class; updating the job description; restructuring the job to fit an established or proposed class; or other action as deemed appropriate.

SECTION 6 – APPOINTMENTS

- A. **VACANCIES:** Vacant positions will be filled on the basis of a regular or temporary appointment and may be made on a full or part-time basis. The Department Head/Supervisor will recommend to the City Council to fill a vacancy through open recruitment or by promotion, transfer or some other method. The City Council shall decide the appropriate method to fill the vacancy. This determination will be made on a case-by-case basis.

Internal recruitments will be open to any City employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the City.

Applicants for initial hire or promotion must normally submit written application materials setting forth their qualifications and such other information as may be pertinent and required by the City. Unsolicited applications will not be kept on file.

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

- B. **APPOINTMENT AUTHORITY:** All full-time and part-time appointments will be made by the City Council on the basis of merit. Hiring of seasonal and temporary employees may be delegated to the department heads upon approval of the City Council, and these appointments may be terminated by the supervisor at any time.
- C. **PRE-EMPLOYMENT EXAMS:** The City Administrator may determine that a pre-employment medical or psychological examination is necessary to determine fitness to perform the essential duties of any City position. Where such examination is required, the offer of employment is contingent upon successful completion of the examination. 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 class.

The person conducting the examination will normally be provided with a description of the essential duties and responsibilities and other pertinent information on the position to aid in the determination of the ability to perform the job in question.

If the City Administrator determines that pre-employment medical or psychological examinations will be required, they will be required of all candidates who are conditionally offered employment for a given job class. The information obtained during the medical examination will be treated as confidential medical records.

The medical examination will be conducted by a licensed physician designated by the City, and the cost of the examination will be paid by the City. Psychological examinations will be conducted by a licensed psychologist or psychiatrist.

The examiner will notify the City Administrator that a candidate either is or isn't medically able to perform the essential functions of the job. If the employee requires accommodation to perform one or more of the essential functions of the job, the City Administrator will confer with the examiner regarding acceptable accommodations.

The City Administrator will inform the candidates of the results of their examination. If a candidate is rejected for employment based on the results, he/she will be notified of this determination and may request further explanation from the examiner.

- D. **BACKGROUND CHECKS:** All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the City Administrator will determine the level of background check to be conducted based on the position being filled.
- E. **PART-TIME, PART-TIME/SEASONAL, TEMPORARY APPOINTMENTS:** Appointments may be made for a specified period of time or may be open-ended. When open-ended, the department head shall determine the ending date based on the needs of the organization. Appointments will normally be of duration of six (6) months or less. This maximum time period may be extended on an exception basis, subject to the City Administrator's approval. Appointees will not be entitled to additional benefits.

SECTION 7 – INTRODUCTORY PERIOD – FULL TIME CITY EMPLOYEES

- A. The City may require employees, including veterans, to complete an initial Introductory Period as defined under Minn. Stat. § 43A.16 which shall not be less than 30 days of full-time equivalent service nor more than two years of full-time equivalent service. Except for qualified veterans, the City may also require an Introductory Period for transfers, reinstatements, voluntary demotions, and appointments from layoff lists of former employees of a different appointing authority. No contractual relationship is created by the Introductory Period and there is no presumption of continued employment during an Introductory Period. Terminations or demotions may be made at any time during the Introductory Period.
- B. **PURPOSE:** The Introductory Period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the employee to the job, to allow employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance, and to determine whether the new position meets their expectations. The City uses this

period to evaluate capabilities, work habits, and overall performance. Except for qualified veterans, either the City or the employee may end the employment relationship at will at any time during or after the Introductory Period, with or without cause or advance notice.

- C. DURATION: The City Administrator, Public Works Supervisor, Chief of Police and all Police Patrol Officers are subject to an Introductory Period of one (1) year. All other appointments are subject to an Introductory Period of six (6) months.
- D. LEAVE BENEFITS: Employees are entitled to accrue and use PTO leave during the Introductory Period in accordance with Section 8.
- E. HOW COMPLETED: An employee who has completed the Introductory Period will meet with the Council for status review after which the City Council shall either: (a) remove the introductory status, (b) add an additional six (6) months to the employee's Introductory Period, or (c) discharge the employecc.
- F. WAGE INCREASE DURING INTRODUCTORY PERIOD: If the Introductory Period extends through the effective date of wage changes, which is January first of each year, that employee shall not receive the increase in wages. Only after the completion of the Introductory Period may the employee receive an increase in hourly wage.

SECTION 8 - LEAVES OF ABSENCE: Depending upon an employee's situation, more than one form of leave may apply during the same period of time. An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

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

A. PAID TIME OFF (PTO)

- 1. PTO ACCRUAL: Full-time employees shall accrue PTO time each pay period based upon the employee's length of service provided that they have not exceeded the cap on accrual. The cap on accrual is one thousand one hundred and fifty (1150) hours of PTO. Employees who are at the cap shall not accrue additional PTO hours until they have brought their balance below the cap¹. All PTO time shall be available for use in accordance with Paragraph 2 below.

Years of Service	PTO per pay period	Annual PTO
Year 1-2	6.46	167.96
Years 3-4	7.38	191.88
Year 5-7	8.31	216.06
Year 8-9	8.94	232.44

¹ The cap shall be applicable to employees hired on or after January 1, 2023.

Year 10-14	9.53	247.78
Year 15-19	9.86	256.36
Year 20 and beyond	10.15	263.9

2. PTO USE: PTO leave is intended to ~~replace traditional sick leave and vacation leave and~~ provide for an employee's need for paid time off throughout the year for vacation, extended illness (after Earned Sick and Safe Leave is exhausted), and funerals/bereavement leave, ~~doctor's appointments and safety leave as required by Minnesota Statutes.~~ PTO leave must be used in the following manner:

- a) A maximum of 80 PTO hours may be taken at one time except upon approval by the employee's supervisor and/or the City Council.
- b) Any PTO hours up to a maximum of one thousand one hundred fifty (1150) hours will be paid out in cash upon the termination of the employment if the termination is in accordance with this policy and the employee leaves the job in good standing with the City Council. An employee will not be paid out PTO hours if he/she leaves employment before five (5) full years of employment. PTO payout may be placed into a (Post-Retirement Health Care Savings Plan/or VEBA) account or paid out as taxable earnings at the employee's election.
- c) PTO leave may not be used after notice of termination of employment has been given. Exceptions must be approved by the City Administrator.
- d) Inappropriate use of PTO may subject the employee to disciplinary action.
- e) An employee MUST NOT work during hours they designate as PTO hours. An employee may only return to work upon the approval by the department head.
- f) Part-time, part-time-seasonal or temporary employees shall not be entitled to PTO time. Any employee that works less than forty (40) hours per week is a part-time employee.
- g) PTO leave may not be granted until it is earned.
- h) Accrual Rate. For the purpose of determining an employee's PTO 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.
- i) PTO leave is intended to be used only by the employee who accumulated it. However, employees may voluntarily donate PTO leave to another employee who has exhausted PTO leave for treatment of their own serious medical condition or that of an immediate family member.

