

# **PLMSWA**

# **PERSONNEL RULES**

*As amended-October 26, 2016*

1.	Purpose.....	3
1.10	Adoption3	
1.15	Administration: .....	3
1.20	Savings Clause:.....	3
1.25	Departmental Rules: .....	4
1.30	Disclaimer:.....	4
1.35	Application:.....	4
1.40	Labor Agreements: .....	4
1.45	Definitions: .....	5
2.	Recruitment, Selection And Appointment.....	6
A.	Recruitment:.....	6
B.	Selection:.....	6
C.	List of Eligibles:.....	6
D.	Appointment:.....	6
E.	Removal of Names from Eligible List: .....	6
F.	Appointing Process: .....	7
2.10	Classification Of Positions: .....	7
A.	Classification Process: .....	7
B.	Reclassifications: .....	7
C.	Responsibility:.....	8
2.15	Employment Of Relatives: .....	8
2.20	Probationary Period: .....	8
2.25	Personnel Files:.....	9
2.30	Employment Limitation: .....	9
3.	Training/Development/Performance.....	10
A.	Conferences, Workshops and Training: .....	10
B.	Tuition Assistance:.....	10
3.10	Performance Evaluations:.....	10
4.	Compensation And Apparel .....	11
4.10	Overtime: .....	11
4.15	Apparel: .....	11
4.20	Wages: .....	11
4.35	Working Out Of Job Class: .....	12
5.	Safety/Health.....	13
5.10	Safety: .....	13
5.15	Work Related Injuries:.....	13
5.20	Returning To Work After Injury: .....	13
5.25	Employee Benefits:.....	13
6.	Labor Relations.....	14
6.10	Grievance Procedure: .....	14
A.	Limitations: .....	14

B. Procedure:.....	14
6.15 Hours of Work: .....	15
6.20 Discipline/Discharge: .....	15
6.25 Guidelines: .....	16
6.30 Seniority Provisions:.....	17
6.35 Layoff and Recall: .....	18
6.40 Veterans Preference And Exclusive Remedy: .....	18
6.45 Rest Periods (Coffee Breaks): .....	18
6.50 Lunch Breaks: .....	18
7. Government Data Practices Act: .....	19
7.10 Employee Conduct: .....	19
7.15 Use of PLMSWA Property: .....	19
7.20 Security .....	20
7.25 Conflict Of Interest: .....	20
7.30 Use Of PLMSWA Vehicles: .....	20
7.35 Lodging And Expense Reimbursement: .....	22
A. Travel: .....	22
B. Utilization of Personal Vehicles and Reimbursement: .....	22
C. Lodging: .....	23
D. Meal Reimbursement: .....	23
E. Reimbursement: .....	23
8. Time Off.....	24
8.10 Holiday Provisions: .....	24
8.15 Vacations: .....	24
8.20 Sick Leave:.....	25
8.25 Funeral Leave: .....	26
8.30 Reporting Of Absence From Job: .....	26
8.35 Emergency Closing: .....	26
8.40 Jury Duty:.....	26
8.45 Military Leave: .....	26
8.50 Leave Of Absence Without Pay:.....	26
8.55 Family and Medical Leave: .....	27
8.60 Other Authorized Leaves:.....	27
9. Leaving PLMSWA Employment.....	28
10. General Provisions.....	29
11. Acceptance .....	30

# **1. Purpose**

It is the purpose of these rules to provide a uniform, comprehensive and efficient system of personnel administration for PLMSWA based upon merit principles including:

- A. Recruiting, selecting, advancing employees on the basis of their relative ability, knowledge, and skills.
- B. Equitable and adequate compensation.
- C. Training employees as needed to assure high quality performance.
- D. Retraining employees on the basis of adequate performance, correcting inadequate performance, and separating or otherwise disciplining employees in those instances where PLMSWA has determined that the employee's poor performance cannot be or has not been corrected.
- E. Assuring the fair treatment of applicants/employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, religion, age, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, or sexual orientation with proper regard for their privacy and constitutional rights as citizens.
- F. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or nomination for office.
- G. That the citizens of the member counties can be assured that their best interests are being served by the employment of the highest possible caliber of personnel.

## **1.10 Adoption**

These rules were prepared and recommended by the Executive Director and approved by the PLMSWA Board on February 27, 2013 in accordance with Minnesota Statutes 375.56-375.71.

The PLMSWA Board may amend any or all of these rules by resolution. All changes shall be provided and be posted on bulletin boards for a period of two weeks before becoming effective.

## **1.15 Administration:**

These rules shall be administered by the Executive Director in cooperation with the Human Resources Department of Otter Tail County. The Director and the Human Resources Department of Otter Tail County shall develop and provide the necessary forms, procedures, and instruction for the implementation of these personnel regulations.

Copies of these rules shall be made available to all employees, appointing authorities, and interested representatives. Printed copies of these regulations shall be on file in the executive Director's Office and the Human Resources Department of Otter Tail County and shall be available for public review upon request.

## **1.20 Savings Clause:**

These Rules are subject to the laws of the United States and the State of Minnesota. In the event any provision of these Rules shall be found contrary to law by a court of competent jurisdiction from whose final judgment no appeal has been taken, such provision or provisions shall be considered void. All other provisions of these Rules shall continue in full force and effect as though the voided provision had never existed.

### **1.25 Departmental Rules:**

In accordance with these rules, any Department Head may establish departmental rules of procedure, which do not conflict with these rules, to cover unique circumstances. Such rules shall be filed with the Executive Department and the Human Resources Department of Otter Tail County as well as being approved by the PLMSWA Board prior to implementation.

### **1.30 Disclaimer:**

In accordance with M.S. Chapters 466.07-466.15, the PLMSWA Board hereby declares its intent to defend and hold harmless and indemnify any of its officers or employees who are sued in tort action arising out of the performance of their duties, except where such tort action arises from malfeasance in office, willful neglect of duty or bad faith which shall be determined by the PLMSWA Board at a hearing.

### **1.35 Application:**

These rules shall apply to all employees, other than those referenced in Section 1.40 of these Rules, and except those as may be excluded by the PLMSWA Board or specifically excluded by Minnesota Statutes 375.56-375.71. Those excluded are:

- A. Elected positions.
- B. Members of appointed boards, commissions, or committees.
- C. Positions designated as Department Heads appointed by the PLMSWA Board.
- D. Volunteers serving without pay or those on a limited pay status who are students or interns.
- E. Persons hired on a contractual basis upon approval of the PLMSWA Board or Executive Director unless otherwise indicated in the employment contract.
- F. Temporary positions.

### **1.40 General Application of Policy:**

The PLMSWA Board retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules; and to perform all inherent managerial functions not specifically limited by these regulations and PLMSWA Board resolutions.

