



SHAKOPEE

PERSONNEL HANDBOOK FOR
PART-TIME, TEMPORARY AND SEASONAL
EMPLOYEES OF THE CITY OF SHAKOPEE

*Adopted by the City Council, June 3, 2008 (Resolution No. 6783)
Amended April 7, 2009 (Resolution No. 6889)*

INTRODUCTION

The Mission of the City of Shakopee, as adopted by the City Council, is to “provide the opportunity to live, work and play in a community with a proud past, promising future and small-town atmosphere within a metropolitan setting. The city strives to provide customer-friendly, high-quality public services that are intended to meet the changing needs of our residents and the community at-large.”

Part-time, temporary and seasonal employees are an essential part of the City’s workforce. You are directly involved in many of the recreational and maintenance services that make this a safe, beautiful and fun place to live, work and play.

As City employees, the best interests of Shakopee’s residents, businesses, and visitors must guide our work and be placed at the forefront of everything we do. Working in the public sector is not always easy – it frequently entails increased levels of public scrutiny, limited financial resources, and specific rules and regulations not found elsewhere. However, it also provides the opportunity to make a contribution to the community that is unavailable in many other jobs.

As a City employee, you are expected to conduct yourself, both on and off the job, in a manner that demonstrates pride in your work and respect for the public trust that has been placed in you. The City’s part-time, temporary and seasonal employees often have the most face-to-face contact with residents. Those residents deserve the best service we can provide as well as your respect, courtesy and enthusiasm. Employees are expected to work hard, be honest, assist fellow employees and the public, apply common-sense and respect others.

The operation of a city requires many people, working in a wide range of positions. The knowledge, skills and hard-work of each City employee is essential to our community’s continued prosperity. We value your contribution and hope you will find working for the City to be an enjoyable and rewarding experience.

I. PURPOSE AND GENERAL GUIDELINES

- A. **Purpose.** This Handbook is established to provide a uniform and equitable system of personnel administration for part-time, temporary and seasonal employees of the City of Shakopee. This Handbook does not constitute an employment contract for any city employee, but rather is provided as a guideline and may be amended from time to time as necessary.
- B. **Equal Employment Policy.** The City of Shakopee is an equal opportunity employer. The City will not discriminate against nor harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age, political affiliations, or because of the exercise of rights under Minn. Stat. sections 179A.01 to 179A.25, unless such discrimination is based on a bona fide occupational qualification.
- C. **Application and Conflicts.** This Handbook shall apply to all employees holding positions listed on the City's Part-Time, Temporary and Seasonal Pay Plan. In the event of conflict between this Handbook and any City ordinance, or state or federal law, the terms and conditions of that ordinance or law shall prevail.
- D. **Employee Status.** Part-time, temporary and seasonal employees covered by this handbook are employees at will and may be discharged by the City at any time for any reason or for no reason at all.
- E. **Personnel Files.** The City Administrator or the City Administrator's designee shall maintain employee personnel files. Upon written request, the City shall provide the employee with an opportunity to review the employee's personnel record, as provided by Minn. Stat. Sec. 181.960 et seq. Unauthorized viewing, removal, alteration, or destruction of all or any part of an employee's personnel file is prohibited.

II. APPOINTMENTS

A. **In General.** The City Council grants full-time employees serving in a supervisory capacity the authority to hire part-time, temporary and seasonal employees without Council action, conditioned upon sufficient funding being available in the Department's current year operating budget.

B. **Applications.** All applicants for a position with the City must complete a City application form prior to being considered for hire. Applications shall be submitted and/or immediately routed to Human Resources; not to the hiring department directly.

Any applicant giving false information or making false or misleading statements on the application shall not be considered for the position or will be subject to immediate discharge.

Applications submitted at a time when there are no openings for the desired position, shall be retained by Human Resources for a period of one year and forwarded to the hiring department for consideration if and when an opening arises within that year.

C. **Returning Employees for Seasonal Positions.** At the discretion of the Department Head, the City may offer current and former employees the first opportunity to fill openings for an upcoming season, prior to advertising the position(s) to the general public. The opportunity to apply for re-employment shall be extended equally to all employees concluding the previous season in good standing.

D. **Selection Process.** The selection of candidates to fill part-time, temporary and seasonal positions shall be based solely on the applicant's qualifications to perform the job at hand. Supervisors have the discretion to narrow the field of applicants to a reasonable number to interview, based solely on job-related criteria. In-person interviews are required in all cases, except when an applicant has held a City position reporting to that supervisor in the past two-years.

