

**MEETING DATE:** June 18, 2015

**TITLE:** Clarification and update to delegation of hiring authority to administrator

**RESOLUTION NUMBER:** 15-056

**PREPARED BY:** David Mandt; Springsted; Smith Partners

**E-MAIL:** dmandt@minnehahacreek.org

**TELEPHONE:** 952-641-4503

**REVIEWED BY:**  Administrator  Counsel  Program Mgr. (Name): \_\_\_\_\_  
 Board Committee  Engineer  Other

**WORKSHOP ACTION:**

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): <u>Action</u>	

**PURPOSE or ACTION REQUESTED:** Clarification and refinement of the delegation of authority to the MCWD administrator of hiring authority and direction to prepare associated policy materials for adoption by the Board of Managers and to complete and maintain the MCWD Employee Handbook.

**PROJECT/PROGRAM LOCATION:** N/A

**PROJECT TIMELINE:** Ongoing

**PAST BOARD ACTIONS:** Numerous prior adoptions of policy and amendments; authorization to hire Springsted to perform updating elements of District human resources and staffing, May 29, 2014; authorization for Springsted to complete a human resources analysis classification and compensation study, February 13, 2014; adoption of Governance Manual, November 20, 2014;

**SUMMARY:** Under direction from the Board of Managers, staff has been working with legal counsel to ensure that MCWD’s governance materials are not only consistent with state law and meet required minimums, but articulate best practices, speak to specific characteristics of MCWD, and demonstrate to the public, the state and MCWD fellow local governmental entities MCWD’s diligence in ensuring that its operations and management are as efficient and effective as possible. The board adopted the first major component of this effort in November 2014, the MCWD Governance Manual. The Governance Manual consolidated and optimized numerous prior policies pertaining to board’s role and functions as the body overseeing and setting the direction of the organization. The manual’s policies also address the relationship of the board to the administrator and staff.

Again at the direction of the Board of Managers, staff has been working with human resources staff at Springsted to modernize and update MCWD’s human resources function. Staff has identified that the critical

foundation of a high-functioning human resources system is a clear delegation of authority to the administrator and a complete statement of the structure for board oversight of MCWD's personnel planning and management. Key from there is the updated Employee Handbook, which is a management tool for the administrator and the director of Operations and Support Services (the lead implementer of HR systems), and reference document for staff.

The following resolution establishes the overarching structure for sound operation of MCWD's human resources function, and represents the second critical element in the updating and organizing of MCWD's core operational policies. The third and final element is a comprehensive set of program and department policies and protocols, compilation and refurbishment of which is under way. These policies will be presented to the Board of Managers this fall.

## RESOLUTION

---

**RESOLUTION NUMBER:** 15-056

**TITLE:** Clarification and update to delegation of hiring authority to administrator

**WHEREAS** the Board of Managers has adopted and regularly updated and amended a complete set of governance policies to institutionalize sound management of the District's business, finances and affairs;

**WHEREAS** by action at the November 20, 2014, meeting, the Board of Managers adopted an updated, consolidated and definitive Governance Manual, which included governance policies pertaining to the Board of Managers' role in the hiring of MCWD department heads and the delegation of authority to the administrator;

**WHEREAS** in accordance with direction from the Board of Managers at the February 13, 2014 meeting, District staff have worked with human resources consultants at Springsted to organize and professionalize MCWD's human resources function by completing a [comp and class study], reorganizing and clarifying operating departments and functions, and completing job descriptions for all positions;

**WHEREAS** following from the effort to modernize MCWD human resources function and in accordance with direction from the Board of Managers at the May 29, 2014 meeting, MCWD staff have worked with Springsted consultants to draft an updated Employee Handbook to ensure MCWD recruiting, hiring and employment practices comport with applicable legal requirements and best practices for governmental entities of comparable size;

**WHEREAS** the consistent and well-established, though uncodified, practice of MCWD is that the administrator exercises all authority to hire staff, subject to engagement of the Executive Committee of the Board of Managers in the hiring of department heads in accordance with Governance Policy No. 4 – Board-District Administrator Relationship; Hiring of Department Heads, and the administrator retains responsibility to the Board of Managers for the performance of staff; and

**WHEREAS** MCWD staff, in collaboration with counsel and the MCWD human resources consultant, have prepared a draft updated Employee Handbook, a copy of which is attached in draft form;

**NOW, THEREFORE, BE IT RESOLVED** that the Minnehaha Creek Watershed District Board of Managers delegates to the administrator the authority to hire all staff, subject to the notice and review requirements of Governance Policy No. 4 – Board-District Administrator Relationship for the hiring of department heads and the creation and hiring of any new full-time equivalent position;

**THEREFORE BE IT FURTHER RESOLVED** that the Board of Managers directs the administrator to revise Governance Policy No. 4 – Board-District Administrator Relationship and other policy as necessary to reflect the delegation made by this resolution and bring the revised policy forward for adoption by the managers on the consent agenda for the July 9 workshop meeting of the Board of Managers; and

**THEREFORE BE IT FINALLY RESOLVED** that the Board of Managers delegates to the administrator – with advice and consent of counsel and the advice of the MCWD human resources consultant and the MCWD Operations and Support Services Director – to update, complete and maintain the Employee Handbook in accordance with applicable legal requirements as the rules and protocols for management of the human

resources function of the MCWD Operations and Support Services Department, amending and superseding the existing Employee Handbook.

Resolution Number 15-056 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: \_\_\_\_\_.

\_\_\_\_\_  
Secretary Date: \_\_\_\_\_

# MINNEHAHA CREEK WATERSHED DISTRICT EMPLOYEE HANDBOOK

*HUMAN RESOURCE RULES AND PROCEDURES*

ADOPTED: <DATE>  
EFFECTIVE DATE: <DATE>

# MISSION STATEMENT:

Adopted 10/31/02

*The Minnehaha Creek Watershed District is committed to a leadership role in protecting, improving, and managing the surface waters and affiliated groundwater resources within the District, including their relationships to the ecosystems of which they are an integral part, through regulation, capital projects, education, cooperative endeavors, and other programs based on sound science, innovative thinking, an informed and engaged constituency, and cost effective use of public funds.*

## ORGANIZATIONAL CULTURE:

A Foundation of Core Values

### Cultural Beliefs:

- We believe that a healthy, successful organization requires a strong organizational culture rooted in shared values of honesty, integrity, and authenticity;
- We believe that a management culture supportive of a collaborative environment, where ideas from all staff are acknowledged and encouraged, creates the foundation of a strong organization;
- We believe that an environment of idea-generation and innovation, uninhibited by hierarchical (vertical) or inter-department (lateral) restriction, will promote professional development, creativity and the free flow of information, improving service delivery;
- We believe that an organization which empowers and celebrates leadership and accountability at all levels will enhance productivity and increase the successful execution of innovative ideas, serving to perpetually advance the organizational mission;
- We have identified our shared values and are dedicated to the integration of our core values as a way of professional life, creating a foundation for a transformed philosophy and a strong, respected organization.

### Core Values:

#### Dedication:

We are committed to the MCWD mission, to the growth, adaptation and continued success of the organization, and to the continued professional development of ourselves and our fellow staff.

#### Humility:

We shall not allow title or rank to be a barrier to open communication and problem solving; all voices are equal and all opinions must be valued as such. We recognize and celebrate that ideas can (and should) come from any level of the organizational hierarchy. We acknowledge our own personal

strengths and weaknesses in our ability to meaningfully contribute to the success of our team. We recognize what we do not know and will uphold a willingness to learn.

Humor:

We will foster a safe and enjoyable work environment where camaraderie is valued by all staff. We will promote a fun and upbeat atmosphere that encourages relationship-building, interaction and brainstorming of new ideas to enhance productivity and effectiveness of staff. We acknowledge that humor is a key ingredient to establishing trust, boosting morale, retaining staff, and inspiring unrestrained creativity.

Innovation:

We will uphold our curiosity and persist in challenging the status quo, supporting new ideas, and creating adaptive approaches, thus resulting in dynamic solutions. We will not assume that today's knowledge and skills will be sufficient for tomorrow's challenges.

Leadership:

We must be confident in recognizing our own individual strengths, and the strengths and ability of others, to empower all staff, catalyze action and promote leadership and accountability at all levels.

Respect:

We will dedicate ourselves to a genuine understanding of and care for one another. We will continually strive to cultivate an atmosphere of honesty, encouragement and admiration.

Passion:

We shall maintain a conviction and personal stake in achieving the District's important mission and moving it forward as a unified team.

Perseverance:

We will be tenacious in our endeavors. We will strive to complete our work to the best of our ability and overcome barriers, frustrations and past failures that influence our environment.

Positivity:

We will remain optimistic in the face of adversity; spending time, energy and spirit on only the things within our control, and inspiring, through example, others to do the same.

Service:

We will be attentive to our constituents and partners, and provide them with responsive, individualized support and innovative solutions. We recognize that outward service is best facilitated by first capitalizing on opportunities to serve our fellow colleagues and departments through collaboration and sharing of resources and ideas.

Teamwork:

We must value and combine the talents of all members, through unfettered collaboration and coordination, to successfully achieve the goals of the organization.

**TABLE OF CONTENTS**

**SECTION I DEFINITIONS..... 6**

**SECTION II. INTRODUCTON..... 13**

A. WELCOME TO THE MINNEHAHA CREEK WATERSHED DISTRICT (MCWD)..... 13

B. OVERVIEW OF THE MCWD ..... 14

C. HANDBOOK LIMITATIONS, PURPOSE AND ADMINISTRATION..... 14

    1. LIMITATIONS ..... 14

    2. PURPOSE ..... 14

    3. ADMINISTRATION ..... 15

D. MUTUAL EXPECTATIONS..... 15

    1. WHAT YOU CAN EXPECT FROM THE MCWD ..... 15

    2. WHAT WE EXPECT FROM YOU ..... 16

**SECTION III. EMPLOYMENT PRACTICES AND POLICIES ..... 16**

A. AT WILL EMPLOYMENT ..... 16

B. EQUAL EMPLOYMENT OPPORTUNITY ..... 16

C. AMERICANS WITH DISABILITIES ACT (ADA)/ADA AMENDMENTS ACT POLICY ..... 17

D. EMPLOYEE DRUG AND ALCOHOL POLICY ..... 18

E. COMMUNICATIONS ..... 18

F. PROBLEM SOLVING PROCESS) ..... 18

    1. GENERAL POLICY ..... 18

    2. APPEALS..... 19

G. RECRUITMENT AND SELECTION ..... 19

    1. GENERAL POLICY ..... 19

    2. RECRUITMENT..... 19

        a. Vacancies ..... 19

        b. Job Requisition ..... 19

        c. Job Postings..... 20

        d. Timing and Recruitment ..... 20

        e. Internal Transfers ..... **Error! Bookmark not defined.**

        f. Application Procedures ..... 20

        g. Temporary/Seasonal Positions..... 20

    3. SELECTION..... 20

        a. Selection Process..... 20

        b. Reference Checks, Offer Letters and Criminal Background Checks ..... 21

        c. Initial Start Date and Orientation ..... 21

        d. Employment of Relatives ..... 21

        e. Immigration Law Compliance ..... 21

H. CHANGE IN EMPLOYMENT STATUS..... 22

    1. TRANSFERS ..... 22

        a. Lateral Transfer..... 22

        b. Transfer to a Lower Classification ..... 22

    2. PROMOTIONS..... 22

    3. NO OPTION TO REVERSE A CHANGE IN EMPLOYMENT STATUS ..... 23

    4. JOB DESCRIPTIONS OR TITLES ..... 23

I. DISCIPLINE..... 23

    1. GENERAL POLICY ..... 23

    2. PROCESS..... 23

    3. DISCIPLINARY ACTION..... 23

        a. Verbal Warning..... 23

        b. Written Warning ..... 23

        c. Suspension With or Without Pay ..... 24

        d. Demotion and/or Transfer ..... 24

        e. Salary..... 24

        f. Termination/Discharge..... 24

J. SEPARATION OF EMPLOYMENT ..... 24

1. OVERVIEW .....	24
2. RETIREMENT .....	24
3. VOLUNTARY RESIGNATION.....	25
4. RESIGNATION NOT IN GOOD STANDING .....	25
5. TERMINATION/DISCHARGE .....	25
6. REDUCTION IN WORK FORCE/LAYOFF .....	25
7. DEATH .....	25
K. GENERAL EMPLOYMENT RELATED POLICIES .....	25
1. ATTENDANCE AND PUNCTUALITY .....	25
2. TELECOMMUTING POLICY .....	26
a. Eligibility .....	26
(1). Employee suitability .....	26
(2). Job responsibilities .....	27
(3). Logistics.....	27
(4). Tax implications .....	27
b. Formal Telecommuting Agreement.....	27
c. Pay and Attendance .....	27
d. Work Assignments .....	28
e. Performance Evaluation .....	28
f. Remote Work Environment and Safety .....	28
g. District Information, Supplies, Property, Equipment and Assests.....	29
h. Limitations .....	29
3. REASONABLE UNPAID WORK TIME FOR NURSING MOTHERS .....	29
4. CRIMINAL BACKGROUND CHECK .....	29
5. VETERANS POLICY .....	30
6. SMOKING AND TOBACCO USE POLICY .....	30
7. DRESS CODE POLICY .....	30
8. SUPPLEMENTAL EMPLOYMENT .....	30
9. EMERGENCY CLOSINGS .....	30
a. Inclement Weather –Closings to the Public.....	30
b. Other Emergency Closings – Vacating the Premises.....	31
10. WORK RELATED EXPENSES AND TRAVEL POLICIES .....	31
a. Application and Administration .....	31
b. Travel Requests and Approval.....	31
c. Funds Available .....	31
d. Billings .....	31
e. Travel Advances .....	32
f. Travel Authorization Guidelines .....	32
g. Vehicle Policy .....	32
(1). Privately Owned Automobiles .....	32
(2). District Vehicles .....	32
(3). Exceptions.....	33
(4). Traffic Laws .....	33
(5). Log Books.....	33
(6). Vehicle Allowance .....	33
h. Parking.....	34
i. Commercial Transportation .....	34
j. Car Rental .....	34
k. Taxi/Bus.....	34
l. Airline Frequent Flyer Clubs.....	34
m. Lodging, Meals and Incidental Expenses.....	34
n. Travel Time.....	35
o. Travel Expenses of Spouse or Other Family Members.....	35
p. Travel and Miscellaneous Expense Claim .....	35
q. Liability Insurance/Driver’s License .....	36
r. Seat Belt Policy .....	36

**SECTION IV. PERSONNEL RECORDS AND ADMINISTRATION..... 36**

A. GENERAL INFORMATION .....	36
B. YOUR PERSONNEL FILE.....	36
C. YOUR MEDICAL RECORDS .....	37
D. ANNIVERSARY DATE.....	37
E. LENGTH OF SERVICE .....	37
F. PERFORMANCE APPRAISAL PROCESS.....	38
1. OVERVIEW .....	38
2. SCHEDULE .....	38
3. RECORD OF PERFORMANCE EVALUATIONS.....	38
4. REVIEW OF PERFORMANCE APPRAISAL .....	38
G. REQUESTS FOR EMPLOYMENT REFERENCE .....	38
<b>SECTION V. SALARY AND WAGE ADMINISTRATION.....</b>	<b>40</b>
A. EMPLOYMENT CLASSIFICATION.....	40
1. REGULAR EMPLOYEES .....	40
a. Regular Full-Time.....	40
b. Regular Part-Time.....	40
2. TEMPORARY/SEASONAL EMPLOYEES .....	40
3. EXEMPT AND NON-EXEMPT EMPLOYEES .....	40
B. WORK WEEK.....	41
C. HOURS OF WORK.....	41
D. TIME RECORDS.....	41
E. PAY PERIODS .....	42
F. PAYROLL DEDUCTIONS.....	42
G. MEAL AND BREAK PERIODS.....	42
H. OVERTIME .....	43
I. COMPENSATORY TIME .....	43
J. WAGE DETERMINATION.....	43
<b>SECTION VI. EMPLOYEE BENEFITS.....</b>	<b>45</b>
A. INSURANCE .....	45
B. EMPLOYEE ASSISTANCE PROGRAM .....	45
1. POLICY .....	45
2. SCOPE .....	45
3. COST .....	45
4. CONFIDENTIALITY.....	45
C. STATE AND FEDERAL BENEFITS.....	46
D. HOLIDAY BENEFITS.....	46
E. VACATION BENEFIT .....	46
1. RATE OF ACCRUAL .....	46
2. ELIGIBILITY, SCHEDULING AND PROCEDURE.....	47
3. VACATION LEAVE ACCRUAL DURING LEAVE OF ABSENCE.....	47
4. VACATION LEAVE PAYMENT UPON EMPLOYMENT SEPARATION.....	47
F. SICK LEAVE BENEFIT .....	48
1. RATE OF ACCRUAL .....	48
2. ELIGIBILITY, SCHEDULING AND PROCEDURE.....	48
3. MEDICAL CERTIFICATION.....	49
4. SICK LEAVE COINCIDING WITH LEAVE OF ABSENCE.....	49
5. SICK LEAVE PAYMENT UPON EMPLOYMENT SEPARATION.....	49
G. LEAVES OF ABSENCE .....	49
1. GENERAL .....	49
2. FAMILY AND MEDICAL LEAVE (FMLA) .....	50
a. General Provisions .....	50
b. Eligibility .....	50
c. Types of Leave Covered .....	50
(1). The birth or placement of a child and to care for that child.....	50
(2). Leave for the employee's own serious health condition .....	51
(3) Leave to care for an immediate family member with a serious health condition .....	51
(4) Leave for a qualifying exigency .....	51

(5). Leave to care for a covered service member with a serious injury or illness .....	51
d. Amount of Leave .....	51
e. Employee Notice .....	51
f. Designation of FMLA Leave .....	51
g. Medical Certification for FMLA.....	52
(1). Recertification .....	52
(2). Genetic Information Nondiscrimination Act of 2008 (GINA) Compliance .....	52
h. Fitness for Duty Certification .....	52
i. Benefits While on FMLA .....	53
j. Light Duty.....	53
k. Return to Work from FMLA .....	53
1. No Retaliation .....	54
3. LEAVES OF ABSENCE WITH PAY .....	54
a. Courty Duty Leave .....	54
b. Bereavement Leave .....	54
c. Military Duty Leave .....	54
d. Training Leave.....	55
e. Election Days/Voting Leave.....	55
f. Emergency Service Leave .....	55
4. LEAVE OF ABSENCE WITHOUT PAY.....	55
a. Unpaid Personal Leave (Non-FMLA Qualifying Events).....	55
b. Extended Leave – Injury/Disability (Following use of FMLA).....	56
(1). General conditions .....	56
(2). Maximum leave period.....	56
c. Military Leave With or Without Pay .....	56
5. LEAVE FOR SCHOOL CONFERENCES AND ACTIVITIES .....	56
6. BOND MARROW DONATION LEAVE.....	56
7. PREGNANCY AND PARENTING LEAVE .....	57
8. VICTIM OR WITNESS LEAVE WITH OR WITHOUT PAY .....	57
H. EDUCATIONAL ASSISTANCE .....	57
1. ELIGIBILITY AND PROCESS.....	57
2. REIMBURSEMENT .....	59
I. RETIREMENT.....	59
1. PUBLIC EMPLOYEE RETIREMENT ASSOCIATION .....	59
<b>SECTION VII. RULES OF CONDUCT/CODE OF ETHICS .....</b>	<b>61</b>
A. CONFLICT OF INTEREST.....	61
1. CONFLICT OF INTEREST DETERMINATION .....	61
2. ACCEPTANCE OF ADVANTAGE .....	62
3. ACCEPTANCE OF GIFTS .....	62
4. NON-DISTRICT USE OF DISTRICT RESOURCES.....	62
5. POLITICAL ACTIVITY .....	62
a. Prohibited Activities .....	62
b. Permissible Activities .....	63
B. CONFIDENTIALITY OF INFORMATION .....	63
C. MEDIA RESPONSE/RELATIONS .....	63
D. SOLICITATION .....	63
E. BULLETIN BOARDS .....	64
F. INTERGOVERNMENTAL RELATIONS .....	64
G. INDEMNIFICATION .....	64
H. RESPECTFUL WORKPLACE POLICY .....	64
1. CATAGORIES OF DISRESPECTFUL BEHAVIOR .....	64
a. Violent Behavior .....	64
b. Discriminatory Behavior.....	64
c. Harassing Behavior .....	64
d. Offensive Behavior .....	64
2. SEXUAL HARASSMENT.....	65
3. SUPERVISORY RESPONSIBILITY .....	65
4. REPORTING PROCEDURES.....	65

I. CODE OF CONDUCT .....	66
1. GENERAL CONDUCT EXPECTATIONS .....	66
2. UNACCEPTABLE CONDUCT .....	66
<b>SECTION VIII. SAFETY .....</b>	<b>68</b>
1. AWAIR (A WORKPLACE ACCIDENT AND INJURY REDUCTION) POLICY .....	68
2. REPORTING WORK RELATED ILLNESS AND INJURIES .....	68
3. SAFETY EQUIPMENT/GEAR .....	68
4. UNSAFE BEHAVIOR.....	68
5. WORKER'S COMPENSATION .....	68
<b>SECTION XI. APPENDIX .....</b>	<b>69</b>
MCWD DRUG AND ALCOHOL POLICY AND PROCEDURE .....	69
Purpose.....	69
Scope.....	69
Standards of Conduct .....	69
1. Drugs .....	69
2. Alcohol.....	69
3. Refusal to Cooperate.....	69
4. Voluntary Requests for Assistance .....	69
5. Confidentiality .....	70
Drug Testing Program .....	70
1. Types of Testing .....	70
a. Post-Accident .....	70
b. Reasonable Cause .....	70
2. Treatment Program .....	70
Consequences.....	70
Crimes Involving Drugs .....	71
Revisions .....	71
ACKNOWLEDGEMENT OF RECEIPT AND TERMS .....	72
TENNESSEN WARNING FOR APPLICANTS AND EMPLOYEES .....	73
CONSENT TO CRIMINAL BACKGROUND HISTORY .....	75

## **SECTION I. DEFINITIONS**

**ANNIVERSARY DATE:** An employee's beginning date of continuous employment as a full-time or part-time employee with the District.