- A. It is the purpose of this policy to promote a spirit of confidence and cooperation between the PLMSWA Board and its employees, by establishing the general policy of the Board on Personnel and procedures, hours of work, and methods for grievance resolution.
- B. Terms and conditions of employment not specifically established or modified by these Rules remain solely within the discretion of the employer to modify, establish or eliminate.
- C. If at any time there is a difference between a statement in these documents and source material, such as plan documents, the source material that is current at that time will take precedence.
- D. Employees subject to these policies shall comply with, and carry out the provisions included in the policies. Any employee who fails to comply with any of the provisions of these policies shall be subject to disciplinary action by the appropriate authority.

## 1.45 Definitions:

**Anniversary Date:** Date of original, regular hire from which continuous employment is maintained. Anniversary dates will be adjusted for the duration of any unpaid leave of absences.

**Appointing Authority:** A position in the PLMSWA which has been designated by the PLMSWA Board to have authority to appoint employees with full rights and benefits.

**Appointment:** A regular assignment to a paid position within the PLMSWA service.

**Board:** Board of the Prairie Lakes Municipal Solid Waste Authority.

**Department Head:** Supervisor in charge of a department.

**Elected Official:** Official elected to serve a definite term.

**Employer:** PLMSWA Board or its representative.

**Employee:** A person working for the PLMSWA who is not a member of a unit covered by a collective bargaining agreement under PELRA.

**Exempt Employee:** An employee for whom PLMSWA is not required to pay overtime.

**Full Time Regular:** Employee who is appointed to an on-going position, has completed a six (6) month probation period, and is regularly scheduled to work forty (40) hours or more a week for the employer.

**Gender:** When used in these Rules, the masculine gender includes feminine, and the feminine gender includes masculine.

**Immediate Family:** Employee's spouse, children, parent(s), sister, brother, grandchildren, and grandparents; as the previous are related by blood or marriage.

**Non-Exempt Employee:** An employee for whom PLMSWA is required to pay overtime.

**Part Time Regular:** An employee who is appointed to an on-going position, who works fewer than 40 hours per week on a regular basis.

**Personnel Director:** Individual designated by the PLMSWA Board to serve in this capacity.

**Probationary Employee:** An employee who has not completed the probation period.

**Rules:** Personnel rules published by the PLMSWA Board, which govern Personnel policies and procedures.

**Seniority:** Defined in Section 6.25.

**Step Increase:** A salary increase for an employee based on adequate performance and years of service.

**Temporary Employee:** An employee who does not have regular status, is hired to fill a temporary need and is appointed for a period of less than 3 months to comply with PELRA and PERA rules. This may include student/intern if working less than 3 months.

**Work Day:** A work day is defined as an eight (8) hour day for the purposes of evaluating holidays, vacation and sick leave.

## **2. Recruitment, Selection and Appointment**

### **A. Recruitment:**

Upon receipt of authorization to fill a vacant or new position, the Executive Director and the Human Resources Department of Otter Tail County shall prepare a job announcement. The announcement shall identify the classification, duties and responsibilities, department, qualifications, salary range, and closing date of the announcement. For all positions which will continue for 6 months or longer, the announcement shall be posted and advertised in such a manner which will provide open competition and an adequate number of qualified candidates.

### **B. Selection:**

The selection process may consist of any one or combination of the following methods: Ability tests, achievement tests, performance tests, ratings of experience and training, oral tests, physical agility tests, work samples, physical and/or psychological examinations, previous work history and performance, or other acceptable selection techniques and an evaluation of daily work performance during the probationary period. Any method(s) chosen shall evaluate only those criteria necessary to perform adequately in the position.

The Executive Director and the Human resources Department of Otter Tail County shall provide for, formulate, and hold competitive examinations as required, in conjunction with the Department Head, to determine the qualifications of persons seeking employment in those positions within the jurisdiction of these rules whose agreements are not inconsistent with these rules.

### **C. List of Eligible Applicants:**

The Executive Director and Human Resources Department of Otter Tail County shall create and maintain a list of eligible applicants for each position opening based on competitive examinations. Names shall remain on an eligible list for the period specified in the position announcement and posting notice.

### **D. Appointment:**

Based upon the criteria established in the position opening, the appointing authority shall submit a list of finalists for appointment and the overall highest ranked applicant to the Executive Director. The Executive Director shall review the process utilized in the selection and certify the ranked list of finalists.

### **E. Removal of Names from Eligible List:**

The Executive Director may remove the name of an eligible candidate from an eligible list if the applicant:

1. Has been appointed to a regular position of that class with PLMSWA.
2. Has declined an appointment which the candidate had previously accepted.
3. Has failed to respond within ten (10) days to any inquiry of the Human Resources Department or an appointment authority relative to availability for appointment.
4. Has been found to lack any of the minimum requirements established for the examination for the class of positions.
5. Has made false statement of any material in his or her application.
6. Has used or attempted to use bribery to obtain an advantage in the examination for appointment.

7. Has directly or indirectly obtained information about the examinations to which the applicant was not entitled.
8. Has failed to submit the application correctly or within the prescribed time limits.
9. Has taken part in the compilation, administration, or correction of the examination.
10. Has been dismissed from public service or any other position for non-feasance or misconduct.

The Appointing Authority may request the Executive Director to remove a name from the eligible list for any of the above reasons. Such requests shall be in writing and provide adequate documentation of the reasons.

A disqualified applicant shall be promptly notified of such action, and an applicant who was not admitted to an examination because of failure to meet the minimum requirements shall be notified by letter to his or her last known address.

#### **F. Appointing Process:**

The Appointing Authority shall select the candidate for the position from the list of candidates certified for appointment to that position by the Executive Director.

The Executive Director shall provide the candidate selected for appointment a written notice to include the employment date, probationary period, salary, and benefits. Notice of appointments must be signed and returned to the Human Resources Department of Otter Tail County as an indication of acceptance before employment shall commence. The Human Resources Department of Otter Tail County shall also provide those candidates certified, but not selected, a written notice of non-selection. Upon written request veterans shall be provided with reasons for their non-selection.

## **2.10 Classification Of Positions:**

In order to provide competitive and equitable pay; to establish proper relationships between positions; and to provide a sound basis for recruitment, selection, and progression, a classification plan is established. This continuing process will insure that positions within PLMSWA, substantially alike in duties and responsibilities, will be given the same title, will be graded in relationship to the duties performed and labor market conditions, and will be assigned the same compensation level. The classification system is a management tool designed to assist the organization to achieve its objectives and assure employees they are being treated fairly and consistently.

#### **A. Classification Process:**

When a new position has been authorized by the PLMSWA Board during the budgetary process or through special action, the Department Head is responsible for the preparation of a position information questionnaire. These documents will contain the duties to be performed, degree of supervision exercised and received, special features of the position, physical demands and recommended qualifications.

The drafted position description and questionnaire will be reviewed for recommendation to the proper classification and pay grade to the PLMSWA Board.

The Executive Director will develop a central record of the position, pay grade, and will retain a copy of the position description.