Commented [SD1]: if PTO is below 1150, employee can use unused sick and safe leave to reach 1150

3. SCHEDULING.

- a) Non-emergency PTO use must be requested in advance. PTO requests should be submitted to the supervisor as far in advance as practical. While every effort will be made to give employees the time off of their preference, time off will be scheduled so as not to cause an interruption in the normal operation of the department and in service to the public. Should a conflict in schedule occur, it will be resolved on the basis of first request and/or historical information regarding department approval of employee requests for PTO (specifically around holidays). I.e. an employee who used PTO the preceding holiday may have to defer to another employee's request for the following holiday.
- b) Emergency and/or unplanned use of PTO requires immediate notification to the supervisor. Notification of absence should be made in accordance with department procedure. If a specific department procedure does not exist, notification should be made on the first day of absence or as soon as possible, but no later than one hour after the normal reporting time.

~~4. MEDICAL CERTIFICATION. Absences for medical reasons of more than three (3) working days may require a physician's statement stating the cause of use. A statement attesting to the employee's ability to return to work and perform the essential functions of that position may also be required before the employee returns to work.~~

~~Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Sick leave may be denied for any employee required to provide a doctor's statement until such 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, or to obtain information related to restrictions or an employee's ability to work.~~

B. EARNED SICK AND SAFE LEAVE.

Earned sick and safe leave (ESSL) is authorized absence from work with pay, granted to qualified full-time, part-time and seasonal employees.

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

1. All employees will accumulate ESSL at a rate of one hour per thirty hours worked.
2. Full time employees may carry over all unused ESSL, provided that their combined PTO and ESSL carry over does not exceed 1150 hours. Part time and seasonal employees may carry over a maximum of 80 hours per year.

3. ESSL may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.

Part time, temporary, and seasonal employees will have the ability to carry their ESSL balance between seasonal hiring if reactivation date is within 12 months of separation date.

Employees can use their ESSL time for the following reasons

- the employee's mental or physical illness, treatment or preventive care;
- a family member's mental or physical illness, treatment or preventive care;
- absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
- closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; or closure of the employees school district in which they reside; and
- when determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease.

Employees may use earned sick and safe time for the following family members:

1. their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;
6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;
10. any of the family members listed in 1 through 9 above of an employee's spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

Pursuant to Minn. Stat. §181.9413, eligible employees may use up to 160 hours of sick and safe leave in any 12-month period for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, grandparent, stepparent, parent-in-law (mother-in-law and father-in-law), and grandchild (includes step-grandchild, biological, adopted, or foster grandchild).

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

1. Receive approval for sick and safe leave by communicating with his/her immediate supervisor at least 30 minutes prior to the time set for beginning work during the normal workday. However, should it be determined by the supervisor or personnel manager that the employee was unable to contact the supervisor during the time allotted, sick and safe leave may be approved. To remain eligible for sick and safe leave, employees are responsible for keeping their supervisors advised of the illness.
2. Keep his/her immediate supervisor informed of the status of the illness/injury or the condition of the ill family member.
3. After 5 business days the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, sick leave for a qualifying purpose. The city will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

For leave due to the employee's illness, after an absence longer than 5 days, a physician's statement may be required on the employee's first day back to work, attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

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

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

The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting sick and safe leave rights, requesting an ESSL absence, or pursuing remedies. Further, the use of ESSL will not be factored into any attendance point system the city may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under ESSL.

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

ESSL cannot be transferred from one employee to another. ESSL has no cash value upon termination. ESSL shall be forfeited upon voluntary or involuntary termination from the City, except that full time employees may combine unused ESSL with PTO to reach the maximum PTO payout allowed under Section 8. A.2.b.

ESSL may not be granted until it is earned, unless determined by the City Administrator. During the probationary period, employees may use accumulated ESSL only at the discretion of the City Administrator or designee. For the purpose of accumulating additional ESSL or PTO, an employee using ESSL is considered to be working.

ESSL may be taken in increments of 1/4 hour or more. After all ESSL is used, PTO leave may be used, to the extent the employee is eligible for such leave. If accumulated PTO leave is used as an extension of ESSL, it shall be used under the same conditions as ESSL.

During an employee's use of ESSL, an employee will continue to receive the city's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

If the employee is receiving workers' compensation benefits, the employee may charge to his/her ESSL balance the difference between 100 percent of the City pay and worker's compensation benefits to the extent that he/she has accrued ESSL benefits.

Any employee who has accumulated more than 30 days of ESSL must use their ESSL in conjunction with FMLA leave until the accumulated ESSL reaches 30 days. The FMLA leave and the ESSL shall run concurrently until the employee's accumulated ESSL is reduced to 30 days.

ESSL will not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the City Administrator.

<u>Years of Service</u>	<u>PTO per pay period</u>	<u>ESSL per pay period</u>	<u>Annual Total paid leave</u>
<u>Year 1-2</u>	<u>3.76</u>	<u>2.7</u>	<u>167.96</u>
<u>Years 3-4</u>	<u>4.68</u>	<u>2.7</u>	<u>191.88</u>
<u>Year 5-7</u>	<u>5.61</u>	<u>2.7</u>	<u>216.06</u>
<u>Year 8-9</u>	<u>6.24</u>	<u>2.7</u>	<u>232.44</u>
<u>Year 10-14</u>	<u>6.83</u>	<u>2.7</u>	<u>247.78</u>
<u>Year 15-19</u>	<u>7.16</u>	<u>2.7</u>	<u>256.36</u>
<u>Year 20 and beyond</u>	<u>7.45</u>	<u>2.7</u>	<u>263.9</u>

SECTION 9 – ACCRUAL DURING LEAVE

Employees using PTO leave shall continue to accrue PTO time at their normal rate. Except as otherwise required by law, PTO does not accrue during an unpaid leave of absence.

SECTION 10 – JURY DUTY AND COURT APPEARANCES

- A. JURY DUTY: In the case of jury duty, an employee shall receive an amount of compensation which will equal the difference between the employee's regular pay and compensation paid for jury duty (not including mileage reimbursement). Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. 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 PTO or compensatory time to make up the difference. Time spent on jury duty will not be counted as time worked in computing overtime. Temporary and seasonal employees can take leave without pay for jury duty subject to department head approval.
- B. COURT APPEARANCES: Employees will be paid their regular wage to testify in court for City-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with City employment, minus mileage reimbursement, must be turned over to the City.