**ANNUAL ADJUSTMENT:** An annual adjustment in wages on the compensation schedule. Not associated with performance and determined on an annual basis by the District Board.

**ANYTHING OF VALUE:** Includes money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan or promise of future employment. Reasonable compensation or expenses paid to an employee by the District for work performed are excluded.

**BENEFITS:** The contribution paid by the District for insurance, PERA, FICA, vacation and sick leave.

**BUILDINGS:** Structures owned by the District for purposes of governmental activity.

**BUSINESS:** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity that engages in either non-profit or profit making activities.

**CALL IN:** Return of any employee to a specified work site to perform assigned duties at the express authorization of the employer at a time other than an assigned shift. An extension of, or early report to, an assigned shift is not a call in.

**COMPENSATION:** Salary or wages, per diems, retirement benefits, and insurance benefits given to employees in exchange for working.

**COMPENSATORY TIME:** Time credited to an employee in lieu of overtime payment and credited at one and one-half hour for every one hour of overtime worked.

**CONFIDENTIAL INFORMATION:** Any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

**CONFLICT OF INTEREST:** Incongruity between one's obligation to the public good and one's private self-interest; financial or material interests incompatible with independence of judgment or action in the performance of official duties.

**DISTRICT:** All departments and employees coming under the jurisdiction of the Minnehaha Creek Watershed District Board.

**DISTRICT BOARD OR BOARD:** The District Board of Managers.

**DISTRICT RESOURCES:** District personnel, supplies, or District-owned or leased property and equipment.

**COVERED ACTIVE DUTY:** Includes either (a) a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or (b) a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

**COVERED MILITARY MEMBER (FMLA):** Includes an employee's spouse, son, daughter or parent who is a member of the National Guard or Reserves or of a regular component of the Armed Forces on Covered Active Duty or called to Covered Active Duty.

**COVERED SERVICE MEMBER (FMLA):** Includes either (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness or (b) a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**DEMOTION:** Movement of an employee from a position in one classification to a position in another classification with less responsible duties and a lower salary range.

**DEPARTMENT HEAD:** A person elected by the general public or appointed by the District Board to direct and administer a specific unit of District government.

**DISCIPLINARY ACTION:** Action in response to an employee's failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable District policies.

**DISMISSAL/DISCHARGE:** An action taken by a Department Head and/or the District Board which permanently removes an employee from employment in the department and from the District payroll.

**DISTRICT LEADERSHIP:** the MCWD Board, Operations and Support Services Director, Management Team Member (Department Head) or supervisor.

**EFFECTIVE DATE:** Date pay increase goes into effect based upon the first work day of a pay period in any given calendar year.

**ELIGIBILITY DATE:** Date on which an employee becomes eligible for a pay increase.

**EMPLOYED IN GOOD STANDING:** An employee who has no formal written disciplinary action within the previous six-month period.

**EMPLOYEE:** Any person holding a position subject to appointment, promotion, transfer, or dismissal under the jurisdiction of the District Board.

**EMPLOYEE, AT-WILL:** Except as prohibited by law or other written agreement, either the District or the employee can end the employment relationship with or without giving notice or reason.

**EMPLOYEE, EXEMPT:** An employee who has been identified by the District Board to be exempt from the overtime compensation provision of the Fair Labor Standards Act.

**EMPLOYEE, NON-EXEMPT:** An employee who is covered by the wage and hour provisions of the Fair Labor Standards Act and State of Minnesota for overtime compensation, compensatory time off and minimum wages.

**EMPLOYEE, REGULAR FULL-TIME:** Employees who are required to work thirty (30) or more hours per week year-round in an ongoing position. *In accordance with federal health care reform laws and regulations, if/when the District attains large employer status, it shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month.*

**EMPLOYEE, REGULAR PART-TIME:** Employees who are required to work twenty four (24) to thirty (30) hours per week year-round in an ongoing position. Regular part time employees earn seniority, and earn vacation and sick time on a pro-rated basis. *In accordance with federal health care reform laws and regulations, if/when the District attains large employer status, it shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, regular part-time employees will be scheduled with business needs and in a manner which ensures positions retain part-time status under which they were intended.*

**EMPLOYEE, TEMPORARY/SEASONAL:** Employees who work only part of the year (67 days or less) to conduct seasonal work, or employees who work in temporary positions having a defined start and end date for the duration of a specific project. Temporary/Seasonal employees may be assigned to work a full-time or part-time schedule. Temporary/Seasonal employees do not earn benefits, and are credited for seniority only in the event of a move to regular part time or regular full time status. *In order to comply with Health Care Reform law while avoiding penalties, if/when the District attains large employer status, temporary/seasonal employees will be scheduled with business needs and in a manner which ensures positions retain part-time status under which intended, or, in some rare instances, may be offered health insurance. Why 67 days? Is this the standard?*

**EMPLOYER:** Minnehaha Creek Watershed District, or “the District,” or “MCWD.”

**EVERY-THIRTY-DAYS RULE:** Frequency that the District or its representative may require FMLA recertification or fitness-for-duty certification for Intermittent or Reduced Work Schedule Leave with the exclusion of leaves for Qualifying Exigency.

**FACILITIES:** Any defined area created to serve a particular District government function such as work areas, corridors, restrooms, lunch rooms, break rooms, elevators, elevator lobbies, stairways, courtrooms, private office, storage areas, loading docks and areas, recreation rooms, recreation areas, meeting rooms, conference rooms, and interior building open spaces such as foyers and atriums.

**FAMILY MEMBER:** Spouse and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; grandchildren and grandparents; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

**FLEXIBLE OR “FLEX” TIME:** A schedule approved at the discretion of the Department Head, which may provide for work hours different than those considered traditional or usual within a work period or work week.

**FTE:** Full time equivalency.

**GENETIC INFORMATION:** Includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**GRADE:** (Classification); One or more positions sufficiently similar with respect to duties and responsibilities; that the same description title is applicable or that the same general performance qualifications are applicable, or that the same level of compensation can be applied.

**GRIEVANCE:** A dispute or disagreement between an employee and management as to the interpretation or application of terms and conditions of employment contained in the District Human Resource Rules and Policies. See Problem Solving Process policy.

**HIRE DATE:** An employee’s first day of employment with the District.

**HOURS WORKED:** Hours worked ordinarily include all the time during which an employee is required to be on the employer’s premises, on duty, or at a prescribed workplace.

**IMMEDIATE FAMILY MEMBER (FMLA):** An employee’s spouse, child (including a biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis, who is 18 years of age or older and incapable of self-care because of a mental or physical disability) or parent (but not a “parent-in-law”).

**INSUBORDINATION:** The act of an employee knowingly disobeying a directive from the employer.

**ITEMS OF NOMINAL VALUE:** Having value “in name only” with minimal or no retail or market value.

**INTERMITTENT OR REDUCED WORK SCHEDULE LEAVE (FMLA):** When medically necessary for leaves related to a serious health condition, to care for a Covered Service Member with a Serious Injury or Illness, or a Qualifying Exigency for a Covered Military Member, employees can take FMLA leave continuously, or on an Intermittent or Reduced Work Schedule basis. In all cases, the leave may not exceed 12 work weeks (or 26 workweeks to care for an injured or ill Covered Service Member over a twelve -month period). The District may temporarily transfer the employee to an alternative job that better accommodates the recurring periods of leave if the leave is foreseeable, based on planned medical treatment for the employee or Immediate Family Member. Leave for birth, adoption, or placement of a child in an employee’s home must be taken in one block of time (not on an Intermittent or Reduced Work Schedule basis)

**JOB CLASSIFICATION:** One or more positions sufficiently similar in the duties performed; degree of supervision exercised or required minimum requirements of training, experience, or skill; and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation may be applied with equity to all of the positions.

**JOB DESCRIPTION:** A written document that identifies the purpose(s), duties, responsibilities, accountabilities and working conditions of a job; the knowledge, skills, and abilities needed to perform the job satisfactorily and other special considerations, if any.

**LAY OFF:** The separation of an employee or group of employees from the District payroll due to lack of work; lack of funds; loss of revenue from District tax levy sources; the elimination of a position or other organizational change unrelated to the employee.

**LEAVE OF ABSENCE:** Approved time off from work, other than vacation or sick leave, with or without pay, for more than five working days.

**MANAGEMENT:** The District Board, Department Heads, and unit supervisory personnel.

**MARKET ADJUSTMENT:** The adjustment of wages, up or down, based on labor market-related activity and not specifically tied to performance increases and/or an annual adjustment.

**NEXT OF KIN (FMLA):** The closest blood relative of the injured or recovering Covered Service Member, as defined by the Department of Labor.

**ON CALL:** Time spent by employees on their own pursuits, usually off the working premises. During this time, employees must remain available to be called back to work on short notice as defined by department policy

**ORAL REPRIMAND:** Ordinarily given for a first disciplinary infraction, to clarify expectations and put the employee on notice that the performance or behavior needs to change; includes an explanation of the change necessary.

**OUTSIDE EMPLOYMENT:** Any employment or contractual relationship for which pay or other direct or indirect compensation is received from a source other than the District.

**OVERTIME:** Actual hours worked (with prior employer authorization required per policy) in excess of 40 hours in a seven day work week, except as defined by MN. Stat. §177.23 Subd. 7.

**OWN TIME:** An employee's time outside of District work hours; including the time before or after formal District work hours each day, approved compensatory time off, annual leave, holidays not otherwise assigned as work days and leave without pay.

**PAQ:** Position Analysis Questionnaire.

**PERCEPTION OF A CONFLICT OF INTEREST:** A situation, which reasonably appears to others to be a conflict of interest although the situation in and of itself may not necessarily be a conflict of interest.

**PERFORMANCE APPRAISAL:** A systematic review of an employee's job performance as it relates to the responsibilities and duties set forth in the job description.

**PERFORMANCE INCREASE:** An increase in wages based upon job performance.

**PERSONNEL DATA:** Pursuant to MN. Stat. §13.43 Subd. 1, means "data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis

for, or acts as an independent contractor with a state agency, statewide system or political subdivision or is a member of or an applicant for an advisory board or commission.”

**PERSONNEL FILE:** An employee’s permanent record of employment history with the District, located in the Operations and Support Services Department.

**POSITION DESCRIPTION/JOB DESCRIPTION:** A working document used for setting out minimum requirements and essential job functions of a position. This document is drafted based upon the PAQ.

**PRIVATE INTEREST:** Any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of the District employee that is not available to the general public.

**PROMOTION:** A change of an employee’s status from a position in one classification to a position in another higher classification with more responsibility.

**PROTECTED CLASS:** Protection under federal/state laws from discrimination because of race, color, creed, religion, national origin, sex, age, disability, marital status, familial status, ancestry, place of residence, veteran status, sexual orientation, public assistance status and local human rights commission activity.

**QUALIFYING EXIGENCY (FMLA):** An employee’s need to take FMLA for reasons related to or affected by a Covered Military Member’s (impending) call to Covered Active Duty, to address one of the following: (1) short notice deployment, (2) military events and activities, (3) child care and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities and (8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as “child” for other FMLA leave types, except that the person does not have to be a minor).

**REALLOCATION:** A change in a position resulting from significant changes in the duties and responsibilities of the position that occur gradually over a period of time, and that may lead to a new pay grade.

**RECLASSIFICATION:** A change of a position to a higher, lower or equivalent grade.

**REINSTATEMENT:** Appointment of a former employee to a grade to which the employee was assigned prior to lay-off or separation, or to another grade as agreed to by the employee and the District.

**RESIGNATION:** An action taken by an employee to voluntarily separate themselves from District employment.

**RESPECT:** An expression or act of giving particular attention to or showing consideration for; actions or behaviors which may include, and are not necessarily limited to, listening, empathy, patience and courtesy.

**RETIREMENT:** An action of an employee to separate from District employment upon qualification for benefits under District and State-sponsored retirement programs.

**SEPARATION:** An event whereby an employee is no longer employed by the District.

**SERIOUS HEALTH CONDITION (FMLA):** An illness, injury, impairment, or physical or mental condition that involves either (a) a condition that requires inpatient care at a hospital, hospice or residential medical care

facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider; (b) serious and long-term illnesses that result in recurring absences of at least three consecutive days, with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within thirty days of the incapacity or a chronic condition that requires health care visits for treatment at least twice a year.

**SERIOUS INJURY OR ILLNESS:** Applies to Covered Service Members who are (a) a member of the Armed Forces (including a member of the National Guard or Reserves); means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; or (b) a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a Covered Service Member; means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

**SEVERANCE PAY:** The final payment made to a terminating or retiring employee which meets the requirements of these regulations.

**SPOUSE:** Legally married opposite sex spouses and same-sex spouses legally married in Minnesota or elsewhere.

**SUBSTITUTION OF PAID BENEFITS FOR UNPAID FMLA LEAVE (FMLA):** Family and Medical Leave is integrated with all other District leaves of absence. All paid leaves must be taken in conjunction and run concurrently with FMLA. Employees must comply with the District's policy regarding paid leave, even if more stringent than FMLA requirements.

**SUSPENSION:** Temporary removal of an employee from his/her official duties and authority for a specified period of time without pay.

**TERMINATION:** An action taken by the District to involuntarily separate an employee from District employment.

**TRANSFER:** Movement by an employee from one position to another position of the same pay grade, usually involving the performance of similar duties and requiring essentially the same basic qualifications.

**VEHICLES:** Automobiles, trucks, tractors, squad cars, pickups, motor graders and enclosed operating areas on machinery, motorboats, and any other mode of transportation where more than one person may be the occupant.

**VETERAN:** Any individual who meets the definition of "veteran" as set forth in MN. Stat. §197.447 of the Veteran's Preference Act.

**VETERAN'S PREFERENCE:** Preference granted to veterans as required by MN. Stat. §43A11 and 197.455 – 197.481.

**WORK SCHEDULE:** Hours of work as established by the employer.

**WORK WEEK:** A fixed and regularly recurring period of 168 hours in 7 consecutive 24-hour periods, in which the work week shall be forty (40) hours except in those departments, where because of the nature of the work, the Board has adopted variable hours and starting and quitting times. The regular work week shall commence on Sunday at 12:00 a.m. and end the next Saturday at 11:59 p.m. District business hours are usually 8:00 a.m. to 4:30 p.m. Monday through Friday weekly.

**WRITTEN REPRIMAND:** Generally follow oral reprimands, when the problem is not corrected or the behavior has not consistently improved.

## **SECTION II. INTRODUCTION**

### **A. WELCOME TO THE MINNEHAHA CREEK WATERSHED DISTRICT (MCWD)**

Congratulations on becoming a member of our team. You play an important role as an employee of the Minnehaha Creek Watershed District (“MCWD” or “The District”). We look forward to working with you to achieve our goals and become a more successful agency.

This manual provides authoritative information on the policies, procedures and guidelines applicable to your employment at MCWD. It is designed to provide this information in a way that ensures a mutually satisfying and rewarding employment relationship.

We want to maintain our reputation as a customer-focused watershed District that strives toward and achieves excellence. Our future success depends on everyone’s contribution. Through mutual respect, cooperation, and communication we can accomplish our goals and objectives.

## B. OVERVIEW OF THE MCWD

The MCWD is a special-purpose regional governmental unit formed to protect lakes, streams and wetlands from pollution and flooding. It was established in 1967 by a citizen petition to establish a watershed district (as provided in state law). Today, MCWD operates under authority provided for watershed organizations in Minnesota Statutes chapters 103B and 103D.

The MCWD seeks to accomplish its mission through:

- Thoughtful long-term watershed based planning,
- Monitoring and research,
- Public education and outreach,
- Land conservation,
- Regulation, and
- Capital projects.

A voluntary Board of Managers governs the MCWD for staggered three-year terms. Six managers are appointed by Hennepin County, and one is appointed by Carver County.

The properties that benefit from the water resource projects undertaken by MCWD share the cost. This is done by small additions to property taxes based on property value (“ad valorem”). Additional funding may come from cities, counties, the state, or federal government. Thirty communities fall wholly or partially within the MCWD.

## C. HANDBOOK LIMITATIONS, PURPOSE AND ADMINISTRATION

### 1. LIMITATIONS

**THIS HANDBOOK DOES NOT CONSTITUTE A CONTRACT OF EMPLOYMENT. NOTHING CONTAINED IN THIS HANDBOOK SHOULD BE CONSTRUED AS A CONTRACT, AND EMPLOYMENT WITH THE MCWD, UNLESS EXPLICITLY STATED IN WRITING OTHERWISE, IS “AT-WILL.” THIS MEANS THE EMPLOYMENT RELATIONSHIP MAY BE TERMINATED WITHOUT CAUSE AT THE WILL OF EITHER THE EMPLOYEE OR THE MCWD. THE MCWD RESERVES DISCRETION TO MANAGE THE WORK ENVIRONMENT OF ITS EMPLOYEES.**

### 2. PURPOSE

This handbook contains the rules and procedures established for employment with the Minnehaha Creek Watershed District. The purpose of this handbook is to provide a consistent, comprehensive, and fair manner in handling human resources administration. Provisions of this handbook apply to all employees unless the provisions are superseded by terms of an individual employment agreement. The rules and procedures are supplemented in this handbook by general guidance and information on employment with MCWD. The handbook does not constitute a binding employment contract between the District and an employee, or an offer of specific employment conditions. Any oral statements or promises altering the terms of this handbook are ineffective. MCWD strives to keep the handbook current and to ensure that employees remain informed of all rules and procedures for employment with MCWD, but there may be times when the rules, or procedures will change before the handbook can be updated. **The contents of this handbook, in whole or part, are subject to change from time to time without notice by MCWD. MCWD at any time may revoke, modify, change or revise the**

**contents of this handbook and other policies without advance notice.** Any change in the manual shall apply to existing as well as future employees.

