

As a City employee, you are responsible for assisting and serving the citizens for whom you work. In accepting City employment, you have become a representative of the City and in large measure, what people think of our City and our City government will depend on the kind of job you do and your willingness to assist people.

As a public employee, your primary responsibility is to serve the residents of Austin. You may be the only contact a citizen has with City government. This impression we make through direct contacts or in telephone conversations often determine the opinion people form about the organization and your work performance. Always remember: THE CITIZENS OF THIS COMMUNITY ARE NEVER AN INTERRUPTION OF OUR WORK.....THEY ARE THE REASON FOR IT.

### **CITYWIDE STANDARDS OF CONDUCT**

The residents and businesses of the City of Austin are entitled to have fair ethical and accountable local government. Such a government requires that officials and employees:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government in state statute, civil service rules, the City's employee handbook, and the city council's own code of conduct;
- Be independent, impartial and fair in their judgment and actions;
- Use their position for the public good, not for personal gain; and
- Encourage public confidence in the integrity of city government and its fair and effective operations.

To this end, the City of Austin has adopted these twelve Standards of Conduct for all elected officials, appointed officials and employees:

**1. Act in the Public Interest**

Recognize that stewardship of the public interest must be their primary concern while working for the common good of the people of the City of Austin and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

**2. Comply with the Law**

Comply with the laws of the nation, the State of Minnesota and the City in the performance of their public duties. These laws include, but are not limited to, the United States and Minnesota constitutions; the City of Austin City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and city ordinances and policies.

**3. Respect for Process**

Perform duties in accordance with the processes and rules of order established by the United States law, state statute, city charter and ordinances, and other policies and procedures that have been established.

**4. Decisions Based on Merit**

Make decisions based upon the merits and substance of the matter at hand.

**5. Disclosure of Corruption**

Commit to disclosing to the appropriate authorities any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

**6. Conflict of Interest**

Not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable state law in order to assure their independence and impartiality on behalf of the public good.

**7. Gifts and Favors**

Not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general; and not accept gifts that are in violation of state statute and City policy.

**8. Data Practices**

Adhere to state statute and the City's data practices policy in the handling of private or confidential data. Keep confidential matters confidential.

**9. Use of Public Resources**

Not use public resources which are not available to the general public for private gain or personal purposes in a way that they conflict with state statute or city policy.

**10. Policy of Chain of Command**

Respect and adhere to the proper chain of command.

**11. Positive Work Environment**

Support the maintenance of a positive and constructive environment for residents, businesses, and all employees. All associated with the City are required to seek affirmative ways to cooperate and work with other employees, public officials and members of any organization with whom the City needs to have a good working relationship.

**12. Compliance and Enforcement**

City management has the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of city government.

These Standards of Conduct shall be considered to be an overall policy on personal conduct for public officials and employees.

**ETHICS OF PUBLIC EMPLOYMENT**

The proper operation of democratic government requires the actions of public officials and employees to be impartial; that government decisions and policy be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Recognition of these goals established a Code of Ethics as follows for all employees appointed and employed by the City.

Employees shall not use their official position for personal gain, nor shall they engage in any business or transaction or shall have a financial interest, direct or indirect, which is in conflict

with the proper performance of their official duties. No employee shall have a financial interest or personal interest in any legislation before the City Council and participate in discussion or give an official opinion to the City Council unless the employee discloses on the record to the Council the nature and extent of such interest.

Employees shall not, without proper legal authority, disclose to others, or use to further their personal interest, confidential information, as defined by the Minnesota Data Privacy Act, acquired in the course of their official duties.

Employees may not engage in outside employment which would conflict with their job or might in any way hinder their objective and impartial performance of their public duties, or impair their efficiency on this job. An employee may not hold a public office or position that involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his or her duties as a City employee.

Employees shall not engage in any outside activity which involves the performance of an act in other than his or her capacity as a City employee which may later be subject directly or indirectly, to the control, inspection, review, audit or enforcement by such officer or employee.

Employees shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Employees shall not take part in political activity, directly or indirectly, during his or her hours of employment by soliciting or receiving funds or at any time using his or her authority or official influence to compel any employee to apply for membership or become a member of, pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity. Employees are free to engage in any political activity of their choice provided it does not conflict with the preceding provision.

### **ACCEPTANCE OF GIFTS OR FAVORS**

It is prohibited for any City employee to accept a gift from anyone doing business with the City.

The law allows limited exceptions but, for all practical purposes, it should be considered that there are no exceptions. One exception in the law is a trinket or a memento of insignificant value, however, under a related law a gift of a \$2 pocket calendar was found to be prohibited by the Minnesota Ethical Practices Board. Therefore, gifts of any value are prohibited.

Among the kinds of gifts which will be prohibited are things such as lunches, Christmas gifts of food or other items and tickets to athletic events. These are intended merely as examples and not as a comprehensive list. If you know of individuals or companies that have followed the practice of giving gifts to City employees at holiday times, please notify them ahead of time that we will not be able to accept them this year. In the event that such gifts are received, they are to be returned to the giver and if for some reason this is not possible, they are to be donated to an appropriate charity and the giver notified.

## **APPEARANCE**

The dress and appearance of City employees is a direct reflection on the professionalism of our services. City employees are usually in direct contact with the public every day as part of the regular workday. A neat, clean, well-groomed employee will present a positive image of the City and demonstrate the pride our City employees have.

Employees are expected to report to work in dress that fits the type of work he or she does and at the same time promote a professional image.

Employees reporting to work in attire which, at the discretion of management, is not befitting a professional image, shall be warned that such clothing is not to be worn again. An employee who continues to report to work in inappropriate attire will be sent home to change clothes. The employee will not receive paid hours during this time.

This policy does not prohibit a department from having a designated "casual" dress day.

## **HANDLING CITIZENS' COMPLAINTS**

Citizen's complaints provide an opportunity for feedback and identifying problem areas. How well complaints are handled determines to a great extent the level of confidence and respect the public holds for its municipal government. Above all, we are here to serve, and part of our job is to effectively handle citizen complaints.

When handling a complaint be polite and never argue with the complainant even if he/she is angry, unreasonable or insulting towards you and the City. Stay calm, cool and collected. Don't take criticism personally and you will be better able to help solve the problem rather than become part of it.