#### **B. Reclassifications:**

Periodically, job duties and responsibilities require review to insure that positions are in the proper salary ranges. Department Heads will be held accountable for the accuracy of information and responsible for responding to an employee's request for reclassification. If an employee believes that their request for reclassification has not received fair consideration in the classification system, the



employee may appeal to the PLMSWA Board. Procedures and forms are available from the Human resources Department of Otter Tail County. The reclassification process essentially proceeds as in a classification.

### **C. Responsibility:**

Within the limits described above, the integrity of the classification plan is dependent on the vigilance and understanding of everyone. An employee may call attention to major changes in his or her duties and draft material to indicate how and why they feel the job has changed. Department Heads will be held accountable for the accuracy of information about positions within their department. The Executive Director will act as agent for the PLMSWA Board in providing advice and assistance to Department Heads on the classification process. The Executive Director is responsible to periodically review the entire classification system.

## **2.15 Employment Of Relatives:**

PLMSWA does not restrict employment of more than one member of a family or persons related by blood or marriage.

However, to avoid conflict of interest, no PLMSWA employee or elected official may take part in decisions to hire, retain, promote, or determine the salary of his or her immediate family member.

Additionally, no PLMSWA employee or elected official is to be assigned substantive responsibility for supervising and directing the work of his or her immediate family member.

## **2.20 Probationary Period:**

The probationary or working test period shall be regarded as an extension of the examination process and shall be utilized by supervisors and Department Heads for closely observing the employee's work and for rejecting any employee whose performance does not meet the required work standards.

Every person appointed to a regular position shall be required to successfully complete a probationary period. The probationary period shall begin immediately upon appointment and shall continue for six (6) calendar months for initial employment or for ninety (90) days following non-supervisory promotion. The probationary period for an individual employed for or promoted to a supervisory or professional position shall be 6 months. Probationary employees will receive general, cost-of-living increases when such adjustments are authorized by the PLMSWA Board.

The employee's supervisor shall prepare probationary performance evaluation reports after three months from the employee's start date and two weeks prior to the completion of the probationary period. Promoted employees shall be evaluated at the mid-point of the probationary period.

During the probationary period, an employee may be terminated at the sole discretion of the employer, with or without cause. The employee so terminated shall be notified in writing and shall, except for veterans, not have the right to appeal. A regular employee terminated during the probationary period from a position to which they have been promoted shall be reinstated to a position in the class from which they were promoted unless discharged from county service as provided in the rules.

A Department Head may extend the probation period of a probationary employee up to an additional three months upon the prior approval of the PLMSWA Board. A copy of this correspondence shall be sent to the Executive Director.

The probationary period shall be extended due to an employee's sickness or leave of absence of more than two weeks.

## **2.25 Personnel Files:**

Data contained in employee's files is classified by the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13). The Minnesota Government Data Practices Act defines how information is classified and who may have access to it.

## **2.30 Employment Limitation:**

Employees are limited to one full time position with PLMSWA. Employees may not hold a full time position and also work in another full-time or part-time position, or hold more than one part-time position.

### **3. Training/Development/Performance**

Department Heads are responsible for determining appropriate training of employees for the purpose of improving the quality of services rendered to the PLMSWA and to assist employees to prepare themselves for advancement.

#### **A. Conferences, Workshops and Training:**

Conferences and workshops must be job related and used to develop the information and skills of staff. Examples of training programs are workshops, University of Minnesota extension courses, and sessions held on specialized service areas. These sessions may be attended upon approval of the Department Head. Out-of-state conferences or seminars must be approved by the PLMSWA Board in advance. The following criteria will be used:

1. Topic has application to the employee's job.
2. Attendance will allow for making essential contacts or obtaining information important to the improved operations and functions of the department.
3. Information needed to complete or meet changes in job responsibilities because of statutory changes.

#### **B. Tuition Assistance:**

An employee may request tuition assistance for educational courses taken which are relevant to the job and the result is directly beneficial to PLMSWA. The request must be reviewed by the Department Head prior to final approval by the PLMSWA Board. The individual will be reimbursed for the tuition cost upon evidence the approved course has been satisfactorily completed. Supervisors may allow class attendance during normal work hours if the workload permits and the individual uses vacation or compensation time.

### **3.10 Performance Evaluations:**

Supervisor and/or Department Heads are expected to prepare a written performance evaluation on an annual basis corresponding with the employee's anniversary date of employment. The Department Head or supervisor performing the evaluation will review the evaluation with the employee and have the employee acknowledge in writing that the employee has seen the evaluation and had an opportunity to discuss it with his or her supervisor.

## **4. Compensation and Apparel**

### **4.10 Overtime:**

- A. All overtime which is not incorporated as a part of an employee's scheduled hours requires prior authorization by the employee's Department Head/Supervisor. All overtime accumulated as a result of an employee's scheduled hours must be taken as paid time. Overtime accumulated as a result of an employee working hours in excess of their scheduled hours may be taken as either paid time or compensatory time as per agreement of the employee. Compensatory time or overtime payments will be paid at one and one-half (1-1/2) times the hourly rate, or in the case of compensatory time, it is overtime hours times one and one-half (1-1/2) for equivalent time off. This provision does not apply to those employees who are defined as exempt by Fair Labor Standards Act.
- B. There is no pyramiding, duplicating, or compounding of overtime.
- C. For the purposes of computing overtime, the work week commences at 12:01 a.m. Sunday and consists of forty hours. Holiday hours count as hours worked for the purposes of computing overtime as do work related (not commuting) travel hours.
- D. An employee may elect to receive compensatory time off in lieu of overtime (see A. above for clarification). No employee shall accumulate more than forty (40) hours of compensatory time. Compensatory time off may be scheduled only with the approval of the employee's Supervisor or Department Head. The request will be granted unless it places an unreasonable burden on PLMSWA.
- E. All compensatory time accumulated prior to any wage rate increase, as of December 31<sup>st</sup> of each year, or at the time of termination, will be paid out. Any compensatory time requested, which would exceed the forty (40) hour maximum authorized in Section 4.10.D. of the Personnel Rules, will also be paid out.

### **4.15 Apparel:**

For ease of public identification, certain clothing may be required by the supervisor. PLMSWA may participate in this cost.

Where appropriate, PLMSWA will provide those items of apparel classified as personal protective equipment which the Department Head has determined is required to be worn by the employee for the safe performance of his or her duties.

### **4.20 Wages:**

- A. Wages are set by the Department Head, in conformance with PLMSWA plans and with a written notice to the Personnel Director.
- B. Increases in wages are to be based on performance and cost-of-living. Any cost-of-living increases will be effective at the beginning of each year and are set by the PLMSWA Board. The Board may make other adjustments for exceptional circumstances at any time.
- C. Salaries for contract employees are set at a flat rate, and do not include cost-of-living increases or other fringe benefits.

