CITY OF BENSON

PERSONNEL POLICIES

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Chapter I.
Adoption and General Purpose Statement

The purpose of this Manual is to document and establish the City of Benson's General Policies and Procedures relating to personnel. The Benson City Council revokes any previously adopted policies or procedures dealing with personnel that would cover the same or similar areas covered by this Manual.

It is recognized that a large number of City employees are covered under one or more bargaining unit agreements. Where this Manual conflicts with the language in a bargaining unit agreement that agreement shall take precedent for employees who are members of that bargaining unit, and the language of this Manual will take precedent for employees who are exempt from the bargaining unit agreement. It is not the intent of the City to deny to employees exempt from the bargaining units the same general benefits that are provided for members of the bargaining unit. In those areas where the policies laid out in the Manual are not in conflict with policies, procedures or benefits established by bargaining unit contracts, all employees exempt from bargaining unit contracts shall be considered to have the same benefits as are provided by the bargaining unit contracts.

This Policy and Procedure Manual is established by the action of the Benson City Council. It does not constitute a bi-lateral agreement between employees and employer but rather establishes the policies and procedures that are put into force by the employer. The Benson City Council reserves the right to change these Policies and Procedures at any time. The responsibility for the administration of the Policy and Procedure Manual rests with the City Manager. The City Manager shall be responsible for recommending changes from time to time to the Manual. Any bargaining unit, individual employee or group of employees that wish to recommend changes to the Manual shall communicate directly with the City Manager. Any case of disagreement regarding interpretation of this Policy Manual, the Benson City Council shall be the final authority on determining interpretation.

Chapter II. - Non-Discrimination

SECTION 1. EQUAL OPPORTUNITIES.

It is the City of Benson's policy to give equal opportunity to all qualified persons without regard to race, color, religion, sex, marital status, handicap, age, or national origin.

All employment practices are to provide that all individuals be recruited, hired, assigned, advanced, compensated and retained on the basis of their qualifications, and treated equally in these and all other respects without regard to race, color, religion, sex, marital status, handicap, age, or national origin.

It shall be considered the responsibility of every supervisory employee to further the implementation of this policy and ensure conformance by all members of their department.

Supervisory personnel as well as those responsible for hiring new employees must take all necessary action in the elimination of possible discrimination towards employees and applicants for employment with the City in all categories and levels of employment and employee relations.

SECTION 2. AFFIRMATIVE ACTION.

The Benson City Council shall adopt and keep in force a separate Affirmative Action plan that will spell out in detail its efforts to ensure that every effort will be made to obtain and maintain a proper blend of employees in regard to race and sex.

SECTION 3. SEXUAL HARASSMENT.

The City of Benson will not condone any act of sexual harassment of any employee or guest of the City.

State Law defines sexual harassment as actions including "...unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of sexual nature when:

a). submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;

b). submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment;

c). that conduct or communication has the purpose or effect of either substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action."

Reprisal is defined as any action intended to intimidate, retaliate against, harass or disadvantage any person because the person has:

a). opposed sexual harassment;
b). reported or complained of sexual harassment; or,
c). testified, assisted or participated in any investigation, proceeding, or hearing, under this policy or otherwise, regarding sexual harassment.

Reprisal includes, but is not limited to, the following actions:

a). refusal to hire the person;
b). departure from any customary employment practice;
c). transferring or assigning the person to a lesser position in terms of wages, hours, job classification, job security or other employment status; or,
d). informing another employer that the person has engaged in an activity specified above.

It is also a reprisal to attempt to discourage any person from engaging in an activity specified above or to attempt to tamper with a witness, or a complainant in any proceeding under this policy.

Any employee who believes that they have been the subject of sexual harassment should report the alleged act immediately to the City Manager. They will investigate the alleged harassment and proceed to do whatever is necessary to resolve the complaint. All information, to the degree possible, will be considered confidential. Any employee found to have sexually harassed another shall be subject to disciplinary actions, including termination of employment.

Chapter III. - Hiring

SECTION 1. EMPLOYMENT LEVELS.

The Benson City Council shall establish an authorized level of full-time City employees. This level shall not be exceeded without express authorization of the City Council. The City Manager shall have the authority to hire all City personnel with the exception of Department Supervisors and Division Directors. In the case of Department Supervisors and Division Directors, the City Manager shall recommend hiring and the Council shall take final action in hiring. The City Manager shall determine how many employees shall be full-time as long as the employment levels do not exceed the authorized strength set by the City Council. The amount of part-time employees shall be determined by the City Manager provided total salaries do not exceed budgetary limitations. The authorized level of full-time employees shall be 35 as of January 1, 1989. This employment level shall remain until changed by specific action of the City Council. Such changes shall take place by adoption of a resolution citing the current authorized strength, the new authorized strength and the date the new authorized strength is effective.

The City Manager in preparation of the budget shall prepare a forecast of employment levels for the planned budget year. This shall include the number of full-time employees and the number of part-time employees including estimated hours they will work.

SECTION 2. RECRUITMENT PROCEDURES.

The City shall in all instances abide by its Affirmative Action Plan in recruitment of new employees. All new positions shall be posted on the City bulletin boards and shall be advertised in the legal newspaper of the City. Where the position created may require particular skills or expertise, the City may advertise in regional or national media to obtain a proper number of qualified applicants. When a vacancy occurs within an already established position, the City shall post the vacancy on its bulletin boards and may choose to advertise the position in any of the media. The City may, however, choose to fill the vacancy with an existing employee without advertising in public media. Temporary positions that are essential to fill in a timely manner may be filled without public advertising.

SECTION 3. HIRING PROCEDURES.

The only authority to hire any personnel rests with the City Manager or in the case of department supervisors and Division Directors with the City Council. Department supervisors and Division Directors will be hired by specific action of the Benson City Council upon recommendation from the City Manager. For positions other than department supervisors and Division Directors, the City Manager may delegate part of the hiring authority to subordinate positions. Every hiring practice must be performed in accordance with the City's Equal Employment Policy and Affirmative Action Plan to assure hiring the best available applicant within the salary criteria. The hiring practice whether partially delegated or performed entirely by the City Manager shall follow the following prescribed procedure:

1). Notification of the availability of the position according to recruitment procedures
2). The receipt of written applications from all applicants
3). A review of the written applications and a determination made regarding interviews and reference checks.
4). A checking of the references where deemed necessary by the City Manager.
5). Calling applicants for interviews if deemed necessary by the City Manager.
6). An assembly of all documentation regarding the application, interview, reference checks, or other elements of the process.

As a general policy, a job description must be completed prior to advertising for any new position created within the City of Benson. The actual hiring of any new employee shall be done by a formal letter offering the position to the applicant. The offer shall be sent by the City Manager and a copy shall be placed in the new employees personnel file.

SECTION 4. FORMS REQUIRED.

Prior to starting employment, each employee is required to sign the following forms:

1). W-4
2). I-9
3). Child Support Affidavit
4). Any other forms required by this Policy Manual or by the Director of Finance to facilitate proper application of benefits.