If you receive a complaint over the telephone, let the complainant fully express his/her concerns; courteously inform the complainant that you are sorry that he/she has experienced a problem; and try to do what you can to solve the problem.

When you receive a complaint, it is very important to follow through properly. This can be accomplished by doing the following:

Receive and record information pertinent to the complaint;

Determine which City employee is responsible to investigate and take corrective action and forward the complaint accordingly;

Follow up on what action has been taken to correct the problem.

Also, the responsible supervisor should notify the complainant to advise him/her of the action that has been taken to correct the problem.

## **USE OF CREDIT CARDS**

As per MN Statute 471.382, the City of Austin City Council may authorize the use of a credit card by any City officer or employee otherwise authorized to make a purchase on behalf of the City. If a City officer or employee makes or directs a purchase by credit card that is not approved by the city council, the officer or employee is personally liable for the amount of the

purchase. All purchases by a credit card must otherwise comply with all statutes, rules and policies applicable to City purchases. The city council shall approve the establishment of all credit card accounts and approve the officer or employee who is authorized to make purchases on a city issued credit card.

MN Stat 412.271 subd 2      Bills from credit card companies do not contain the detail necessary

MN Stat 471.38 subd 1      to satisfy the requirement that claims presented to the City for payment must be in writing and itemized. Therefore, invoices and receipts for all items charged must be retained. A list of all credit card charges will be included with monthly expenditures for council review and approval.

MN Stat Ch 475              Credit card use must also comply with laws concerning borrowing. Credit cards will not be used for carrying debt. The entire card balance shall be paid in full each month.

Employees authorized to use the City of Austin's credit card(s) include the following positions: Administration Secretary and Director of Administrative Services.

The credit card limit is \$5,000 per authorized employee.

Supporting documents and/or invoices will be submitted to the Finance Department to be reconciled with the credit card statement and attached to the claim for payment processing.

The Finance Department shall keep a record of all persons issued a credit card or having authorization to use a City credit card. Authorized persons will receive, sign and file an acknowledgment form regarding credit card use.

## **CELLULAR PHONE USE**

### **Purpose**

This policy is intended to define acceptable and unacceptable uses of cell phones, both city-issued and personal. Its application is to ensure that cell phone usage is consistent with the best interests of the City without unnecessary restriction of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cell phones and to ensure that City employees exercise the highest standards of propriety in their use.

### **Assignment of Cell Phones**

Cell phones will be provided to employees who have a business necessity to use or receive calls when outside City buildings or away from their office phone. The City will make this determination. Cell phones are City equipment and are to be used by authorized employees to conduct City business in a professional manner. A file of cell phone charges made by employees will be kept and monitored by the finance department.

Department heads will assign cell phones to employees in their department and will consider:

- a. Needs of the department (does the employee conduct work outside of the City facility and away from land-line phones where immediate work-related phone contact is necessary to warrant the need for a cell phone);

- b. Employee's work duties (does the employee perform work that necessitates the need for a cell phone);
- c. Effect on customer service; and
- d. Improved efficiency in the performance of the job.

A department head may authorize an employee to use their own personal phone for City business for incidental use and be reimbursed by the City for those calls. An employee will not be reimbursed for business-related calls and/or text messages without prior authorization from his or her department head.

Employees in possession of a City-issued cell phone are required to take appropriate precautions to safeguard the cell phone from damage, loss, unauthorized use and theft.

The City reserves the right to monitor cell phone records of City-issued cell phones.

### **Policy**

Cell phones are intended to be used by City employees in the conduct of their work in the service of Austin citizens. Department heads and supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor discretion to allow reasonable and prudent personal use of such telephones or equipment provided that:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained or outside employment is served.

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cell phones at all times, including both city-issued and personal cell phones. Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic, inclement weather or where the employee is driving in an unfamiliar area.

Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.

In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a State law exception for authorized emergency vehicles while in the performance of official duties.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Use of public resources by city employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the supervisor.

All personal usage of a City-issued cell phone must be paid by the employee through reimbursement to the City. Reimbursement is based on actual cost listed on the City's phone bill. Personal calls will be made or received only when absolutely necessary. Such calls must not interfere with working operations and should be completed as quickly as possible.

Personal calls and/or text messages on an employee's personal cell phone are not allowed during an employee's normal working hours. If absolutely necessary, calls and/or texts will be made or received only when they do not interfere with working operations and should be completed as quickly as possible. It will be up to the department head and supervisor to monitor and address personal cell phone usage during work hours. Department heads and supervisors may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

In no instance will it be deemed acceptable for an employee to use a cell phone to make harassing, threatening or intimidating calls and/or text messages, personal or otherwise.

### **Storing and Retention of Information**

Text messages from a cell phone (city-issued or personal) that contain certain work-related information may constitute an official record of city business and may need to be preserved (hard copy via email) in accordance with all record retention requirements.

Regardless of who pays the bill, cell phone records about city business are subject to the Minnesota Government Data Practices Act. What this means is that if a request were received, the city would be under the obligation to determine what information is public data and what information is private data and would need access to the employee's phone records and possibly the phone itself in order to provide the data that is being requested. Therefore, the best practice is to limit usage of personal cell phones for city business to that which is truly necessary or be prepared to produce your cell phone and the associated records if needed.

If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact the system administrator.

### **Internet**

Employees using a cell phone (city-issued or personal) to access the internet for work-related business must follow the City's Acceptable Use Policy in addition to this cellular phone policy.

### **Procedures**

It is the objective of the City of Austin to prevent and correct any abuse or misuse of cell phones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action under the personnel policy or a collective bargaining agreement.

### **Responsibility**

All department heads and supervisors will be responsible for enforcement within their departments and divisions.

## **USE OF PROPERTY**

**Equipment** – City equipment, materials or tools shall not be used for unauthorized personal convenience, for profit, for private use or as part of secondary employment. No employee shall be instructed to or allowed to perform work at any time during working hours for private individuals except in those instances where such work is part of an agreement entered into by the City Council. No City property shall be removed from any City department, land or building for any private use, purpose or enjoyment. Department Heads may grant the authority to use city property for personal use with prior approval from the City Council.