#### **4.25 Working Out Of Job Class:**

Employees temporarily transferred to a higher classification for a period of more than 15 working days will receive the rate for the higher classification for the period of the transfer, provided that, all tasks and duties of that higher job classification are performed. When employees are temporarily assigned to a lower paid classification, they will receive their regular rate of pay until the transfer has been made permanent. A transfer to a lower classification is considered permanent after thirty (30) calendar days.

## **5. Safety/Health**

### **5.10 Safety:**

- A. PLMSWA seeks to insure the safest working conditions possible. Regulations and instructions for employees regarding occupational safety and health are found in the Policy and Programs to Promote Worker Safety and Health provided by the Otter Tail County Human Resources Department. Employees will sign that they have read and understand the county's policy on safety and are expected to follow strictly all safety requirements. Suggestions in safety are welcomed from all employees.
- B. Safety is an integral part of each position and the responsibility of each employee. The violation of safety rules and practices may be grounds for disciplinary action.
- C. Employees injured on the job must make a report of such injury as soon as possible to their immediate supervisor. All injuries, however slight, should be reported within 24 hours of occurrence. Major incidents, such as death, amputation, or loss of consciousness are to be reported immediately. Department Heads are responsible for providing the proper notification to the Personnel Office of all injuries reported by employees of their department. Current forms and procedures are available at the Personnel Office.

### **5.15 Work Related Injuries:**

Employees receiving Worker's Compensation Insurance payments may utilize earned vacation, sick leave and compensatory time to make up the difference between their normal earnings and the Worker's Compensation payment; subject to the following terms:

- A. The use of such earned leave time to make up the difference in hours between the two-thirds Worker's Compensation payment and a normal work day is limited to pre-injury accumulated leave time.
- B. The leave time accrued while receiving two-thirds Workers Compensation and one-third accumulated time cannot be used until there is a return to work.
- C. Work related injuries may qualify for and be subject to the Family and Medical Leave Act (FMLA).
- D. After exhaustion of earned leave time and FMLA leave, the health benefits are the responsibility of the employee, and limited to continue coverage eligibility required under federal and state laws and regulations.
- E. Seniority will cease to accrue at the date in which an employee has exhausted pre-injury accumulated leave and while on any unpaid leave of absence.

### **5.20 Returning To Work After Injury:**

Employees returning to work following an injury or illness, whether covered by Workers Compensation or not, must file satisfactory documentation of being able to resume normal duties.

### **5.25 Employee Benefits:**

Employee benefits are described in the PLMSWA benefit plan documents. PLMSWA's contribution to this plan will be set by the PLMSWA Board. Regular employees working less than thirty (30) hours per week are not eligible for these benefits. PLMSWA's contribution to this benefit plan is pro-rated for employees working 30-39 hours per week.

## **6. Labor Relations**

### **6.10 Grievance Procedure:**

A grievance is a dispute or disagreement raised by an employee or group of employees against PLMSWA and/or a Department Head because of an interpretation or alleged violation of these rules.

#### **A. Limitations:**

It is not the intention of the PLMSWA Board by establishing the grievance policy herein to thereby grant an aggrieved employee a second opportunity to litigate an issue which has already been litigated in any other administrative or judicial proceeding unless such second opportunity is mandated by federal or state law.

#### **B. Procedure:**

The PLMSWA Board is responsible for monitoring all grievances filed by employees of PLMSWA. Department Heads shall provide a copy of a grievance to the PLMSWA Executive Director or Human Resources provider accompanied with related correspondence. It shall be the policy to address all grievances promptly and fairly. In order to facilitate the processing of employee grievances in an orderly and just manner and to provide the employee access to all levels of management and to an impartial hearing, the following procedures are to be used:

##### Step I:

An employee having a grievance shall present such grievance to his or her immediate supervisor within ten (10) working days after the event causing the grievance. The employee may be accompanied by counsel of his or her choice. It shall be the responsibility of the supervisor to investigate the grievance, discuss the grievance with the employee and give an oral answer to the employee within five (5) working days from the time the grievance was initially presented. In instances where the organizational structure does not provide a level of supervision between the Department Head and the employee, grievances shall be presented directly to the Department Head as set forth in Step II. A grievance not resolved in Step I may be appealed to Step II.

##### Step II:

The grievance shall be set forth in writing, stating the nature of the grievance, the facts on which it is based, the provision(s) of these Rules allegedly violated, and the remedy requested. The Step II grievance shall be presented to the Department Head within ten (10) working days from the time of the supervisor's response. The Department Head shall investigate the grievance, discuss it with the employee and give his or her written answer to the employee within five (5) working days following the meeting with the employee. Employees who proceed with a grievance beyond the Department Head shall submit their request to the Human Resources Department. A grievance not resolved in Step II may be appealed to Step III.

##### Step III:

The grievance shall be set forth in writing stating the nature of the grievance, the facts on which it is based, the provision(s) of these Rules allegedly violated, and the remedy requested. The Step III grievance shall be presented to the PLMSWA Board within ten (10) working days from the time of the Department Head's written response. Employee Representation:

Employees shall be paid by the PLMSWA at their regular rate of pay for time reasonably spent during their regular work days as provided in the grievance procedure.

In the event that the individual does not file a grievance or appeal in the time limits provided above, the grievance will be waived and the matter will be settled on the basis of the PLMSWA's last answer.

## **6.15 Hours of Work:**

- A. PLMSWA offices are open for business on times and days established by the Board.
- B. To meet the service needs of service, Department Head(s) may vary an employee's or department's work hours. Each Department Head shall establish a regular work schedule for his or her employees.
- C. Weather closing policy for PLMSWA facilities and departments:
  - 1. The Chair of the PLMSWA Board is authorized to order closure of the PLMSWA facilities when it is not reasonably possible for employees to travel. If the Chair is unavailable, the Facility Manager shall be authorized on behalf of the PLMSWA Board.
  - 2. All employees are encouraged to avoid unnecessary risk to their personal safety when traveling to or from their place of work. Those employees not defined as "essential employees" under the Minnesota Public Employment Labor Relations Act may choose not to report to work, or to leave early, as weather conditions require in the interest of their personal safety. Department Heads or Supervisors must approve this absence from work, prior to or after the fact. Employees already at work may be required to stay so as to continue facility operations until such time as regularly scheduled employees may report to work.
  - 3. Those employees who are unable to safely report to work, as provided above, whether or not the PLMSWA facilities are closed, may select one or more of the following ways to account for their normal work hours missed, subject to the approval of their Department Head:
    - a. by utilizing a corresponding number of hours of accrued vacation time; or
    - b. by utilizing a corresponding number of hours of accrued compensatory time (accrued overtime); or
    - c. by taking a corresponding number of hours without compensation if no time exists as per a and b above.
  - 4. Employees with questions regarding this policy should contact their immediate supervisor.