Chapter IV.
Evaluation, Promotion, Discipline, and Termination

SECTION 1. PERSONNEL FILE/OFFICIAL RECORD.

Each employee shall have an official personnel file. Employees may request to review their personnel file and it will be made available to them. An employee's personnel file will not be released to anyone without the written consent of the employee involved. In the case of a subpoena, the employee must be informed of such an action.

The City Manager is responsible for maintaining, in the employee's file, written request for the use of specific data, stating the intended use, the name of a person or agency requesting the data, and the material requested.

The immediate supervisor of each employee and the City Manager are responsible for determining what information or data will be contained in an employee's personnel file. The City Manager and the immediate supervisor will annually review employee personnel files for accuracy and completeness.

SECTION 2. EVALUATION PROCEDURES.

Evaluation of the job performance of various employees will be done on an annual basis in writing by the immediate supervisor of the employee. Supervisors that are serving under a Division Director may confer with the Division Director regarding the evaluation of the employees in their department. The final evaluation forms will be discussed by both the employee and the supervisor, and where the supervisor feels it is appropriate, with the Division Director. The final evaluation forms will be filed with the City Manager and placed in the employee's personnel file. Specific strengths and areas for improvement shall be part of the evaluation process. If areas for improvement are considered major, plans for improvement will be established and a period of time given after which a follow-up evaluation will be done. In the case of an employee that has a number of areas that need improvement, evaluations may be done more often than annually. After reviewing the evaluations, the City Manager may meet with the supervisor and the employee or with the employee. Upon final completion, all evaluation forms shall be signed by the employee, by the person doing the evaluation and by the City Manager. Signature on the evaluation form does not constitute agreement but establishes that the form has been properly reviewed by all parties. Evaluation forms shall be filed in the employee's personnel file and shall remain confidential between the Supervisor(s) and the employee involved.

SECTION 3. PROMOTIONS.

Every effort shall be made to promote employees from within when such opportunities arise. All job openings including both covered employee positions and exempt employee positions shall be posted in a manner that provides all City employees knowledge of the opportunities. The City shall

encourage training and development of new skills by all employees that will better prepare them for advancement within the system.

SECTION 4. DISCIPLINARY PROCEDURES.

There are many instances where some degree of disciplinary action is necessary. Some of those instances are detailed in sections throughout this manual. The purpose of disciplinary action is to emphasize the importance of observing the City's basic code of behavior. Violations are disciplined to bring the issue to the employee's attention and is intended to stress its serious nature and to motivate the employee toward proper conduct in the future.

In cases where discipline is being considered, it is normally the responsibility of the supervisor and the City manager to investigate the matter thoroughly including hearing the employee's explanation.

Minor offenses require some discipline but do not justify dismissal for a first offense. Minor offenses will be documented and retained in the employee's personnel file for a period of six months during which no other violations occur. After six (6) months with no disciplinary reoccurrence, record of the disciplinary action will be removed from the file and destroyed. Minor offenses include first time violations of City policies and procedures which are not acceptable if repeated but are not serious enough to merit suspension or discipline for the first offense.

Major offenses are willful deliberate violations of City policies and procedures to an extent that might seriously affect productivity or even endanger the City and/or its employees if employment of the violator is continued. Violations of a City policy or procedure may result in dismissal. Major offenses will be documented and retained in the employee's personnel file permanently.

Classes of Discipline are:

-oral reprimand
-written reprimand
-demotion
-suspension without pay
-dismissal

The above list shows classes of discipline available to the supervisor but do not indicate required steps to be followed in a discipline case. Each case will receive discipline that is judged to be appropriate for the violation.

SECTION 5. TERMINATION OF EMPLOYMENT.

There shall be two types of termination of employment, voluntary termination and involuntary termination. Voluntary termination shall include the resignation of an employee for the purposes of taking another job, personal reasons, retirement, or for any other reason the employee desires. Involuntary termination shall be a case of termination by the employer without the employee's consent.

In the case of all exempt employees, it is the policy of the City that a standard employer/employee relationship exists and just as the employee is free to voluntarily terminate their employment for any reason, the employer retains all rights it may have under law to terminate an employee for any reason. The power of termination of all employees with the exception of department supervisors and Division Directors shall rest with the City Manager. In the case of department supervisors and Division Directors, the City Manager may place the employee on suspension but the employee shall have the right to request a hearing by the Benson City Council. The Benson City Council shall then affirm or deny the termination of these employees.

In the case of voluntary terminations, the City expects the employee to provide thirty days notice unless the condition resulting in the termination is caused by an emergency. Failure to provide at least two weeks notice, unless waived by the City due to unusual circumstances, shall be a termination not of good standing and can be the basis for the denial of benefits including severance pay.

In the case of a voluntary retirement, the City will work with the employee to help them obtain the maximum benefits from PERA, FICA, deferred compensation plans, or other retirement programs.

SECTION 6. VETERANS PREFERENCE ACT

The City acknowledges Veterans Preference as outlined in Minnesota Statutes Sections 197.455 and 197.46 and shall make every effort to comply. The section specifically says that it shall not apply to the position of private secretary, teacher, superintendent of schools, or one chief deputy of any elected official or head of a department, or to any person holding a strictly confidential relation to the appointing officer. It is the opinion of the City that the Department Supervisor in charge of each department as outlined in the Administrative Code, any of the Division Director positions and the position of Executive Secretary are excluded from the Act by this paragraph. (December 17, 1990)

Chapter V. - Wages and Work Schedule

SECTION 1. COVERED EMPLOYEES

Employees that are covered by one of the collective bargaining unit contracts will have those contracts prevail in regard to wages and work schedule. The following subsections are intended to clarify some of the language that is in the bargaining contracts and establish the procedure for applying those elements.

1A - Part-Time Employee Wages. The wages for part-time employees shall be hourly and shall be established by the City Manager. The hourly wage shall be at least equal to the minimum prescribed by the bargaining unit contracts. The City Manager shall determine the level of the wage scale beyond the minimum and shall have the authority to make adjustments in part-time wages at any time during the year. Wages for part-time employees in excess of the minimum shall be based on objective criteria covering the responsibilities of the job, the performance of the employee, the experience of the employee, the skills required by the job, the employees dedication and initiative, and the general characteristics of the job requirements.

1B - Normal Work Schedule. A normal work schedule for all employees covered by the AFSCME Collective Bargaining Contract shall be eight (8) hour days, Monday through Friday, with the exception of Holidays. A normal work schedule for employees covered by the LELS Bargaining Unit shall be either a ten (10) hour day or an eight (8) hour over a seven (7) day week and a 365 day year. The normal work schedule for all City employees shall be a forty hour week.