**Computers** – (Also see Acceptable Use policy below). The following procedures are intended to minimize potential virus' entering the City's computer system and to provide necessary security for the City's data processing assets:

- A. Only City-authorized hardware, software, tapes and diskettes will be used on and in the City's computer systems.
- B. Only City employees or those contracted by the City are authorized to input or accept output from the City's computer systems.

**Vehicles** – City vehicles are to be used for City business only. City vehicles may be used for personal use that is clearly incidental to the use of the vehicle for local government business (such as stopping at the store on the way to a business meeting or for lunch when it is more practical than returning the vehicle first). Only City employees may drive City vehicles, and persons other than City employees are allowed as passengers only when it is necessary for conducting City business.

City vehicles shall not be taken home overnight except as follows:

- A. Employees may take a City-owned vehicle home for one night when attendance at an out-of-city meeting takes place late at night after normal working hours or early in the morning prior to normal working hours.
- B. Those employees designated by the department head to be "on 24-hour call" for department emergencies.

To ensure the safety of all employees and to comply with Minnesota statutes, all City employees shall wear a seat belt at all times while operating a vehicle. It will be the responsibility of the driver of any vehicle to assure that passengers in the vehicle wear a seat belt. Seat belts are not required if the employee is required to alight from and reenter a passenger vehicle at frequent intervals and who, while engaged in the activity, does not drive at a speed exceeding 25 miles per hour.

At the discretion of the Council, car allowances may be furnished to department heads in lieu of city-owned vehicles.

### **Authorized Uses of Fire Department Vehicles – And Procedure for a Requested Use to be approved**

#### **Authorized Personnel**

- 1. Only Austin Fire Department personnel are allowed to drive/ride on department vehicles, except for civic parades/special events in Austin\*, in which case permission may be granted at the discretion of the Fire Chief for other persons to ride. Other City of Austin officials and vehicle maintenance personnel are allowed to ride.

## Authorized Uses

1. Emergency response apparatus shall only be used for official Fire Department business, which includes:
  - a. Response to department emergencies
  - b. Maintenance of the vehicles
  - c. Training activities
  - d. Fire safety education activities\*\*
  - e. Meals/scheduled breaks at area restaurants for on-duty crew
  - f. During severe weather conditions, on-duty crew may use apparatus to pick up an employee coming on duty if employee is unable to use their own transportation due to travel conditions
  - g. Emergency call to residence of employee may take vehicle #309 or 313, if available, for short-term need to be home
  - h. Civic parades/special community events in Austin\*. Permission may be granted at the discretion of the Fire Chief with consideration to response availability by crews.
  - i. In cooperation with other city departments that may infrequently need assistance to provide service efficiently.
  - j. One fire apparatus may be present at the funeral of a current or former Austin firefighter. If the funeral is to be held outside of the Austin fire department response area, then approval shall be obtained by the city council.

Unit 306 is assigned to the Fire Chief or official of the department acting in his absence and may be used for his personal transport 24 hours per day so that it is available for said official to respond to duty upon notice. Unit 306 shall be kept within or near Austin by the official when not on duty. The Chief, or official in his absence, may take Unit 306 to out of city places/events in Minnesota that are part of the official business of the Fire Department.

For all activities and uses other than those listed above, the Fire Chief shall obtain the expressed written authorization for the requested use from the City Council.

## Requested Use

Requests for approval for use of fire department vehicles shall first be presented to the City Council Fire Department Committee for their recommendation to the City Council. Approval by the City Council shall be required before a requested use may occur. If a request for vehicle use is required for an event prior to a council meeting, permission may be granted at the discretion of the city administrator.

\* Definition of civic parades/special events in Austin – Fourth of July, High School Homecoming parade, State Champion parade recognitions and other very similar occasions.

\*\* As per list of activities approved by Chair of Fire Committee

**Telephones** – Employees may use the telephones to make occasional calls of a personal nature. However, excessive use of the telephone for personal use will not be tolerated.

Employees are not to make any long-distance personal calls unless the employee uses his/her own personal calling card or reimburses the City for the cost.

## ACCEPTABLE USE POLICY FOR ELECTRONIC COMMUNICATIONS AND INTERNET USE

### Purpose

This policy serves to protect the security and integrity of the City's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources. The computer and communications systems operated by the City for the conduct of business are the property of the City of Austin and all City policies relating to personal conduct apply to access to and use of these resources. Nothing in this policy is intended to prohibit or interfere with employees' right to engage in collective bargaining, concerted activity or other similarly protected acts.

Users have no expectation of privacy in using these systems. No communication using these systems should be considered private or personal. Since records retention policies may apply to electronic communications, users should assume that even deleted messages are retrievable at a later date.

The City reserves the right to inspect any data, emails, social media content, files, settings or any other aspect or access made by a City-owned computer or related system and will do so on an as-needed basis as determined by the City Administrator.

All employees are responsible for reading and following information that may be distributed from time-to-time about appropriate precautions to protect City systems.

An employee who violates any aspect of this policy may be subject to disciplinary action including revocation of certain system privileges or termination.

Each user is responsible for the content of all text, audio, images and video they send over the Internet or phone systems. All messages should contain the user's identity, and should be written with the same professional manner as any hard-copy correspondence.

Users should demonstrate respect for intellectual property and ownership of information by providing source attribution whenever possible. Users should respect system security and integrity by using such mechanisms properly. Users should respect their co-worker's right to privacy and to a workplace free from intimidation by their conduct when using these systems.

### **Personal Use**

The City recognizes that some personal use of City-owned computers and related equipment has and will occur. Some controls are necessary, however, to protect the City's equipment and computer network and to prevent abuse of this privilege.

- Only City employees may use City-owned equipment. Family members or friends of employees are not allowed to use City equipment or technology resources.
- Reasonable use of City email systems for personal correspondence is allowable, provided it does not interfere with an employee's normal work and is consistent with all provisions in this policy. Employees should treat this privilege as they would the ability to make personal phone calls during work hours.
- Reasonable use of the City's access to the Internet for personal reasons is allowable, provided it doesn't interfere with normal work and is consistent with all provisions in this policy.
- Use of City equipment or technology for personal business interests, for-profit ventures,

political activities, promotional use or other uses inconsistent with City activities is not allowed.