This handbook, and its contents, as of the date of the most recent revision, supersedes any and all previous handbooks or policies. Any statement or promise by the Board of Managers, District Administrator, Director or Supervisor, past or present, not made in writing and approved by the District Administrator, may not be interpreted as a change in the handbook.

The District Board of Managers has delegated human resources administration to the District Administrator, who administers this handbook in conjunction with the District Operations and Support Services Director and other designees. If at any time during your employment you have questions concerning any the contents of this handbook, you are to discuss them first with your supervisor or consult the Operations and Support Services Director. Double check that this is accurate.

No one other than the District Administrator, in consultation with the Operations and Support Services Director, may alter or modify any term of this handbook. Any alteration or modification of the policies in this handbook must be in writing and provided to staff.

### 3. ADMINISTRATION

This handbook shall be administered by the Operations and Support Services Director, who is directly accountable to the District Administrator. The Operations and Support Services Director or his/her designee shall develop, as necessary, all forms, rules, procedures, and instructions for the proper administration of the handbook. All employees will receive a copy of the handbook as part of the hiring process.

Failure by the MCWD to enforce any given provision of this handbook does not serve to invalidate the specific provision or other provisions in the handbook. Should any provision in this handbook be found to be unenforceable or invalid, such finding does not invalidate the entire handbook, but only that particular provision.

## **D. MUTUAL EXPECTATIONS**

### 1. WHAT YOU CAN EXPECT FROM THE MCWD

In an effort to achieve efficient and effective working relations between all employees, the MCWD has established the following objectives:

- a. Select employees on the basis of skill, training, experience, attitude, and character without regard to race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, political affiliation, veteran status, disability, sexual orientation, age, or any other status protected by law, except as it pertains to bona fide occupational qualifications, as determined by applicable federal and Minnesota laws, executive orders, and administrative regulations.
- b. Respect individual rights, and treat all employees with courtesy, respect, and consideration.
- c. Provide a safe and healthy work environment.
- d. Classify individuals with comparable duties and responsibilities equitably and compensate consistent with state statute.
- e. Conduct periodic and regular salary and benefit surveys to ensure competitiveness.
- f. Provide vacation, sick leave, and holidays to all eligible employees.
- g. Promote employees or fill vacancies from within the MCWD whenever practical.

h. Encourage an atmosphere in keeping with the mission and goals of the MCWD.

## 2. WHAT WE EXPECT FROM YOU

We need your help to make each working day rewarding, enjoyable, and productive. To this end, we expect the following from you:

- a. Know your duties and how to do them promptly, correctly, and amiably.
- b. Cooperate with the Board of Managers, District Administrator, and coworkers to maintain a healthy working relationship; respect the position and responsibilities assigned to each individual.
- c. Keep the District Administrator or your supervisor abreast of internal and external issues affecting your program area or that may affect the MCWD.
- d. Keep other staff informed of events or activities that may affect their program area and freely share information/data that could help other employees improve their performance.
- e. Speak positively and favorably of the Organization, Board of Managers, District Administrator, and coworkers; negative or adverse comments may signal your need to find another position elsewhere that is more suitable.
- f. Understand that everything you do, either directly or indirectly has the potential to affect the reputation of the entire organization; perform every task to the very best of your ability and in a professional manner.
- g. Seek out and accept opportunities for personal and professional development that will increase your job performance and ensure MCWD goals are achieved.
- h. Spend some self-directed time keeping informed on issues that may be directly or indirectly related to the MCWD.
- i. Be flexible in your work routine, daily schedule, and willingness to accept direction, to better fulfill your duties and responsibilities.
- j. Discuss any problem, situation or question with your supervisor or the District Administrator; respectfully voice your opinions or disagreement to communicate the issue, not the frustration.
- k. Bring forth your ideas and suggestions that contribute to the improvement of the MCWD. Don't assume we know!
- l. Help to ensure the safety and well-being of your coworkers; complete your tasks in a manner that does not compromise your safety or the safety of others.

## **SECTION III. EMPLOYMENT PRACTICES AND POLICIES**

### **A. AT WILL EMPLOYMENT**

Neither the offer and acceptance of employment nor the establishment and maintenance of policies and procedures by the MCWD create a contract of employment. Your employment with the MCWD is "at-will." This means that neither you nor the MCWD has entered into a contract regarding the duration of your employment. Although it is intended that the employment relationship will grow and continue in our mutual best interest, the employment relationship can be terminated at any time, for any reason, by the MCWD or you. Likewise, the MCWD has the right to discipline, transfer, or demote you at any time.

### **B. EQUAL EMPLOYMENT OPPORTUNITY**

MCWD is an equal employment opportunity employer. We reaffirm our commitment to equal employment opportunity and advancement toward all applicants and employees regardless of race, color, creed, religion, national origin, ancestry, gender, marital status, genetic information, status with regard to public assistance, political affiliation, veteran status, familial status, disability, sexual orientation, age, membership on a local human rights commission, or any other status protected by law, except as it pertains to bona fide occupational qualifications, as determined by applicable federal and Minnesota laws, executive orders, and administrative regulations. The District Board has designated the Operations and Support Services Director as the Equal Employment Opportunity (EEO) Officer.

Although the Operations and Support Services Director is primarily responsible for ensuring that MCWD's equal employment opportunity policies are implemented, all staff share in the responsibility for assuring that by their personal actions the policies are effective and apply uniformly to everyone.

Our commitment pertains to the entire human resource system: recruiting, hiring, transfer, promotion, training, discipline, layoffs, separation, compensation, benefits, selection for training and all other privileges, terms and conditions of employment for full, part-time, temporary and seasonal employment.

Any employee involved in discriminatory practices will be subject to discipline up to and including termination.

### **C. AMERICANS WITH DISABILITIES ACT (ADA)/ADA AMENDMENTS ACT POLICY**

The MCWD shall comply with all provisions of the [Americans with Disabilities Act of 1990](#). The MCWD does not discriminate against applicants and individuals with disabilities and, when needed, provides reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

The MCWD will comply with all federal and state laws concerning the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is District policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The District will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the District. Questions or requests for accommodation should be directed to the Operations and Support Services Director.

All employees are required to comply with the District safety standards. Current employees who pose a direct threat to the health and/or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employees' immediate

employment situation.

The Operations and Support Services Director is responsible for implementing this policy, including resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

#### **D. EMPLOYEE DRUG AND ALCOHOL POLICY**

Verify that this is the most current

The District recognizes that alcoholism and other drug dependencies are a significant problem in society and that this problem has the potential to cause severe effects in the workplace. In an effort to maintain a drug-free workplace, and in order to comply with the [Federal Drug Free Workplace Act of 1988](#), and the [Minnesota Drug and Alcohol Testing in the Workplace Act \(MN Stat. §181.950 et.seq.\)](#), the District has adopted the Minnehaha Creek Drug and Alcohol Policy and Testing Procedures, contained in Appendix A. All employees who are subject to drug and alcohol testing shall be trained and provided a copy of this policy and plan.

#### **E. COMMUNICATIONS**

As the board's link to MCWD's operations, the Operations and Support Services Director is accountable for all organizational performance and exercises all authority delegated by the Board and District Administrator. To avoid conflict and confusion, staff communications with the Board of Managers will be through the Management Team and District Administrator. With respect to providing information and advice to District Leadership, you may not knowingly cause or allow the MCWD Board, District Administrator, Management Team or your supervisor to be uninformed or misinformed as to the following:

1. Relevant changes to your projects or programs, goals and budget, public events of MCWD, emergencies related to District resources or any significant changes that may affect the MCWD or its relations with other agencies, cities, citizens, or elected/appointed officials.
2. Fail to provide information requested from you by District Leadership in a timely, accurate and understandable fashion.
3. Fail to investigate and present as many staff and external points of view, issues, and options as requested.
4. Present information in an unnecessarily complex or lengthy form.

#### **F. PROBLEM SOLVING PROCESS**

When people work closely together, it is only natural that problems, questions or conflict may sometimes arise. It is in the interest of the MCWD and employees that these issues be resolved as quickly and fairly as possible. Therefore, the MCWD supports an "open-door policy" to encourage addressing these issues.

##### **1. GENERAL POLICY**

If you have a work-related or personal problem that you think the MCWD can help you resolve, we encourage and expect you to discuss it with that coworker or supervisor directly. It is destructive to harmonious working relationships for employees to create or repeat rumors, gossip, or information merely intended to discredit or harm another. It is more constructive to consult with the individual immediately with any questions and attempt a mutual understanding. If a problem arises between peers or coworkers, it is expected that the individuals involved will seek to resolve the problem. If a resolution is not reached after a reasonable period of time, the next course of action is to request a joint meeting with the Operations and Support Services Director. The purpose of the meeting will be to discuss the work-related issue and ensure that management is aware of the situation. The Operations

and Support Services Director will consult with the District Administrator and they will collectively make a determination in an effort to resolve the situation.

## 2. APPEALS

If an issue has not been satisfactorily resolved by the District Administrator, employees may appeal certain decisions of the District Administrator to the Executive Committee. Issues that may be appealed occur when an employee alleges that he/she has been harmed because a:

- a. Board policy has not been followed; or
- b. Board policy does not adequately protect his/her human rights.

To appeal a decision of the District Administrator, the individual(s) must:

- a. provide a written statement to the Executive Committee and District Administrator that describes how they have been harmed from a Board policy not being followed or why they feel that the Board policy does not adequately protect his/her human rights.
- b. provide copies of all relevant evidence, documents, statements, and other information with the written statement.

The Executive Committee and District Administrator will review all of the documents provided and determine if further investigation is warranted. Pending the outcome of the review and/or investigation, the Executive Committee will determine the need to schedule a meeting with the individual(s) involved. If warranted, the Executive Committee will make a recommendation to the full Board for action. Upon review, determinations made by the Executive Committee and/or the Board of Managers are considered final.

## G. RECRUITMENT AND SELECTION

### 1. GENERAL POLICY

The MCWD recruits and selects qualified persons for positions in service to the District. Recruitment and selection shall be conducted in an affirmative manner to ensure open competition, provide equal employment opportunity and to prohibit discrimination because of race, creed, religion, gender, national origin, politics, age, mental or physical disability, marital status, sexual orientation, or other non-job related factors or protected class status.

### 2. RECRUITMENT

#### a. Vacancies

Upon determination by the Department Head that a budgeted vacancy exists and a need to fill such vacancy is warranted, the Department Head shall initiate recruitment, unless there is action by the District Board to further consider. In the event the desired position is new or not budgeted, the Department Head shall seek District Board approval. The Board may request Department Heads to provide such information as would be needed in determining the proper classification and compensation of such position opening and to determine the economic impact of approving, or denying the request for the position opening. Vacancies for Department Head positions are subject to the District Governance Policies and Procedures.

#### b. Job Requisition

A Job Requisition must be completed to fill District positions. Requisitions must be initiated by the department supervisor/manager, approved by the District Administrator, and then forwarded to the Operations and Support Services Director. Job requisitions should indicate the following:

- Position's hours/shifts
- Exempt or nonexempt status of the position.
- Reason for the opening.
- Essential job functions and qualifications (or a current job description may be attached).
- Any special recruitment advertising instructions.

c. Job Postings

Upon job requisition approval, the supervisor will prepare the job posting and forward it to Operations and Support Services. This notice will include: job title, a description of the responsibilities and duties of the position and the anticipated salary range; status as full-time, part-time or temporary; qualification requirements; the application period and deadline for submitting applications; and how to apply for the position opening. All positions will be posted on the District's website and advertised in locations and media that will facilitate open competition and an adequate number of qualified candidates as determined by the the supervisor, in consultation with the Operations and Support Services Director, and will remain open until filled.

d. Timing and Recruitment

The application period to apply for a vacant position will be for a period of time of at least five (5) working days. The MCWD may elect to advertise publically during this period and receive applications from candidates not currently employed by the District. Operations and Support Services is responsible for all recruitment advertising, to ensure open competition and equal employment opportunity. Current employees that have been at the District for at least 6 months may apply for job openings. This requirement may be waived with the consent of the employee's manager and the Operations and Support Services Director. Employees must complete the Job Application Form. The form must be completed and submitted to Operations and Support Services. All applicants for a posted vacancy will be considered on the basis of their qualifications and ability to perform the job successfully. Internal candidates who are not selected will be notified by Operations and Support Services.

e. Application Procedures

All other applicants for employment with the District shall complete an Application Form, and must comply with all requirements of the application process in order to be considered for employment. Submission of false data or information during the hiring process will disqualify the applicant. During the application process, the District may require presentation of certificates, licenses, special releases for information and other evidence of special qualifications when necessary. Employees shall be free to make application for any position for which they believe they may be qualified.

f. Temporary/Seasonal Positions

The requirements for advertisement and appropriate recruitment procedures ensuring equal opportunity shall apply to temporary/seasonal positions.

3. SELECTION

a. Selection Process

Operations and Support Services and/or the hiring manager will screen applications and resumes

prior to scheduling interviews. Initial interviews are generally conducted by an Operations and Support Services representative and the hiring manager. The selection process may consist of one or any combination of the following: ability tests, achievement tests, performance tests, ratings of training and experience, interviews, evaluation of daily work performance, work samples and/or other acceptable selection techniques. Any method chosen will evaluate only those criteria necessary to perform adequately in the position

Team interviews may be conducted as needed for some positions. If a team interview is conducted, a structured interview process is required. Interview questions will be compiled by the interviewing team and reviewed by an Operations and Support Services representative prior to the interview. After the team completes the interview process, the results of the interview should be forwarded to the hiring manager/supervisor for review. The hiring manager or supervisor has the authority to make the hiring decision in consultation with the Operations and Support Services Director.

Hiring managers must use the Applicant Summary Tracking Form and notify Operations and Support Services of all interviews conducted. All applications and resumes of applicants not selected must be forwarded to Operations and Support Services for retention. Operations and Support Services will notify applicants who are not selected for positions at the District.

b. Reference Checks, Offer Letters and Criminal Background Checks

Final candidates will provide two professional references for contact by the hiring manager. The hiring manager will use the Reference Check Form to document this process. When the hiring manager makes a decision on the final candidate, he/she will notify the Operations and Support Services Director, and turn in references check documents and completed job application. Operations and Support Services will issue a written offer of employment to the candidate, contingent on successful completion of a criminal background check. Upon passing the background check, an Operations and Support Services representative will notify the candidate to confirm the job offer.

c. Initial Start Date and Orientation

An initial start date will be coordinated with Operations and Support Services. On an employee's start date, the employee will complete required paperwork and an orientation with Operations and Support Services. The new employee's manager or supervisor is responsible for providing a department orientation for the new employee. The employee's supervisor will complete the New Hire Checklist with the new employees and review department policies and procedures.

d. Employment of Relatives

Relatives of current employees have the same opportunity for employment with the District as other citizens. However, to avoid a real or perceived conflict of interest, no immediate family member shall be eligible for employment in any position at the District where there is a direct reporting relationship with a spouse or other immediate family member. In addition, District employees are excluded from directly taking part in decisions to hire, retain, promote or determine the salary of his/her spouse or immediate family member.

e. Immigration Law Compliance

The District complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and individuals who are authorized to work in the United

States. Sufficient documentation of eligibility to legally work in the United States is required via completion of an I-9 within the first three days of work.

## **H. CHANGE IN EMPLOYMENT STATUS**

Except as provided by law and where the Governance Policies otherwise supercede, the transfer or promotion of employees shall be subject to final approval by the District Administrator after receiving a request from the Department Head in consultation with the Operations and Support Service Director. The transfer or promotion shall include the salary/grade/step, job classification and starting date. This information will be submitted to the Operations and Support Services Department for inclusion in the employee's personnel file. Assignment to any pay grade which varies from the guidelines of this section shall require District Board approval.

### **1. TRANSFERS**

Employees shall be authorized to transfer from one District department to another when approved by the District Administrator. Transferred employees shall retain all accrued benefits including seniority where applicable. The anniversary date of transferred employees will change, with the original hire date maintained in the file.

- a. Lateral Transfer: Transfers which do not change an employee's salary grade or class within their respective department may be made by Department Heads.
- b. Transfer to a Lower Classification: In the event that an employee voluntarily transfers to a lower paid classification, the employee shall be placed on the salary schedule grade of the new classification commensurate with where they were placed in their previous classification. The transfer shall utilize the recruiting process as outlined in these policies, with exceptions permissible under the authority of the Operations and Support Services Director (EEO Officer), in consultation with the District Administrator.

### **2. PROMOTIONS**

It shall be the practice of MCWD to encourage promotion of employees from within the organization. Seniority may be considered, along with all other job qualifications. Promoted employees shall retain all accrued benefits.

- a. Promotions within a Classification: Shall be based on attaining the qualifications required to move from an entry level position, to a level within the same classification requiring additional training or experience as determined by the Internal Equity rating system. Movement to the higher level shall be determined by the Department Head in consultation with the Operations and Support Services Director, and shall reflect a pay increase, by placement on the grade level of the higher rated classification which is equivalent to a 3% increase, or to the minimum salary range for that grade, whichever is greater.
- b. Promotion to a higher vacant position: Pursuant to the established application procedures, any employee who is selected to fill a vacant position with a higher grade level, shall receive a pay increase by placement on the grade level of the higher rated position, which is equivalent to a 3% increase, or to the minimum salary range for that grade, whichever is greater.
- c. The promotion shall utilize the the recruiting process as outlined in these policies, with exceptions permissible under the authority of the Operations and Support Services Director (EEO Officer), in consultation with the District Administrator.

3. NO OPTION TO REVERSE A CHANGE IN EMPLOYMENT STATUS  
There is no provision in this policy for an employee to elect to revert back to his/her former position after transfer or promotion.
4. JOB DESCRIPTIONS OR TITLES  
Changes in job description or position titles shall be submitted to the District Board for approval.

## **I DISCIPLINE**

1. GENERAL POLICY

The MCWD recognizes its responsibility to treat all employees fairly and to provide adequate compensation and benefits for the work provided, employees are expected to recognize their responsibility to maintain acceptable performance on the job.

In the event that an employee's performance does not meet the standards expected, it will be the responsibility of the supervisor to advise the employee of such lack of performance.

This policy establishes a standard disciplinary process for employees of the MCWD. District 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 MCWD policies.

Discipline will be administered in a non-discriminatory manner. This policy is not to be construed as contractual terms, and is intended to serve only as a guide for employment discipline.

2. PROCESS

The MCWD will utilize disciplinary actions that best meet the needs of the situation. Nothing in these personnel policies implies that any District employee has a property right to the job he/she performs. Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

3. DISCIPLINARY ACTION

Disciplinary actions may include but are not limited to the following, and may occur in any order given particular circumstances:

- a. Verbal Warning

Oral reprimands are normally given for first incidents or minor offenses, to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. An oral reprimand includes date(s), a summary of discussion and corrective action and is submitted to Operations and Support Services for placement in the employee's personnel file.

Written Warning

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Written reprimands are issued in person by the supervisor with prior review and approval from the Operations and Support Services Director and District Administrator. Written reprimands will be forwarded to Operations and Support Services, to be placed in the employee's personnel file.

b. Suspension With or Without Pay

With prior review and approval by the Operations and Support Services Director and District Administrator, a supervisor may suspend an employee without pay as a disciplinary measure. In this event, 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, the employee will receive any compensation and benefits due, had the suspension not taken place.

c. Demotion and/or Transfer

An employee may be demoted or transferred if attempts at resolving an issue have failed and the supervisor, in consultation with the Operations and Support Services Director and District 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 related documentation will be presented to the employee in person and submitted for the personnel file.

d. Salary

An employee's salary/wage increase may be withheld or the salary/wage decreased due to performance deficiencies.

e. Termination/Discharge

The District Administrator, with the approval of the District Board, may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with District standards.

## J. SEPARATION OF EMPLOYMENT

1. OVERVIEW

Employees may be separated from employment by means of retirement, voluntary termination, resignation not in good standing, involuntary discharge or layoff. Employees of the District serve "at-will." All debts must be repaid and all district property must be returned to the supervisor prior to the last day of employment. Failure to return District property or reimburse debts due to the District upon employment separation may be considered theft, and will be referred to the District's legal representative for review.