1C - Special Ten Hour Work Days. On occasion, the City may desire to take one or more of its employees to a ten hour work day. Such decision shall be made by the City Manager and shall be done for specific groups of employees for specific periods of time. An example would be, to place one or more truck drivers on a ten hour schedule for several days in order to haul during extended daylight periods. It is expressly a policy of the City not to single out one employee or one specific time frame for the use of the ten hour work day schedule. This schedule shall be applied indiscriminately and for the purpose of efficient use of man power.

1D - Continuous Employees. Certain job descriptions may require an employee to work a continuous shift. A continuous shift would be a shift in which the employee was compensated for a straight eight or ten hour work day. In the case of a continuous employee, the employee shall be granted the opportunity to have a lunch break during his job, if necessary, but the lunch break will be taken at the employment site under conditions that allow the employee to continue to serve, and the employee shall be compensated for a straight through time period.

1E - Overtime. Overtime shall be paid according to the Federal Fair Labor Standards Act and will be paid at the rate of one and one-half hours for every hour of overtime worked. Overtime shall be paid for any time over an eight or ten hour day depending upon the work schedule or over 40 hours in a week, but in no event shall overtime be paid for both. Overtime shall only be allowed with the express permission of the employee's immediate supervisor. The City shall make every effort to treat all employees equitably in the distribution of overtime and grant permission for overtime on a non-discriminatory basis.

1F - Compensatory Time. By mutual consent between the employee and the supervisor, an employee may choose to take compensatory time in place of overtime. Compensatory Time shall be earned the same as overtime, i.e. one and one-half hours for each hour worked. Compensatory Time is time that the employee may take off with pay in lieu of receiving overtime. All compensatory time off must be scheduled with the department supervisor and must receive the supervisor's authorization before it can be taken. Compensatory time shall be taken within 120 days of the date it is earned and may only be accrued to a total of 24 hours earned (16 hours worked-24 hours earned). The City Manager may grant an increase in the accrual limitation in unusual circumstances.

SECTION 2. EXEMPT EMPLOYEES

All employees of the City of Benson that are not covered under one of the collective bargaining contracts are classified as exempt employees. The following subsections relate to wages and work schedule for exempt employees.

2A - Annually Salaried Employees. The City Manager and all Division Directors shall be employed as annually salaried employees. As such, their annual salary shall be determined by the Council and once determined the annual salary shall be divided into twenty-six equal pay periods throughout the calendar year. This annual salary shall be deemed to be the full and entire salary of those employees. These employees shall not be eligible for overtime or compensatory time. As annually salaried employees, they shall not be expected to log their hours and their work day will vary. Their regular work days shall be considered to be Monday through Friday excepting Holidays. On occasion, they are required to work on Holidays, Saturdays or Sundays and these will not be considered extra work days and they will not be compensated additionally for them. Their vacation time, personal leave days, and sick leave days shall be taken in full day units. If an annually salaried employee reports to work and spends a minimum of 4 hours at work, it shall constitute a work day. If the employee does not report to work or spends less than 4 hours on a normal work day, that day shall be taken by the employee as a vacation day, sick leave day, personal leave day, or shall be deducted from the employee's salary. This policy should not be construed to mean that the work day for an annually salaried employee is four hours. There will be many days in which the annually salaried employee may put in 10, 11, 12 or more hours. Over a sustained year period, it is expected that annually salaried employees shall put in at least as many hours as would an hourly salaried employee considered to be full-time.

2B - Hourly Paid Employees. All exempt employees other than those established as annually salaried employees, by action of the City Council, shall be employed as hourly paid employees. Each shall have a base rate of pay per hour and that rate of pay shall be used to determine their pay check. The rate of pay for hourly paid exempt employees other than department supervisors shall be set by the City Manager. The hourly rate of pay for department supervisors shall be recommended by the City Manager and approved by the City Council. It shall be the general policy to review salaries and establish salary adjustments on an annual basis effective with the first day of January in each year. On occasion where the City Manager feels it is appropriate, a salary adjustment may be made in mid year due to the responsibilities, the quality of the work or the demands of the job description.

2C - Part-Time Exempt Employees. Any exempt employee who is compensated for less than a 2,080 hour work year shall be considered to be a part-time employee. This includes seasonal, temporary, regularly scheduled part-time or intermittent employees. Part-time employees shall all be hourly wage employees and the hourly wage shall be established by the City Manager. Part-time employees wages may be reviewed by the City Manager at any time during the year.

2D - Overtime. Annually salaried employees shall not receive any overtime compensation. Other exempt employees shall receive overtime compensation only for hours worked under the expressed authorization of the City Manager. Hourly wage paid employees shall be eligible for compensatory time. Compensatory time shall be earned at the rate of one and one-half hours for each hour of overtime eligible work performed. Compensatory time may be accumulated by exempt employees not to exceed eighty hours and shall be used on a calendar basis. The City Manager shall have the authority to allow any exempt employee to carry over a block of compensatory time into the next calendar year. Compensatory time not authorized by the City Manager for carry forward shall be lost if not used by the end of the year in which it is earned.

2E - Longevity. Exempt employees will not receive longevity pay as an addition to their regularly scheduled wage. The years of service with the City will be considered by the City Manager and the Council in establishing their wage scale under salary review.

2F - Salary Review. As a general policy, the City will review exempt employee's salaries on an annual basis and salaries once established will be made retroactive January 1st of each year. The City Manager does retain the right to recommend salary adjustments in mid year. Part-time exempt employees would tend to have their salaries established in mid year periods and may have them changed at various times during the year.

SECTION 3. ALL EMPLOYEES

3A - Pay Period. The pay period is on a bi-weekly basis with the work week pay period running from 12:01 a.m. Sunday to 12:00 p.m. (midnight) Saturday. Payroll will be made no later than the Tuesday following the Saturday ending a pay period.

3B - Time Sheets. Time sheets shall be filled in by all employees and shall be in the hands of the Director of Finance no later than noon on the Monday following a pay period. The time sheets shall be filled out to indicate hours worked, vacation taken, sick leave taken, overtime hours earned, call out time, on call time, compensatory time worked and compensatory time earned. In the case of an annually salaried employee, the payroll sheet shall indicate by a check mark a day that constitutes a work day for that employee. This should be any day that the employee reported to work and worked a minimum of four hours. The time sheets shall also indicate for annually salaried employees vacation time, sick leave time taken and personal leave days taken, as full days by a check mark on the appropriate day. All time sheets shall be signed by the employee and turned in to the employees immediate supervisor. Their supervisor shall verify the employees time sheets, sign them and turn them in to the Finance Director.

3C - Deductions. Deductions may be made from payroll checks for various reasons. An employee may arrange with the City for deductions from the payroll check for an eligible deferred

compensation plan or other City approved savings or purchase plans that the employee is participating in. The City will honor legal garnishments of employee's wages. The employees will receive written notification of such garnishment when the City receives such a request. Other deductions will be made from the employees pay checks to cover the employees share of such benefits as health insurance. All legal deductions for Federal and State Taxes will be made from the employee's check. The City will furnish the employee with information with his pay checks indicating his sick leave, vacation and compensatory time accruals and it shall be the responsibility of the employee to notify the Director of Finance if the employee feels there is anything incorrect in this information.