### **Inappropriate Use**

Inappropriate use of telephone, cellular phone, fax, Internet access and email systems would include but are not limited to participation in illegal activities, gambling, commercial activities, accessing sexually explicit or violent material; information that contains harassing or threatening material, using the systems to harass or disable other systems, creation or distribution of virus or destructive programs, distributing pirated software or stolen data.

### **Software, Hardware, Games and Screen Savers**

In general, all software and hardware required for an employee to perform his or her job functions will be provided by the City. Requests for new or different equipment or software should be made to the department head or system administrator.

Unapproved software or downloads (free or purchased), hardware, games, screen savers, toolbars, other equipment, software or downloads that may compromise the integrity of the City's computer system and are prohibited.

### **Electronic Mail**

The City provides employees with an email address for work-related use. Some personal use of the City email system by employees is allowed, provided it does not interfere with an employee's normal work and is consistent with all City policies.

An employee's personal email (and other personal documents) accessed via a City computer could be considered "public" data and may not be protected by privacy laws. Personal email and computer use may be monitored without notice to the employee. Employees should not expect privacy in any activity conducted on a City-owned computer.

The following policies relate to both business and personal email content sent from a City computer:

- Use common sense and focus primarily on using email for City business. Never transmit an email that you would not want your boss or other employees to read or that you'd be embarrassed to see in the newspaper.
- Do not open email attachments or links from an unknown sender. Delete junk or "spam" email without opening it if possible, do not respond to unknown senders.
- Do not gossip or include personal information about yourself or others in an email.
- Do not use harassing language, including sexually harassing language or any remarks including insensitive language or derogatory, offensive or insulting comments or jokes in an email.
- All emails must comply with all City policies, including those related to respectful workplace, harassment prevention and workplace violence.
- Do not curse or use swear words in an email.

- Keep people informed; use 'out of office assistant' when you are going to be away for more than a day.

Normally email messages are transitory, of short-term interest, and are considered incidental and non-vital communications. As such, normal email messages are not subject to specific record retention schedules and should be disposed of right after action or review. In the event that an email message occurs that relates to the transaction of official City business, the message should be reduced to print form or other City approved archival format (electronic, optical or otherwise), and should be retained in accordance with applicable retention schedules. The system administrator has the right to delete messages that haven't been archived after 90 days whether opened or unopened. The only exception to this retention limit is for legal discovery.

### **Instant Messaging**

The City does not provide employees with resources or tools to communicate by Instant Messaging (IM) when conducting City business. Employees are not allowed to use IM as a mechanism for personal communication through the City's computer network or when using City equipment, and are not allowed to download or install any IM software on their City computer.

### **Social Media**

Employees will not be allowed access to personal social media on their City computer. Access to social media for official City business will be granted by the system administrator. When using social media to support official City business in accordance with job duties, individuals should clearly identify themselves as connected to the City and be a professional representative of the City.

### **Storing and Transferring Documents**

Electronic documents, including emails, electronic communication and business-related materials created on an employee's home or personal computer, should be stored on the City's network in accordance with city records retention policies and the Minnesota Data Practices Act. Text messages from a cell phone (city-issued or personal) that contain certain work related information may also constitute an official record of city business and may need to be preserved (hard copy via email). The following are some general guidelines that may be useful to consider:

- Electronic communication that is simple correspondence and not an official record or transaction of city business should be deleted as soon as possible and should not be retained by employees for more than 90 days.
- Electronic communication that contains information which constitutes an official record of city business must be kept in accordance with all records retention requirements and should be copied to appropriate network files for storage.
- City-related documents that an employee creates on his or her home computer or any other computer system should be copied to the city's network files.
- Documents or electronic communications that may be classified as protected or private information under data practices requirements should be stored separately from other materials.

If you are unsure whether an electronic communication or other document is a government

record for purposes of records retention laws, or is considered protected or private under data practices, check with the Human Resources Director. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact the system administrator.

Transferring data and documents between computer systems requires information to be stored on a CD, flash or USB drive, or other storage media. These items can also be used to transmit computer viruses or other items harmful to the City's computer network.

The City has installed anti-virus software on each computer to protect against these threats by automatically scanning storage media for viruses and similar concerns.

### **Internet**

The City provides Internet access to employees for work on City business. Employees may use this access for work-related matters in a professional manner.

Occasional personal use of the Internet is acceptable within the bounds of all City policies. The following considerations apply to all uses of the Internet whether business related or personal:

- There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.
- Internet use during work hours must be limited to subjects directly related to job duties.
- Personal use of the Internet during non-work hours (breaks, lunch hour, before or after work) is permitted. However, employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races or religions, or in manners that otherwise violate city policies related to respectful workplace and harassment prevention. This prohibition includes information on social media sites such as Facebook and MySpace, blogs and microblogs such as Twitter. If you are unsure whether a site may include inappropriate information, you should not visit it.
- No software or files may be downloaded from the Internet unless approved in advance by the system administrator. This includes but is not limited to free software or downloads, maps, weather information, toolbars, screensavers and games.
- The city may monitor any employee's use of the Internet for any purpose without prior notice.

### **Passwords and Physical Security of Equipment**

Employees are responsible for maintaining computer passwords and following these guidelines:

- Passwords must be at least eight (8) characters long and include both lower and upper case letter, at least one number and at least one non-alpha-numeric character (e.g., \*, &, %, etc.).
- Your passwords should not be shared or told to anyone. If it is necessary to access an employee's computer when he or she is absent, contact the system administrator.

- Passwords should not be stored in any location on or near the computer. If necessary, store your password in a document or hard copy file that is locked when you are absent from your desk. Do not store it electronically in a palm pilot or cell phone system.
- The computer system will prompt employees to update passwords; employees must change passwords when prompted.

Lock your workstation (press Ctrl-Alt-Del keys) if you will be away from your desk or office for more than five minutes. Unlock your computer by doing the same and typing in your password. Do not leave city computer equipment in an unlocked vehicle or unattended at any off-site facility (airport, restaurant, etc.).

### **Remote Access**

Certain employees may be given the ability to access the city's computer systems from remote locations or from home, using either personal equipment or city-owned equipment.