2. RETIREMENT

No regular employee shall be required to retire from the MCWD employment solely for age, except in those positions where a bona fide occupational qualification exists. Employees desiring to retire in good standing shall give written notice of their intent to retire 10-working days in advance. The notice will be submitted to the employee's supervisor, who will forward it to Operations and Support Services. Processing of retirement and severance benefits will be in accordance with regular payroll processing.

3. VOLUNTARY RESIGNATION

Employees who plan to resign from the MCWD must provide “proper notice,” or a written letter of resignation a minimum of 10-working days in advance to their supervisor. Additional notice is desirable whenever possible. Accrued vacation leave is not available for use within the resignation notice period, and will be paid in accordance with these policies. The resigning employee is expected to be actively at work on the final day of employment except in unusual circumstances approved in advance by the District Administrator.

4. RESIGNATION NOT IN GOOD STANDING

The following circumstances may be considered resignations not in good standing and will result in forfeiture of all accrued benefits:

- a. Resignation without proper notice;
- b. Absence from work for three days without notification and approval of the employee’s supervisor, or failure to return to work on the date determined from an approved leave;
- c. Resignation while under investigation for disciplinary actions.

5. TERMINATION/DISCHARGE

In some cases it may be necessary for the MCWD to involuntarily terminate the employment relationship with an employee. All employment with the MCWD is “at-will”, and the MCWD retains the right to terminate an employee at any time for any reason, or no reason, within the provisions of the law. Discharged employees forfeit all accrued benefits upon employment separation.

6. REDUCTION IN WORK FORCE/LAYOFF

In order to ensure a balanced work force, the MCWD may, at its discretion, determine that a reduction in the number of employees on the payroll is necessary. Whenever possible, the employee(s) will receive a notice of reduction in work force ten working days in advance of the effective date of the layoff. Accrued benefits will be paid commensurate with these policies.

7. DEATH

Payments owed to a deceased employee by the MCWD shall be paid out in the name of the employee, to the designated beneficiary on file.

**K. GENERAL EMPLOYMENT RELATED POLICIES**

1. ATTENDANCE AND PUNCTUALITY

On occasion, it may be necessary for you to be absent from work. MCWD is aware that emergencies, illnesses, or important personal business that cannot be scheduled outside your work hours may arise. Sick and Vacation Days have been provided for this purpose. In general, the operations and standards of service in the District require that employees be at work unless valid reasons warrant absence. In order for a team to function efficiently and effectively, employees must be on the job. Regular attendance is an essential function of every District position.

If you are unable to report to work, or if you will arrive late, you must contact your supervisor as soon as possible in advance of the absence. In the case of unexpected absence, employees should call their supervisor before the scheduled start time. If the supervisor is unavailable, the employee must leave a message that includes a telephone number where he/she can be reached and/or contact any a co-worker who is designated by the supervisor at the first available opportunity. If you know in advance

that you will need to be absent, please request this time off, in advance, by notifying your supervisor. Failure to use established reporting process will be grounds for disciplinary action up to and including termination.

Absence from work for three (3) consecutive days without notifying the supervisor in accordance with this policy will be considered a voluntary resignation. The District may waive this policy if extenuating circumstances warranted such behavior. This policy does not preclude the District from administering discipline for unexcused absences of less than three (3) days.

If you are absent due to an illness for three (3) or more consecutive days, your supervisor may request that you submit written documentation from your medical provider verifying the illness and stating you are able to resume normal work duties before you will be allowed to return to work.

A consistent pattern of questionable absences can be considered excessive, and may be cause for additional disciplinary action. In addition, excessive lateness or leaving early without notifying your supervisor will be considered a “lateness pattern” and may carry the same weight as an absence. Be aware that poor punctuality, excessive absences, or leaving early may lead to disciplinary action up to and including discharge.

## 2. TELECOMMUTING POLICY

MCWD considers telecommuting to be an appropriate alternative work arrangement in cases where individual, job and supervisor characteristics are suited to such an arrangement. Telecommuting allows an employee to work at home, on the road, or in a satellite location for specified day(s) of his or her regular workweek. Telecommuting is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not an entitlement, it is not a MCWD-wide benefit, and it in no way changes the at-will nature of the employment or the other terms and conditions of employment with MCWD. Telecommuting will be permitted in the sole discretion of the management, in accordance with this policy.

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or formal, as will be described below. Other informal, short-term arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the organization, and with the consent of the employee's health care provider, if appropriate. All informal telecommuting arrangements are made on a case by case basis, focusing on the business needs of the organization first. Such informal arrangements are not the focus of this policy.

### a. Eligibility

Individuals being considered for telecommuting arrangements must have been employed with MCWD for a minimum of 6 months of continuous, regular employment and must have exhibited above average performance in accordance with MCWD's performance appraisal process. Before entering into any telecommuting agreement, the employee, supervisor and Operations and Support Services Director, in consultation with the District Administrator, will evaluate the suitability of the arrangement with regard for the following:

- Employee suitability: The employee and supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

- Job responsibilities: The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Logistics: This includes equipment needs, work space design considerations and scheduling issues.
- Tax implications: Tax filing and other legal implications for the business use of the employee's home based upon IRS and state and local government restrictions. Responsibility for fulfilling all obligations in this area rests solely with the employee.

b. Formal Telecommuting Agreement

Either an employee or a supervisor can suggest telecommuting as a possible ongoing work arrangement. The department supervisor will review all requests from his or her areas of responsibility, authorize an employee's participation if appropriate, and agree to adhere to these policy guidelines. The general administration of the agreement is as follows:

- Any formal arrangement made will be on a trial basis for the first 3 months, and may be discontinued at any time by the telecommuter or the organization.
- If the employee, supervisor, Operations and Support Services Director and District Administrator agree upon the terms of eligibility, a Remote Work Agreement will be prepared and signed by all parties. This begins the 3 month trial period.
- The agreement will detail the number of days of telecommuting allowed each week, the work schedule the employee will maintain, and the manner and frequency of communication.
- The manner and frequency of communication between the employee and supervisor will be more formal during the trial period and will be at a level consistent with employees working at the office or in a manner and frequency appropriate for the job and individuals involved.
- Employees entering into a telecommuting agreement may be required to forfeit use of a personal office or workstation at the central office in favor of a shared arrangement, to maximize organization office space needs.
- As part of the agreement, telecommuting employees agree to be as accessible as their on-site counterparts during the agreed upon work schedule, either over the phone or via email. Also, the employee must be on site as necessary to attend meetings, training sessions, or after hour meetings as designated by the supervisor. It is the responsibility of the employee to make arrangements to have their "hard" mailbox checked for timely materials when working from a remote locale.
- A formal telecommuting arrangement is not designed to be a replacement for appropriate child, elder or dependent care. Although an employee's schedule may be modified to accommodate dependent care needs, the focus of the arrangement is expected to be on job performance and meeting business demands. Prospective telecommuters should discuss expectations of telecommuting with family members prior to entering the trial period.

c. Pay and Attendance.

Salary and wage administration will be consistent with these policies. The employee's time and attendance for telecommuting work time will be recorded separately from in-office work time. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor

Standards Act will complete a separate time sheets distinguishing office hours from telecommuting hours. In general, telecommuters will be held to a higher standard of compliance for time tracking than office-based employees due to the nature of the work arrangement. Hours worked in excess of those specified in the agreement require the advance approval of the supervisor. Failure to comply with this provision may result in revocation of the telecommuting work agreement and/or other appropriate disciplinary action.

d. Work Assignments

The employee will meet with the supervisor on a regular and on-going basis to receive specific assignments and duties, to identify measurable outcomes and/or results and to review work in progress as well as completed work. The employee is to complete all assigned work according to work procedures mutually agreed upon by the employee and the supervisor according to standard operating procedures.

e. Performance Evaluation

The evaluation of the employee's job performance will be based upon supervisor expectations for performance, standards that are consistent with the position, and an evaluation of performance outcomes/results. Evaluation of telecommuter performance during the trial period will include daily interaction by phone and/or e-mail with the supervisor and weekly in-person meetings to discuss work progress and problems. At the conclusion of the trial period, the employee and supervisor will each evaluate the arrangement, its effectiveness and recommendations for modification and/or continuation. The District Administrator, in consultation with the Operations and Support Services Director, will review the evaluations and determine whether the telecommuting agreement becomes formal and ongoing. Ongoing job performance must continue to meet or exceed expectations for the arrangement to continue. Performance evaluations beyond the trial period will occur consistent with these policies, but focus on work output and completion of objectives more so than time worked.

f. Remote Work Environment and Safety

The employee will establish an appropriate work environment within their home for work purposes. MCWD will not be responsible for costs associated with the employee's home office such as remodeling, furniture or lighting, repairs or modifications to the home office space, operating costs, or any other incidental cost (e.g. utilities) whatsoever associated with the remote work location. Employees will be offered appropriate assistance in setting up a work station designed for safe, comfortable work.

After equipment has been delivered, a designated Operations and Support Services representative will visit the employee's home work site to inspect for possible work hazards and suggest modifications. Repeat inspections will occur on an as-needed basis. Injuries sustained by the employee while at their home work location and in conjunction with their regular work duties are normally covered by the MCWD workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries in accordance with worker's compensation procedures outlined in these policies. The employee is liable for any injuries sustained by visitors to their work site.

The employee agrees to maintain safe work conditions in the off-site workspace and to practice the same safety habits in the designated off-site workspace as his/her office on MCWD premises. MCWD reserves the right to conduct a site visit to the alternate workspace to determine that it is

safe and free from hazards. Any inspection will occur within normal work hours and with 24 hours' notice to the employee.

If there is an emergency and/or life-threatening event at the remote work site, the employee or designee should notify the immediate supervisor. The employee agrees that important MCWD telephone numbers, such as the name and telephone number of his/her immediate supervisor as well as other important MCWD specific contact information are posted in a visible location at the work location. The employee agrees to inform members of his/her household that it is necessary that MCWD be contacted immediately in the event of a life-threatening emergency.

g. District Information, Supplies, Property, Equipment & Assets

The MCWD will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, facsimile equipment or software, photocopiers, etc.) for each telecommuting arrangement on a case-by-case basis. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee will be maintained by the employee. The MCWD accepts no responsibility for damage or repairs to employee-owned equipment.

The District reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter will sign an inventory of all MCWD property and agrees to take appropriate action to protect the items from damage or theft. Upon termination of employment or revocation of the telecommuting agreement, all MCWD property will be returned in acceptable working condition to the organization via arrangements made with the supervisor. Failure to return MCWD property and/or return of property in damaged condition will be referred to the District's legal representative for review.

h. Limitations

The employee or MCWD may revoke the employee's participation in this program at any time. MCWD will make every effort to provide a 2-week notice if the Remote Work Agreement will be revoked; however, there may be instances where no notice is possible.

Employees may be withdrawn from the telecommuting arrangement for reasons including, but not limited to, declining performance and/or organizational needs. Such withdrawal must be accomplished in accordance with established policies and procedures. It is possible that factors outside the control of MCWD could impact the continuation of this program. In the event the supervisory reporting relationship changes, a telecommuter's agreement may be subject to review or cancellation by the incoming supervisor.

3. REASONABLE UNPAID WORK TIME FOR NURSING MOTHERS

The MCWD shall comply with all provisions of [MN Stat. §181.939](#) and the [Patient Protection and Affordable Care Act – Section 7 of the Fair Labor Standards Act](#). Nursing mothers will be provided reasonable unpaid break time to express milk for nursing her child for one year after the child's birth. The District 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 that includes access to an electrical outlet, where the employee can express her milk in privacy.

4. CRIMINAL BACKGROUND CHECKS

The MCWD conducts criminal history background checks on **all regular full time, part time and**

temporary/seasonal employees. For all background checks reflecting a conviction, the MCWD will review the type of conviction and consider whether it is directly related to the job in consultation with District legal counsel.

Candidates for positions working with children will not be selected if they have been convicted of any crime listed in the [Child Protection Worker Act; MN Stat. §299C.61-299C.62](#). Generally, this includes child abuse crimes; murder; manslaughter; felony level assault or any assault crime committed against a minor; kidnapping; arson; criminal sexual conduct and prostitution-related crimes.

Before any applicant is rejected on the basis of criminal conviction, he or she will be notified in writing and will be given any rights afforded by [MN Stat. §364.021 Public Employment; Consideration of Criminal Records](#). This includes the right to show evidence of rehabilitation.

Employee convictions: Any employee who is convicted of, or pleads guilty to any felony or gross misdemeanor, shall report such plea or conviction to his or her supervisor as soon as possible, but no later than five business days following the plea or conviction. This requirement specifically includes crimes involving the use or possession of illegal drugs and crimes involving the use of a motor vehicle, including driving under the influence. Information received by the MCWD about such convictions will be used only as permitted under applicable law.

5. VETERANS POLICY

Minnesota law provides for specific Military Veteran's rights for qualified persons when hiring or in the event of dismissal or other disciplinary action. The MCWD complies with all provisions of [MN Stat. §43A16 and §197.46 – 197.481](#)

6. SMOKING AND TOBACCO USE POLICY

All buildings, facilities and vehicles of the District are declared to be smoke and tobacco free, meaning that smoking in any form (through the use of tobacco products (pipes, cigars and cigarettes) or "vaping" with e-cigarettes is prohibited while in a District facility or vehicle. This Policy prohibits the use of any tobacco product while at or in these locations. Employees 18 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

7. DRESS CODE POLICY

District employees are expected to dress in attire appropriate to their position, as determined by the Department Head.

8. SUPPLEMENTAL EMPLOYMENT

MCWD does not restrict employees from engaging in outside employment. However, the District expects that regular full time employees consider District work their primary employment. The District will not permit outside employment that interferes with the performance of the employee's duties with the District, involves the performance of duties substantially similar to those normally performed within the scope of the employee's work for the District, or which represents a conflict of interest or violates departmental policy. The District will not change an employee's work hours to accommodate the scheduling of any outside employment.

9. EMERGENCY CLOSINGS

a. Inclement Weather – Closings to the Public

The District Board President or other authorized Board Manager shall determine whether an emergency exists in which the public interest will be best served by closing District offices to the public. District offices will remain open to employees. Employees should use their own discretion regarding safe travel to and from work during inclement weather. When a decision is made to close the District offices, the decision will be conveyed to the media for public announcement. Employees who decide not to report for work, or to leave the workplace early when offices are closed to the public may use Sick Leave for the absence. When District offices remain open to the public, but an employee determines travel is too unsafe, the employee shall do one of the following: use vacation time, use accumulated compensatory time, or in the case of non-exempt employees, take the time off without pay as a result of the absence.

b. Other Emergency Closings – Vacating the Premises

The Operations and Support Services Supervisor may direct the staff or public to vacate the premise after notification to the E-911 Communication Center. Compensated status of the affected employee(s) will be determined by the Department Head on an incident basis.

10. WORK RELATED EXPENSES AND TRAVEL POLICIES

This policy conforms to [MN Stat. § 471.38](#), [471.961](#) and [471.97](#) governing reimbursement of expenses incurred in the conduct of District business. It is designed to provide the basis for determining whether there is authority for District expenditure, whether the expenditure serves a public purpose, and whether the expenditure is necessary and directly related to the betterment of the District.

a. Application and Administration

[MN Stat. § 471.661](#) mandates that a policy for out-of-state travel by elected officials be developed and approved by a recorded vote on or before January 1 and reviewed annually thereafter. Accordingly, this policy applies to all employees, and District Board appointees when seeking reimbursable expenses. Should there be any conflict between this policy and State or Federal law, the latter controls.

b. Travel Requests and Approval

All travel requests are approved by the responsible authority as outlined below.

- 1). The District Board of Managers shall approve all travel costs through the annual budget process.
- 2). All staff travel requires the approval of the employee's Department Head.
- 3). All travel that is not budgeted requires the approval of the District Board.
- 4). All out-of-state travel requires District Board approval, through the consent agenda prior to attendance and payment.

c. Funds Available

The Department Head is responsible to see that funds are available to pay for all expenses they approve. Staff anticipating work-related expenses in the conduct of District business shall inquire about and utilize all travel reimbursements provided by host organizations, to minimize District expense.

d. Billings

Whenever possible, employees will make travel and accommodation arrangements in advance and request that the District be billed. All authorized travel expenses which are not billed

directly to the District are paid by the employee and subject to reimbursement upon approval of an Expense Reimbursement Request.

e. Travel Advances

In the event of an emergency situation, cash advances may be issued with the approval of the Department Head and the District Administrator. Such requests are the exception to normal practice and are documented in detail as to the nature of the emergency, purpose of travel and amount needed.

f. Travel Authorization Guidelines

In order to determine what travel is of the most value and which employees should go, the following guidelines have been established:

- 1). The cost of the conference, institute, training program and related travel must be within the annual Travel Expense budget appropriation approved by the District Board.
- 2). Contacts made or information obtained must be expected to benefit the improved operation of the District and the respective department.
- 3). Utmost discretion is to be exercised in submitting a request for out-of-state or overnight travel. Conferences are to be unquestionably professional in content and should be selected only when a similar conference cannot be found locally in the same calendar year.

g. Vehicle Policy

1). Privately Owned Automobiles:

Employees are reimbursed for traveling on official District business with a private automobile at the standard IRS rate. Motorcycles are not an approved form of transportation for conducting District business.

Mileage is paid on the most reasonable direct route as follows:

- When traveling from the normal work location and then returning to it, the mileage allowance is the actual traveled.
- When traveling to an alternate worksite (client, meeting, conference, training), the District will reimburse mileage at the current rate per mile for actual miles incurred between the employee residence and the alternate worksite, or from the normal worksite to the alternate worksite, whichever is the lesser of the two.
- In the case of the employee's traveling to multiple worksites from their residence, the employee shall be reimbursed mileage at the current rate per mile for actual miles incurred traveling from the first worksite, between worksites, and ending at the last worksite.
- The normal work location for employees assigned to multiple work locations is the work location scheduled for the day on which the expense was incurred.
- Reimbursement for extended travel is paid on the basis of the prevailing mileage allowance rate or tourist airfare, whichever is less. When personal vehicles are used for extended travel not available by commercial transportations, travel reimbursement is made on an actual mileage basis. When two or more employees are traveling in one car, reimbursement is made to one employee.

2). District Vehicles:

The use of District vehicles shall be managed with priority given to safety, cost effectiveness and fuel conservation. District vehicles may be used only for authorized local governmental business, including personal use that is clearly incidental to the use of the vehicle for local government business. District vehicles are for the exclusive use of employees and other individuals directly involved in District business. A District vehicle may not be used for transportation to or from the residence of a District employee, except as noted below:

- In connection with work-related activities (on-call or emergency response) during hours when employee is not working;
- Occasional overnight usage of District-owned vehicles is permitted if the employee has been assigned the use of a District vehicle for authorized District business away from the work station to which the employee is permanently assigned and the number of miles traveled, or the time needed to conduct the business, will be minimized if the employee uses a District vehicle to travel to the employee's residence before or after traveling to the place of District business. These situations must be approved by the Department Head prior to the vehicle's release to the employee's home. If occasional overnight usage by any employee exceeds 15 times per year, IRS regulations require that the log book information for each overnight commute trip be submitted to payroll for auto fringe benefit calculations;
- As a working condition benefit the vehicle used must be considered a qualified non-personal use vehicle, which by IRS terms is considered to be any vehicle the employee is not likely to use more than minimally for personal purposes because of its design. Qualified non-personal use vehicles generally include:
  - Clearly marked law enforcement and other public safety vehicles
  - Unmarked vehicles used by law enforcement officers if the use is officially authorized
  - Pickup trucks or vans clearly marked with permanently affixed District decals
  - Special Equipment Vehicles manufactured for special application or equipped with tools or devices for specific job applications

3). Exception

No Department Head is authorized to assign take home District vehicles unless approved by the District Board.

4). Traffic Laws

Drivers are required to observe and obey all traffic laws regarding the operation of a motor vehicle, including speed limits. Drivers of District vehicles are responsible for all fines and penalties imposed for parking or traffic violations with respect to the vehicle while it is in their possession.