## **6.20 Discipline/Discharge:**

The employer shall have the right to impose disciplinary actions on regular employees for just cause that is proportionate to the behavior and the employee's prior record of discipline. Disciplinary action may be taken against an employee for just cause. Disciplinary measures include the following: 1) Verbal Reprimand; 2) Written Reprimand; 3) Suspension; 4) Demotion; and 5) Discharge. Temporary and probationary employees may be discharged at any time regardless of whether there is cause.

If a Department Head or Supervisor has reason to reprimand an employee, it will be done in a manner that will not embarrass the employee before other employees or the public. When disciplinary action more severe than a verbal reprimand is intended, the Department Head or Supervisor will, before or at the time such action is taken, notify the employee in writing of the specific reason(s) for the action.

Any disciplinary action more severe than an oral reprimand, imposed against a regular employee may be submitted for review as a grievance through the regular grievance procedure as provided in section 6.05. Oral reprimands may not be submitted for review as a grievance.



## 6.25 Guidelines:

(Illustrative Only)

### A. Examples of on the job offenses that may result in immediate discharge:

1. Intoxication or use of drugs.
2. Fighting.
3. Refusal to work.
4. Theft.
5. Willful, wanton or grossly negligent actions or inaction resulting in destruction of property.
6. Gross insubordination.
7. Gross misconduct unbecoming an employee.
8. Offensive, abusive or brutal treatment of fellow employees, citizens or other persons.
9. Sexual or other harassment of any PLMSWA employee or citizen based on a protected status of the employee or citizen or any violation of the policy against sexual harassment.
10. Conviction of a felony charged by court of proper jurisdiction, provided the felony is related to the position.
11. Falsifying time cards or records.
12. Falsification, fraud or omission of information in applying for a position.
13. Failure to report to work without notification for a period of three (3) days.
14. Failure or inability to complete a required training program that is part of a job assignment.
15. Failure to obtain or maintain a current license or certificate required by law or by organizational standards as a condition of employment.
16. Engages in any act constituting a crime affecting a public officer or employee.
17. Using, threatening to use, or attempting to use political influence or attempting to exert unethical pressure on any PLMSWA employee or officer in securing promotion, transfer, leave of absence, increased compensation or other favors.
18. Any other act which endangers the safety, health or well-being of another person, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or gross discredit to PLMSWA.

### B. Examples of offenses resulting in first, a written warning; and second, an immediate discharge:

1. Illegal gambling.
2. Careless, negligent or improper use of property.
3. Unauthorized or improper use of any type of leave.
4. Failure to report to work without notification for a period of one or two days.
5. Releasing confidential information without proper authority.
6. Sleeping on the job.
7. The violation of, or failure to comply with instruction, or published rules and regulations of PLMSWA.
8. Failure to produce the quality or quantity of work required by PLMSWA.

### C. Examples of offenses resulting in first, an oral warning; second, a written warning; and third, an immediate discharge:

1. Uncivil conduct.
2. Tardiness.
3. Unauthorized absence from the job.
4. Failure to maintain satisfactory and harmonious working relationships with the public or other employees.
5. Smoking in unauthorized areas.
6. Foul and abusive language.
7. Inefficiency, incompetence or negligence in the performance of duties.

### **6.30 Seniority Provisions:**

- A. Service Seniority is the total length of continuous service with the PLMSWA (includes service previously accrued with the City of Perham), which applies to vacation and sick leave accrual.
- B. Departmental Seniority is the total length of service within a specific department or division of PLMSWA Service.
  1. The Employer is committed to hiring and promoting the most qualified candidate for PLMSWA service. When PLMSWA determines in its discretion that all other qualifications are equal, the Employer shall select the applicant with the greater departmental seniority for the job opening.
  2. An employee promoted or transferred will serve a trial period of ninety (90) days. During the trial period the employee or his or her supervisor may request return to a position of comparable duties, number of hours, pay, and classification or, if available, the former position.
- C. Classification Seniority is the total length of service within a work classification, and is recognized for employees in cases of layoff and recall.
- D. General Seniority Provisions.
  1. Employees will not accumulate seniority, vacation, or sick leave during an unpaid leave of absence except as required by state or federal law.
  2. Employees who voluntarily terminate or who are discharged from employment forfeit all seniority rights with PLMSWA.
  3. After completing the probation period, employees will be credited with seniority from the first date of continuous employment with PLMSWA.

### **6.35 Layoff And Recall:**

Except in those instances where senior employees are not qualified to perform remaining work, seniority shall determine the order of:

- A. Layoff, which shall be by classification within a department, in inverse order of classification seniority. However, an employee about to be laid off shall have the right to bump (displace) any employee in a lower classification, provided that the Employer determines the employee who is exercising bumping rights to be adequately qualified to perform the duties of the classification into which the employee is bumping and the employee has greater departmental seniority than the employee who is to be bumped.
- B. Recall from layoff, which shall be by classification within a department, in inverse order of layoff, provided that, if an employee does not return to work upon recall, as directed by the Employer, or on

an extended date mutually acceptable to the employee and Employer, she/he shall automatically have terminated her or his employment. Recall notification shall be by registered or certified mail to the employee's last known address for an indefinite layoff and shall be contained in the layoff notice for layoffs for a definite period. An employee's name shall be retained on the recall list for two (2) years, at which time all rights to recall shall terminate.

- C. The Employer shall issue written notice of an indefinite layoff at least ten (10) calendar days in advance of layoff and will meet and confer to attempt to minimize the impact of the layoff on employees. The Employer shall issue written notice of recall from an indefinite layoff to affected employees, providing at least seven (7) calendar days to return to work. An indefinite layoff shall be defined as a layoff made for an indeterminate period at the time of notice or any layoff of forty-five (45) calendar or more days. The Employer may layoff an employee for a definite period of forty-four (44) calendar days or less by giving written notice to the affected employees.
- D. Emergency and temporary employees in the same department and classification shall precede regular employees in layoff. No new employees shall be hired in a work classification within a department where there are employees on layoff status until all laid off employees have been recalled in accordance with paragraphs A, B, and C above.

#### **6.40 Veterans Preference And Exclusive Remedy:**

Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veterans preference shall be available pursuant to M.S. 197.455 to a veteran as defined in M.S. 197.447. Such qualified veterans are hereby notified of that preference in employment.

#### **6.45 Rest Periods (Coffee Breaks):**

Employees may take a 15-minute break per four hours worked.

When scheduling breaks, supervisors may request that employees arrange their time so that all phones and/or workstations are covered. Employees may also be requested to take their break at the time and location indicated by their supervisor. Time spent on breaks is compensated and considered work time. Employees cannot bank break time for extended lunch periods or to modify regular work hours.

#### **6.50 Lunch Breaks:**

Lunch breaks normally consist of one unpaid half hour period unless otherwise scheduled by their Department Head. The Department Head may request that employees arrange their time so that all phones and/or workstations are covered. Employees may be requested to take their lunch break at the time indicated by their supervisor.