Regular remote access is limited to staff classified as exempt and who frequently work independently on city business. Non-exempt staff may be given access as needed for city related business only, but only with the express written approval of their supervisor and two of the following positions the system administrator, Human Resources Director, Administrative Services Director or City Administrator. It is the responsibility of non-exempt staff to keep an accurate record of time spent conducting approved city business remotely. Time should be documented in 15 minutes increments and monitored by their supervisor. It will be necessary to complete a remote access request and authorization form which will be kept in the employee's personnel file. Remote access will be monitored; the City reserves the right to revoke remote access at any time.

Employees with remote access privileges will be given specific instructions from the system administrator about how to protect city equipment and information resources. If you have any questions about remote access to the city's network, check with the system administrator.

Non-exempt employees should not utilize City provided computers, tablets, cell phones, etc. for work related purposes during non-work hours unless specifically authorized to do so. Non-exempt employees are not expected to use these devices without their supervisor and two of the following positions the system administrator, Human Resources Director, Administrative Services Director or City Administrator's written approval during non-work hours. It is inappropriate for non-exempt employees to utilize City provided computers, tablets, cell phones, etc. when not authorized to do so. Unauthorized use may be subject to disciplinary action under the personnel policy or a collective bargaining agreement.

### **Notice of Computer Problems**

Employees are responsible for notifying the system administrator about computer problems or odd computer behavior. Employees should err on the side of caution when reporting issues because small problems may indicate a more serious network or computer system issue.

## **TOBACCO USE**

This policy is designed to comply with the Minnesota Clean Indoor Air Act and to respond to the increasing evidence that tobacco use creates a danger to the health of persons who use tobacco as well as persons who are present in a smoke-filled environment. It is the City's goal to comply with the law; provide a primary non-smoking work environment; to encourage and

motivate smokers to quit smoking and remain non-smokers and to protect all employees from the effects of smoke.

**Buildings and Vehicles** - All City-owned, leased or rented buildings and vehicles shall be tobacco-free which includes smoking and the use of tobacco products. Park shelters, pavilions and stadiums are exempt from this policy.

**Enforcement** - All employees of the City of Austin and members of the public are expected to comply with the guidelines of this policy twenty-four hours a day, seven days a week. All employees in supervisory positions are required to inform all non-complying employees of this policy.

**Discipline** - Discipline for non-compliance by employees shall be as follows:

First Violation – verbal reprimand;

Second Violation – written warning with a copy placed in the employee’s personnel file.

Further Violations shall be considered insubordination and shall be subject to discipline, up to and including termination.

### **DRUG AND ALCOHOL TESTING POLICY**

The purpose of this policy is to provide written guidelines in compliance with Minn. Stat. 181.950-181.957 for requesting or requiring employees or job applicants to undergo drug and/or alcohol testing. The City of Austin prohibits the possession, consumption, sale transfer, or "being under the influence" of alcohol or illegal drugs during employment. (This does not include personnel of the Austin Police Department specifically authorized to consume alcoholic beverages or possess illegal drugs while engaged in an approved law enforcement activity).

**Coverage** - All employees of the City of Austin are covered by this policy. All applicants, including persons currently employed by the City, that apply for a position that requires a pre-employment physical, will be required to take a drug test if a job offer is made.

City employees required to hold a commercial driver’s license for their position will also be covered under the City of Austin Transportation Employee Drug and Alcohol Policy under the Omnibus Transportation Employee Testing Act.

#### **Objectives**

- A. To create a safe and healthy environment for all employees to work in.
- B. To provide professional, efficient service to the public with employees utilizing their full potential.
- C. To reduce the costs directly and indirectly associated with substance abuse in our workplace.
- D. To assure fairness and equality in the administration of this policy.
- E. To set forth the procedures for the administration and implementation of this program and policy.

#### **Definitions**

- A. Commissioner: The Commissioner of the Minnesota Department of Health.

- B. Confirmatory test and/or confirmatory retest: A drug or alcohol test that uses a method of analysis approved by the Commissioner under Minn. Stat. 181.953, Subd. 1, as being reliable for providing specific data as to the drugs, alcohol, or their metabolites detected in an initial screening test.
- C. Drug and/or Alcohol Test/Testing: An analysis of a body component sample approved by the Commissioner under Minn. Stat. 181-953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- D. Drug: A controlled substance as defined in Minn. Stat. 152.01, Subd. 4.
- E. During employment: Means regular working hours, overtime, or any other period in which employees are performing or subject to perform duties for the City.
- F. Employee: Means a person who performs services for compensation, in whatever form, for the City. Employee shall also mean a volunteer who provides services to the City for no or nominal compensation.
- G. Initial screening test: A drug or alcohol test which uses a method of analysis approved by the Commissioner under Minn. Stat. 181.953, Subd. 1, as being capable of providing data as to general classes of drugs, alcohol, or their metabolites.
- H. Job applicants: A person, independent contractor, or person working for an independent contractor who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug or alcohol testing.
- I. Positive test result: A finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels set by the Commissioner under Minn. Stat. 181.953, Subd. 1. An alcohol test will be considered positive if the tester has an alcohol concentration level of at least .05.
- J. Reasonable suspicion: A basis for forming a belief based on specific facts and rational inferences drawn from those facts.
- K. Substance Abuse Professional: A licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**Applicability** - The City may require alcohol and/or drug testing of the following individuals and under the following circumstances:

- A. Job applicants for positions which require a pre-employment physical. Testing will not be required until a job offer has been made.
- B. Employees who the employer has reasonable suspicion to believe have, during assigned or volunteered work schedules:
  - 1. Consumed or been under the influence of alcoholic beverages;

2. Have the odor of an alcoholic beverage or non-alcoholic replica on the breath; or,
  3. Consumed or been under the influence of a controlled substance, except when instructed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate equipment or vehicles;
  4. Has violated provisions of this policy or other City policies and procedures prohibiting the possession, consumption, sale, transfer, or "being under the influence" of drugs or alcohol during employment.
- C. Employees who have sustained a personal injury, as that term is defined in Minn. Stat. 176.011, Subd. 16, or has caused another person to sustain a personal injury.
- D. Employees who have caused a work-related accident or were operating or helping operate machinery, equipment, or vehicles involved in a work-related accident.
- E. Police Department personnel who have (1) discharged his/her firearm at another person or vehicle; or, (2) been involved in a vehicle chase which Minnesota Statute 609.487, Fleeing a Police Officer in a Motor Vehicle, is to be charged and such chase involves an automotive accident involving the police vehicle or any accident in which someone is injured.
- F. Employees who have been referred by the City for a chemical dependency treatment or evaluation or who are 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.
- G. Should any employee or employees feel that they have reasonable suspicion to believe that their supervisor is under the influence of drugs or alcohol, they should contact another supervisor, department head or Human Resources Director.