5). Log Books

A daily log book is to be maintained on each District-owned vehicle. This log book is to show at a minimum: date and time of use, name of operator, location/destination of use, purpose of use and the beginning/ending mileage.

6). Vehicle Allowance

Should a District employee, as part of their working agreement with the District, not be provided with a vehicle for regular use but rather provided a monthly stipend, the allowance will be considered part of a non-accountable plan. The District will follow IRS guidelines accordingly:

- Monthly Auto Allowance: The full amount of the monthly auto allowance will be treated as a taxable benefit and subject to income tax and other statutory deductions.
  - Employment Expense Deduction: Employees who receive a taxable allowance may be able to deduct motor vehicle expenses as employment expenses from their taxable income on their personal income tax return. It is the employee's responsibility to coordinate this with their tax preparer.
  - The Board of Managers shall annually establish the monthly auto allowance rate. The rate will be effective January 1.
  - An employee who is in receipt of the monthly auto allowance is responsible for all expenses incurred in the operation of their vehicle.
- h. Parking  
Employees using private automobiles and District vehicles are reimbursed on an actual expense basis for parking when that parking is related to District business at other than the normal location. Receipts for such payment must be submitted with the expense reimbursement request.
- i. Commercial Transportation  
Employees may travel by commercial transportation when authorized. Commercial transportation will be reimbursed at the most reasonable, available passenger rates.
- j. Car Rental  
Employees may use a rental vehicle at District expense when authorized. When using rental vehicles, the lowest possible rate is to be selected.
- k. Taxi/Bus  
Payment for taxi, bus, or limousine service is authorized when no private vehicle is available. Reimbursement will be for whichever form of transportation has the lowest available rate.
- l. Airline Frequent Flyer Clubs  
Any District employee or appointed official who uses airline travel for District business must report the receipt of any frequent-flyer credits or other airline benefits to the District by notifying the District Administrator within 30 days of receipt of any such benefits or credit. Any employee or appointed official may accrue credits or other benefits to be used by the individual for additional airline travel for District business only. Credits or other benefits accrued by an employee or elected official who uses airline travel for District business cannot be used for personal gain.
- m. Lodging, Meals and Incidental Expenses  
Itemized receipts are required in all instances. Employees are reimbursed for their own lodging, meals and incidental expenses at actual cost in accordance with the following:
- 1). Charges for lodging for the night prior to the formal start of a conference, seminar, meeting, etc. and those nights when the event is actually in session.
  - 2). Meals are reimbursed at actual expense, not to exceed the regular federal daily per diem rate for Meals and Incidental Expenses (M&IE), published by the General Services Administration and [IRS Publication 1542](#), eligibility for reimbursement under the following conditions:

- Up to \$36.00 per day may be claimed when no overnight travel is involved for all locations outside of the District, with itemized receipts required, subject to employment withholding taxes.
- Up to the daily per diem M&IE rate by locality may be claimed when overnight travel is involved, itemized receipts required, subject to employment withholding taxes.

The District Board will review and establish current M&IE rates annually at the January organizational meeting for adoption on a calendar year basis. Current M&IE rates are published on the District website or may be obtained at from the Operations and Support Services Director.

- 3). Meal expenses incurred while performing the duties of one's position are not reimbursed unless the employee is outside the boundaries of the District when the meal expense is incurred, except as authorized under (4) and (6), below.
- 4). If meals are included in any registration or tuition fees, they will be paid in full as part of the registration fees and are not subject to IRS withholdings. Expenses for meals in addition to those meals already included in the registration fees are not allowed.
- 5). Expenses for alcoholic beverages are not reimbursable.
- 6). Meal expenses for a conference, seminar or meeting in which employees are required to remain throughout the meal period by the Department Head or the District Board, (thereby causing employees to be unable to obtain a meal elsewhere within a reasonable time), will be reimbursed even if within the District.
- 7). An individual required to attend an evening District Board function after their scheduled working hours, for whom it would not be reasonable to go home for the evening meal, will be eligible for meal reimbursement for actual expenses.

n. Travel Time

District employees may be authorized time for travel the day prior to and/or the day following the convention or meeting date(s) when extended travel is required. Such time is considered compensated work time for non-exempt employees.

In general, normal travel to work is not compensated work time for non-exempt employees (whether or not the employee works at a fixed location or different job sites). Therefore, any time spent walking, riding or traveling to and from the actual place of performance of the principal activity is not compensable.

o. Travel Expenses of Spouse or Other Family Members

If employee's family members accompany them on District business trips, that portion of the expenses attributable to the family members is not reimbursable.

p. Travel and Miscellaneous Expense Claim

Expense claim sheets must be prepared after return from travel and presented to the responsible authority for approval and then forwarded to Operations and Support Services within a reasonable period of time. The Operations and Support Services Director shall present such claims to the District Board for approval as processed biweekly in a manner and form as approved by the District Board. All available bills and receipts are to be attached. No expenses

shall be considered for payment if they are turned in to Operations and Support Services later than March 15th of the year following the year in which they were incurred, or as required by Department policy.

q. Liability Insurance / Driver's License

Employees who drive vehicles on District business must have a valid Minnesota driver's license of the appropriate classification. Driving records of District employees who use vehicles for District business may be checked as needed. In no case shall an employee drive a District vehicle or his/her personal vehicle during paid time when (s)he has lost driving privileges unless (s)he possesses a Minnesota Department of Public Safety Work Permit entitling him/her with driving privileges while working.

Written notification by the employee to the District must take place prior to the start of his/her next shift immediately after being notified of a suspension/revocation or pending suspension/revocation of driving privileges. Failure to notify a supervisor may result in disciplinary action up to and including termination. Department Heads shall assure that for those positions where a valid driver's license is a minimum qualification for the performance of essential job duties, the requirement is included in the applicable job description.

Employees are required to have the minimum insurance required by Minnesota law for passenger hazard and public liability in effect on all personal vehicles used for District purposes or while performing District business. The District may at any time require proof of such insurance.

r. Seat Belt Policy

All District employees are required to lawfully use the appropriate passive restraint and/or seat belt when operating a motor vehicle in connection with District business, regardless of whether or not he/she is operating a District-owned vehicle or using his/her own personal vehicle to perform District functions.

## **SECTION IV. PERSONNEL RECORDS AND ADMINISTRATION**

### **A. GENERAL INFORMATION**

The task of handling personnel records and related human resource administration functions of the MCWD has been assigned to the Operations and Support Services Director and his/her designees. Questions regarding insurance, wages, and interpretation of policies should be directed to this individual.

### **B. YOUR PERSONNEL FILE**

Employees are responsible for keeping their personnel file up to date and providing the MCWD with accurate information. Any changes in the following items should be promptly reported to the Operations and Support Services Director or designated contact for inclusion in your personnel file:

- Legal Name
- Home Address & Phone Number
- Emergency Contact(s) Information
- Number of Dependents (when necessitated by law)

- Marital status (when necessitated by law)
- Exemptions on your W-4 Tax Form
- Change of Beneficiary
- Family Status Change (when necessitated by law or benefit modification)
- Proof of valid Driver's License
- Military or Draft Status
- Training or Education Certificates related to job
- Professional License(s)

Your personnel file also includes the following information, to the extent the MCWD possesses it, with some exceptions:

- Employment Application(s)
- Offer Letter
- Wage or Salary History
- Notices of Commendation, Warning, Discipline, or Termination
- Payroll Deduction Authorizations
- Benefit Information
- Annual leave/accrual records
- Your employment history, which includes your compensation, positions you have held, dates of promotions or transfers, attendance records, and performance evaluations.

Generally, employees have the right to review their personnel file once during a six-month period. To do so, you must provide a written request during normal business hours. The Operations and Support Services Director shall make reasonable effort to fulfill your request within forty-eight (48) hours. All original documents must remain in the personnel file and must be reviewed in the presence of the Director or designee. In all instances, MCWD will ensure compliance with [MN Stat. §181.961](#).

### **C. YOUR MEDICAL RECORDS**

All medical records, if any, will be kept in a separate confidential file. The MCWD maintains this information in the strictest confidence and may not use or disclose medical information about an employee without the employee first having signed an authorization form permitting such use or disclosure except as permitted or required by law.

### **D. ANNIVERSARY DATE**

The first day you report to work is your "official" anniversary date. Your anniversary date will be used to compute various conditions and benefits described in this manual.

### **E. LENGTH OF SERVICE**

Your period of continuous employment with the MCWD is defined as your "Length of Service." Length of Service may be used as a basis for vacation, personal leave, lay off, call back, and may apply to other benefits. Your Length of Service will continue to accumulate unless you have a break-in-service through retirement, voluntary resignation, discharge, or are on layoff for a period of 6 months or more.

## **F. PERFORMANCE APPRAISAL PROCESS**

### **1. OVERVIEW**

The performance appraisal process is designed to assist and encourage the employee to reach maximum potential. Standards against which performance is to be measured shall be specific, measurable, related to quality, quantity, timeliness or work, and working relations. Other reasonable performance criteria, as determined by the Operations and Support Services Director in consultation with the District Administrator, will also be initiated as necessary to make an accurate and thorough evaluation.

Your performance appraisal is intended to be a two-way discussion. You will have an opportunity to provide feedback regarding your position and any issues or concerns you may have. It is also a time for your supervisor to provide feedback on your performance, attendance or work conduct. Informal communication initiated by your supervisor or an employee regarding performance is encouraged and should take place regularly to resolve problems, correct mistakes, provide direction and enhance ongoing employee development.

### **2. SCHEDULE**

Your performance will generally be reviewed and discussed with you by your supervisor(s) on or about the following intervals:

- a. After completion of six (6) months of continuous employment in a new position;
- b. Annually thereafter, during the month of December.

In addition to the annual performance appraisals, employees may be evaluated under the following circumstances:

- a. Any time an employee's performance has changed significantly, positively or negatively;
- b. Any time the District Administrator feels it is in the best interest of the employee or the MCWD.

A list of required annual reviews will be disseminated by Operations and Support Services, along with a timeline for completion. The accuracy of the performance appraisal is a direct reflection of the management proficiency of the supervisor. Any compensation adjustments must be substantiated by review ratings, and are subject to the discretion of the District Administrator. The MCWD supports pay for performance in the compensation system structure.

### **3. RECORD OF PERFORMANCE EVALUATIONS**

Formal, written performance appraisals may be kept in the employee's personnel file. An additional copy may be retained by the employee and/or their supervisor.

### **4. REVIEW OF PERFORMANCE APPRAISAL**

Final appraisals must contain the signature of the District Administrator prior to being shared with the employee. The supervisor shall discuss the formal, written performance appraisal report with the employee before the appraisal is made part of the employee's permanent record. The employee's signature is required to indicate receipt of the evaluation, not necessarily agreement with the content. Employees may submit a written response to their performance appraisal for review by the Operations and Support Services Director, and request that it is included in their personnel file.

## **G. REQUESTS FOR EMPLOYMENT REFERENCE**

Persons or organizations seeking a reference for a current or former employee must be referred to the Operations and Support Services department. Only representatives from this department are authorized to provide interested parties with employment reference information on behalf of the MCWD, for current or former employees.

DRAFT

## SECTION V. SALARY AND WAGE ADMINISTRATION

### A. EMPLOYMENT CLASSIFICATIONS

Written job descriptions will be prepared for all MCWD positions. The descriptions will consist of a title, a description of the responsibilities and typical examples of work performed, and other information on the required qualifications and abilities necessary to perform the duties of the position.

At the time you are hired, you are classified as *regular* or *temporary*. In addition, for purposes of Federal Wage and Hour Laws, you are classified as either 1) Non-Exempt or 2) Exempt.

These classifications are determined by general guidelines which have been established by the Federal Government. Each position will be classified by the MCWD under these guidelines. For internal use, the MCWD has also designated the following categories:

#### 1. REGULAR EMPLOYEES

Employees hired to work on a regular basis for an indefinite period of time are categorized as “regular” employees. Reference to “full-time” or “part-time” classification does not imply an employee has a vested right to continued employment.

- a. Regular Full-Time – employees who are employed for an indefinite period and regularly scheduled to work thirty (30) or more hours per week. See Section I definition – Employee, Regular Full Time.
- b. Regular Part-Time – employees who are employed for an indefinite period and are regularly scheduled to work less than thirty (30) hours per week. See Section I definition – Employee, Regular Part Time.

NOTE: Part-time regular employees may be eligible for limited accrued time off benefits on a pro-rated basis.

#### 2. TEMPORARY/SEASONAL EMPLOYEES

A position which an employee works only part of the year (67 days or less) to conduct seasonal work, or an employee who works in a temporary position having a defined start and end date for the duration of a specific project. Temporary/Seasonal employees may be assigned to work a full-time or part-time schedule. The period of temporary/seasonal service shall not be counted as part of any probationary period should an individual subsequently be appointed to a regular-status position. Temporary positions do not earn benefits (except as may be necessary under Health Care Reform) or accrued time off, but will be credited for service in the event of a conversion to regular status. Temporary employment provides no expectation or inference of future regular status. See Section 1 definition – Employee, Temporary/Seasonal.

#### 3. EXEMPT AND NON-EXEMPT EMPLOYEES

It is the intent of the MCWD to comply with all federal and state labor laws. At the time of hire, you will be classified as either “exempt” or “non-exempt”. This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked in excess of forty (40) hours per work week. These employees are referred to as “non-exempt”. This means that they are not exempt from (and therefore will receive) overtime pay at a rate of one and one half (1.5) times the regular hourly rate.

Exempt employees are persons employed in bona fide executive, administrative, or professional positions as defined by federal wage laws. They may include managers, supervisors, professional and technical employees whose duties and responsibilities allow them to be “exempt” from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws. If you are an exempt employee, you will be advised that you are in this classification at the time you are hired, transferred, or promoted.

All bona fide professional, administrative and executive employees who are exempt from the provisions of the Minnesota and federal FLSA shall not receive overtime or compensatory time off.

Employees with any questions or complaints regarding the District’s application of the state or federal FLSA are asked to submit them in writing to the Operations and Support Services Director for review.

## **B. WORK WEEK**

The normal work week for District employees is five eight-hour days in addition to a lunch period, beginning on Monday and ending on Friday weekly; unless other arrangements have been authorized by the employee’s Department Head in consultation with the Operations and Support Services Director. The normal work day shall be from 8:00 a.m. to 4:30 p.m. Employees are required to work according to the schedule for their assigned position. Additional hours, including weekends and evenings, may be required to meet deadlines or to accomplish objectives, as authorized by your supervisor. All employees are expected to maintain a regular schedule, with start and end times subject to the discretion of the Department Head in consultation with the Operations and Support Services Director.

This policy is intended only to define the normal hours of work and to provide the basis for the calculations of overtime premium and other premium pay. Nothing herein shall be construed as a guarantee of hours of work per day or per week by the District. Nothing contained in this policy or any other policy shall be interpreted to be a guarantee of minimum or maximum number of hours that the District may assign employees to work.

## **C. HOURS OF WORK**

The Department Head or their designee shall establish employee work shifts, work breaks, staffing schedules and the assignment of employees in their respective department with the approval of the District Administrator. Department Heads may adopt flexible schedules for exempt or non-exempt employees, provided the schedules are compliant with these policies, and provided that offices are adequately staffed during District business hours. Employees requests to work a flexible schedule will be considered; however, the Department Head is under no obligation to grant such request. Departmental schedules will be filed with Operations and Support Services for payroll purposes.

## **D. TIME RECORDS**

All non-exempt employees are required to record their time worked on a time sheet, which are then used to calculate payroll and fulfill record-keeping requirements. Exempt employees are required to complete Time Off Requests only. Time records for all employees must be approved by the immediate supervisor and submitted to the Operations and Support Services Director or designee in accordance with the payroll schedule.

Employees are individually responsible for accurately recording time worked. No one may record hours worked on another's time sheet. Tampering with another's time record or falsifying your own record is cause for disciplinary action, up to and including termination.

## **E. PAY PERIODS**

Employees will generally be paid biweekly for hours worked in the previous pay period. Unless otherwise requested, checks will be direct deposited into your bank account. Checks/direct deposits will be distributed by the Friday of the following pay period. If you are absent on the day checks are distributed, you are responsible to inform the Operations and Support Services Director of your preference to have your check mailed or held for your pick up. A pay period is defined as a fourteen day period commencing on Sunday and ending on Saturday.

## **F. PAYROLL DEDUCTIONS**

There are two kinds of salary deductions; those required by law, and those authorized by you. Each pay stub lists deductions for that pay period:

### Required:

- Federal income tax
- State income tax
- Social security tax
- Medicare tax
- SDI (State Disability Insurance)
- Public Employees Retirement Association (PERA)
- Court ordered garnishments, if applicable
- Insurance, as required

### Voluntary

- Insurance, as selected
- 457 Deferred Compensation Plan
- Other miscellaneous voluntary deductions (savings)

NOTE: It is the responsibility of the employee to review the accuracy of voluntary deductions and promptly report inaccuracies to the Operations and Support Services Director.

## **G. MEAL AND BREAK PERIODS**

Non-exempt employees working six (6) hours or more continuously will be provided an unpaid meal period of 30 minutes near the middle of each workday. Employees may not use their 30-minute meal break to alter their start or stop time. Meal period scheduling is approved by the supervisor to ensure continual services throughout the workday.

Non-exempt employees are provided one (1) fifteen (15) minute paid break (rest period) during each four-hour period of continuous work. These breaks will be scheduled at two different intervals, one prior to your meal period (if applicable) and one after. Rest periods should not interfere with the proper performance of work responsibilities or work schedules of the department. Any employee whose rest break is interrupted for necessary job duties should receive additional time to provide for a combined fifteen minute rest period. The rest period commences when work ceases and stops when work starts. Travel time is part of the rest period time. Rest periods cannot be used in conjunction with meal periods, nor may rest periods be taken during the employee's first or last scheduled hour of work each day.

## **H. OVERTIME**

The MCWD may schedule work in addition to the standard workday or work week. Employees are expected to work overtime if requested. The standard work week for overtime purposes is 12:00a.m. Sunday through 11:59p.m. Saturday. Overtime at the rate of one and one-half (1.5) times the base rate shall be paid through payroll to non-exempt employees for all hours worked in excess of forty (40) hours in a standard work week. It is not permissible to reduce hours in a separate workweek to avoid overtime compensation. All overtime must be authorized in advance by the employee's supervisor.

Overtime pay is based on actual time worked in excess of forty hours. Time away from work on vacation, sick leave, holiday, or any other leave of absence, paid or unpaid, will not be considered hours worked for purposes of performing overtime calculations.

Employees who work overtime without receiving prior authorization from their supervisor may be subject to disciplinary action.

## **I. COMPENSATORY TIME**

The use of compensatory time as overtime compensation requires the mutual agreement of the Department Head and the non-exempt employee. Hours worked beyond 40 hours in a standard work week shall be calculated at one and one-half (1½) hours for each overtime hour worked, with time earned balances accumulated in payroll. The maximum accumulation of compensatory time shall be 120 compensatory hours and is available to be used in ½ hour increments. All compensatory time not used by Dec. 31 of each year will be paid at that year's rate at the next years' earliest scheduled pay date.

## **J. WAGE DETERMINATION**

The MCWD will compensate employees based upon the District Classification and Compensation Plan, with consideration of other factors such as economic conditions, competitive market practices, employee performance, job evaluation and internal equity. The current District Classification and Compensation Plan is available upon request. The MCWD will review employee compensation annually to ensure proper placement of employees in the pay scale.

### Salary Goals:

1. To establish and maintain salary structures to attract and retain qualified and competent talent.

2. To encourage continual performance improvement through a well-administered compensation plan and performance review program.
3. To establish and maintain wage levels which are comparable to those paid by similar employers with similar needs.
4. To provide equal pay for equal work and maintain internal relationships among the positions within the District which recognize responsibility, experience and education differences.
5. To comply with all governmental requirements and regulations.
6. To provide flexibility within the salary ranges to respond to economic and competition fluctuations.