## **7. Government Data Practices Act**

The Minnesota Government Data Practices Act – Chapter 13. This Act regulates all government data collected, created, received, maintained, disseminated, or stored by a state agency, political subdivision or statewide system regardless of its physical form, storage, media, or condition of use. PLMSWA maintains this data which is classified as public, private, confidential, nonpublic, and protected nonpublic. Chapter 13 describes:

1. What information can be collected.
2. With whom the information may be shared.
3. The classification of specific government data.
4. The duties of county personnel administering the provisions of the Act.
5. Access and procedures for access to the information.
6. Procedures whereby information may be classified as not public.
7. Civil remedies and penalties for violation of the Act.
8. The charging of fees for copies of records.

In addition to other civil penalties, willful violation of the Act by any public employee constitutes just cause for suspension without pay or dismissal of the public employee (MS 13.09).

### **7.10 Employee Conduct:**

It is the policy of PLMSWA to require employees to adhere to the following standards of conduct while on the job:

- A. To conduct themselves in a proper business manner complying with PLMSWA policies and work rules.
- B. To refrain from any and all actions detrimental to the rights, safety or work of other employees or to the goals of the PLMSWA.
- C. To communicate openly and honestly with management and other employees.
- D. To assume responsibility for their personal development and growth.
- E. To deal with fellow employees and the public in a courteous and polite way.

### **7.15 Use of PLMSWA Property:**

The use of PLMSWA property for personal gain is prohibited. Employees may be authorized by their Department Heads or by the PLMSWA Board, to have PLMSWA property in their personal possession outside of regular work hours. Such property, while in possession of the employee, is the employee's responsibility. All equipment, supplies, and materials (including materials that may be considered waste materials) that are delivered to the PRRF shall be considered property of PLMSWA.

Keys and identification cards are PLMSWA property entrusted to the employees. The proper use of such property is the responsibility of the employee. Upon leaving employment, all keys and identification cards must be returned to the Department Head/Supervisor. The Department Head/Supervisor will provide a written acknowledgment of receipt prior to the employee's receipt of his or her final payroll check.

When working after hours, the security of the individual office and building are the responsibility of the employee.

## **7.20 Security**

The following actions by an employee shall be deemed to be misconduct and subject to disciplinary action, including suspension, demotion and/or termination.

1. Presence in areas of PLMSWA controlled facilities that are not work related before or after the times that such areas are open to the public without specific approval of the individual in charge of those areas.
2. Presence, without authorization, in any work areas that are not work related and which is not open to the public.

Exceptions to these rules are for legitimate emergencies and authorized investigations.

## **7.25 Conflict Of Interest:**

Employees must obtain prior approval from their Department Head/Supervisor before engaging in any other employment activity or enterprise for private gain that may constitute a conflict of interest. In determining whether such outside employment or activities for private gain constitute a conflict of interest with public duties, or are inconsistent or incompatible with public employment, the following will be considered:

- A. The use of PLMSWA time, facilities, equipment and supplies or the badge, uniform, prestige or influence of PLMSWA employment for private gain;
- B. Receipt or acceptance by the employee of any money or other considerations from anyone other than PLMSWA for the performance of an act which the employee would be required or expected to perform in the regular course of his or her PLMSWA employment, or as a part of his or her duties as an employee;
- C. The performance of an act in other than his or her capacity as an employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee for the department by which he is employed.

## **7.30 Use Of PLMSWA Vehicles:**

The use of PLMSWA vehicles shall be managed with priority given to efficiently providing services to the public, safety, cost effectiveness and fuel conservation.

- A. PLMSWA-owned vehicles are for official PLMSWA business use only. Minnesota Statutes § 471.666 provides that PLMSWA vehicles may be used only for authorized local government business. Unauthorized personal use of a PLMSWA vehicle may be grounds for disciplinary action.
- B. Authorized drivers are PLMSWA employees and other “covered parties” under insurance coverage. All drivers must have in their possession a current and valid driver’s license. “Covered parties” include elected and appointed officials, authorized volunteers, persons appointed to boards or commissions, and such persons of another public entity while using a vehicle with PLMSWA permission, on behalf of, or in conjunction with the PLMSWA.
- C. Only authorized persons are permitted to ride in PLMSWA-owned vehicles. Authorized persons include PLMSWA employees and/or other persons/clients participating in PLMSWA programs or functions. Employee family members are not allowed in PLMSWA vehicles except in an emergency circumstance.
- D. Drivers are required to observe and obey all traffic laws regarding the operation of motor vehicles, including speed limits.

- E. It is the responsibility of the driver to comply with all applicable seat belt laws. All passengers and drivers of PLMSWA vehicles are required to use seat belts.
- F. Drivers of PLMSWA vehicles are responsible for all fines and penalties imposed for parking or traffic violations with respect to the vehicle while the County vehicle is in their possession.
- G. No employee shall operate a PLMSWA vehicle after consumption of alcohol.

All employees of PLMSWA are strictly prohibited from using, possessing, selling, transferring, or being under the influence of drugs or alcohol while working or performing job duties or on any premises of PLMSWA, or while operating PLMSWA vehicles or machinery and equipment.

- H. Incidental personal use may be authorized. Authorized local government business includes personal use that is clearly incidental to use of the vehicle for local government business, Minnesota Statute § 471.666, Subd. 2.

Incidental use would not require significant additional mileage.

Employees may drive PLMSWA vehicles a reasonable distance to meals while in a location remote from the local government work station to which the employee is permanently assigned. Employees should not use PLMSWA vehicles to drive to meals from the government work station to which the employee is permanently assigned. Those employees authorized to commute with PLMSWA vehicles, who have no other means of transportation, may use the PLMSWA vehicle for meals and medical appointments.

Employees should avoid any circumstance which could be perceived by the public as a misuse of PLMSWA vehicles.

- I. Commuting with PLMSWA vehicles must be authorized in advance. A PLMSWA vehicle may not be used for transportation to and from the residence of an employee, except as is authorized by Minnesota Statutes § 471.666, and is specifically authorized by the PLMSWA Board.

Minnesota Statutes § 471.666, Subd. 3, Permitted Usage. A local vehicle may be used by a local government employee to travel to and from the employee's residence:

- (1) In connection with work-related activities during hours when the employee is not working;
  - (2) If the employee has been assigned the use of a local government vehicle for authorized local government business on an extended basis, and the employee's primary place of work is not the local government work station to which the employee is permanently assigned; or
  - (3) If the employee has been assigned the use of a local government vehicle for authorized local government 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 local government vehicle to travel to the employee's residence before or after traveling to the place of local government business.
- J. Overnight usage may be authorized. Occasional overnight usage of PLMSWA-owned vehicles is permitted if the employee has been assigned the use of a PLMSWA vehicle for authorized PLMSWA 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 PLMSWA vehicle to travel to the employee's residence before or after traveling to the place of PLMSWA business. These situations must be approved by the department head prior to the vehicle being taken home.