SECTION 11 – HOLIDAYS

- A. This policy provides for ~~ten~~eleven and one-half (1 $\frac{1}{2}$) paid holidays. Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter. If a holiday falls on a Sunday, the following day will be the observed holiday. If a holiday falls on a Saturday, the preceding day will be the observed holiday. The recognized legal holidays are:
 - 1) New Year's Day
 - 2) Martin Luther King's Birthday
 - 3) Presidents' Day
 - 4) Good Friday afternoon (4 hours)
 - 5) Memorial Day
 - 6) Juneteenth
 - ~~6~~7) Independence Day
 - ~~7~~8) Labor Day
 - 8) Columbus Day (may be taken the Friday after Thanksgiving)
 - ~~9~~10) Veterans Day
 - ~~10~~11) Thanksgiving Day
 - ~~11~~12) Christmas Day
- B. Employees not working on an authorized holiday will be paid for eight (8) hours regular wages.
- C. Public Works employees who are on-call on an authorized holiday will be paid their standard rate of pay until they reach their overtime threshold, at which time they will be paid time and a half. Employees who are not on call, but get called in to work on an authorized holiday will receive pay at a rate of one and one-half (1.5) times their regular rate of pay. In no event will an employee receive in excess of one and one-half their regular rate of pay. All employees who are called in to work shall receive pay for two hours work or actual hours worked, whichever is greater. Police Officers working on an authorized holiday will be paid one and one-half (1.5) times their regular rate of pay for holiday hours consistent with the number of hours in their customary work day. Police

Officers who are not working on an authorized holiday will not receive pay for the holiday.

- D. Part-time, part-time-temporary or seasonal employees shall not be entitled to holiday pay.
- E. Holiday pay will be paid only to employees who were on paid status the last workday preceding the holiday. Holidays occurring during an employee's PTO leave will be considered a holiday, and the employee will not be charged for PTO on that day.
- F. Employees desiring to observe holidays other than those officially observed by the City may request either PTO leave or unpaid leave for such time off.

SECTION 12 – COMPENSATORY TIME/OVERTIME

The City of Albany has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime.

The City recognizes that some employees may be required to work extra hours in emergency situations and during peak workload periods. The scheduling and payment of compensatory time or overtime will be in accordance with the applicable Fair Labor Standards Act and subject to the following:

- A. Overtime should be avoided, but when it is necessary, the immediate Supervisor or City Administrator must give specific approval prior to it being earned or used. An employee who works overtime without prior approval may be subject to disciplinary action.
- B. Pre-authorization may be presumed by employees in emergency situations such as excess snowfall, flood, severe storms, water main breaks, lift stations malfunctions, or other similar situations where the immediate response of staff is required to avert endangerment of life, home, and/or property.
- C. Exempt employees are required to work the number of hours necessary to fulfill their responsibilities with no additional compensation. 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.

In unique circumstances, the Police Chief may be given time off for additional hours worked by the City Administrator, and the City Administrator may be given time off for additional hours worked by the City Council. Approval in one instance does not, in any way, guarantee approval in a future instance.

- D. Non-exempt employees (other than Police Patrol Officers) will be paid overtime for any hours worked over forty (40) in a given seven (7) day week. All overtime-eligible employees will be compensated at the rate of time-and-one-half (1.5) for all hours worked over forty (40) in one workweek. Compensation will take the form of either time-

and-one-half (1.5) pay or compensatory time. Compensatory time is paid time off at the rate of one-and-one-half (1.5) hours off for each one (1) hour of overtime worked.

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

- E. Pursuant to 29 U.S.C.A. §207(k), the City has established a work period of fourteen (14) days applicable to Police Patrol Officers. In order to be eligible for overtime or compensatory time, a Police Patrol Officer must have hours worked in excess of eighty-six (86) hours in the fourteen (14) day work period. The overtime payment will be at the rate of one and one-half (1.5) times their regular rate of pay. See subparagraph I below for a definition of hours worked.
- F. Full-time employees may be permitted to bank a maximum of eighty (80) hours of compensatory time off in lieu of overtime pay. Compensatory time will be calculated as one and one-half (1.5) times the number of overtime hours worked. Once an employee has earned eighty (80) hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. The employee will be paid for compensatory time used at their regular rate per hour.
- G. The minimum period of compensatory time off taken at any one time shall be four (4) hours unless approved by supervisor for a shorter period.
- H. The maximum period of compensatory time off taken at any one time shall be eighty (80) hours.
- I. Definition of hours worked: For the purpose of determining eligibility for overtime pay or compensatory time, "hours worked" includes all hours that the employee actually performs duties that are for the benefit of the City. All of the hours worked must be added together to determine if the employee exceeded forty (40) hours in one workweek. When computing hours worked, the City will not include time that the employee was gone for PTO leave or holiday, even if the time off is paid time off. For example, if an employee (other than a Police Patrol Officer) works thirty-two (32) regular hours and has two (2) days of PTO in the seven (7) day period, only the thirty-two (32) hours are counted toward overtime eligibility. The employee will not be eligible for overtime or compensatory time for that week.
- J. The City reserves the right to deny requests for compensatory time off if it is deemed that the particular time off would adversely affect the public interest. If a request is denied, the City shall advise the applicant as to which hours or days of compensatory time off will be acceptable within five (5) days of denial.
- K. As with other policies, the policy regarding paid overtime may be adjusted at any time at the City Council's discretion.

SECTION 13 – LEAVE WITHOUT PAY

The City Council shall authorize leave without pay as required by applicable laws and may authorize other unpaid leave on a case-by-case basis.

- A. MILITARY LEAVE: Minnesota Statutes Sections 192.26 and 192.261 provide that an employee of any municipality who is a member of the National Guard, the Naval Militia, the Officer's Reserve Corps, the Naval Reserve, the Marine Corps Reserve or any other reserve component of the military or naval forces of the United States, is entitled to a leave of absence without loss of pay, seniority status, efficiency rating or benefits for the time such employee is engaged in training or active service, not exceeding a total of fifteen (15) days in any calendar year.

The leave of absence is only in the event the employee returns to employment immediately upon being relieved from military or naval 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 or naval service beyond the fifteen (15) day period allowed for the paid leave of absence.

Where possible, written notice will be given to the City at least ten (10) working days IN ADVANCE of the requested leave. Notice may be waived under certain circumstances.

In accordance with State Law, the employee will be granted an unpaid leave of absence when called to active duty. If an employee has not yet used their fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed prior to the unpaid leave of absence. At the option of the employee, accrued PTO time or compensatory time may be utilized during the unpaid leave period(s). The maximum cumulative amount of unpaid leave is five (5) years during the employee's employment with the City.

For the first thirty (30) days of unpaid leave of absence for active duty, the City will continue to pay the employer's share of insurance coverage. Thereafter, eligibility for continuation of insurance coverage will follow the same procedures as for any terminated or laid off employee while an employee is on an unpaid leave of absence for active duty. The leave of absence will not be considered work time for purposes of PTO leave accrual. Upon reinstatement, the employee shall be entitled to PTO leave which would otherwise have accrued during the leave period.

Returning reservists have the right to return to their jobs or to another job of similar seniority, status, and pay upon completion of active duty in accordance with Minn. Stat. Section 192.261, Subd. 2; and 38 U.S.C. Section 4312 and 4313.

Employees will be granted up to ten (10) working days of unpaid leave if their immediate family member is a member of the United States armed forces and has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

The city will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States or Minnesota. Nor will the city discharge from employment or take adverse

employment action against an employee because they attend departure or homecoming ceremonies for deploying or returning personnel, family training or readiness events or events held as part of official military reintegration programs. Employees may substitute paid leave if they choose to do so.