DRAFT

## **SECTION VI. EMPLOYMENT BENEFITS**

### **A. INSURANCE**

Insurance benefits will be provided to all regular full time employees. Regular full time employees will be given a financial allocation for benefits that can be applied towards medical, dental, life, and short and long-term disability benefits; however, the District will require mandatory participation in some benefits simply because there are a minimum number of participants required for some plans.

### **B. EMPLOYEE ASSISTANCE PROGRAM**

#### **1. POLICY**

The District recognizes that problems of a personal nature can have an adverse effect on an employee's job performance or reflect discredit on the organization. The District further recognizes that most personal problems can be dealt with successfully when identified early and referred to appropriate resources. Therefore, the District maintains an Employee Assistance Program (EAP) as part of the Health Insurance benefit to provide assistance to employees with problems of a personal nature either on a voluntary basis, or when referred by management.

#### **2. SCOPE**

The overall objective of the Employee Assistance Program is to maximize the employee's ability to function in personal matters and maximize job performance. The Employee Assistance Program is designed to deal with a broad range of human problems, such as alcohol and/or drug, emotional/behavioral, family and marital, financial, legal and other personal problems. The program provides assessment, short term counseling and referral. The program is available to all employees and their family members.

#### **3. COST**

There is no cost to the employee for assessment and counseling sessions that the employee or family member may have with the Employee Assistance Program. Should the EAP participant require additional service beyond the EAP, the Employee Assistance Counselor will refer the participant to an appropriate resource in accordance with the employee's insurance benefits and whatever other assistance may be available. Any costs incurred beyond Employee Assistance Program coverage is the responsibility of the employee.

#### **4. CONFIDENTIALITY**

No information about an individual using this EAP will be shared with others without the written consent of the individual, except in circumstances where disclosure is required by law. Participation in the EAP does not jeopardize the employee's job security, promotional opportunities, nor will it impair any rights of the employee. All records and discussions of personal problems are private and do not become part of the employee's personnel file unless so released by the employee involved.

## C. STATE AND FEDERAL BENEFITS

The MCWD pays for benefits such as Social Security (FICA), Medicare and unemployment benefits, as required by Federal and State laws for all regular and temporary employees. COBRA benefits are offered in accordance with State and Federal law.

## D. HOLIDAY BENEFIT

Regular full-time and regular part-time employees will be paid for holidays on which the District offices are closed, beginning with their date of hire. Holidays for pro-rated for regular part-time positions, in accordance with the employee's hours worked per week as stated in his/her personnel file.

The MCWD has eleven (11) paid holidays each calendar year. They are as follows:

1. New Year's Day (January 1)
2. Martin Luther King, Jr. Day (3<sup>rd</sup> Monday in January)
3. President's Day (3<sup>rd</sup> Monday in February)
4. Memorial Day (Last Monday in May)
5. Independence Day (July 4)
6. Labor Day (1<sup>st</sup> Monday in September)
7. Veteran's Day (November 11)
8. Thanksgiving Day (4<sup>th</sup> Thursday in November)
9. Friday after Thanksgiving (Day After Thanksgiving)
10. Christmas Day (December 25)
11. One Floating Holiday (Pre-arranged by District Administrator)

When any regular holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be declared a holiday for employees whose normal scheduled is Monday through Friday.

Eligible employees must work their scheduled amount of hours in the week that the holiday occurs in order to receive holiday pay for that day, or utilize accrued time off (vacation, sick leave). However, if a paid holiday falls while an employee is taking vacation or sick leave time, the employee will receive holiday pay for that day and will not be required to use vacation or sick leave time for that day. Employees are not eligible to receive holiday pay when on an unpaid leave of absence. Employees are not allowed to flex their work schedules in a pay period that includes a holiday without prior approval from their supervisor.

## E. VACATION BENEFIT

Full-time and part time regular employees shall be eligible for and accrue vacation at their current rate of pay. Vacation accrual is in accordance with employee anniversary dates and pro-rated for those employees working less than a 40 hour/week schedule, according to hours worked per week as stated in the personnel file. Temporary/seasonal employees are not eligible for the vacation benefit.

### 1. RATE OF ACCRUAL

Vacation time is credited at the end of each bi-weekly pay period at the following rates; (or as agreed to in writing by the District Administrator)

<u>Length of Service</u>	<u>Vacation Leave</u>	<u>Accrued At</u>
0 - 3 years (36 months)	80 hours/year	3.08 hours/pay period
3 - 5 years (37 – 60 months)	96 hours/year	3.69 hours/pay period
5 - 7 years (61 – 84 months)	120 hours/year	4.62 hours/pay period

When continuous employment reaches a point entitling the employee to the next higher rate of vacation accrual, the new rate will commence on the first day of the pay period following the date of eligibility. Job classification changes from temporary to regular status will credit length of service toward the employee's accrual.

## 2. ELIGIBILITY, SCHEDULING AND PROCEDURE

Vacation will be paid at the employee's base pay rate at the time of use and will not be counted as hours worked for purposes of computing overtime. Vacation leave shall be available to all Regular Full-time, and Regular Part-time status employees as it is earned and can be taken in increments of not less than .25 hours. Paid holidays that occur during vacation leave shall not be counted as days of vacation leave. Sickness occurring during a period of vacation leave will be charged against sick leave accrual if medical provider verification is submitted. Vacation requests should be submitted to the Department Head as soon as practical. Vacation requests exceeding 30 continuous calendar days in length must be approved in advance by the MCWD Board.

While every effort will be made to give employees the vacation period of their preference, vacations will be scheduled so as not to cause an interruption in the normal operation of the department. Should a conflict in scheduling occur, it will be resolved on the basis of first request, and then seniority at the time of the request.

Employees may not elect cash payment of vacation in lieu of taking time off during continuing active employment.

Employees shall be permitted to accumulate vacation leave to a maximum of 30 days or 240 hours of unused vacation per calendar year. Any accumulation beyond the maximum shall be forfeited annually on January 1. It is the responsibility of the employee to schedule vacation time in order to avoid the potential of losing vacation days. If an employee exceeds the maximum hours allowed to be banked at the end of the calendar year, they shall elect one of the following options:

- vacation hours shall be reduced to the maximum allowable under this policy;
- Prior to December 31 of each year, convert earned vacation leave in excess of forty (40) hours into the District's 457 Deferred Compensation Plan;

Employees with active, documented performance improvement plans are generally ineligible to take vacation leave until they have returned to satisfactory performance, at the Department Head's discretion. Time off not otherwise addressed in the personnel file or these policies, that exceeds accrued vacation balances may be considered a performance issue.

Employees may use accumulated vacation leave as an extension of sick leave, provided all sick leave benefits have been exhausted. Vacation leave benefits used as extension of sick leave shall be subject to the conditions regulating the use of sick leave. Vacation leave can be used to supplement disability payments concurrently in the event an employee has elected coverage and has a claim.

## 3. VACATION LEAVE ACCRUAL DURING LEAVE OF ABSENCE

Accrual of vacation leave shall not occur while an employee is on an unpaid leave of absence. Vacation leave will accrue during all paid leave of absence periods.

## 4. VACATION LEAVE PAYMENT UPON EMPLOYMENT SEPARATION

Upon proper notice, employees in good standing separating employment due to voluntary resignation will receive the balance of their vacation accrual paid at their regular rate of pay. Vacation is not available to be used as part of the resignation notice period. Separations due to death, retirement or layoff are also eligible for payment of vacation accrual under this provision. Employees terminating involuntarily (not in good standing) are ineligible for vacation leave payment upon separation of employment.

## F. SICK LEAVE BENEFIT

The MCWD recognizes that from time to time, absence from work for illness may be necessary. Pay for sick leave assists in maintaining your income flow when you are required to be off work during regular work hours, according to the provisions below.

### 1. RATE OF ACCRUAL

Sick leave may be taken only to the extent that it is earned. Regular full-time employees shall earn sick leave at the rate of 6 hours per month, with maximum accrual not exceeding 720 hours, or 90 days of sick leave. Regular part-time employees shall earn sick leave at the rate of 3 hours per month, with maximum accrual not exceeding 360 hours or 45 days of sick leave. Temporary/seasonal employees are not eligible for sick leave.

### 2. ELIGIBILITY, SCHEDULING AND PROCEDURE

Employees may request to take earned sick leave any time. Sick leave may be used for illness, injury, hospitalization, surgical recovery, maternity care, dental care, eye care, blood donation, bone marrow donation, immunization, outpatient or inpatient treatment for mental illness, alcoholism, or drug addiction, which prevents the full performance of the employee's duties. Sick leave may also be used for absences due to an illness or injury of an employee's dependent child (including stepchildren or foster children), adult child, legal spouse, sibling, parent, grandparent, grandchild, mother-in-law, father-in-law or stepparent, for such reasonable periods as the employee's attendance and care of the individual may be necessary.

Sick leave will be paid at the employee's base pay rate at the time of use and will not be counted as hours worked for purposes of computing overtime. Sick leave shall be available to all eligible employees as it is earned and can be taken in increments of not less than 1 hour. Paid holidays that occur during sick leave shall not be counted as days of sick leave. Sick leave requests should be submitted to the Department Head as soon as practical.

Safety leave: Employees are authorized to use sick leave for reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any rolling 12-month period.

Pursuant to [MN Stat. §181.9413](#), eligible employees may use up to 160 hours of sick leave in any rolling 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 laws and grandchildren (includes step-grandchildren, biological, adopted or foster grandchildren).

Employees shall notify their immediate supervisor on the first day of sick leave and, when possible, sick leave shall be requested in advance. Sick leave may not be taken in less than fifteen (15) minute increments. Fraudulent use of sick leave may lead to discipline up to and including termination.

Sick leave can be used to supplement disability coverage payments or worker's compensation payments concurrently, in the event an employee has a claim.

3. MEDICAL CERTIFICATION

After three consecutive days of sick leave, the Department Head or other employer's representative may require a statement from a medical provider outlining the nature and duration of the illness, as well as a release to perform the physical requirements of the position upon return to work.

To the extent that the employee makes use of sick leave and/or vacation as provided herein, he/she shall not suffer any loss of seniority, vacation, or other fringe benefits as provided by District employment. For any paid leaves of absence, the employer will continue to pay its share of the employee's health and medical insurance premium.

4. SICK LEAVE COINCIDING WITH LEAVE OF ABSENCE

Accrual of sick leave shall not occur while an employee is on an unpaid leave of absence. Sick leave will accrue during all paid leave of absence periods. Sick leave must be exhausted before the commencement of an unpaid leave of absence.

5. SICK LEAVE PAYMENT UPON EMPLOYMENT SEPARATION

After a minimum of three (3) continuous years of service, any regular full time or part-time employee leaving the MCWD service in good standing due to voluntary resignation, death, retirement or layoff, shall be compensated for all unused previously accrued sick leave at the employee's rate of pay at the time of termination according to the following schedule:

<u>Length of Service</u>	<u>Maximum Compensation</u>
0 - 3 (36 months) years of service	no compensation
3 - 5 ( 37 - 60 months) years of service	30% to a maximum of 65 hours
5 - 7 (61- 84 months) years of service	40% to a maximum of 144 hours
7 - 10 (85 – 120 months) years of service	45% to a maximum of 227 hours
> 10 (121 months +) years of service	50% to a maximum of 360 hours

Employees terminated involuntarily or otherwise not in good standing are ineligible for sick leave payment upon employment separation.

**G. LEAVES OF ABSENCE**

1. GENERAL

The MCWD expects continuous service from any employee as a condition of employment. However, under certain limited circumstances, leaves of absence may be granted. Leaves of absence may be designated as paid or unpaid.

The MCWD complies with all legally-mandated leaves, including, but not limited to, military service, school conferences, bone marrow donation, organ donation, voting, and election judge service. Although not legally required at current employee levels, the District Board has authorized Family and Medical Leave (FMLA) to be available for District employees, and administered consistent with Federal Law.

An employee completing an approved and legally protected leave of absence will be reinstated to his/her former position upon return. If the leave of absence is not legally protected and the position is no longer available upon the employee's return, the MCWD has the option to re-assign the employee as current workload or schedules permit, at a rate of pay commensurate with the level of the new position (depending on legal requirements).

Employees should contact the Operations and Support Services Director for information relating to benefits while on leave.

The leave policy classifications in this section have been established because the MCWD understands that from time to time, employees have bona fide reasons for requesting time off from work. However, abuse of approved leave requests will be grounds for disciplinary action up to and including termination.

## 2. FAMILY AND MEDICAL LEAVE (FMLA):

### a. General Provisions

The MCWD grants up to 12 weeks of leave (or up to 26 weeks of Military Caregiver Leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. Family and Medical Leave (FMLA) is always unpaid; however, employees will be required to concurrently use other accumulated paid leave available under the terms of this policy. Conditions, procedures, eligibility, and other terms of the leave may be adjusted from time to time as required to comply with provisions of any federal, state or local law regarding the FMLA.

This policy addresses general provisions of the FMLA. More detailed information is contained in the mandatory FMLA Notice posted at MCWD offices, and is provided to all new employees as required by the U.S. Department of Labor (DOL), via the Employee Rights and Responsibilities Under the Family and Medical Leave Act Notice. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required under the law.

### b. Eligibility

To qualify to take FMLA, under this policy, the employee must meet all of the following conditions:

- 1). The employee must have worked for MCWD for at least twelve (12) months or 52 weeks, not necessarily consecutive, with separate periods of employment counted under certain circumstances.
- 2). The employee must have worked at least 1,250 hours during the previous twelve (12) month period. The twelve (12) month period during which the twelve (12) weeks of FMLA leave may be taken will be a "rolling" twelve (12) month period measured backwards from the date an employee uses any FMLA leave. Determination of "hours worked" will meet the definition of the term as contained in the Fair Labor Standards Act.

### c. Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

#### 1). The birth or placement of a child and to care for that child

Eligible employees may take FMLA leave for the birth, adoption or foster placement of a child and to care for the child after birth or placement. The leave must be completed within the first 12

months after birth or placement of the child. Leave to care for a child may not be taken on an intermittent basis.

2). Leave for the employee's own serious health condition

An eligible employee may take FMLA leave in connection with a serious health condition requiring medical treatment that renders the employee unable to perform the essential functions of their position.

3). Leave to care for an immediate family member with a serious health condition

Eligible employees may take FMLA leave to care for a legal spouse, child, or parent with a serious health condition requiring medical treatment that renders the family member incapable of participating in their regular daily activities.

4). Leave for a qualifying exigency

Available for families of covered military members on or called to covered active duty, who are able to provide supporting information for the qualifying exigency.

5). Leave to care for a covered service member with a serious injury or illness (i.e. Military Caregiver Leave).

Eligible employees may take FMLA leave to care for a spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness.

d. Amount of Leave

An eligible employee can take up to 12 weeks of leave for the FMLA circumstances listed above in sections 3.1 – 3.4 during any 12-month period. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. An eligible employee can take up to 26 weeks for the FMLA circumstance listed above in section 3.5, during a single 12-month period. For this leave, the District will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If legal spouses both work for MCWD, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If legal spouses both work for the District and each wishes to take leave to care for a covered service member with a serious injury or illness, the spouses may only take a combined total of 26 weeks of leave.

e. Employee Notice

When the need for leave is foreseeable, employees should submit an application for leave at least 30 days in advance. If 30 days advance notice is not possible, notice must be given either the same day or next business day. Notice for intermittent or reduced work schedule leave must be provided within 48 hours following each absence. The application must be submitted to the Operations and Support Services Director or designee and be approved by the District Administrator. Within five business days of the application, employees will be provided with the Notice of Eligibility and Rights & Responsibilities.

f. Designation of FMLA Leave

Employees must provide sufficient information for MCWD to reasonably determine whether FMLA may apply to the leave request. When the MCWD has enough information to determine that leave is being taken for an FMLA qualifying reason, the employee will be provided with the Designation Notice within five business days advising that the leave is designated and counted as FMLA. In the event the leave is not designated as FMLA, the employee will be notified in writing.

FMLA leave may be taken on a full-time, part-time or intermittent basis depending on doctor's recommendations, management approval and the provisions of this policy.

Under MCWD policy, employees are required to use all accumulated paid leave, such as vacation and sick leave, concurrently with FMLA leave. All FMLA leave occurring after the employee's accumulated paid leave has been exhausted will be unpaid.

g. Medical Certification for FMLA

Health care provider certification is required within 15 days of the leave request (unless this is impossible despite diligent efforts) for employees who take leave for (a) their own or a family member's serious health condition or (b) for a qualifying exigency or to care for a covered service member with a serious injury or illness. Failure to provide certification may result in a denial of continuation of leave. A District representative (other than the employee's direct supervisor) may contact an employee's (or family member's) health care provider directly in order to clarify or authenticate medical certification after giving the employee seven days to cure any deficiency. In compliance with HIPAA Medical Privacy Rules, MCWD will obtain the employee's (or family member's) permission for clarification of individually identifiable health information. Under certain circumstances, the District may require and pay for a second opinion certification through a health care provider of its choice. The District may deny FMLA Leave to an employee who refuses to release their own (or their family member's) relevant medical records to the health care provider designated to provide a second or third opinion. In the event there is a conflict between the original certification and the second opinion, the District will require and pay for the opinion of a third health care provider mutually selected with the employee (or family member). This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion. Second and third certification opinions are not permitted for leave to care for a covered service member with a serious injury or illness.

1). Recertification:

MCWD may require subsequent intermittent leave recertification of a serious health condition for the employee or the employee's family member under the Every-Thirty-Days Rule. The District may require recertification every six months in connection with a continuous FMLA absence. The District or its representative may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's (or family member's) serious health condition. Recertification for a qualifying exigency is not permitted.

2). Genetic Information Nondiscrimination Act of 2008(GINA) Compliance:

MCWD will not request or require genetic information of employees or their family members. In order to comply with this law, health care providers will be instructed not to provide any genetic information when responding to requests for medical information.

h. Fitness for Duty Certification

An employee on FMLA leave for their own serious health condition lasting more than three days may be required to submit a fitness-for-duty certificate on a form provided by MCWD. This form is

completed by the employee's health care provider releasing the employee for active work. In the case of intermittent or reduced work schedule leave, the District may require a fitness-for-duty certification every 30 days if reasonable safety concerns exist (defined as a significant risk of harm to the employee or others). An employee has 15 days to provide a fitness-for-duty certification under the Every-Thirty-Days Rule. However, the employee can work while awaiting the certification. When medically necessary, an employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary."

i. Benefits While on FMLA

During FMLA leave, health insurance is maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period. The employee is responsible for paying their share of premiums unless he or she elects not to retain group health coverage during FMLA leave. If the employee is on an unpaid leave, arrangements must be made with the Operations and Support Services Director for payment of premiums. It is the employee's responsibility to contact the Operations and Support Services Director or designee for information relating to benefits while on FMLA leave.

The MCWD's obligation to continue health insurance during FMLA leave stops if: (1) the employee is more than 30 days late in paying his or her portion of the insurance premium; (2) the employment relationship would have terminated if the employee had not taken FMLA leave; (3) the employee informs the MCWD of an intent not to return to work; or (4) the employee fails to return from FMLA leave or continues on leave after exhausting FMLA rights.

In some circumstances, the MCWD may recover from the employee its share of medical premiums during a period of unpaid leave in the event an employee elects not to return to employment with the MCWD.

j. Light Duty

If an employee accepts a full time light-duty assignment while still eligible for FMLA leave, the time spent on light duty does not count against the employee's FMLA entitlement. An employee maintains reinstatement rights to their original or equivalent job during the period the employee works in the light-duty role. The right to job reinstatement under these circumstances ceases at the end of the applicable period used by the District to calculate leave.

k. Return to Work from FMLA

The MCWD requires an employee on FMLA leave to report periodically on their status and intent to return to work. If the circumstances change and the employee requires either more or less leave than anticipated, the employee must inform the Operations and Support Services Director within two business days of the changed circumstance. A fitness for duty report, as it relates to the employee's ability to perform the essential functions of the job, is required prior to the employee's return to work for all employees who are on FMLA leave because of their own serious health condition.