### **City Requirements and Procedure**

- A. The City will post and maintain a notice in appropriate and conspicuous locations at its facilities that this policy has been adopted and that copies are available for inspection at specified locations.
- B. The City will use a facility for drug and/or alcohol testing which has been licensed by the Commissioner.
- C. All test samples will be taken at the designated medical facility where screening/testing will be administered. It shall be the laboratory's responsibility to establish reasonable chain-of-custody procedures.
- D. The procedure utilized for collecting samples for testing will ensure privacy to the employees and job applicants to the extent practicable, considering the need to prevent tampering with the sample. The employer shall maintain a sample and insure proper

handling thereof, and comply with the rules adopted by the Commissioner pertaining to the chain of custody.

- E. All personal injuries sustained while working for the City of Austin and all work-related accidents will be reported immediately to an on-duty supervisor by the person involved in the injury or accident and/or witnesses to the injury or accident. If no supervisor is on duty at the time, one will be called at home. The notified supervisor will then determine whether to require drug/alcohol testing of the injured person, the person causing the injury, or the person involved or causing a work-related accident. Any employee tested under this section of the policy may be suspended in accordance with this policy.
- F. When a supervisor determines that an employee should be tested under the reasonable suspicion guidelines, the employee will be told that in the supervisor's opinion, the employee appears to be impaired and in a state unfit to work. The employee may request the union steward to be present during questioning and any subsequent discussions. During this discussion, the employee shall be asked if he/she has been drinking alcohol or has taken legal or illegal drugs. A written record of the discussion and the employee's replies and actions will be kept.
- G. Regardless of whether the employee admits or denies taking legal or illegal drugs, the supervisor will explain that the employee will be driven to the designated medical facility where the testing/screening will be administered. The employee will **not** be allowed to drive to the designated facility on his/her own accord.
- H. If the test/screen is negative, there will be no loss of pay or disciplinary action taken.
- I. At the time the individual provides the sample for testing, the individual may choose to have two samples drawn. One sample will be used by the City's laboratory for testing and the other sample will be frozen. The frozen sample may be released to the laboratory designated by the individual or the individual's attorney for testing. The individual must pay the cost of testing conducted on and storage of the second sample if this option is selected.
- J. Before a job applicant/employee is required to submit to an alcohol and/or drug test, the City will provide forms on which the tester shall:
  - 1. Indicate whether or not the employee or job applicant has seen the City's Drug and Alcohol Testing Policy, and
  - 2. indicate any over-the-counter or prescription medications that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- K. The City's laboratory will automatically perform confirmatory test on all samples which test positive. No adverse personnel action will be taken based on an initial screening test which has not been verified by a confirmatory test, except as provided in this policy.
- L. Within three business days of the City's receipt of the results, the City will notify the employee/job applicant of the results of the alcohol and drug test and of the individual's rights specified in this policy and Minn. Stat. 181.953, Subd. 10 or 11.

### **Rights of Employees and Job Applicants to Refuse Testing**

- A. Applicants. If a job applicant for an affected position refuses to submit to an alcohol and/or drug test, any offer of employment may be withdrawn and the individual may not be considered for employment by the City.
- B. Employees. Employees who refuse to submit to or cooperate with an alcohol and/or drug test, refuse to provide a specimen, or have adulterated a specimen, under the circumstance enumerated in this policy, and may be dismissed. If the employee is unable to provide a urine specimen after a reasonable waiting period, not to exceed two hours, the City may terminate the testing/screening procedure and proceed with laboratory testing based upon blood specimens alone.

**Effect of Positive Confirmatory Test**

- A. Applicants. If a job applicant for an affected position tests positive on a confirmatory test for alcohol and/or drugs, any offer of employment may be withdrawn and the individual may not be considered for employment by the City.
- B. Employees. Employees, who test positive for alcohol and/or drugs for the first time, will be given the opportunity to enter a city-approved drug and/or alcohol counseling or rehabilitation program at the individual's expense or through the employee's health care provider. The City will consult with a substance abuse professional before approving a program. Employees, who refuse to enter or fail to complete a program, may be dismissed. Employees, who elect to enter a program, may be placed on probation for up to two (2) years by the City. The probation will not affect the employee's use of sick leave or vacation. During the probation period, the employee will be required to submit to unannounced follow-up alcohol and/or drug testing. Failure to comply with this requirement or a positive test result during the probation period will result in immediate dismissal. Upon successful completion of the probationary period with negative test results during that period, the employee will be reinstated to regular employment status.

Employees who have once tested a confirmed positive will be immediately dismissed if they test a confirmed positive for either alcohol or a controlled substance (regardless of the source of the first positive) at a later date.

**Employee/Job Applicant Rights After a Test**

- A. Within five (5) days after receiving notification of a positive test result, an individual may submit any information to explain the result and request in writing a confirmatory retest of the original sample at the employee's or job applicant's own expense. At the same time, the individual may request in writing release of the frozen sample if this option was chosen. The individual may request that the City's laboratory perform the confirmatory retest or transfer the sample to a state licensed testing laboratory of the individual's choosing.

The City will comply with employee's request to retest or transfer the sample within three (3) business days. No adverse personnel action will be taken if the confirmatory retest does not confirm with the original test.

- B. An employee or job applicant may request and receive from the City a copy of the drug or alcohol result report.