Chapter VI. - Employee Benefits

SECTION 1. COVERED EMPLOYEES

Covered employees shall be provided benefits in accordance with the collective bargaining contract in force at the time. In addition to the benefits outlined in the bargaining agreement, covered employees shall also receive those benefits provided under Section 3 - All Employees of this Chapter.

SECTION 2. EXEMPT EMPLOYEES

2A - General Statement. The benefit package outlined under this section shall be the minimum benefits provided to full-time exempt employees. All full-time exempt employees shall receive these benefits. The City Council may upon recommendation from the City Manager extend additional benefits to certain full-time exempt employees or partial benefits to certain part-time exempt employees. If such benefits are to be provided, the City Manager shall submit the recommendation to the City Council indicating the reasons for adding the benefit structure and the City Council shall establish the additional benefits by resolution.

2B - Period of Employment. In applying benefits, it is necessary to determine the years of service that the employee has with the City to determine the step in which they will be placed. For the purpose of applying any employee benefits under this Chapter or under the Collective Bargaining Agreements, years of service for the purpose of calculating benefits shall be based on a calendar year and all employee's shall move from one year of service to another year of service on the 1st day of January of each year. All employees who are employees of the City of Benson as of January 1, 1989 shall be given credit for a full year of service from the anniversary of their date of hire to January 1, 1989 for any portion of that year, i.e. if an employee had originally been hired on November 1, 1987, that employee would have completed one year of service on November 1, 1988, and under the previous system would not have completed a second year of service until November 1, 1989. Under this policy, that existing employee would be given credit for a second year of service for the period of time from November 1, 1988 to January 1, 1989. From that point forward, the employee would earn one year of service for each calendar year. New employees that hired prior to July 1st in any given year will complete their first year of service on January 1st of the following year. If they are hired after July 1st in any given year, they will complete their first year of service on January 1st of the second year following the date of hire. Once an employee has made the transition to the January 1st date, their years of service will run on the calendar year basis.

2C - Vacation. All exempt full-time employees shall earn vacation under the following schedule:

Years of Service	Earning Rate of Vacation
0-3 Years	80 Hours
4-8 Years	120 Hours
9 or More Years	160 Hours

Vacation earned in one calendar year cannot be taken in the same calendar year unless specifically approved by the City Manager.

Annually salaried employees may be granted up to one additional week off in each calendar year by the City Manager. This week shall not be counted for severance pay purposes nor be allowed to carry forward. It shall not be shown on the vacation accrual and is given to annually salaried employees in lieu of their ability to take compensatory time.

Any employee that moves from a covered status to an exempt status will be placed on the schedule based on the years of service the employee was credited at the time the move was made.

The City Manager with the approval of the City Council may grant a newly hired exempt employee a block of vacation earned to be credited to the employee at the time of hire. The City Manager with the approval of the Council may place a newly hired employee at a higher years of service for the purpose of granting vacation as a condition of the hiring.

No more vacation may be taken in one calendar year than the employee's current earning rate unless specific approval is granted by the City Manager. All full-time employees shall take the amount of vacation in each calendar year that the employee was earning in the previous year. Failure to take that amount of vacation will constitute a loss of that vacation unless specific permission is granted by the City Manager to carry a portion of the vacation forward to the next year. The amount allowed to be carried forward shall not exceed 50% of the employee's previous year earning rate.

Vacation time shall be scheduled with the City Manager. Each employee shall give the City Manager the following notice of the employee's desire to take vacation:

Size of Block Desired	Days Notice
More than One Week	90 Days
One Week	60 Days
Less than One Week	30 Days
Single Days	48 Hours

The City Manager shall have the authority to waive the notice period.

2D - Holidays. All full-time exempt employees shall be granted Holidays on the same basis as the current bargaining contract covering office and clerical employees. If an exempt employee works on a Holiday, the employee shall receive another day off or double time for the Holiday worked.

2E - Personal Leave. All full-time exempt employees shall receive two personal days leave per year subject to the approval of the City Manager of the dates of said leaves. Personal Leave days must be used during the calendar year in which they are granted and cannot be carried forward under any conditions.

2F - Sick Leave. All full-time exempt employees shall earn sick leave at the rate of one day of sick leave for each month of service. Unused sick leave shall be cumulative from year to year to a total of 150 days. Full-time exempt employees who have accumulated 150 days of sick leave shall have one day of sick leave per month credited to a deferred sick leave account to be utilized by the employee in the event of an extended illness or injury. The deferred sick leave can only be used after the 150 days of regular sick leave have been depleted. The accumulation of 150 days of regular sick

leave must be maintained before any sick leave can be credited to the deferred sick leave account. There shall be no severance pay credited to any deferred sick leave. The use of sick leave by full-time exempt employees shall follow the bargaining unit agreement that is currently in place for office and clerical employees.

2G - Insurance. All full-time exempt employees will be granted health insurance and life insurance benefits. The minimum level of benefits to be granted to any full-time exempt employee shall be at least equal to the highest level of benefit provided any full-time employee under a collective bargaining agreement. (March 5, 1992) (February 8, 1999)

Unless agreed upon by a separate employment agreement, all exempt employees are required to carry individual health insurance as provided for by the city of Benson. Exempt employees may waive family health insurance coverage. Qualified exempt employees who waive family insurance coverage will be granted a non-salaried monthly payment equal to the difference of single premium health insurance and family coverage as provided by the highest level of benefit to any full-time employee under collective bargaining agreement. (February 8, 1999)

2H - Additional Insurance Benefits. In addition to the life insurance provided by the collective bargaining contracts, all full-time exempt employees shall receive life insurance coverage totaling twice the amount of their annualized compensation. All full-time exempt employees shall be provided protection under the City of Benson's Public Officials and General Liability Policies. (December 17, 1990) (March 5, 1992)

2I - The City Council reserves the right to grant special insurance benefits not specifically provided under these Personnel Policies to any individual exempt employees or group of exempt employees. (March 5, 1992)

2J - Deferred Compensation. Employees shall be eligible to participate in an employer sponsored deferred compensation plan established under 457 of the IRS code. The employer will match employee contributions up to 2% of each employee's annual gross wages and 50% of additional contributions up to a maximum of 3%. (January 10, 2005)

2K - Post Employment Health Savings Account. The City shall contribute each pay period to a Post Employment Health Savings Account to be held in the employee's name for all full-time exempt employees. The level of contribution shall be equal to the highest level of benefit provided any full-time employee covered under a collective bargaining agreement. Upon retirement 50% of the severance pay shall be deposited into the employee's Post Employment Health Savings Account and the remaining 50% shall be paid to the employee in cash. (January 10, 2005)

SECTION 3. ALL EMPLOYEES

3A - Insurance/COBRA. Health insurance and life insurance programs provided to employees begin coverage on the 1st day of the month following employment and will terminate on the last day of the month of employment.