In general, employees who return from FMLA leave are entitled to be restored to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If the employee provides notice of intent not to return to work, the MCWD will cease maintaining health benefits. Employees who fail to return to work at the end of their approved FMLA leave, and who fail to make other arrangements with the Operations and Support Services Director, will be considered to have voluntarily terminated their employment.

1. No Retaliation

MCWD does not consider the use of FMLA leave as a negative factor in any employment decision.

3. LEAVES OF ABSENCE WITH PAY

Regular full time and regular part time employees are eligible for the following paid leave circumstances. Employees will continue to accrue sick and vacation time during a paid leave, as well as retain seniority credit and insurance benefits commensurate with their employment status. Employees are expected to return from a paid leave on the designated date, or follow applicable attendance procedures contained in these policies to secure an authorized absence. Unauthorized absences fall under the provisions of the Attendance Policy.

a. Court Duty Leave

Employees subpoenaed as witnesses in connection with District employment or called for jury duty shall receive their regular compensation and other benefits less the amount of jury or witness stipend. Employees shall notify their supervisor when served with a subpoena or notice of jury duty. Any stipend received shall be remitted to the Operations and Support Services Director following receipt by the employee. Reimbursed expenses such as mileage shall be kept by the employee. Employees shall return to their regular work duties if released from court duty during their scheduled hours of work.

b. Bereavement Leave

Regular status employees shall be allowed up to three (3) consecutive working days with pay to attend an in-state funeral on the occasion of the death of an immediate family member; five (5) days are allowed for out-of-state funerals. Leave must be taken within the three (3) days preceding or following the death or funeral. Additional days may be granted subject to the approval of the Department Head, with such additional days being deducted from sick leave.

c. Military Duty Leave

Employees who are members of any reserve component of the military forces of the United States or National Guard shall be granted leave of absence with compensation not to exceed fifteen (15) working days per calendar year when ordered to training. Seniority and time off benefit accruals will continue during the leave.

The military leave is paid only in the event the employee returns to employment with the District as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years. Where possible, notice is to be provided to the District at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence. Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation and sick leave accruals. Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

d. Training Leave

Paid leave shall be granted for training or professional development purposes if such training is deemed appropriate by the Department Head and the employee has received approval prior to taking the leave.

e. Election Days/Voting Leave

Every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. Employee shall notify their supervisor prior to leaving and upon return.

An employee who is selected to serve as an election judge pursuant to [Minnesota Statute section 204B.21 subdivision 2](#), after giving their supervisor at least 20 days' written notice, may be absent from work for the purpose of serving as an election judge without penalty. Employee shall receive their regular compensation and other benefits for the time the employee was absent from their place of employment less the amount of the election judge stipend paid to them.

f. Emergency Service Leave

Employees who are bona-fide members of a non-profit service providing public safety such as fire departments, Sheriff's posse, civil defense units, first response teams, and ambulance services may be granted leave of absence with compensation when called to service, not to exceed 120 working hours (15 days) per year. Employees must receive Department Head approval of their eligibility for emergency service leave prior to a call to service. Employees classified as essential are not eligible for this leave.

4. LEAVE OF ABSENCE WITHOUT PAY

Regular full time and regular part time employees are eligible for the following unpaid leave circumstances. Employees will not continue to accrue sick leave and vacation time during an unpaid leave. Employees are expected to return from a paid leave on the designated date, or follow applicable attendance procedures contained in these policies to secure an authorized absence. Unauthorized absences fall under the provisions of the Attendance Policy. An unpaid leave of absence is a COBRA qualifying event for insurance benefits after 40 hours of unpaid absence.

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Pregnancy and Parenting Leave or FMLA, are not guaranteed return to their original position. If the employee's original position or a position of similar or lesser status is available, it may be offered at the discretion of the District Administrator, subject to approval of the Board of Managers.

a. Unpaid Personal Leave (Non-FMLA Qualifying Events)

Circumstances of a unique personal nature may cause an employee to seek time off without pay by submitting a written request. The request for an unpaid personal leave of absence may be approved for a regular full-time employee who has completed at least twelve (12) months of continuous service, provided it is reasonable in view of the compelling nature and need, employee performance, workload involved, and any other relevant circumstances. It is the Department Head's responsibility, in consultation with the Operations and Support Services Director, to evaluate the request and recommend approval or denial. Personal leaves of absence will normally be limited to no less than one week or no more than thirty (30) days.

All forms of paid leave must be exhausted prior to use of any unpaid personal leave. Vacation and sick leave shall not accumulate during any unpaid leave of absence. Insurance benefits paid by the MCWD shall cease at the end of the month in which the leave begins. Provided the employee has paid the necessary premiums and has maintained seamless coverage, insurance with and paid by the MCWD will resume on the first of the month following the return date. Subject to applicable laws and insurance policy provisions, the employee has the right to maintain coverage, at the employee's expense, during the period of absence. Failure to comply with the dates established and approved for the leave, or to request an extension within five (5) days prior to the expiration of the leave, may constitute grounds for termination.

b. Extended Leave – Injury/Disability (Following use of FMLA)

1). General conditions

An unpaid leave of absence for sickness, disability or work-related injury may be granted by the Department Head, in consultation with the Operations and Support Services Director, to an employee who has used all his/her accumulated sick leave and vacation benefits.

2). Maximum leave period

An unpaid leave of absence for sickness, disability or injury shall be provided only for a period of time a doctor certifies that the employee is unable to work. The maximum period of sickness, disability or work-related injury shall generally be six (6) months, with any extension requested subject to review within the parameters of the Americans with Disabilities Act (ADA), on a case-by-case basis by the Board of Managers.

c. Military Leave With or Without Pay

It is the policy of the MCWD to grant a leave of absence without pay to an employee engaged in the active service, in time of war, other emergency, or for required reserve training in the military or naval forces of the United States in accordance with Minnesota law.

5. LEAVE FOR SCHOOL CONFERENCES AND ACTIVITIES

Pursuant to [MN Stat. §181.9412](#), any employee who has worked half-time or more for more than twelve (12) consecutive months, may take unpaid leave up to a total of sixteen (16) hours during any 12-month period to attend school conferences or school-related activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conferences or school-related activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours, and 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 unduly disrupt the operations of the District. Leave taken for these purposes shall be unpaid, or compensated through the use of vacation or compensatory leave time.

6. BONE MARROW DONATION LEAVE

Pursuant to Minnesota law, paid leave shall be granted to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of leaves shall be determined by the employee, but may not exceed 40 work hours, unless agreed to by the MCWD. The MCWD may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to the medical determination is not forfeited.

## 7. PREGNANCY AND PARENTING LEAVE

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota.

Female employees are eligible for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions. Biological or adoptive parents are eligible after the birth or adoption of a child for up to 12 weeks of unpaid leave, to begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice, which is at least three (3) days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

## 8. VICTIM OR WITNESS LEAVE WITH OR WITHOUT PAY

The District will allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (parent, spouse, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case (See Safety Leave – Sick Leave Policy for additional information on leave benefits available to employees and certain family members).

## **H. EDUCATIONAL ASSISTANCE**

Continued development of staff is important for the MCWD to maintain a leadership position in watershed management. The following policy has been established to ensure that the training or education is relevant to the employees' current position, helps the MCWD achieve its goals, does not compete with other priorities, and funding is utilized in a fiscally responsible manner. We strongly encourage you to discuss any educational goals you have with your supervisor prior to and during the annual budgeting process to help ensure funding is available.

### 1. ELIGIBILITY AND PROCESS

All regular, full-time employees may be eligible for educational assistance after completing 120 days of continuous employment. Regular part-time employees may be eligible for limited educational assistance on a case-by-case basis after completing six (6) months of continuous employment.

To qualify for reimbursement, courses must be taken from an accredited educational institution. Employees must provide documentation of having received a passing grade of "B" or better (when grades

are assigned) or equivalent. The course(s) taken should relate to the employee's present job, or provide additional training to help the employee prepare for a future position within the MCWD.

To apply for educational assistance the employee must follow the steps outlined below:

Discuss the proposed course(s) with their immediate supervisor. The immediate supervisor will assist the District Administrator in determining whether the course(s) and subsequent expenses are appropriate for the employee or eligible for financial assistance.

Prior to registering for the course(s), the employee must submit an official written request to the Department Head, with copy to the District Administrator, describing how the course work is relevant to his/her current position and helps the MCWD better achieve its goals. This request must also include the following:

- Course title
  - Course description
  - Dates & time classes are held
  - Name of the institution
  - Associated costs
- a. Employees are expected to take courses during their non-work hours in order to maintain their regular hours, job status, and minimize disruption to MCWD operations. If an employee can demonstrate that this is not feasible, a plan must be presented that outlines how the employee will ensure that their job duties and responsibilities are covered, whether or not they intend to maintain their current job status, and whether or not a temporary alteration in their working hours is necessary.
  - b. The District Administrator, in consultation with the Operations and Support Services Director, shall make a determination within thirty (30) days of receiving the official written request. If the request is not approved, the District Administrator shall inform the employee of the reasons for denial of the request.
  - c. Employees shall sign a Tuition Reimbursement Agreement that contain the conditions and amount of tuition reimbursement.
  - d. Once a Tuition Reimbursement Agreement is signed by the employee and the District Administrator, the employee may register for the course(s) and pay for the tuition and fees. Any costs incurred prior to receiving a Tuition Reimbursement Agreement, may not be reimbursed. A copy of the Tuition Reimbursement Agreement will be forwarded to Operations and Support Services.
  - e. To receive reimbursement, the employee must provide the MCWD with receipts and evidence of satisfactory course completion ("B" grade or better) within sixty (60) days after the coursework is completed.

## 2. REIMBURSEMENT

The MCWD may provide reimbursement of 0% to 100% for the following mandatory fees:

- a. tuition & registration fees
- b. building or campus fees
- c. student or activity fees
- d. computer or equipment usage fees
- e. other fees specifically related to the course
- f. required textbooks & materials

Tuition reimbursement shall not be guaranteed and is based on the discretion of the District Administrator, availability of funds, or employee performance. An annual limit per employee may be established at the discretion of the District Administrator.

An employee who quits or is terminated for cause, including poor performance, prior to completion of the course(s) is ineligible for reimbursement unless otherwise specified in a separation agreement. Additionally, repayment of educational assistance monies received shall be required of all employees who leave the employment of the MCWD based on the following schedule:

<u>Length of Employment Following Each Course Completed</u>	<u>Repayment Required From Employee</u>
< 6 months	100%
6 months - < 1 year	80%
1 year - < 2 years	50%
2 years or more	0%

## I. RETIREMENT

### 1. PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Eligibility for and employee investment in the Public Employees Retirement Association (PERA) plan is determined by the PERA Board. All regular full-time employees and part-time employees are eligible. The MCWD contributes to the PERA plan for all eligible employees. Please see the separate plan coverage provided by PERA for contribution amounts, limits, and provisions.

### 2. PERA Phased Retirement Policy

In accordance with MN Stat. §353.371, MCWD establishes a Phased Retirement Option (PRO) for PERA Coordinated or Basic Plan members. This is intended to allow a transition into retirement for employees approaching full retirement, while providing MCWD with a workforce planning tool that can help transfer knowledge from the long-time employee to a new person.

The MCWD Board of Managers has sole discretion to determine if and the extent to which a postretirement option position under this policy is available to an eligible terminated member, and delegates complete authority of this determination to the District Administrator. Any offer of such a position will be made in writing to the employee by the District Administrator, prior to the employee's termination of PERA-covered employment.

Entering into a PRO agreement is not intended to create a contract between MCWD and any employee, or to limit the rights of MCWD and its employees to terminate the employment relationship at any time, with or without cause.

### **Eligibility**

To draw a retirement benefit while working as a MCWD employee, the member must not be eligible for the State Employee Post-Retirement Option and:

1. Be employed for at least 1,044 hours per year for the five years immediately preceding participation in the PRO;
2. Be age 62 or older;
3. Reduce his or her previous work schedule by at least 25% and limit the hours of work per year to 1,044 or less;
4. Be eligible for a monthly retirement benefit from PERA (vested); and
5. Provide a completed Phased Retirement Agreement form to PERA, along with an Application for PERA Retirement Benefits, prior to the start of employment under PRO.

**Duration**

MCWD PRO agreements with an employee may only be one year in length, but may be renewed annually for up to five years total. At the end of each agreement period, the District Administrator has sole discretion to determine if the offer of a postretirement option position will be renewed, renewed with modifications, or terminated.

**Additional Requirements**

MCWD will report earnings paid to PRO participants to PERA after each pay period, and the amounts are not subject to PERA withholding. No PERA service credit is earned for employment covered under this policy. Current retirees are not eligible to participate in the PRO, which is anticipated to sunset June 30, 2019. MCWD will promptly notify PERA when an employee covered by a PRO agreement ends participation and/or terminates public service.

## SECTION VII. RULES OF CONDUCT/CODE OF ETHICS

### A. CONFLICT OF INTEREST

District employees have an obligation to conduct business within guidelines that prohibit actual, potential or perceived conflicts of interest. This policy establishes only the framework within which the MCWD requires employees to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

Employees must avoid any activity suggesting a conflict of interest between individual private interests and District responsibilities as an employee. When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. Employees must notify their supervisor if a conflict of interest or the perception of a conflict of interest exists or may exist. Employees who knowingly fail to avoid or disclose a potential, perceived or actual conflict of interest are subject to disciplinary action, in addition to any criminal penalty associated. Determination of a conflict of interest will be made by the District Administrator, in consultation with the Board of Managers. If a conflict of interest is confirmed, these parties will define a resolution that best represents the interests of the MCWD.

#### 1. CONFLICT OF INTEREST DETERMINATION

Examples of activities which are not in accordance with Minnesota law and these Rules of Conduct include but are not limited to the following. In some cases, further explanation is outlined in Sections VII. A2 – A5.

- a. Use or attempted use of the employee's official position to secure personal benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated, which are different from those available to the general public;
- b. Acceptance of other employment, contractual relationships or compensated consulting activity that will affect the employee's independence of judgment in exercise of official duties, or impair the employee's job performance;
- c. Actions as an agent or attorney in any action or matter pending before the District, except in the proper discharge of official duties or on the employer's behalf;
- d. Use of the District purchasing functions for gathering information or purchasing items for non-District use;
- e. The use of District time, facilities and equipment; District owned or leased property or supplies including badges and uniforms, or District influence of office or employment for the purpose of private or personal financial gain;
- f. Receipt or acceptance by the employee of any money or anything of value from anyone other than the District for the performance of an act which the employee would be required or expected to perform in the regular course of District employment or as part of the duties as an employee;
- g. Employment by a business which is subject to the direct or indirect control, inspection, review, audit, or enforcement by the employee;
- h. The performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the employer;
- i. Knowingly enter into any sale, lease or contract in violation of Minnesota law;
- j. Acceptance by a District official or employee of any gift from an interested person in violation of Minnesota law;

- k. Activities which require the official or employee to interpret District codes, ordinances or regulations when such activity involves matters with which the official or employee has business and/or family interest;
- l. Prohibited political activity as defined in Section VII. 5 – Political Activity;
- m. Improper disclosure of confidential information gained by reason of official capacity or employment; or otherwise using such information for personal gain or the benefit of others.

2. ACCEPTANCE OF ADVANTAGE

No employee of the District in direct contact with suppliers or potential suppliers of the District, or who may directly or indirectly influence the purchase of products, the evaluation of contracted services, or otherwise has official involvement in the purchasing or contracting process may:

- Have any financial interest or have any personal beneficial interest directly or indirectly in contract or purchase orders for goods or services used by, or purchased for resale or furnished to the District.
- Accept directly or indirectly from a person, firm, or corporation to whom a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation, or contract for future reward.

3. ACCEPTANCE OF GIFTS

Employees of the District in the course of, or in relation to, their official duties, shall not directly or indirectly accept money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration or equal of greater value in return. However, the acceptance of any of the following shall not be in violation of this section:

- a. Gifts of nominal value;
- b. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
- c. Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the Watershed District and which have been approved in advance by the employee’s supervisor as a part of the work assignment;
- d. Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by the public officials or employees on their own time for which they are not compensated by the MCWD.

4. NON-DISTRICT USE OF DISTRICT RESOURCES

A public official or an employee shall not use or allow the use of MCWD time, supplies, or District owned or lease property and equipment for the employee’s private interest or any other use not in the interest of the District, except as provided by law, unless the employee or employee has received prior District Administrator approval for such use and the use is of minimal value.

5. POLITICAL ACTIVITY

District employees may participate in political or partisan activities of their choosing provided that such activities occur on their own time, separately and apart from their employment with the District.

a. Prohibited Activities:

- 1). Use of District resources and/or property, including buildings for political or partisan activities;

- 2). Participation in political or partisan activities on District time;
- 3). Conducting political or partisan activities when in a District uniform, or display on clothing any button, badge or sticker relevant to any candidate or ballot issue while performing regular District duties;
- 4). Compelling a person to apply for membership in or become a member of a political organization, or solicitation of contributions for a political or partisan cause while working in an official capacity for the District.

b. Permissible Activities:

District employees have the right to express their views as members of the public and to pursue involvement in the political system. District employees may support candidates for federal, state, District or other local office by working on behalf of such candidates on their own time.

## **B. CONFIDENTIALITY OF INFORMATION**

As part of your job, you may have access to confidential information. You possess or have access to confidential information because you hold a position of trust at the MCWD. Each employee must observe strict confidentiality in the safeguarding of all confidential business information both during their employment with the MCWD and after they leave employment. Employees and former employees shall not disclose confidential information to relatives, acquaintances, or any other member of the public. Client and personnel files may contain confidential information, and are kept secured when not under the direct supervision of the staff charged with their maintenance.

It is the policy of the MCWD that certain information relating to litigation be held in confidence. It also is the policy of the MCWD that all data declared confidential, private or non-public by the Minnesota Government Data Practices Act is not disclosed. The Act requires that an employee shall not knowingly reveal confidential data or protected data on an individual or entity, or use confidential or protected data to his/her advantage or the advantage of others. If you do not follow this law, you could cause the MCWD to be liable to persons affected by your unlawful release of data. You could also be found guilty of a misdemeanor if the violation was willful. Unlawful release of data/information and/or improper disclosure of confidential business or personal information is subject to disciplinary action up to and including termination and legal action, even if an employee does not actually benefit from the disclosed information.

## **C. MEDIA RESPONSE/RELATIONS**

No District employee is authorized to speak on behalf of the District without prior authorization from the District Administrator, or his/her designee. For more information on media relations, please see the District Governance Policies.

## **D. SOLICITATION**

District employees may not solicit customers or employees for their personal or private interest while on District work time or in relation to their job duties. Occasional collections for employees of sympathy gifts,

going-away gifts, get well gifts, and signatures on greeting cards, and charitable fund raising, are excluded from the limitations of this section.

## **E. BULLETIN BOARDS**

All official notices will be posted on the designated bulletin boards. Other information of interest to employees will be posted in break rooms. Employees are requested to date any material placed on the boards in order that the notices may be removed on a timely basis. Official notices will take precedence. All other items to be posted must be approved by the Operations and Support Services Director or designee.

## **F. INTERGOVERNMENTAL RELATIONS**

No legislative position on behalf of a Department shall be taken without the approval of the respective Department Head.

## **G. INDEMNIFICATION**

The MCWD complies with the provisions of MN Stat. §181.970, and shall defend and indemnify any of its officers and employees, whether elective or appointive, for damages, including punitive damages, claimed or levied against the officer or employee, provided that the officer or employee: (a).was acting in the performance of the duties of the position; and (b).was not guilty of malfeasance in office, willful neglect of duty, or bad faith and (c).has not been indemnified by another person for the same damages, penalties or fines.

## **H. RESPECTFUL WORKPLACE POLICY**

The District is committed to creating and maintaining a respectful workplace atmosphere free of violence, unlawful harassment, discrimination and offensive behavior. The MCWD will not tolerate such behavior by or toward any employee, agent, officer, commissioner or other elected official. An employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination. Preserving the District as a respectful environment in which to work is a shared responsibility of both management and employees.