Unless the leave would unduly disrupt the operations of the City, employees whose immediate family member, as a member of the United States armed forces has been ordered into active service in support of a war or other national emergency, will be granted an unpaid leave of absence, not to exceed one day's duration in any calendar year, to attend a send-off or homecoming ceremony for the mobilized service member.

B. ~~PARENTAL LEAVE: An employee who works twenty (20) or more hours per week and has been employed for at least twelve (12) months preceding the request is entitled to take an unpaid leave of absence in connection with the birth or adoption of a child, as well as female employees for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions.~~

PREGNANCY AND PARENTING LEAVE: All employees 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 after the birth or adoption of a child are eligible for up to 12 weeks of unpaid leave

ParentalPregnancy and Parenting Leave may not exceed twelve (12) weeks and must begin not more than twelve (12) months after 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 twelve (12) months after the child leaves the hospital. The employee should provide reasonable notice, which is at least ten (10) days. If the leave must be taken in less than three (3) days, the employee should give as much notice as practicable.

Employees are required to use accrued PTO- paid leave during ParentalPregnancy and Parenting Leave. This leave will run concurrently with any other medical leave required by law.

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 health insurance coverage will remain in effect during the leave. The City will continue the City's contribution for group health benefits for a period of thirty (30) days. If the employee has elected to use accrued paid leave, the employee's obligation may be deducted from the leave benefits paid by the City. If the employee does not elect to use accrued leave or does not have sufficient accrued leave to cover the employee obligation, the employee shall make arrangements to reimburse the City. The employee shall make arrangements with the City for payment of the employee's portion, if any, of the group health insurance.

Effective July 1, 2023, the City will inform employees of their parental leave rights at the time of hire and when an employee makes an inquiry about or requests parental leave.

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

- C. SCHOOL CONFERENCE/ACTIVITIES/CHILD CARE LEAVE: Any employee ~~who has worked half time (1/2) or more for more than twelve (12) consecutive months,~~ may take up to a total of sixteen (16) hours of unpaid leave during any twelve (12) month period for childcare or to attend school conferences, pre-kindergarten, special education or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school). 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 PTO leave hours for this absence but are not required to do so.
- D. NURSING MOTHERS BREAK TIME: Nursing mothers and lactating employees will be provided reasonable break time to express milk ~~for her infant child for one (1) year after the child's birth, unless it will cause undue business disruption.~~ The paid break times must, if possible, run concurrently with any break time times already provided. The City will provide a room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.
- An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.
- E. VICTIM OR WITNESS LEAVE: The City will allow a victim or witness, who is subpoenaed or requested by a prosecutor, attorney or court to attend court for the purpose of giving testimony. A reasonable amount of unpaid time will be provided. The spouse or immediate family member (immediate family member includes parent, spouse, child or sibling or the employee) of a victim will also be granted a reasonable amount of unpaid time off from work to attend criminal proceedings related to the victim's case.
- F. HEALTH CONDITIONS RELATING TO PREGNANCY: The City will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth without the advice of a licensed health care provider or certified doula:
- More frequent restroom, food, and water breaks;
 - Seating; and/or
 - Limits on lifting over twenty (20) pounds

Additionally, an employer must provide reasonable accommodations, including, but not limited to, temporary leaves of absence, modification in work schedule or job assignments, seating, more frequent or longer break periods and limits on heavy lifting to an employee for health conditions

related to pregnancy or childbirth upon request, and with the advice of a licensed health care provider or certified doula, unless the City can demonstrate such accommodations impose an undue hardship on the operation of the City's business. The City will engage in an interactive process with respect to an employee's request for a reasonable accommodation. In accordance with state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation. The City is not required to create a new or additional position in order to accommodate an employee and shall not be required to discharge an employee, transfer an employee with greater seniority or promote an employee in order to provide reasonable accommodation.

In accordance with state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

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

SECTION 14 - LEAVE FOR EXEMPT EMPLOYEES

Exempt employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and/or on-call hours. Exempt employees are expected to fulfill the majority of their duties during the City's regular hours of business, Monday through Friday, 8 a.m. to 4:30 p.m., plus evening meetings as necessary.

Exempt employees are required to use paid leave when on personal business or away from the job duties for four (4) hours or more on a regularly scheduled work day. Absences of less than four (4) hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal 8 a.m. to 4:30 p.m. Monday through Friday requirement. If an exempt employee regularly absents themselves from work under this policy and it is found that there is excessive time away from work which 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 Council for specific situations as determined necessary.

All exempt positions may require work beyond forty (40) hours per week. In recognition for working extra hours, these employees may take some time off during their normal working hours. The time off for extra hours will not be on a one-for-one basis.

SECTION 15 – RESIGNATION

Any employee wishing to leave the City employment in good standing must file a written resignation with the office of the City Administrator at least fourteen (14) calendar days before the effective date of the resignation. Failure to comply with this section may be a cause for denying some or all of the terminal leave benefits. Unauthorized absence from work for a period

of three (3) working days may be construed as a resignation without notice. Supervisors or individuals in supervisory positions must give thirty (30) calendar days' notice.

SECTION 16 – LAY OFFS

The City Council may lay off any employee whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position, or because of changes in organization. No full-time employee shall be laid off while there are temporary or introductory employees serving in the same class of positions as the full-time employees. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the City Administrator, subject to approval of the City Council. When all other considerations are equal, lay-offs and recalls shall be in order of seniority of employment.

SECTION 17 – WAGES

The City Council retains the right to determine the wages and benefits for all full-time, part-time, part-time-seasonal and/or temporary employees.

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

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

The City cannot retaliate against an employee for disclosing his/her 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 1/800-342-5354.

SECTION 18 - PAYCHECKS

A. ISSUANCE: Paychecks will be by direct deposit only.

Employees are responsible for notifying the Payroll Clerk of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

B. IMPROPER DEDUCTION AND OVERPAYMENT POLICY: if an employee believes that an improper deduction or overpayment, or another type of error, has been made,

he/she should immediately contact his/her supervisor. If the City determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.

In cases of improper overpayments, employees are required to promptly repay the City in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the repayment. The city will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required. Any overpayments not repaid in full within the calendar year of the overpayment are considered "prior year overpayments" and the employee must repay not only for the net amount of the overpayment, but also the federal and state taxes the City has paid on their behalf. The City is able to recover the overpaid Social Security and Medicare taxes. Accordingly, the City will not require the employee to repay those taxes provided the employee provides a written statement that he/she will not request a refund of the taxes. The overpayment amount will remain taxable in the year of the overpayment since the employee had access to the funds. The employee is not entitled to file an amended tax return for the year but may be entitled to a deduction or credit with respect to the repayment in the year of repayment. Employees should contact their tax advisors for additional information.