In accordance with the Federal COBRA Law, an employee will be presented with option to extend or convert medical insurance coverage at such time as they leave employment with the City. Likewise widows, divorcees and dependents of deceased or of medicare eligible employees will be

presented with options for continued coverage. In all cases mentioned above, the covered individual will bear all expenses for the continued coverage. (December 17, 1990)

3B - Voting. The City of Benson recognizes the responsibility of every citizen to vote in Federal, State and Local Elections. Whenever an employee is unable to vote during non-business hours, they will be granted a reasonable amount of time off from their job to exercise their responsibility at the polling place where they are eligible to vote.

3C - Family, Medical and Other Leave Policy

Purpose - In accordance with the Family and Medical Leave Act (FMLA) unpaid job protected leave will be granted to all eligible employees (male and female) for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

a). Birth, adoption or foster care placement of a child;
b). To care for a spouse, child or parent who has a serious health condition; or
c). For a serious health condition that makes the employee unable to perform the functions of the position.

Eligibility - An eligible employee is one who has worked for the City for a cumulative period of twelve (12) months and worked at least 1,250 hours for the City during the twelve (12) month period prior to requesting the leave.

Continuous 12 Week Leave Period - An employee may take up to 12 weeks of continuous unpaid leave, starting from the date of the qualifying event, within a 12 month period from the date of the qualifying event. The employee shall first substitute paid sick leave, personal leave and/or any compensatory time first before an unpaid leave of absence is granted (except where the leave also qualifies for parental leave). Employees may use accrued vacation, if they so choose.

Intermittent 12 Week Leave

a). Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if such leave is deemed to be medically necessary.
b). The employer may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates the intermittent leave than the regular position.
c). All requests for intermittent leave will be evaluated on a case by case basis.

Notice

a). The employee is to give written notice at least thirty (30) days prior to the date on which leave is to begin or if thirty (30) days notice cannot be given as much notice as practicable for all leaves except for school conferences and activity leave.
b). The employee must make a reasonable effort to schedule planned medical treatments so as to not unduly disrupt the City's operations.

Medical Certification

a). The employee must submit medical certification to support a request for leave because of a serious health condition of a child, spouse, parent or the employee. A "Certification of Physician or Practitioner" form can be obtained from the City Clerk. It is to be

completed by the attending physician or practitioner and submitted to the City Clerk within fifteen (15) days after requested, or as soon as is reasonably practicable.

b). The City may require a second or third opinion at the City's expense.

Recertification - Recertification may be required if the employee requests an extension of the original length approved by the City or if the employee's circumstances change. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Fitness for Duty Certification

a). The employee will be required to submit a fitness for duty report prior to returning to work if the leave was for the employee's own serious health condition. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job.

b). The City may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act.

Records Retention - Records on FMLA leave will be kept along with normal payroll records except that any medical record will be maintained separately as a confidential medical record in accordance with the Law.

Job Protection

a). An employee returning from family/medical leave will be reinstated in his/her former position or a position equivalent in pay, benefits and other terms and conditions of employment.

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

Effect on Benefits

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

b). The employee will be required to continue payment of the employee portion of the group health and life insurance coverages. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment.

c). If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage (subject to COBRA requirements).

d). Seniority and other benefits do not accrue during the period of unpaid family/medical leave, however, any benefits accrued prior to commencement of such leave will not be lost.

e). If the employee fails to return from unpaid family/medical leave for reasons other than (certification is required within thirty (30) days of failure to return for either reason):

1. the continuation, recurrence or onset of a serious health condition of the employee or a covered family member; or
2. circumstances beyond the employee's control

The City may seek reimbursement from the employee for the portion of the premiums paid by the City on behalf of that employee during the period of leave.

Key Employee Restoration - The City Manager may, in accordance with Section 825.218 of the FMLA, deny restoration of a key employee should a determination be made that restoration would cause the City a "substantial and grievous economic injury" to its operations. A key employee is one who is among the highest paid 10 percent of all full-time and regularly scheduled part-time employees. Factors in this consideration will consist of whether the City has the ability to temporarily replace the key employee as opposed to hiring a permanent replacement, and, then, in addition, having to reinstate the key employee to an equivalent position within the organization. Upon receiving a request from a key employee for leave, the City Manager shall notify the employee of his/her status as a key employee.

Parental Leave

a). An employee who works 20 or more hours per week and has been employed more than one year is entitled to take an unpaid leave of absence in connection with the birth or adoption of a child. The leave may not exceed six weeks, and must begin not more than six weeks after the birth or adoption of the child.

b). 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. If applicable, group health insurance coverage will remain in effect during the leave according to Article XI.

c). If the employee has any FMLA leave eligibility remaining at the time this leave commences, this leave will also count toward FMLA leave. The two leaves will run concurrently until the 12-week FMLA eligibility is exhausted.

d). The employee may use accrued sick leave for either FMLA leave or parental leave. However, use of accrued sick leave is not required for the portion of the leave counted as parental leave.

School Conference and Activity Leave

a). The City will provide a maximum of 16 hours of unpaid leave during any 12-month period for an employee to attend conferences or classroom activities related to the school, child care, or pre-kindergarten program of the employee's child. This leave is **in addition to** Family Medical Leave and is available only to employees employed by the City for the preceding 12 months.

b). This leave is available only if the conferences or activities cannot be scheduled during non-work hours. Employees must make a reasonable effort to schedule the leave so as not to disrupt the employee's department operations.

c). Employees must provide their department supervisor reasonable notice of leave when the need for leave is foreseeable.

d). An employee may substitute any accrued vacation, personal or compensatory leave for any part of the leave.

Bone Marrow Donation Leave

a). The City will provide a maximum of 40 hours paid leave to an employee who seeks to undergo a medical procedure to donate bone marrow.
b). Employees seeking leave for bone marrow surgery are required to provide the City with physician verification of the purpose and length of leave.
c). The amount of FML available to an employee is not reduced by the amount of bone marrow donation leave. (June 1, 1995)

3D - Cafeteria Plan. The City of Benson has established a plan of flexible compensation for the benefit of eligible employees of the company. It provides them with a choice among different combinations of medical care benefits, dependent care benefits, and direct compensation.

An eligible employee is one who meets the service and waiting-period requirements of the health insurance plan sponsored by the company.

Each participant may designate a portion of their compensation as Pay Conversion Contributions. These contributions may be applied toward the following benefits:

A. Unreimbursed medical care benefits
B. Dependent care reimbursement
C. Insurance premiums for health or disability insurance

The City Manager has on file the Plan Document that details the benefit. Participants are given a Summary Plan Description upon entering the plan. (December 17, 1990)

Chapter VII. - Conditions Affecting Employees

SECTION 1. SAFETY.

The City is concerned with the general safety of all of its employees. There shall be appointed a Safety Director who will be in charge of all of the safety programs.

1A - Safety Programs. The Safety Director shall provide regular training for all employees regarding safety practices. Employees will be trained in the proper use of equipment and the proper regulations, Federal, State and Local, for safety practices.