This policy and its procedures apply to all employees and officials of the Minnehaha Creek Watershed District.

### **1. CATAGORIES OF DISRESPECTFUL BEHAVIOR**

Behavior that will not be tolerated includes, but is not limited to violent, harassing, discriminatory and offensive behavior.

#### **a. Violent Behavior**

Violent behavior includes the use of physical force, harassment or intimidation, or abuse of power or authority when the impact is to control by causing pain, fear, or hurt.

#### **b. Discriminatory Behavior**

Discriminatory behavior includes inappropriate remarks about or conduct related to an employee's protected class status; including race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.

#### **c. Harassing Behavior**

Unwelcome verbal or physical conduct, including written and electronic communication, directed toward an individual or a group of individuals, which has the purpose or effect of substantially interfering with an individual's work performance or use of public services or creating an intimidating, hostile or offensive working or public service environment.

#### **d. Offensive Behavior**

Offensive behavior may include such work-related actions as rudeness, exclusionary behavior, angry outbursts, inappropriate joking, vulgar obscenities, name-calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

- 1). Behavior prohibited by this policy also includes requests to engage in illegal, immoral, or unethical conduct or retaliation for making a complaint under this policy.
- 2). Any person who feels subjected to violent, harassing, discriminatory, or offensive behavior of any kind may feel free to object to the behavior and must report the behavior to his or her supervisor or the Operations and Support Services Director.

## 2. SEXUAL HARASSMENT

One specific kind of discriminatory and offensive behavior is sexual harassment. Sexual harassment, which can consist of a wide range of unwanted and unwelcome sexually directed behavior, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Behavior prohibited by this policy can include, but is not limited to, unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive facial expressions or body language, kissing, touching, and sexual contact.

## 3. SUPERVISORY RESPONSIBILITY

Supervisors are required to deal swiftly and vigorously with persons treating others disrespectfully. An employee who engages in inappropriate workplace behavior is subject to discipline, up to and including termination. A supervisor who becomes aware of inappropriate workplace behavior but fails to promptly take action will also be subject to disciplinary procedures.

## 4. REPORTING PROCEDURES

Employees who believe they have been treated in violation of this policy and employees who have witnessed one or more violations of this policy or who are aware of violations of this policy must immediately report such violations to their supervisor or the Operations and Support Services Director.

Upon receiving any report alleging a violation of this policy, the MCWD will conduct an investigation appropriate to the circumstances. To the extent possible, the allegations and investigation will be kept confidential. The alleged victim and any witnesses or persons making reports may be asked to put their reports in writing.

If the facts are found to support the allegations, the offender will be subject to disciplinary action, up to and including termination, depending on the circumstances and severity of the conduct. The MCWD will keep a complete record of the nature of the complaint, its investigation, and any action taken.

Anyone who makes a false complaint of a violation of this policy or anyone who gives false information during an investigation may also be subject to disciplinary action, up to and including termination.

The MCWD will not in any way retaliate against an individual who makes a report of violence, harassment or discrimination, nor permit any employee to do so. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against an individual for reporting objectionable behavior will be subject to the same disciplinary action provided for offenders of this policy.

If an investigation results in a finding that the complainant falsely accused another of violence, harassment, or discrimination knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

## **I. CODE OF CONDUCT**

To ensure orderly operations and provide the best possible work environment, the MCWD expects employees will behave in a professional manner and abide to District policies, supervisory directions and generally accepted rules of conduct that will protect the interest and safety of all employees and the organization.

### **1. GENERAL CONDUCT EXPECTATIONS**

The MCWD has the following general expectations with regard to your work conduct:

- a. You will treat all MCWD employees, Board members, consultants, members of the public and others engaged in District business with dignity and respect and in accordance with District policies and state and federal laws regarding discrimination and harassment.
- b. You will be regular and punctual in your attendance.
- c. You will advise the Operations and Support Services Director if you have any plans to enter the MCWD office during non-working time.
- d. You will obtain the approval of the District Administrator for the loan, sale, or transfer of MCWD property.
- e. You will report any damage to MCWD property to the appropriate supervisor immediately.
- f. You will comply with applicable safety practices and requirements, such as the wearing of personal protective equipment and report all personal injuries incurred on the job.
- g. You will confine your lunch break and other breaks to the prescribed time limits and periods set by the MCWD and/or your supervisor; you will report work hours accurately.
- h. You will not solicit or distribute literature during working time or in work areas (not including lunch or break periods) without prior approval.
- i. You will perform assigned work and follow reasonable requests of your supervisor and the District Administrator.
- j. You will refrain from bringing gaming devices, intoxicants, controlled substances, explosives, firearms or other weapons to District property.
- k. You will follow all federal state and local laws and ordinances while conducting District business.

### **2. UNACCEPTABLE CONDUCT**

Examples of unacceptable employee conduct include, but are not limited to:

- a. Conduct unbecoming an employee, which is illegal, unethical, disrespectful, or otherwise, impairs job performance or causes discredit to the organization.
- b. Insubordination.

- c. Unauthorized use of a company credit for personal expenses, even if reimbursed.
- d. Deception in securing employment.
- e. Falsification of organization records.
- f. Unauthorized or excessive absences, tardiness or abuse of leave privileges.
- g. Unauthorized duplication of computer software.
- h. Unauthorized distribution of confidential information, including litigation records.
- i. Unauthorized release or destruction of government data protected under the Minnesota Government Data Practices Act.
- j. Performing extensive personal work during work hours.
- k. Intoxication or personal possession or use of intoxicants or controlled substances on the MCWD property.
- l. Gambling or possessing unauthorized or illegal gaming devices on MCWD property.
- m. Possession of firearms, explosives or other weapons on MCWD property at any time without proper authorization.
- n. Deliberate acts on MCWD property which result in, or could result in, destroying or defacing MCWD or another employee's property or inflicting bodily injury to a fellow employee.
- o. Instigating, encouraging, or participating in any form of work slowdown or stoppage.

The above list is not intended to cover every situation that may arise but merely to identify areas of special concern. An employee's failure to meet these expectations will result in discipline, up to and including immediate termination.

## **SECTION VIII. SAFETY**

The health and safety of each employee of the District and the prevention of occupational injuries and illnesses are of primary importance. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor.

Job descriptions of each position shall contain, as required, the conditions of employment that relate to safety procedures necessary to ensure the safety of the employee, co-workers, and the public. The District shall comply with occupational safety and health standards and regulations promulgated pursuant to the MN Occupational Safety and Health Act of 1973 and MN Stat. §182.655, Employee Right-To-Know Act which requires employers to evaluate their workplace for the presence of hazardous substances, harmful physical agents, and infectious agents and to provide training to employees concerning those substances or agents to which employees may be exposed. Written information on hazardous substances, harmful physical agents or infectious agents must be readily accessible to employees or their representatives.

### 1. AWAIR (A WORKPLACE ACCIDENT AND INJURY REDUCTION ACT) POLICY

#### 2. REPORTING WORK RELATED ILLNESS AND INJURIES

You are to **immediately** report all work-related injuries or illnesses to your supervisor (no matter how minor).

If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, call 911.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment. The supervisor will facilitate completion of a First Report of Injury form for the Workers' Compensation Insurance of the MCWD. Upon submission of the report, the supervisor shall conduct an investigation of the incident and document these findings on the "Supervisor's Investigation Report."

#### 3. SAFETY EQUIPMENT/GEAR

Where safety equipment is required by federal, state or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

#### 4. UNSAFE BEHAVIOR

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the District's personnel policies, department policies or creates a potential health or safety issue for the employee or others.

#### 5. WORKER'S COMPENSATION

Compensation for a work-related injury or illness, as well as procedures to return to work shall be made in accordance with the provisions of the MCWD Workers' Compensation Program as well as state and federal laws. Proper notification must be given to your supervisor of the expected duration of all such absences. You will be required to provide a release from a physician upon your return to work. The MCWD reserves the right to require you to be seen and evaluated by a physician of the MCWD's choice.

## **SECTION IX. APPENDIX**

### **APPENDIX A**

#### **MCWD DRUG AND ALCOHOL POLICY AND PROCEDURE**

##### **Purpose**

Illegal drugs and alcohol misuse can endanger the Minnehaha Creek Watershed District's (MCWD's) employees and/or the public, can adversely affect MCWD's mission, and can jeopardize MCWD's reputation and operations. This policy is intended to improve service and safety, encourage employees to seek help for drug or alcohol problems, and explain MCWD's drug and alcohol testing program.

##### **Scope**

This policy applies to all employees of MCWD.

Nothing in this policy constitutes a waiver of MCWD's policy of At-Will employment, under which it may terminate employees at any time with or without cause and with or without notice. This policy does not limit MCWD's right to implement other reasonable measures to maintain safety in the workplace. Failure to comply with this policy shall result in discipline up to and including discharge, subject to the terms and conditions provided herein.

##### **Standards of Conduct**

1. **Drugs**: While on MCWD time, present on MCWD premises, or operating MCWD machinery or equipment, employees may not possess, use, buy, sell, dispense, distribute, manufacture, transfer, transport, or be under the influence of illegal drugs, or use prescription drugs in an unauthorized manner. Engaging in any illegal or unauthorized use of drugs at any time while on duty is prohibited.

This prohibition does not apply to prescription or over-the-counter medications taken by employees which have been lawfully prescribed to, or obtained by, the employee, and taken in a manner consistent with medical instructions.

2. **Alcohol**: Employees may not report to work or remain on duty after consuming alcohol in any amount that adversely affects their job performance.
3. **Refusal to Cooperate**: Employees are prohibited from adulterating or substituting or attempting to adulterate or substitute any specimen submitted for testing under this policy, from otherwise obstructing or attempting to obstruct the collection, testing or medical review processes, and from refusing to promptly cooperate in testing required by this policy. Employees have the right to refuse testing required by this policy, but they may be disciplined for doing so. Such discipline may include any disciplinary measures permitted by law, including discharge.
4. **Voluntary Requests for Assistance**: MCWD encourages all employees who may need assistance with alcohol or drug problems to contact Operations and Support Services, their Employee

Assistance Program, or a community-based program before they become subject to discipline for violating this or other MCWD policies. MCWD will support, assist and accommodate such employees to the extent required by law. Operations and Support Services will refer such employees to counseling and treatment providers and help employees utilize any available employee benefits. Employees will not be disciplined because they request such assistance. Employees may not escape discipline, however, by requesting such assistance after they violate MCWD's policies or are notified of their selection for drug and/or alcohol testing; nor will such requests excuse employees from compliance with MCWD's policies, including its standards for employee performance and conduct.

5. Confidentiality: MCWD shall keep test results, drug or alcohol abuse and treatment records, medical records and medical history information, and other information and/or documents acquired through testing, confidential as required by law. Such information shall be maintained in secure confidential files separate from normal personnel files.

Drug and alcohol testing information may be disclosed to MCWD's managers, supervisors, attorneys, and clients on a need-to-know basis, and will be disclosed where relevant to arbitrations, claims, charges, lawsuits, and other legal proceedings against MCWD, or as required or otherwise permitted by law. Employees may obtain copies of their own results and own medical records upon written request and payment of a copying charge.

### Drug Testing Program

All testing provided for herein will be conducted by a testing laboratory which meets all certification requirements identified by applicable law. The testing laboratory shall conduct a confirmatory test on all samples that produced a positive test result on an initial screening test before any adverse employment action is taken based on a positive test result, including disciplinary action against any existing employee.

1. Types of Testing
  - a. Post-Accident- Employees are subject to drug and alcohol testing if they have sustained a personal injury arising out of and in the course of employment, have caused another employee to sustain such an injury, have caused a work-related accident, or have operated or helped to operate machinery, equipment, or vehicles while such machinery, equipment, or vehicles were involved in a work-related accident.
  - b. Reasonable Cause- Employees are subject to drug and alcohol testing if MCWD has a reasonable suspicion, based on the employee's job performance, appearance, behavior, body odors, speech, or any other factors, that they are using or possessing drugs or alcohol in violation of this policy.
2. Treatment Program - If an employee has participated in a chemical dependency treatment program pursuant to this policy or under an employee benefit plan, MCWD retains the right, at its sole discretion, to require the involved employee to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

### Consequences

MCWD retains the right to impose all disciplinary measures permitted by law where a MCWD employee has submitted a positive drug testing sample. These measures may include discharge.

If an employee submits a positive sample which is confirmed by a confirmatory positive test result, the employee will be offered the opportunity to participate, at the employee's own expense or under the employee's benefit plan (if available), in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by MCWD after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency.

A first confirmatory positive test result will not be a basis for discharge unless the employee who tests positive has failed to participate in a drug or alcohol counseling or rehabilitation program or to complete it successfully, but a first confirmatory positive test result may be the basis for other disciplinary action. Subsequent positive test results may result in disciplinary action up to and including discharge.

If an employee's initial test result is positive and the confirmatory test has not yet been performed, or a confirmatory retest has been requested, MCWD reserves the right to suspend the employee pending the results of the confirmatory test, if MCWD reasonably believes that the suspension is necessary to protect the employee, the employee's coworkers, or the public. If the confirmatory test comes back negative (or if a confirmatory retest is negative), the employee shall be reinstated with back pay.

The terms and conditions provided for above shall not restrict MCWD's ability to discipline employees for misconduct, including but not limited to assault, destruction of property, or disrespect toward a supervisor, manager or client, which occurs at a time the employee is under the influence of drugs or alcohol. Such discipline may include discharge. The terms and conditions above only restrict MCWD's ability to institute discipline for the submission of a positive drug testing sample.

#### Crimes Involving Drugs

Employees who are convicted of, plead guilty to, or are sentenced for a crime involving the use or possession of illegal drugs must report the conviction, plea or sentence to their manager or Operations and Support Services within five (5) days after such conviction, plea or sentence. MCWD may take disciplinary and/or other appropriate action, up to and including discharge, when an employee is involved in any crime that damages MCWD's operations or reputation.

#### Revisions

This policy will be revised to comply with the requirements of applicable law, and may be revised from time to time at MCWD's discretion.

**MCWD EMPLOYEE HANDBOOK**

Date: *<DATE>*

**ACKNOWLEDGMENT OF RECEIPT AND TERMS**

I acknowledge receipt of a copy of the MCWD Employee Handbook. I understand that the Handbook is not intended to be a contract but is provided as a general explanation of policies which the MCWD uses as guidelines. I further understand that the MCWD reserves the right to change or modify the terms and conditions set forth at its sole discretion without prior knowledge or agreement by employees.

I have entered into my employment relationship with the MCWD voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the MCWD can terminate the relationship at will, with or without cause, at any time, with or without notice. No provision of the Handbook implies a contract or guarantee of continuing employment with the MCWD or employment for any specific length of time. The at-will basis of employment of any employee cannot be changed or modified, either expressly or implied, by anyone except the District Board of Managers.

I understand that I am responsible to know the contents of the Handbook.

The Handbook supersedes any and all prior oral and/or written policies, procedures, rules, regulations, commitments and practices of the MCWD.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

*Please return this signed form to Operations and Support Services before *<DATE>*.*

## TENNESSEN WARNING FOR APPLICANTS AND EMPLOYEES

In accordance with the Minnesota Government Data Practices Act, the Minnehaha Creek Watershed District (District) must inform you of your rights as they pertain to the private information collected from you. The District is asking you to provide information, including information classified as public (anyone can obtain it), private (the public may not access it, but you can) and confidential (even you cannot see the information). Much of the data the District obtains and maintains about you is public according to Minnesota Statutes section 13.43, subdivisions 2 and 3.

Information which you will be asked to provide to the District as part of application for or employment with the District is considered private data includes, but is not limited to:

- home address
- home phone number
- Social Security number
- date of birth
- conviction record
- sex
- age group
- racial/ethnic group
- disability type

The information the District requests from you may be used for one or more of the following purposes:

- To distinguish you from other applicants or employees and identify you in District personnel files;
- To determine your eligibility for employment or promotion;
- To enable us to contact you when additional information is required, send you notices, and/or schedule you for interviews;
- To enable us to contact you or your designees (e.g., parent, spouse) in an emergency;
- To determine whether or not your conviction record may be a job-related consideration affecting your suitability for the position you applied for;
- To determine if you meet the minimum age requirement (if any);
- To enroll you and/or your family members in the District health insurance plan;
- To account for wages paid;
- To justify travel expense reimbursement;
- To account for other employer-paid benefits;
- To compile Equal Opportunity and Affirmative Action reports;
- To enable us to ensure your rights to equal opportunities.

If you are an applicant for employment with the District, furnishing your Social Security number, date of birth (unless a minimum age is required), sex, age group, racial/ethnic, and disability data is voluntary. But refusal to supply other requested information will mean that an application for employment may not be considered.

If you are hired by the District, you will be legally required to supply your Social Security number and all applicable tax information. This information will be sent to federal and state tax authorities and to the federal Social Security Administration, and will enable us to compute your salary deductions. The collection of your Social Security number on tax forms is mandated by section 1211 of the Tax Reform Act of 1976 and also Minnesota Statutes section 270.66. This information will be shared with the state Department of Revenue and the Internal Revenue Service. In most other cases the disclosure of your Social Security number is voluntary. The information you provide may be shared with the District payroll services providers, insurance contractors, the Public Employee's Retirement Association, the federal Internal Revenue Service, and the state departments of Revenue, Finance, Economic Security, Employee Relations and Labor and Industry.

Insurance data which you will be required to furnish in order to participate in District health and life insurance plans will be classified as private as will payroll deduction data.

In addition to District management, District counsel may be given access to private information you provide.

Information may also be shared with other entities authorized by law to receive specific data related to:

- Absent/non-supportive parents;
- Civil/human rights complaints;
- Worker's Compensation;
- Unemployment Compensation;
- Labor contracts (to the extent specified in Minnesota Statutes chapter 179);
- Employee assistance programs;
- Child/vulnerable adult abuse.

Private information may also be released if required by a court order.

If you have any questions about this notice, the Operations and Support Services Director will explain it to you. The information on this form applies to your future contact with the District whether the contact is in person, by mail or by phone.

Employee/Applicant:

I have read and understand the above Tennessee Warning.

\_\_\_\_\_  
Employee/Applicant Signature

\_\_\_\_\_  
Date

**CONSENT TO CRIMINAL BACKGROUND HISTORY**  
**MINNEHAHA CREEK WATERSHED DISTRICT**

Explanation of Your Rights as Data Subject

- You have the right to choose what data the Minnehaha Creek Watershed District (District) releases. You can authorize the release of all, some or none of the data described below. Before you consent to the release of the data by the District, you should review the data to which this consent applies.
- You have the right to authorize the District to release the data to all, some or none of the persons or entities listed below. You can choose which persons or entities receive the data and which data they receive.
- You have the right to ask the District to explain the consequences of your consenting to the release of the data.
- You may withdraw your consent to the release of the data at any time. Withdrawal of your consent will not affect any prior release of the data.

If you have questions about this consent form or would like further explanation, please contact David Mandt, Data Practices Compliance Officer, 952-471-0590, ext. 204; [dmandt@minnehaha.org](mailto:dmandt@minnehaha.org).

I, [DATA SUBJECT], authorize the Minnehaha Creek Watershed District to release data about me described below to [NAME OF INDIVIDUAL(S) OR ENTITY(IES) SEEKING DATA]. My decision to permit the release of the data was made voluntarily.

1. The data to be released are:
2. The data are to be release to: [EXPLANATION OF THE PURPOSE FOR WHICH THE DATA ARE TO BE RELEASED]

I understand that I am consenting to release of data about me that are protected under state and/or federal privacy laws and cannot be released without my consent. I release the District, its managers, employees and assigns from any and all legal liability for releasing the data described herein. I also understand that I may revoke this consent at any time, except that such revocation will have no affect on prior authorized releases.

\_\_\_\_\_  
[SIGNATURE OF DATA SUBJECT]

\_\_\_\_\_  
[NAME OF DATA SUBJECT]

\_\_\_\_\_  
[PARENT OR GUARDIAN (FOR MINORS)]