- K. IRS regulations require that the log form for each overnight commute trip must be completed for automobile fringe benefit calculations, and the information reported to the Otter Tail County Payroll Center.
- L. PLMSWA vehicles are to be identified with the name of the PLMSWA. Unless specifically exempted, all PLMSWA vehicles are required to be identified as required by Minnesota Statutes § 471.346 and 168.012.
- M. PLMSWA departments with vehicles are responsible to manage their fleets. Consistent with the provisions of this PLMSWA-wide Vehicle Use Policy, departments shall manage their fleet with regard to priority of use, authorization to use personal vehicles, maintenance provisions and record keeping. Travel logs shall be kept for each vehicle.

## **7.35 Lodging And Expense Reimbursement:**

### **A. Travel:**

- 1. For purposes of this policy, travel includes daily job related travel, travel to conferences/workshops, training, and Board authorized in and out of state travel. This does not include employee commuting.
- 2. If an employee normally exceeds 1,000 miles of reimbursable travel each month, the supervisor will review the situation, and if needed, may make a recommendation to the Board to provide a PLMSWA vehicle. Employees are expected to use a PLMSWA vehicle whenever possible.
- 3. Public transportation must be used when more cost effective. Benefits which are awarded to an employee for PLMSWA paid travel (frequent flyer, free lodging, etc.) are the property of the PLMSWA and must be turned over to the PLMSWA.
- 4. In situations in which travel, or other expenses, are reimbursed by a source other than the PLMSWA, the reimbursement must be given to the PLMSWA if a PLMSWA vehicle is used.

### **B. Utilization of Personal Vehicles and Reimbursement:**

- 1. Employees are encouraged to use PLMSWA vehicles whenever possible for conducting of PLMSWA business.
- 2. Employees authorized to use personal vehicles for PLMSWA business will be reimbursed at the rate established by the PLMSWA Board (the reimbursement rate authorized by the Internal Revenue Service).
- 3. Employees who use their personal vehicle for PLMSWA business purposes must carry the minimum insurance required by Minnesota law for passenger hazard and public liability.
- 4. Mileage shall be approved based on normal routes between departure and destination.
- 5. When an employee does not report to the normal work location during the day or makes business calls before or after reporting the location, the allowable mileage shall be:
  - a. The lesser of the mileage from the employee's residence or from his/her normal work location to the first stop;
  - b. All mileage between points visited on PLMSWA business during the day; and
  - c. The lesser of the mileage from the last stop to the employee's residence or from the last stop to the normal work location.

**C. Lodging:**

1. Lodging will be paid for an employee utilizing government rates or discounts when possible. Accommodations should be shared when two or more employees are in attendance at the same function, if possible. Reimbursement will be at single rates. No payments will be made for staying at the homes of relatives or friends. Lodging may be direct billed to PLMSWA or paid by the employee with reimbursements requested through the use of an approved claim form with attached receipts.

**D. Meal Reimbursement:**

1. Employees required by Employer to be out of the area on training, education, official business, or approved work-related meetings shall receive reimbursement for meals at the rate of \$30.00 per day maximum (meals shall not include reimbursement for alcoholic beverages). Upon providing of a receipt, employees shall have entitlement to reimbursement for actual costs incurred in three equal increments throughout the day for each meal missed, i.e. \$10.00 if out of the area between the hours of 6:00 a.m. and 9:00 a.m.; \$10.00 if out of the area between the hours of 11:00 a.m. and 2:00 p.m.; and \$10.00 if out of the area between the hours of 5:00 p.m. and 8:00 p.m. Employees may aggregate the meal reimbursement amounts during a one-day period, not to exceed the daily maximum of \$30.00.

**E. Reimbursement:**

In order to obtain reimbursement, all expenses must be submitted on an Employee Business Expense Report with receipts attached for all claims. The appropriate Supervisor must approve all expenses.



## 8. Time Off

Except as provided herein, all time off of regularly scheduled work hours must be approved by the employee's Department Head or designee.

### 8.10 Holiday Provisions:

- A. An otherwise qualified regular employee, including employees in their probationary period, are entitled to paid holidays as defined in Minnesota Statutes 645.44, Subd. 5.
- B. For a qualified employee to be eligible to receive Holiday Pay the employee must work the last scheduled day prior to the holiday and the first scheduled day after the holiday. A qualified employee claiming sick leave on either the last scheduled work day prior to the holiday or the first scheduled work day after the holiday may be required to provide a doctors written notice of illness to be eligible for Holiday Pay
- C. The holidays are as follows:
  - New Year's Day
  - Martin Luther King's Birthday
  - President's Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Veterans' Day
  - Thanksgiving Day
  - Christmas Day
- D. In addition to the holidays listed above, each Full Time Regular employee shall be entitled to one personal day (8 hours) per year. The personal day must be used during the calendar year in which it is granted (no carry over from year to year) and the personal day must be used during one single use event (no splitting of hours). Personal days not used will be lost after December 31<sup>st</sup> of each year.
- E. When an employee of a department which maintains a twenty-four (24) hour per day schedule is required to work on any of these holidays, he will be paid at time and one-half (1-1/2) rates in addition to his or her regular salary.
- F. When an employee does not work on a holiday, the holiday will count as eight (8) hours worked for the purpose of computing overtime in excess of forty (40) hours in a week. When necessary, an employee may be required to work on a holiday.
- G. When a holiday falls on Sunday, the following Monday will be observed as the holiday. When the holiday falls on Saturday, it will be observed on the preceding Friday.
- H. When a paid holiday falls during an employee's vacation, he will receive an additional day of paid vacation.

### 8.15 Vacations:

- A. Regular employees earn vacation at the rate indicated.

1 Yr. Employment .....	6.67 Hrs./Mo.
2 Yrs. Employment .....	7.33 Hrs./Mo.
3 Yrs. Employment .....	8.00 Hrs./Mo.
4 Yrs. Employment .....	8.67 Hrs./Mo.
5 Yrs. Employment .....	9.33 Hrs./Mo.
6 Yrs. Employment.....	10.00 Hrs./Mo.

7 Yrs. Employment .....	10.33 Hrs./Mo.
8 Yrs. Employment .....	10.67 Hrs./Mo.
9 Yrs. Employment .....	11.00 Hrs./Mo.
10 Yrs. Employment .....	11.33 Hrs./Mo.
11 Yrs. Employment .....	11.67 Hrs./Mo.
12 Yrs. Employment .....	12.00 Hrs./Mo.
13 Yrs. Employment .....	12.33 Hrs./Mo.
14 Yrs. Employment .....	12.67 Hrs./Mo.
15 Yrs. Employment .....	13.00 Hrs./Mo.
16 Yrs. Employment .....	13.33 Hrs./Mo.
20 Yrs. Employment.....	14.67 Hrs./Mo.
25 Yrs. Employment.....	16.00 Hrs./Mo.
27 Yrs Employment.....	17.33.Hrs/Mo.*

\* Maximum

Vacation will accrue monthly beginning with the first month of employment. Employees are entitled to take vacation after completing their probationary period in good standing. Part-time regular employees working thirty (30) or more hours per week earn vacation on a prorated basis.