1B - Right to Know. The City of Benson will inform all affected employees of any hazardous material or equipment which they might come in contact with as a result of the performance of their job. Employees will be trained in the proper handling of these materials or equipment. In addition, employees have the right to cease work if there is a danger in regard to a hazardous material or equipment which they come in contact with in the performance of their job. They will not be penalized for such work cessation and will not be required to return to work requiring contact with such hazardous materials or equipment until they have been trained in the proper handling of the hazardous material or equipment. Employees will be expected to continue performance, without cessation, of all other job responsibilities which do not present a danger to them.

1C - Equipment. The City considers it essential that all equipment operated by City employees be as safe as possible. The Safety Director shall be responsible for seeing that a preventative maintenance and safety check program is initiated for all equipment that is operated by City employees.

1D - Injuries. All injuries incurred while on the job must be reported to the immediate supervisor at once. The supervisor shall be responsible for filing an injury report with the City Manager's office. The report shall contain the following:

1. Nature of injury
2. Conditions causing injury
3. Did the employee see a physician?
4. Did the employee miss any work time?
5. Did anyone witness the injury?

The department supervisor that files the original injury report shall be responsible for notifying the City Manager's office, if the employee misses any time from work because of the injury, at any time within the 30 day period following the date of the injury. The City of Benson insures employees against accidental injuries occurring on the job under Worker's Compensation Act of the State of Minnesota. Failure to properly report injuries may lead to forfeiture of eligibility for coverage. The City will work with all employees to ensure that they have the opportunity to receive all of the benefits they are entitled to under the Worker's Compensation Act.

SECTION 2. HEALTH ISSUES.

The City of Benson is concerned with the health of all of its employees and their immediate families. The City shall institute programs designed to prevent illness and accidental injuries as well as programs to identify illnesses and encourage proper treatment.

2A - Wellness Program. A Wellness Program will be operated for the benefit of all City employees. The Program shall be under the direction of the Director of Safety. Through this program, the City may participate financially in assisting individual employees in participating in various programs aimed at preventing illnesses and accidental injuries.

2B - Chemical Dependency and Mental Health. The City of Benson recognizes chemical dependency and mental illness as treatable illnesses. Employees who are so diagnosed shall receive the same consideration and opportunity for treatment that is extended to employees with any other type of illness.

On the basis of medical certification, employees with these illnesses shall qualify for the same employee benefits and group insurance coverages which are provided to other medically certified illnesses with established employee benefit plans and programs. Where employee benefits apply to illnesses of members of the immediate family, those benefits shall also apply in the case of these types of illnesses to members of the immediate family.

For the purpose of this policy, chemical dependency is defined as an illness in which an employee's consumption of mood altering chemicals repeatedly interferes with their performance. Mental illness is defined as an illness diagnosed by a qualified professional that repeatedly interferes with the person's performance.

No employee with chemical dependency or mental illness will have their job security affected either by the diagnosis itself or by their request for treatment. If an employee refuses to accept diagnosis and treatment or fails to respond to treatment and the result of such refusal or failure is such that their job performance continues to be affected, it will be handled in the same way that other cases of poor job performance would be handled if limitation of this policy would not require or result in any special regulations, privileges or exemptions from the standard administrative practices applicable to job performance requirements. The confidential nature of the medical record of employees with chemical dependency or mental illness will be preserved in the same manner as all other medical records are handled.

SECTION 3. ABSENTEEISM AND TARDINESS.

Unexcused absences and unsatisfactory attendance at work is expensive, disruptive, and places an unfair burden on other employees.

Absences from work other than those approved absences addressed in other sections of this manual will not be paid.

An employee must call in early when it is clear they are going to be absent for all, or part of a work day. The employee's supervisor should be the person receiving the call.

SECTION 4. OUTSIDE EMPLOYMENT.

The City of Benson discourages its regular employees from taking additional employment in addition to their City job. If an employee becomes interested in a second job during those hours when they are not scheduled to work for the City, they should inform the City of their plans. Conflicts of interest, illegal jobs or jobs that could discredit the City of Benson are to be avoided.

The employee's job with the City of Benson takes precedence at all times.

If the employee's performance is affected by such outside employment, the employee must decide on continued employment with the City of the other employer.

SECTION 5. MULTIPLE POSITION EMPLOYMENT.

Multiple position employment can create conflicts of interest and/or violations of the Fair Labor Standards Act. Each employee of the City is assigned to a specific department or operation. The compensation for that employee is based on that position. No employee will be allowed to hold more than one employment position unless allowed under these exceptions.

5A - An employee who is not employed in a full-time position may hold additional part-time position(s) and the different positions may be compensated for at different rates.

5B - No City employee, full-time or part-time, may hold a position in addition to their regular position that is deemed to be a head of a department or area of activity and as such is responsible to the City Manager for the operations of said department or area of activity.

5C - Fire Department Employment. Full-time employees of the City may hold the position of fireman as an additional position. In the case of a full-time employee of the City serving as a fireman, their compensated employment shall be limited to regular fireman's pay for performing regular fireman's duties such as fire fighting and training. They shall not be employed performing duties that are not regularly performed by all firemen. In addition, full-time employees of the City may hold compensated officer positions within the department as long as these officer positions are established by the Fire Department By-Laws and the appointment to such position is not subject to City Council approval. (December 17, 1990)

SECTION 6. PROTECTED HEALTH INFORMATION.

Through the course of business the City collects information on its employees that may be deemed "Protected Health Information" (PHI). PHI includes all medical records and other individually identifiable health information held or disclosed by a covered entity in any form, whether communicated electronically, on paper or orally.

The City is obligated to protect employees' health information to ensure that PHI is not misused or improperly disclosed. Access to this information is limited to certain individuals that the City Council will designate. These individuals are to be diligent in the safeguarding and dissemination of PHI. Said data is not to be left unattended or unsecured at any time.

Separate and secure storage will be provided for PHI to prohibit access by non authorized individuals. Inappropriate disclosure of PHI will be subject to the policies of the City regarding Disciplinary Procedures. Any complaints regarding the inappropriate disclosure of PHI shall be addressed to the designated privacy official. (April 12, 2004)

SECTION 7. DRUG-FREE WORKPLACE

The City has chosen to be a Drug-Free Workplace in accordance with the Drug-Free Workplace Act of 1988. The City would like to inform each of its employees that the manufacture, distribution, possession or use of a controlled substance while employed with the City is prohibited. The Benson Heartland Express, as a precondition of receiving federal grant monies, is required to observe the drug-free workplace stipulations. However, the City expects all employees to conform with the Drug-free Workplace Act. Failure to comply will result in disciplinary action as outlined in this personnel policy as well as any Labor Union Contract(s) currently in place. (December 15, 2008)

SECTION 8. RETURN TO WORK POLICY

Purpose - The purpose of this policy is to provide a framework to follow by the City to provide work assignments of a temporary nature to employees returning to the job following an injury, performing duties within the scope of their restrictions with the goal of returning them to their regular jobs as soon as possible.