SECTION 19 – WORK WEEK

- A. **WORK PERIODS:** A pay period consists of eighty (80) work hours over a two (2) week period. With the exception of Police Patrol Officers, the regularly scheduled work week for full-time, non-department head employees is eight (8) hours per day and forty (40) hours per week, including rest periods and excluding lunch periods. The Police Chief's position is generally forty (40) hours per week scheduled over four (4) or five (5) days.

There may be other exceptions as determined by the Supervisor or City Administrator in accordance with the needs and/or customs of the department. It is recognized that jobs and work schedules may change over time to respond to the changing needs of the organization.

It is expected that all employees will report to work on time, use their available hours to the best advantage, and leave only after the regular working hours are completed.

- B. **POLICE DEPARTMENT EMPLOYEES:** The working schedule is to be determined by the Police Chief or his/her designee. The work week for all Police Patrol Officers may be eighty-six (86) work hours over a fourteen-day work week. For night shift differential see Appendix A.

- C. REST BREAKS: When working under conditions where the use of a rest break is practical, City employees will be allowed to take a fifteen (15) minute break approximately midway through each four-hour shift. The timing of the break is subject to the approval of the Supervisor. Unused rest breaks may not be accumulated, nor may they be used for any purpose other than a mid-shift rest period. An employee may waive his or her fifteen (15) minute work breaks and take an additional one-half (1/2) hour for lunch, at his or her option.
- D. UNAUTHORIZED ABSENCES: Employees may not be absent from duty without permission from their Supervisor. Any employee absent from duty without leave or permission will be subject to disciplinary action up to and including dismissal. Unauthorized absence from work for a period of three (3) working days will be considered a resignation without notice and not in good standing. The Supervisor may waive this rule if in his or her judgment, extenuating circumstances warrant such behavior.

SECTION 20 – CALL OUT TIME – RESPONSE TIME

- A. A minimum of two (2) hours regular wages shall be paid to all Police Patrol Officers and Public Works employees for each call out to respond to accidents, complaints or emergencies. Whenever it is prudent, authorization from the employee's Supervisor shall be obtained before responding to a call out. If the City Council finds the claim for a call out is not justified, the claim shall be disallowed.
- B. Police Department: Police Patrol Officers will be paid for on-call wages. (See Appendix A)
- C. Response time: A response time of thirty (30) minutes is required for Supervisors, Police Patrol Officers and other employees when called out. Road and weather conditions will be taken into account when considering an employee's response time. Exempt employees who are salaried will receive NO compensation when he/she is called into service other than normal working hours

SECTION 21 – TRAINING

The City may pay for the cost of an employee's participation in approved schooling, seminars, and conferences. Approval of schooling, seminars, and conferences will be determined by the department head. The request for participation in a training session or conference must be submitted in writing to the employee's supervisor for prior approval. 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.

SECTION 22 – REIMBURSEMENTS & ALLOWANCES

- A. Employees shall be paid regular wages for time spent at authorized schools or meetings and may be allowed traveling expenses, meals and housing according to the following schedule:

Mileage: To and from an authorized activity (see Appendix A).

Per Diem: Without receipts for meals and housing (see Appendix A).

Housing: Actual cost with receipt. The City Administrator or Supervisor will make all room reservations.

Meals: Actual cost with receipts with a maximum (see Appendix A).

When a seminar/training/conference is less than fifty (50) miles from the City of Albany's city limits, only meals and miles will be paid and no lodging will be allowed.

- B. UNIFORM ALLOWANCE: Each Patrol Officer is allotted money for uniforms in a calendar year (see Appendix A). Uniforms to be purchased at the discretion of the Police Chief and no cash payout will be given to the employee. Each full-time Public Works employee shall be paid by the City per month as a clothing allowance (see Appendix A).
- C. CELLULAR PHONE CITY ISSUED/REIMBURSEMENT GUIDELINES

The City provides City-issued cellular phones to the Police Chief, City Administrator and Public Works Superintendent. The City Council for the City of Albany has determined that certain other positions within the City require the use of a cellular phone and has determined that reimbursement is to be provided to an employee in lieu of issuing a City-owned phone. The reimbursement will be provided using the following guidelines:

1. The City compensates the employee for business use of a personal device that is required by the employee's position with the City of Albany.
2. The City does not reimburse for the purchase cost of devices, activation fees, change fees, insurance or increased plan options for personal use.
3. The amount of business use is based on historical analysis and review of job duties and responsibilities.
4. Employees must select service providers that allow for acceptable service levels in Albany and the area the employee resides.
5. The City Council may occasionally review market costs of mobile plans in order to establish and revise reimbursement rates.
6. The City will suspend reimbursement when an employee is in an unpaid leave status or non-work status.
7. The reimbursement of \$40.00 per month will be paid monthly through the City's payroll system. This reimbursement is taxable to the employee.
8. The positions determined to be eligible for cell phone reimbursement are: Police Sergeant, Police/City Administrative Assistant, Public Works Assistant and Public Works Laborer.

SECTION 23 – CITY USE OF PERSONAL TOOLS & EQUIPMENT

Employees using personal tools and/or equipment on the job, when so ordered or authorized by the appropriate Supervisor, shall be paid a fair rental fee. Use of an employee's personal vehicle

(including ATVs, snowmobiles, boats or other motorized vehicles) shall be strictly voluntary on the part of the employee and shall be subject to the terms of the City's Personal Vehicle Use Agreement. The City will reimburse up to \$100 for any increase in the employee's personal automotive insurance premiums resulting from the employee's business use of the vehicle. The employee shall provide reasonable verification of the increase in premiums.

SECTION 24 – HEALTH INSURANCE

- A. **HIGH DEDUCTIBLE HEALTH PLAN:** Effective January 1, 2009, (the "Effective Date"), the City shall make available a high deductible major medical group health plan that qualifies as a high deductible health plan ("HDHP") under Section 223 of the Internal Revenue Code ("Code"). The HDHP is described in summary in Attachment 1.

The HDHP shall be available to all qualified employees who elect to participate in said plan. With respect to qualifying employees, the City's contribution towards the monthly premium cost for single group health coverage and family group health coverage shall be established by the City Council (see appendix A).

Deductibles and out-of-pocket maximums under the HDHP are indexed for inflation and will increase on annual basis under a predetermined formula.

- B. **HEALTH SAVINGS ACCOUNTS:** City shall designate a custodian to receive contributions to Health Savings Accounts ("HSAs"), as defined in Section 223 of the Code. Qualified employees who enroll in the HDHP, and who are otherwise eligible to contribute to an HSA, may contribute and receive City contributions to an HSA through the City's cafeteria plan under Section 125 of the Code. The City is only required to make or forward contributions to the HSA custodian designated in Attachment 2, except as provided in Section 22, Subd. C below.

The decision to establish an HSA with the custodian selected by the City is completely voluntary. The City may not: (i) limit the ability of employees to move funds to another HSA beyond restrictions imposed by the Code; (ii) impose conditions on utilization of HSA funds beyond those permitted under the Code; (iii) make or influence the investment decisions with respect to funds contributed to an HSA; (iv) represent that the HSA is part of an employee welfare benefit plan established or maintained by the City; or (v) receive any payment or compensation in connection with the HSA.