In determining a vacation schedule, the wishes of the employee will be taken into consideration. Department Heads coordinate vacation requests and may establish a specific date for receiving employee vacation requests.

An employee is not entitled to vacation time or pay if employment terminates during the probationary period.

Employees are encouraged to use their vacation each year. Unused vacation will be paid when an employee leaves PLMSWA employment in good standing. Accumulated vacation in excess of 192 hours will be lost at an employee's anniversary date unless specifically approved by the Department Head and PLMSWA Board.

## 8.20 Sick Leave:

- A. Sick leave is defined as absence necessitated by the inability to perform duties of his or her position by reason of the employee or the employee's child suffering from an illness or injury; by necessity of medical, optical, or dental care for the employee or employee's child; or by exposure to contagious disease under circumstances where the health of the employees with whom associated or members of the public necessarily dealt with would be endangered by attendance to duty. For purposes of this section, the term "child" will be defined as an individual under 18 years of age or an individual under age 20 who is still attending secondary school.
- B. Employees are responsible for reasonable, prudent, and bona fide use of sick leave privileges. Claiming sick leave when fit, except as provided in this section, may be cause for disciplinary action, including cancellation of sick leave benefits, suspension, demotion or termination.
- C. Sick leave is earned at the rate of eight (8) hours per month, and accumulates to a total of nine hundred and sixty (960) hours. It is accumulated on a pro-rated basis for regular part-time employees working less than 40 hours per week.
- D. An employee who has accumulated 960 hours of sick leave may bank an additional 240 hours, at the rate of four hours per month, to be used only in the event that sick leave accumulated under this section has been exhausted. Sick leave in this bank cannot be used to replenish the maximum accumulation of 960 hours as stated in paragraph C. Sick leave in this bank may not be used for payment of insurance premiums or severance.

- E. The employee must notify his or her supervisor of his or her inability to be at work due to illness as soon as possible, preferably before the start of working hours. Failure to provide notification may result in a loss of sick pay for the time taken.
- F. Employees claiming sick leave may be required to file written documentation. If employees have been incapacitated, they may be required to provide documentation of being capable of performing all job duties. If in excess of twenty-four (24) hours, a written statement from a physician/public health service specifying the amount of time needed is required.

Other permitted uses of sick leave:

<u>Situation</u>	<u>Number of Hours</u>
Medical necessity in Immediate Family	24** (per calendar year)
Pregnancy/Birth/Adoption	24*** (per event)
Funerals for co-workers within the department	4 (per event)

\*\* Additional time with Department Head approval and physician's certification.

\*\*\* Additional time as required by physician.

Time spent with the employee's child as outlined in Paragraph A will not apply to the maximum number of hours for Medical necessity in Immediate Family.

- G. An employee on vacation who becomes ill or injured may, with proper notification, change his or her leave status to sick leave.

## **8.25 Funeral Leave:**

Employees, in good standing, may be allowed by the Department Head a maximum of three days paid leave for a death in their immediate family. Additional time off requires the use of vacation, sick leave or comp time and requires Department Head/Supervisor approval.

## **8.30 Reporting Of Absence From Job:**

- A. Absence during working hours must have prior approval of the Department Head.
- B. Unreported absence of an employee of more than three (3) consecutive working days will be sufficient cause to discharge the employee from PLMSWA employment. Employees with unapproved absences are subject to disciplinary action.

## **8.35 Emergency Closing:**

Non-weather related emergency closings will be authorized by the Chairman of the PLMSWA Board or his or her appointed delegate.

## **8.40 Jury Duty:**

Employees on jury duty will be allowed normal pay and are not eligible for the daily juror fee.

## **8.45 Military Leave:**

Military rights are provided by MS 192.26 and federal law.

## **8.50 Leave Of Absence Without Pay Unpaid Status:**

- A. Employees wishing to absent themselves from their duties may, with Department Head approval, be granted a leave of absence without pay. Such leave will be granted only upon the written request of the employee, containing reasons for the leave, when it is in the best interest of PLMSWA. Except in the case of illness or disability, such leave will not exceed one (1) year.

- B. A leave of absence may be canceled at any time with written notice to the employee. The Department Head will specify a reasonable date for termination of the leave.
- C. Anniversary dates will be adjusted forward for the duration of unpaid leaves.
- D. Employees on an unpaid leave of absence are responsible for their own benefit premiums.
- E. An employee on unpaid leave status will not receive compensation for holidays nor accrue vacation, sick leave or seniority.

### **8.55 Family and Medical Leave:**

Family Medical Leave Act rights are provided by federal law (29 CFR, Part 825) and State Parenting Leave laws.

### **8.60 Other Authorized Leaves:**

Employees shall be granted all leaves of absence, with or without pay, as required by federal or state laws or rules.

## **9. Leaving PLMSWA Employment**

- A. Employees must give notice in writing as soon as possible, and are required to give notice at least two (2) weeks in advance of resignation. Failure to do so may cause non-payment of unused vacation and sick leave benefits.
- B. Upon receipt of the notification of resignation, the supervisor must acknowledge the resignation in writing. Any keys, identification cards, or other PLMSWA property must be returned to the Supervisor/Department Head and acknowledgment of this receipt must be made in writing. Copies of these acknowledgments are to be provided to the Executive Director or their designee.
- C. Upon resignation in good standing, after completion of the probationary period, with less than 10 years of employment, employees may use seventy-five (75) percent of their accumulated sick leave for payment to continue group insurance in effect, subject to approval by the insurance carrier and limited to the required periods of continued health coverage provided by federal and state laws and regulations. Accumulations in the employee's sick leave bank (see Section 8.15, D) are specifically excluded from this provision.
- D. Employees, in good standing, who leave employment after a minimum of 10 years, will receive 75 percent of their accumulated sick leave, not to exceed 90 days, as severance pay upon termination of employment.,
- E. Exit interviews of employees leaving employment will be conducted by the Executive Director or designated personnel department.

## **10. General Provisions**

- A. Employees have access to the PLMSWA Board at reasonable times. Requests are to be made through their supervisor or Department Head in writing.
- B. All prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, inconsistent with the provisions of this agreement, are hereby superseded.
- C. These Rules become effective on February 28, 2013. Amendments to this agreement will be effective upon agreement of the PLMSWA Board and distribution to employees.

## 11. Acceptance

The PLMSWA Board at their regularly scheduled meeting held on upon motion by Commissioner and seconded by, voted to adopt, effective immediately, the Personnel Rules of .

By: \_\_\_\_\_

Chair of the PLMSWA Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael R. [unclear]

\_\_\_\_\_  
2-27-13