Philosophy - The City has the philosophy that employees are their most important asset. With this in mind, it is important that the City work with the employee, their physician, the department manager, occupational and physical therapy and other interested individuals in a return to work program that meets the needs of all concerned parties. Timely communications, a willingness to be flexible and a positive attitude toward a return to work is extremely important from all quarters. While the employee must be able to perform the essential functions of the job, with or without reasonable accommodation, there are temporary measures that can be instituted in order to provide a transitional return to those essential functions. The most effective return to work is recognized to be in the same department, but there may be instances where that is not feasible and other work outside of the department must be considered.

Policy - It is the policy of the City to provide temporary work assignments whenever possible to employees who are recovering from injury, within the scope of their abilities as determined by a physician or other measurable means and within the scope of the City's Personnel Policies and union contract provisions on medical leaves of absence. Not all employees may be suitable or eligible for this program with final authority resting with the City Administration in determining eligibility. Determinations will be made on an individual case basis.

Employee Responsibilities

a). The willingness to accept temporary work assignments within the scope of their abilities as determined by a physician or other objective measurable means, such as a functional job analysis and functional analysis of the employee.

b). Monitor duties performed and request assistance when duties go beyond physician ordered restrictions or as determined by other means.

c). If transitional work activities are in a department other than where the employee is regularly scheduled, be responsible to the supervisor of the area the employee is working in regards to matters of scheduling, time off, breaks, and duties performed.

d). Cooperate with transfers from one work area to another and with schedule changes that affect hours and days off, based on where and when transitional work assignments are available.

e). To help provide ongoing and timely medical information to the City.

f). To make a concerted effort to return to their regular job, performing all the essential functions of their regular job, as soon as possible.

City Responsibilities

a). To attempt to locate temporary work assignments within the department or other locations within the scope of employee abilities as determined by physicians or other means.

b). To monitor employee's progress.

c). To return employee to their regular job, as soon as they are able to perform all the essential functions of their said job.

d). To work within the time lines of personnel policies and union contracts' medical leave of absence policies.

e). To determine whether or not an employee is eligible for a return to work assignment on an individual case basis.

f). To determine duration of transitional work assignment.

g). Department managers are to assist in finding transitional work activities for employees that are within their restrictions to avoid the potential of re-injury.

Procedures

a). The City will obtain a doctor's statement of analysis of the employee's functional abilities and/or a functional analysis of the employee's regular job, to determine an employee's eligibility to participate in a transitional return to work program. Ongoing monitoring and analysis of the employee's progress will take place with addition of duties and tasks as deemed appropriate.

b). If it is determined by the City that an employee is eligible, the City will attempt to locate a transitional work activity within the department or within the organization that will fit the employees work restrictions.

c). The City and the employee will cooperate in obtaining medical updates, working transitional jobs and communicating in order to get the employee back to their regular job as soon as possible.

d). The City and the employee will follow personnel policies and/or union contracts in determining medical leaves of absence.

e). In cases where transitional work activities are not an option, personnel policies and union contracts will determine the length of time a position is held for the injured employee.

f). No permanent jobs will be created to accommodate permanent restrictions. The City will, however, provide reasonable accommodations that would allow qualified individuals with disabilities to perform the essential duties of the regular job, provided such accommodations do not create undue hardship for the City. (December 15, 2008)

Chapter VIII. - General

SECTION 1. BAD WEATHER.

Employees are expected to make every effort to get to work on all scheduled work days. Periodically a severe storm affects travel in the area to the point where a significant number of employees are unable to safely make it to work. When that occurs, no employee will lose their salary for that day.

If the weather requires the closing of City Hall prior to the end of the work day to enable employees to get home, they will be paid for the full day.

No employee on approved leave during the period of bad weather will receive credit for their absence due to bad weather.

SECTION 2. EXPENSE REIMBURSEMENT.

All expenses incurred by an employee on behalf of the City must be submitted for expense reimbursement to the City Manager. Such requests must be accompanied by receipts or other supporting documentation of the expense incurred in order to receive consideration for approval.

Reimbursement payments will be made on a monthly basis.

SECTION 3. TRAVEL.

1). The Mayor and Council Members of the City of Benson shall be reimbursed for travel expenses only when such travel is for a public purpose which is in the interest and welfare of the City of Benson and only when authorization for such travel and expense reimbursement has been duly granted by the City Council.

2). Employees and other authorized representatives of the City of Benson shall be reimbursed for travel expenses when such travel is for a public purpose which is in the interest and welfare of the City and when authorization for such travel and expenses reimbursement therefor has been authorized or directed by the City Manager or the City Council.

3). Where such travel for the City has been authorized or directed as hereinable provided, then such travel expense and allowances shall be fully paid for by the City of Benson upon the following terms and conditions:

   a. All expenses incident to official business including but not limited to taxi fares, parking, telephone calls, registration fees, hotel rooms, and other similar items, shall be considered as reimbursable expenses.

   b. The reimbursement voucher must itemize the amounts spent daily. The City Manager may authorize a per diem in the amount of $25.00 per calendar day or any fraction thereof in lieu of itemized expenses for meals during the out-of-town travel periods. Any amount in excess of $10.00 must be itemized separately and receipts shall be obtained for items costing more than $10.00.

c. Authorized out-of-town travel performed by privately-owned automobiles shall be paid by the City at the rate per mile that IRS currently limits expenses to. When travel is performed in an automobile owned by the City, necessary care expenses shall be paid. Whenever automobile travel is involved, signed records of car expenditures (mileage only in the case of a privately owned automobile), shall be submitted and approved before payment.

d. Advances for travel may be authorized by the City Manager. Such advances shall not exceed the amounts reasonably computed as reimbursable for the trip and shall be deducted from the actual reimbursement found to be due such person. In the event the advance exceeds the reimbursement due, the excess shall be promptly paid back to the City by such person or if not so paid, then it shall be deducted from any wages or other sums due such person from the City.

SECTION 4. ELECTED OFFICIAL OUT-OF-STATE TRAVEL POLICY.

Purpose - The City of Benson recognizes that its elected official may at times receive value from traveling out of the state for workshops, conferences, events and other assignments. This policy sets forth the conditions under which out-of-state travel will be reimbursed by the City. The Benson Municipal Utility is a member of Missouri River Energy Services (MRES) headquartered in Sioux Falls, SD. As such, for the purposes of this policy, all meetings held by MRES in Sioux Falls shall not apply.

General Guidelines:

1. The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of the travel. In evaluating the out-of-state travel request, the Council will consider the following:
    a. Whether the elected official will be receiving training on issues relevant to the City or to his or her role as the Mayor or as a council member;
    b. Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
    c. Whether the elected official will be viewing a City facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
    d. Whether the elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
    e. Whether the City has sufficient funding available in the budget to pay the cost of the trip.

2. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

3. The City may make payments in advance for airfare, lodging and registration if specifically approved by the Council. Otherwise all payments will be made as reimbursements to the elected official.

4. The City will reimburse for transportation, lodging, meals, registration, and incidental costs using the same procedures, limitations and guidelines outlined in the City's policy for travel by City employees.

5. The most cost-efficient mode of travel must be used taking into account reasonable time constraints. Airfare will be reimbursed at the coach rate.

6. Mileage will be reimbursed at the IRS rate. If two or more Council members travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct City business.

7. Lodging and meal costs are limited to those which are reasonable and necessary.

8. Receipts are required for lodging, airfare, and meals and should accompany an expense report form. It is not necessary to have receipts for cabs and tips. The expense report form shall be submitted to the City Manager for approval prior to being submitted to the Finance Director for payment.

9. The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family member, rental of luxury vehicles, meal expenses included in the cost of registration, or recreational expenses such as golf or tennis. (May 3, 2010)

SECTION 5. TELEPHONE.

Because of the large volume of business transacted by telephone and the potential for emergency calls, the use of City telephones for personal matters is restricted. Excessive use of telephones for personal matters may be cause for disciplinary actions.

Personal long distance calls are not to be charged to the City without prior approval of the City Manager. If approved, date and destination of the call must be submitted to accounting so the employee can reimburse the City when billed.

SECTION 6. BUSINESS GIFTS.

The acceptance of gifts from a City vendor can very easily place the City, and the employee accepting the gift, in a compromising position which is not in the best interest of the employee of the City. Consequently every City employee is asked to refuse any gift from a vendor which could be interpreted to be an effort by the vendor to affect the employee's attitude toward the vendor and/or their products.

In no event is it acceptable for an individual to accept a gift from a City vendor in excess of a $25.00 value. Where such a gift is offered, and refusal of the gift does not seem appropriate, that gift will be shared publicly by all department or City employees.

SECTION 7. USE OF CITY PROPERTY.

The City of Benson employees, are entrusted with City property to assist them in performing their job. That property should be treated with the care that the employee would give if it were their own. Negligence in the use and care of City property can be cause for termination.

All City property assigned to an employee is to be returned at the time the employee leaves employment with the City of Benson. Failure to return this property will result in the deduction of its' value from the employee's last pay check.

City property and equipment may not be used for personal purposes without the express permission of the City Manager.

SECTION 8. OPERATION OF CITY VEHICLES.

8A. Many City employees are required to drive a City vehicle either periodically or regularly as a part of their job. These employees must sign a permission form authorizing the City to perform an annual check on the employee's driver's license. This is done for the protection of both the City and the employee.

If an employee's driver's license is suspended at any time during the year, they're required to report that suspension at the beginning of the next work day. The employee must not operate any City vehicles during license suspension.

In cases where an employee's driver's license is suspended and their job requires frequent operation of City vehicles, the City will first explore the option of providing other tasks to be performed during the license suspension. If an appropriate number of tasks cannot be identified to justify the employee's salary, the employee will be suspended or terminated due to the inability to perform a major component of their job.

8B. The City of Benson operates a Public Transit program providing transportation for the general public. Drivers of the Public Transit vehicles shall be required to have a Class "B" Driver's License and to furnish proof of such to the City of Benson. Periodically individuals not employed by the City are granted approval to operate the City Transit vehicles for specific purposes and during specific hours. These individuals must also submit a permission slip for a Driver's License check to be performed on an annual basis by the City and have a Class "B" License.

8C. City vehicles are normally garaged on City property. No City vehicle shall leave Benson for more than a twenty-four hour period without the approval of the City Manager. No vehicle shall be garaged overnight at an employee's home without approval of the City Manager.

SECTION 9. PURCHASES.

The City Manager is the chief purchasing officer for the City of Benson and retains full authority for all purchases. The City Charter requires that all purchases in excess of $5,000 receive prior approval from the City Council. If the City Charter regulation changes, these policies will change to accept the new regulations. As a matter of practice, the City Manager delegates his purchase authority to subordinate officers and department heads. This purchasing policy outlines the procedures for making purchases under that delegation.

9A All purchases of $100 or more shall be done by signed purchase orders. All department heads shall have purchase order authority up to and including $500. All Division Directors shall have purchase order authority up to and including $2,000. All purchase orders in excess of $2,000 must be signed by the City Manager or the individual serving in that capacity in the City Manager's absence. The City Manager may retract or reduce the delegation from any individual employee.

9B All purchase orders will be executed in triplicate with one copy to go to the vendor, the second copy to be checked against the receiving invoice and transmitted to the Director of Finance with the request to pay the bills, the third copy to remain in the files of the individual issuing the purchase order.

9C All bills submitted to the City for payment will be reviewed by the City Council. The general procedure will be for the City Council to review bills at its first meeting of the month. Bills involving special circumstances may be considered at other meetings of the City Council. It shall be the responsibility of individuals issuing purchase orders to see to it that a copy of the purchase order and the packing slip or invoice are received by the Director of Finance in time to process for the first Council meeting of the month where ever practical. The individual issuing the purchase order shall also indicate on the invoice the area of the budget that the item should be charged to.

SECTION 10. REFERENCES.

Periodically the City of Benson receives inquiries for references on past employees. Only the City Manager is authorized to provide such references. The City Manager may permit another supervisory employee to provide a reference. Such permission shall be issued in writing.

APPENDIX A
DEFINITIONS

Employee: The term employee shall mean any individual with whom the City of Benson has a standard employer/employee relationship. It would include the need for the employee to be receiving compensation and to be working under the direction of the employer.

Covered Employee: Any employee that is covered by a Collective Bargaining Unit Contract.

Exempt Employee: Any employee who is exempt from all of the Collective Bargaining Unit Contracts in force at the time.

Department Head: A full-time exempt employee that is in charge of a department or a specifically designated function or authority.

Department Supervisor: The term is synonymous with Department Head.

Division Director: A full-time exempt employee that is in charge of one or more departments or a special group of functions or activities.

Part-Time/Full-Time Employee: An employee who is actually a part-time employee but is employed in an ongoing employment relationship and whose schedule for work calls for the employee to work three-quarters time or more on an annual basis. The employee may work more than 40 hours some weeks and may not work at all in other weeks but would be expected to work 1560 hours or more per calendar year.

Seasonal Employee: An employee who works for a period of four continuous months or less.

Regular Part-Time Employee: An employee who is employed in an ongoing employment relationship and is not considered exempt from the union coverage by any State Statute definitions. This employee may work for more than 40 hours in a week but would work less than 1560 hours in a calendar year.

Compensatory Time: Time off that is given to an employee in lieu of paying overtime for work that was performed beyond the regular schedule.

Call Out: Whenever an employee that is on call is called out to perform work for the City at time other than his regular work schedule.

On Call: When an employee is placed on call to be available to the City for call out in emergencies or unusual circumstances.

Overtime: Time worked beyond the regular schedule that would cause the employer to compensate the employee at a premium rate for those hours.