To facilitate the timely establishment of HSAs (and ensure that medical expenses incurred after the Effective Date are eligible for reimbursement), the City may establish and contribute to HSAs as of the Effective Date for all qualifying employees who enroll in the HDHP and who indicate their intent to participate in the HSA arrangement. No funds shall be distributed from an HSA, however, until employees complete, sign, and return an enrollment application and HSA custodial agreement, and such agreement is approved by the HSA custodian.

The City is not responsible for determining any individual's eligibility or continued eligibility to contribute to an HSA.

The City is entitled to rely on any statement by the qualifying employees that they are eligible for an HSA. However, the City shall not make or forward any contribution to an HSA if the City has actual knowledge that the qualifying employees is not eligible to contribute to an HSA.

- C. CONTRIBUTIONS: The contribution will be made on a monthly basis over the HDHP plan year. All contributions to an individual's HSA shall cease on the date he or she becomes ineligible to receive contributions to an HSA for any reason. The City will make an equivalent contribution to an employee's outside HSA plan for those employees not covered under the City's HDHP. For all employee health insurance premiums, the City will pay only the actual invoiced amount up to the maximum allowance established by the City Council (see appendix A). When health insurance premiums exceed the maximum allowance as shown in Appendix A per month, the employees will be responsible for 50% and the City will be responsible for 50% of the excess amount. The amount the employees are responsible for will be deducted from their last paycheck for each month. Employees who are on an unpaid leave, including leaves during which the employee receives worker's compensation benefits or long or short term disability benefits will not receive a contribution from the City during the leave period.
- D. PAYMENT OF ADMINISTRATIVE FEE: Administrative fees allocable to individual HSAs of active employees who are participants in the HDHP shall be paid by the City. Administrative fees allocable to individual HSAs of active employees who have accrued a balance in their HSAs, but are not longer eligible, to contribute to the HSA shall be paid by the City. Administrative fees allocable to the individual HSAs of former employees shall be paid from the former employee's HSA. Administrative fees allocable to HSAs of retirees shall be from the retiree's HSA. If City contributions cease as a result of collective bargaining or any agreement related thereto, administrative fees shall be paid from the HSA.
- E. COORDINATION WITH OTHER COVERAGE: General Rule: No contributions will be made to HSAs of employees who have health coverage other than coverage under a HDHP ("Disqualifying Coverage"). For this purpose, Disqualifying Coverage includes coverage under (1) a general health flexible spending arrangement (a "health FSA") that is part of a cafeteria plan under Section 125 of the Code and that is made available through the City or through the City of a spouse or dependent, (2) coverage under a group health plan that is not an HDHP, including coverage made available through the City or through the City of a spouse or dependent, (3) coverage under a health reimbursement arrangement (an "HRA"), including coverage through the Minnesota Service Cooperative VEBA Plan (the "VEBA"), whether offered through the City or through the City of a spouse or dependent, and coverage under Medicare, Medicaid, TRICARE, CHAMPUS, or any other health plan that is not a HDHP. No contributions will be made to HSAs of individuals who can be claimed as a dependent on a tax return (other than as a spouse).
- F. IN LIEU CONTRIBUTION: For those employees who are not enrolled in the City's HDHP and are not eligible for a contribution to an outside HSA plan, the City shall provide a lump sum payment in lieu of the HSA contribution. Employees with spouse and/or dependents shall receive a payment equal to the family HSA contribution to which

they would have been entitled under the City's HDHP plan. Employees with no dependents shall receive a payment equal to the single HSA contribution to which they would have been entitled under the City's HDHP plan.

- G. PREMIUM IN LIEU CONTRIBUTION: For those employees who are not enrolled in the City's HDHP, the City shall pay the employee an amount equivalent to the City's premium contribution (single or family) to which they would have been entitled under the City's HDHP plan. This payment shall be considered taxable wages to the employee and shall be paid in equal installments with the employee's regular pay over the twelve (12) month plan year.
- H. POST RETIREMENT HEALTH CARE/VEBA: The City shall establish a post-retirement health care or VEBA plan to which employees may make voluntary contributions toward post-retirement health expenses. The City shall pay the plan service fees for employees during their employment with the City.

The City reserves the right to amend this section whenever it is in the best interest of the City. Health insurance does not apply to permanent part-time, part-time, temporary or seasonal employees

SECTION 25 – WORKPLACE INJURY/WORKER'S COMPENSATION LEAVE

Employees, as defined by the Minnesota Worker's Compensation Act, are covered by Worker's Compensation Insurance. When any employee has a work-related injury, he/she must notify the City Administrator or the Worker's Compensation Agent for the City as soon as feasible and/or not more than twenty-four (24) hours after the work-related injury, no matter how minor the injury. A First Report of Injury Report Form shall be completed.

- A. Any employee injured on the job and covered by Worker's Compensation Insurance will be paid for the remainder of the day in which the injury occurs.
- B. Any employee covered by worker's compensation who is injured on the job and is subsequently off work for three (3) consecutive days because of the injury will earn worker's compensation benefits. An employee may elect to use accrued paid leave until benefits are received. To the extent that the employee receives worker's compensation benefits for the days in which the employee has used paid leave, the employee must reimburse the City for the benefit amount received from worker's compensation. Upon receipt of reimbursement from the employee, the City will credit the employee's leave for the reimbursed hours.
- C. For purposes of this subsection, the definition of an employee also includes all officers of the City, elected and appointed for a regular term of office or to complete an expired portion of a regular term.
- D. An employee on leave for a workplace injury may supplement worker's compensation benefits by using accrued PTO leave, or compensatory time. The total of the worker's compensation benefits and the paid leave cannot exceed the employee's gross weekly wage as measured at the time of the injury. Public Employees Retirement Association

(PERA) and tax withholding will be adjusted for the non-taxable worker's compensation benefits.

- E. The City will continue the City's contribution for group health benefits for a period of thirty (30) days. If the employee has elected to use accrued paid leave, the employee's obligation may be deducted from the leave benefits paid by the City. If the employee does not elect to use accrued leave or does not have sufficient accrued leave to cover the employee obligation, the employee shall make arrangements to reimburse the City.
- F. The employee will not accrue PTO leave while on worker's compensation leave.

SECTION 26 – DISCRIMINATION

It is the policy of the City not to discriminate against anyone on the basis of race, color, creed, sex, religion, national origin, ancestry, genetic information, sexual orientation, familial status, marital status, membership or activity in a local human rights commission, status with regard to public assistance, veteran status, age or disability provided that the employee is both physically and mentally capable of performing the tasks required for the job.