### **Miscellaneous**

- A. The City's laboratory shall disclose test result data only to the City Administrator and the Human Resources Director of the City of Austin.
- B. Test result reports and other data acquired by the City in the drug and/or alcohol testing process is private data on individuals pursuant to Chapter 13 of Minn. Statutes. The City will disclose the information internally only to employees with the need to know and to the tested individual. The test information will not be released to any third parties except under the following circumstances:
  - 1. The data may be used in an arbitration proceeding pursuant to a collective bargaining agreement, and administrative hearing under Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that the information is relevant to the hearing or proceeding.
  - 2. The information may be disclosed to a federal agency or other unit of the United States Government as required by federal law, regulation, order or contract.
  - 3. The information may be disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of employee.
  - 4. When permitted by law or court order.
- C. Positive test results from the City's drug or alcohol testing program will not be used in a criminal action against an employee or job applicant.
- D. The City may suspend an employee requested to submit to testing if the City believes that it is reasonably necessary for the protection of the employee, co-employee, or the public. The suspension may be without pay, at the discretion of the City Administrator. In lieu of suspension, the City may temporarily transfer the employee to another position at the same rate of pay. Positive test results will be handled in accordance with this policy. It shall be the responsibility of the City Administrator to determine the date a suspended employee may return to work.

### **Appeal Procedure**

Employees may appeal decisions made by the City under this policy through their collective bargaining units. Employees, who are not represented by a collective bargaining unit, may appeal decisions to the City Council. The City will not retaliate against an employee for pursuing an appeal or other remedies provided in Minn. Stat. 181.956.

### **HARASSMENT POLICY**

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, or degrading environment, or interferes with or adversely affects a person's work performance.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote productive performance.

It is the policy of the City that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences. Employees have a right to a work place free of verbal and/or physical harassment.

**Sexual Harassment - Sexual** harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature. It is City policy to fully support enforcement of State and Federal anti-discrimination laws which provide that sexual harassment is prohibited where:

- (1) Submission to such conduct is made either explicitly or implicitly a term of condition of employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

It is the right of all employees to seek, at any time, redress by the State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law; however, employees are encouraged to exhaust the City's administrative remedies before consulting outside agencies.

All employees share the social and moral obligation to treat colleagues with respect. Employees should let harassers know when their conduct is unwelcome or offensive, rather than participating in the conduct and later complaining of its offensive nature.

**Report Procedure** - Victims of alleged sexual harassment and third persons with knowledge or belief of conduct constituting sexual harassment are encouraged to report to their supervisor, department head, Human Resources Director or the City Administrator. A supervisor or department head, upon receiving any such report, must forward the same in confidence to the City Administrator or Human Resources Director within 48 hours. Supervisors and department heads have a duty to report knowledge or belief of sexual harassment conduct to the City Administrator. The supervisor or department head is to perform no screening or investigative function. If any other employee of the City directly receives complaints, orally or in writing, from a victim of alleged sexual harassment, the employee must immediately forward these complains to one of the persons listed above or direct the alleged victims to those persons. Failure of any supervisor or other staff to forward any report of alleged sexual harassment to the appropriate person may result in discipline.

**Investigation and Recommendation** - Upon receiving any report alleging sexual harassment, the City Administrator shall direct the Human Resources Director, City Attorney or such other person as he or she shall determine, to conduct an investigation and make a written recommendation within twenty (20) working days, if practicable, to the City Administrator. In determining whether alleged conduct constitutes sexual harassment, the City Administrator should look at the record as a whole and the totality of circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. All alleged victims may, at their option, have in their presence a staff person of the same gender during all contacts with the City Administrator or investigator.

**Retaliation** - Consistent with the terms of applicable collective bargaining agreements, statutes, or City policies, the City will discipline any individual who retaliates against any person who

reports alleged sexual harassment, or who retaliates against any person who testifies, assists or participates in any manner in any investigation, proceeding or hearing relating to the report alleging sexual harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

### **City Action**

1. Pending completion of the investigation, the City Council may take any appropriate or reasonable action necessary to protect the alleged victim, other employees, or citizens.
2. Within twenty (20) working days of receipt of the City Attorney's report, the City Council will take such action as deemed necessary and/or appropriate, including termination, to end sexual harassment found to exist.

**Alternative Procedures** - If the City Administrator is perceived to be the cause, the report shall be made to the City Attorney who shall confer with the Mayor and City Council regarding appropriate investigation and action. If both the City Administrator and City Attorney are perceived as the cause, the report shall be made to the Human Resources Director who shall confer with the Mayor and City Council regarding appropriate investigation and action.

## **WORKPLACE VIOLENCE POLICY**

The City of Austin seeks to provide a safe and secure workplace environment for employees, volunteers, vendors, and citizens. Violence, or the threat of violence, has no place in any City of Austin facility.

This policy addresses the City's commitment to preventing the potential for violence in and around the workplace and to fostering a work environment of respect and healthy conflict resolution.

Many City employees may be exposed to violence by the nature of their jobs. Violence or the threat of violence, by or against any City employee or other person while at a City of Austin workplace, is unacceptable and may subject the individual to serious disciplinary action and/or criminal charges.

The City of Austin will take every reasonable action to protect the life, safety and health of employees and will provide as rapid and coordinated a response as possible to violence or threats of violence at any worksite.

Possession, use, or threat of use, of an object which could be considered a dangerous weapon, including all firearms, is not permitted at the workplace, or on City property (to include a 200 foot radius around all city facilities), including City vehicles, unless such possession or use is an approved requirement of the job.

The City of Austin is committed to providing a workplace environment in which all its officials and employees treat each other, their customers and clients, and all others with courtesy, dignity and respect.

## **DISCIPLINE**

Supervisors are responsible for maintaining compliance with City standards of employee conduct. The City reserves the right to use discretion and to deviate from this policy.

City employees are expected to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct. Failure to do so may result in disciplinary action.

Discipline will be administered in a non-discriminatory manner. The supervisor will normally investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

The City may elect to use progressive discipline with regular employees. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. All City employees serve at the will of the Council. Nothing in this article or these personnel policies implies that any City employee has a property right to the job they perform.