SECTION 27 – SEXUAL HARASSMENT

All employees of the City of Albany have the right to work in an environment free of sexual harassment. Sexual harassment includes unwelcome physical or verbal sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when (1) submission to such conduct is stated either explicitly or implicitly as a condition of an individual's employment or career advancement, (2) submission or rejection of such conduct used as a basis for employment or promotional decisions affecting an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating and intimidating, hostile or offensive work environment. Depending on the circumstances, sexual harassment can range from questions about personal matters, touching, unwelcome behavior or words directed at an individual because of gender, persistent advances, mental or physical intimidation, to explicit sexual contact. These activities will not be tolerated. Engaging in any of these activities may result in disciplinary action up to and including termination. Anyone who engages in conduct which is found to constitute sexual harassment will be held personally responsible by the City of Albany for any damages, including attorneys' fees and costs, suffered or incurred by the City as a result of such activities.

If you believe that you or some other employee of the City of Albany is a victim of sexual harassment, you are urged to report the objectionable activities with your Supervisor, the City Administrator, or the City Attorney so that the matter may be investigated and appropriate action can be taken if warranted. All reports of sexual harassment will be kept in confidence except as is necessary to investigate the complaint, take appropriate corrective action or to respond to any legal and/or administrative proceedings arising out of or relating to the harassment report.

Managers and Supervisors are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. They shall establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy,

recognize incidents of sexual harassment and take immediate corrective action to eliminate such incidents, and notify the City Administrator or Mayor immediately in the event of sexual harassment allegations so that consistent investigatory procedures may be implemented. If the City Administrator 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 Administrator is responsible for ensuring that Supervisors are fully aware of their obligations under this policy; for informing employees of the City's policy regarding sexual harassment, including providing training as needed and posting of this policy; and for investigating sexual harassment allegations and ensuring that appropriate disciplinary action is consistently and fairly administered.

This policy is not intended to deny the right of any individual who feels she/he has been sexually harassed to contact government enforcement agencies, or to replace legal recourse for any actions, which violate criminal statutes.

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.

SECTION 28 – DISMISSALS, DEMOTIONS & SUSPENSIONS

The City Council may discipline, demote or suspend an employee without pay for any violation of this policy. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

The City may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any employee has a contractual right or guarantee (also known as a property right) to the job he/she performs.

Suspensions shall not exceed thirty (30) days in any one (1) calendar year. Nothing contained in this section shall limit the right of the City Council to terminate an employee at any time, with or without cause. If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

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

SECTION 29 – WORKPLACE CONDUCT – GENERAL PROVISIONS

- A. The following shall be considered a violation of the minimum standards of workplace conduct expected of City employees and is not intended to be all inclusive and the City expressly reserves the right to terminate employment at any time for any reasons or for no reason at all:
- 1) Incompetence or inefficiency in the performance of duties.
 - 2) Conviction of a criminal offense or a misdemeanor involving moral turpitude.
 - 3) Violation of any lawful regulation or order, failure to obey any lawful order, insubordination, or any action that results in loss or injury to the City or public.
 - 4) Wanton use of offensive language or abusive conduct toward the public, officials, and employees of the City.
 - 5) Failure to pay for or make provisions for the payment of just debts.
 - 6) Inducing or attempting to induce officials or employees to commit an unlawful act or to violate the rules or regulations of the City.
 - 7) Careless or negligent handling of City property.
 - 8) Taking money or other valuable items in the course of duty from anyone when such money or item is given in the hope of or with the expectation of receiving favor or better treatment.
 - 9) Dishonesty in the performance of duties.
 - 10) Failure to report all accidents, property damage and/or personal injury to the office of the City Administrator.
 - 11) Unapproved tardiness or absence.
 - 12) Sleeping on the job.
 - 13) Leaving work during normal working hours without permission.
 - 14) Failure to use protective safety equipment.
 - 15) Fighting or horseplay, etc.

- 16) Violation of Employee Safety Policy, Confined Space Policy, Blood-Bourne Pathogen Exposure Control Plan, Right-to-Know Policy, Lockout/Tag-out Policy and any other policies relating to normal City operations and/or functions.
- 17) Falsification of any record, making a false statement, committing or attempt to commit a fraud
- 18) Violation of any provision of this policy.

SECTION 30 – DRUG FREE WORKPLACE

- A. **GENERAL PROVISIONS:** Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, safe and secure work environment.

The unlawful manufacture, distribution, possession, or use of a controlled substance which includes alcohol, drugs, and other illegal mood altering substances 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 dependency as an illness and a major health problem. The City also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.

Employees must, as a condition of employment, abide by the terms of the above policy and must report any conviction under a criminal drug statute for violations occurring on or off the work premises while conducting City business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

- B. **DRUG AND ALCOHOL TESTING POLICY:** This policy applies to all employees of the City and all applicants for employment who have been conditionally offered employment for that position.
- 1) The City may request or require an employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two (2) weeks written notice that a drug or alcohol test may be requested or required as part of the physical examination.
 - 2) The City may request or require any Police Department employee or Public Works Department employee to undergo drug and alcohol testing on a random selection basis because of the safety sensitive nature of those positions.
 - 3) The City may request or require an employee to undergo drug or alcohol testing if the City Administrator or City Council has a reasonable suspicion that the employee:

- a) Is under the influence of drugs or alcohol;
 - b) Has violated the City's written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while the employee is working; or
 - c) Has sustained a personal injury or has caused another employee to sustain a personal injury, and although the employer does not specifically suspect drug use, there is a reasonable possibility that drug use was a contributing factor to the injury; or
 - d) Has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident.
- 4) An employer may request or require a job applicant to undergo drug and alcohol testing provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If the job offer is withdrawn, as provided in section 181.953, subdivision 11 of Minnesota statutes, the employer shall inform the job applicant of the reason for its action.
 - 5) An employer may request or require an employee to undergo drug and alcohol testing if the employee has been referred by the employer for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.
 - 6) A job applicant may refuse to undergo drug or alcohol testing. In such case, however, the applicant will not be offered employment with the City. An employee may refuse to undergo drug or alcohol testing. In such case, the employee shall be subject to a written reprimand for the first such refusal during his or her employment. A second or subsequent refusal during the employee's employment with the City shall be treated the same as a second or subsequent result of a positive screening and confirmatory test showing the presence of alcohol or a prohibited drug.
 - 7) The City may not discharge, discipline, discriminate against or require rehabilitation of an employee on a basis of a positive test result from an initial screening test which has not been verified by a confirmatory test. The City may not withdraw a conditional job offer on the basis of a positive test resulting from an initial screening test which has not been verified by a confirmatory test. If a confirmatory test is also positive, the City Administrator or City Council may, in its discretion, withdraw a conditional job offer, issue a written warning to the employee, suspend the employee with pay, suspend the employee without pay, transfer the employee to a non safety sensitive position, or discharge the

employee pursuant to Minnesota Statutes Section 181.953, provided that all conditions precedent set forth in said statute are satisfied.

- 8) Disciplinary or other adverse personnel action may be taken based upon a confirmatory test verifying a positive test result on a second or subsequent screening test.

The City may, in its sole discretion, discipline or discharge any employee who has refused to submit to testing on two (2) or more occasions or has had a positive test result from an initial screening test which was verified by a confirmatory test on two (2) or more occasions.