**Causes for Action** - Appropriate disciplinary action may be taken for any of the following causes included but not limited to:

1. Incompetence, inefficiency, dishonesty, or negligence in the performance of duty.
2. Sleeping or inattention on the job during assigned working hours.
3. Failure to report to work, refusal to work as assigned and directed, or other insubordination, unless such instructions are injurious to the employee's safety or health.
4. Unauthorized absence or abuse of leave privileges.
5. Acceptance of any valuable consideration given to influence the employee in the performance of his duty.
6. Dishonesty in the performance of duties.
7. Carelessness and/or negligence in the handling or control of municipal property or property entrusted to the employee.
8. Providing false or misleading information on an application form, cheating on an examination, falsifying a statement, certificate or evaluation.
9. Intentional falsification of personnel records, time sheets or other City records or reports.
10. Use of official position for personal advantage.
11. Soliciting political contributions from municipal employees, and engaging in political activities on or with City property and/or on City time.
12. Deliberate or careless conduct endangering the safety of other employees, including the provoking of or instigating a fight during working time or on City premises.
13. Sexual harassment or other offensive behavior.
14. Conviction of a criminal offense.
15. Violation of written city or departmental rules.
16. Reporting for work and/or working while under the influence of alcohol, drugs or other controlled substance; and/or any violations of the Drug & Alcohol Testing policy.
17. The use of offensive conduct or language toward the public, municipal officers or employees.
18. Failure to comply with safety rules, regulations and/or City safety procedures.
19. Activity which has been determined to be incompatible with the employee's position.
20. Theft or intentional destruction of City property or another employee's property. An employee who has stolen City property shall be subject to dismissal without any other intermediate disciplinary steps.

## **Disciplinary Measures**

All disciplinary actions will be documented and kept in the employee's personnel file. If an employee wishes to refute any aspect of their disciplinary action, the employee may do so in writing and it will be included in the employee's personnel file.

**Oral Warning** – Supervisors and department heads are authorized to give oral warnings. Oral warnings are sometimes given for first infractions to clarify expectations and put the employee on notice that the performance or behavior needs to change and what the change must be. There may be times where the first infraction is so serious that an oral warning may be insufficient. Documentation of oral warnings shall be signed by both the employee and his/her supervisor.

**Written Warning** – Supervisors and department heads are authorized to give written warnings. A written warning normally states the reason for the warning along with a description of the events/problems that led to the warning. It can include a description of actions taken by the supervisor to correct the problem, if applicable, including any timetables or goals set for improvement. It may outline further disciplinary action that could result if the problem continues or related problems occur.

Written warnings can be given to the employee to sign acknowledging he or she has received the warning, with a copy to keep. A copy will be placed in the employee's personnel file.

Written warnings are more serious than oral warnings and can follow oral warnings when the problem is not corrected or the behavior is not consistently improved, given a reasonable period of time for improvement. Serious infractions may require skipping either the oral or written warnings, or both.

**Suspension Without Pay** – The Council or a department head may suspend an employee without pay for disciplinary reasons. Department heads have the authority to suspend employees for up to thirty (30) days without pay. The Council can suspend an employee for any amount of time. Suspension without pay may be followed with immediate dismissal as determined appropriate by the Council.

There may be some situations where suspension with pay will be allowed by the Council. Documentation will normally be kept in cases of suspension and a copy of any written documentation will be placed in the employee's personnel file.

An employee may be suspended pending an investigation of an allegation. If the allegation is proven false after the investigation, relevant written documents will normally be removed from the personnel file and the employee will normally receive any compensation to which he or she would have been due had the suspension not taken place.

For any suspension of five (5) or more days, or any second suspension for the same individual, the Council will review the reasons for the suspension and upon review, will make a decision as to the future status of the employee and his or her employment with the City.

**Dismissal** – Subject to State law on veteran's preference and M.S. Sections 181.931 - 181.935, the City Council may dismiss any employee subject to its authority at any time for any reason by a majority vote. All City employees serve at the will of the City Council (or Fire Civil Service Commission, Police Civil Service Commission or Library Board, as applicable).

## **LOSS OF DRIVING PRIVILEGES**

### **Policy**

Job descriptions of certain positions within the City of Austin have a minimum requirement of possessing and maintaining a valid Class D driver's license or a Class A or B driver's license, commonly referred to as a "Commercial Driver's License" (CDL).

Those licenses may sometimes be suspended because of criminal charges brought against an employee for various driving offenses or suspended, revoked or canceled because of the

employee's conviction or guilty pleas to various driving offenses. As a result, an employee in such a situation can no longer lawfully drive while employed by the City of Austin and does not meet the minimum qualifications of the job.

### **Positions Affected**

This policy affects all employees having a job description which requires some type of valid driver's license. It is the employee's responsibility to report to their supervisor the loss of their driver's license. Supervisors are responsible for reporting this information to the Human Resources Department.

### **Guidelines**

In the interest of preserving, for a limited time, an employee's job when the employee's required drivers license is suspended, revoked or canceled; all City employees, except those employees with a bonafide medical condition which may be grounds for an exemption, will be subject to the following:

1. If an employee loses driving privileges and possession of a license is a requirement of the employee's job, the responsibility for regaining the license is the employee's, not the City's.
2. The employee must, at the employee's expense and on personal time, settle the issue with the District Court or Department of Public Safety.
3. Management, upon being made aware of the loss of an employee's license, shall send the employee a letter advising him/her that they will be put on leave without pay status as of the date of the license suspension for sixty (60) calendar days. The employee's job is not lost, but no pay will be drawn until the loss of a driver's license issue is settled within the 60 calendar day period of time. Vacation and/or compensatory time may be used during this 60 calendar day period.
4. If the employee's driving privileges are restored to the appropriate level identified in the job description for the position held in order to meet the minimum qualifications within 60 calendar days, the employee may return to work with full pay and benefits effective the date of return to work.
5. If the employee cannot resolve the license problem, then termination proceedings will be commenced at the expiration of the 60 calendar day time period.
6. Extensions shall be granted only in exceptional circumstances at the discretion of the City Administrator.

### **Affects on Benefits**

COBRA (Continuation of Benefits) notification will be given to the affected individual after the Human Resources Department has been notified of suspension, revocation or cancelation of the employee's driver's license. This will cover health insurance, life insurance, flexible spending account (FSA) and health reimbursement account (HRA). The opt-out payment option given to employees in lieu of health insurance coverage will not be provided to the employee while on the unpaid leave (even if the employee chooses to use vacation or compensatory time).

Employees will not earn benefit accruals (holiday, sick, vacation) while on the unpaid leave (even if the employee chooses to use vacation or compensatory time).