- 9) An employee or job applicant has the right to explain a positive test result on a confirmatory test or request and pay for a confirmatory retest in accordance with the procedures outline in Section 181.953 of the Minnesota Code.
- 10) Any decision made by the City Council shall be final subject to the employee's right of appeal to District Court ~~contending that the~~ City has violated this policy or that the City's policy conflicts with state or federal law.
- 11) Privacy, confidentiality and privilege safeguards set out in Minnesota Statutes Section 181.954 shall be strictly adhered to by the City.

C. TEST RESULTS.

- 1) Negative Test Results. Within three (3) working days after the City receives the laboratory's negative test report, the City must inform the employee or applicant in writing of a negative test result and his or her right to request and receive a copy of the test result report.
- 2) Positive Test Results. Within three (3) working days after the City receives the laboratory's confirmatory positive test report, the City must inform the employee or applicant in writing the result of the test, the right to request and receive a copy of the test result report, the right to have a confirmatory retest of their original sample, and any other requirements pursuant to statute. Following a positive test result, the City may request the employee or job applicant to indicate any medications he or she is currently taking or has recently taken, and any other information that might affect the reliability of the result.
- 3) Medical Cannabis. A registered employee cannot be disciplined for testing positive for cannabis unless the employee used, possessed, or was impaired by cannabis on the premises of employment or during the hours of employment.

- D. PEACE OFFICERS: Under Federal Law, the City is not allowed to issue firearms or ammunition or to allow peace officers to carry firearms or ammunition if the peace officer is using a controlled substance, on or off-duty, even if the use is in accordance with the Minnesota Medical Cannabis Patient Registry.

SECTION 31 – FALSIFICATION OF RECORDS

No person shall knowingly make any false statement, certificate, mark, rating, or report in regard to any test, certificate, or appointment held or made under the City personnel system or in any manner commit or attempt to commit, any fraud preventing the impartial execution of the provisions of these policies. 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.

SECTION 32 – PERSONAL USE OF CITY PROPERTY AND EQUIPMENT

- A. No member of the City Council, commission or board, official or employee shall use or permit the use of City-owned vehicles, equipment, tools, machinery, materials, or other property for personal convenience or profit, unless such property is available for use by the general public and the employee, council member or other official pays any applicable fees.
- B. All officers and employees of the City who have authority over or the use of City vehicles, equipment, machinery or property in the course of their duties must assume responsibility for the safeguarding and care of such items.

SECTION 33 - RIGHT OF APPEAL

In all cases of suspension, demotion and dismissal, the reasons for such action must be presented in a dated written statement to the employee affected.

Upon the employee's dated written request to the City Council, filed with the office of the City Administrator within five (5) working days of receipt of the statement of reasons, an employee shall be granted a hearing before the City Council and shall be allowed to respond to the written statement. The hearing must be held no later than ten (10) days from the date of receipt of the employee's request for a hearing. The City Council reserves the right to set time limits and regulate the conduct of the hearing. The employee has the right to determine that the hearing will be open to the public. If the hearing is closed, any official action by the City Council must be taken at the resumed public meeting following the hearing.

SECTION 34 – EMPLOYEE RECORDS

Records containing information pertinent to this employment will be maintained for all employees and will be available at any time for their own review in accordance with the Minnesota Government Data Practices Act.

Personnel data is retained in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete stated and federal reports, record performance, etc.

No piece of information is retained unless required for a specific purpose. Employees have the right to know exactly 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 and other applicable laws.

SECTION 35 – CITY’S RIGHTS

The City Council retains the sole right to operate and manage all manpower, facilities, and equipment in accordance with applicable laws and regulations of appropriate authorities. Any form and condition of employment not specifically modified by this policy shall remain solely within the discretion of the City Council to modify, establish or eliminate.

SECTION 36 – PERFORMANCE EVALUATIONS

Periodic written evaluations of performance of assigned duties and responsibilities shall be made for all employees, including employees in their probationary period. These ratings will normally be conducted by the immediate Supervisor and/or the City Administrator. The evaluations should be discussed with the employee and the written evaluation signed by the employee and his/her Supervisor. Copies of these evaluations will be kept in the employee's personnel file for as long as the personnel file is kept by the City. Employees have the right to prepare additional written comments, if they so desire, and these will be attached to the written evaluation and placed in the file. The performance evaluations will be used in conjunction with the City's pay equity plan to determine increases in pay. All pay increases are dependent upon acceptable performance of the employee's job duties.

SECTION 37 - 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 a family member. If an employee has any question about whether such a conflict exists, he/she should consult with the City Administrator.

SECTION 38 - POLITICAL ACTIVITY

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the City to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.

SECTION 39 - SMOKING

The City of Albany 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.

Smoking of any kind, including pipes, cigars, cigarettes, and vaping with e-cigarettes is prohibited for employees while on duty. Employees eighteen (18) and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

SECTION 40 - RETALIATION

The City of Albany will not tolerate retaliation or intimidation directed towards anyone who makes a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. 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, barring any extenuating circumstances, please report your concern immediately to any of the following:

1. Immediate supervisor;
2. City Administrator;
3. Mayor or City Councilmember
4. In the event an employee feels retaliation has occurred by the City Administrator or the City Council, then reporting may be made to the City Attorney.

SECTION 41 – POSSESSION AND USE OF DANGEROUS WEAPONS

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

The 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 42 - 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. However, the city will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

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

SECTION 43 – AMENDMENTS

This policy may be amended by a majority vote of the City Council.

SECTION 44 – EFFECTIVE DATE

This policy shall be effective as of January 1, 20234.

I, the undersigned, hereby acknowledge that I have read, understand and accept the terms and conditions of this policy.

Employee: _____

Mayor: _____

Date: _____

APPENDIX A

Section 19, B.	\$1.00 per hour night shift differential.
Section 20, B.	\$1.00 per hour on call wages
Section 22, A.	Federal Government mileage rate reimbursement \$50.00 per diem \$25.00 per day meals
Section 22, B.	\$420.00 Police Uniforms \$35.00 per month Public Works
Section 24, A.	\$75 per month for each qualified employee who elects single coverage under the HDHP; and \$150 per month for each qualified employee who elects family coverage under the HDHP.
Section 24, C.	\$750.00

ATTACHMENT 1
HDHP SUMMARY

ATTACHMENT 2
HSA CUSTODIAN DESIGNATION



320-845-4244
P. O. Box 370
Albany, Minnesota 56307

“2024”

**CITY OF ALBANY
ELECTION JUDGES**

**PRES. NOM. PRIMARY
March 5th**

**PRIMARY ELECTION
August 13th**

**GENERAL ELECTION
Nov. 5th**

Polls open and close at:

7AM to 8PM

7AM to 8PM

Head Judge: \$14.50/hr

Other Judges: \$12.50/hr

Rita Stenlund (Head Judge)

Christopher Ramseyer

Pam Rypkema

Lucy Thomas

Carol Tembruell

Mary Kay Grabmeier

Frank Haynes

Sharon Timp

Gary Winkels

Anne Smith-Bleichner

Debbie Sabrowsky