E. **Pre-employment Background Check.** In accordance with federal, state, and local law, the City shall conduct a pre-employment background check, including, but not limited to, a criminal record check of candidates being considered for employment. This pre-employment background check may include a credit check, depending on the job duties of the position being filled.

F. **Pre-employment Medical Exams.** After a written conditional offer of employment is made to a candidate, the City may require the candidate to take and pass a pre-employment physical exam, including a drug/alcohol test. The

physician will render an opinion regarding the candidate's ability to perform the essential functions of the position, with or without reasonable accommodation.

- G. **Employment of Relatives.** No person shall be appointed, promoted, demoted or transferred to a position where that person would be on a daily basis supervising, or receiving supervision from that person's spouse, any person permanently residing with the employee, a child, parent, sibling, grandparent, or grandchild of either the employee or of the employee's spouse. Employees may be temporarily placed in the position of supervising a relative, with the advance approval of the City Administrator. Such temporary supervision shall be limited to providing work direction, and shall not include the authority to recommend hiring, promoting, terminating, disciplining or adjusting the compensation of a relative.

III. SEPARATION

- A. **Discharge.** Part-time, temporary and seasonal employees covered by this handbook are at-will employees and may be discharged by the City at any time for any reason or for no reason at all.

Discharge of an employee for any reason other than the end of the season must first be approved by the Department Head. Written notice of the discharge shall be provided to the employee in person or by mail.

B. **Resignation.**

1. **Procedure.** Any City employee wishing to leave the City's service in good standing shall provide their supervisor with a written resignation stating the effective date of the resignation and the reason for leaving, at least 14 days prior to the effective date. Failure to comply with this procedure may be cause for denying such employee future employment with the City.
2. **Unauthorized Absence.** An unauthorized absence from work for a period of three (3) consecutive shifts shall be considered a resignation.

IV. COMPENSATION

- A. Introduction.** The City of Shakopee maintains a Part-Time, Temporary and Seasonal Pay Plan, which establishes an appropriate pay range for each job classification. Pay ranges carry minimum and maximum rates of pay. An employee shall not be paid less than the minimum rate nor more than the maximum rate for his or her assigned job description. Increases in pay shall generally be considered based on length of service and to successive established steps in the assigned classification in accordance with the Pay Plan.
- B. Paydays.** Employees shall be paid bi-weekly on Fridays. When a payday falls on a bank-recognized holiday, employees shall receive their pay the preceding workday.
- C. Direct Deposit.** As permitted by Minn. Stat. § 471.426, direct deposit of payroll is required for all employees.
- D. Pay Periods.** The pay period for all employees shall be a fourteen (14) day period beginning on Monday at 12:01 a.m. and continuing to the second following Sunday at 12:00 a.m. (midnight). All hours worked shall be credited to the day and pay period when the shift began.
- E. Overtime.** Employees shall be paid at the rate of one and one half times their base wage for any hours worked in excess of 40 hours in a single week.
- F. Employees Holding Two or More City Jobs.** Employees holding two or more jobs with the City who exceed 40 hours per work week shall be paid at a rate of one and one-half times the regular rate of pay for the job performed during the overtime hours.
- G. Payroll Policy.** Additional information regarding payroll policies, including employee obligations regarding the submission of timesheets and other data is documented in the *Payroll Policy for the City of Shakopee*, which will be provided to employees upon request.

V. RETIREMENT BENEFITS

Under state law, eligible City employees must participate in the Public Employees Retirement Association (PERA). Retirement benefits accrue from both employee and employer contributions. Statutorily-defined contributions to the retirement system are mandatory and are deducted from eligible employees' pay each payroll period.

The following employees are *not eligible* for PERA:

- Full-time students enrolled at an accredited college or university who are under the age of 23
- Those earning less than \$425 per month.
- Individuals filling temporary or seasonal positions, as defined by state statute.

Additional eligibility criteria may apply based on individual circumstances. Employees with questions about PERA are encouraged to contact the City's HR Technician.

VI. HOLIDAYS

B. Pay for Holidays Worked.

Part-time, temporary and seasonal employees who are required to work on a holiday listed in section C shall be paid at the rate of one and one-half times their regular rate of pay for the hours worked. In the case of City departments or functions that operate seven days per week, holiday pay shall be paid for time worked on the actual holiday, rather than the observed holiday as defined below.

C. Designated Holidays.

The following days are designated holidays:

<u>Holiday Celebrated</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	the Friday after the 4 th Thurs. in Nov.
Christmas Eve	½ day (4 hrs.) Dec. 24 th
Christmas Day	December 25 th

VII. LEAVES

Part-time, temporary and seasonal employees are not eligible for paid vacation or sick leave. Unpaid time off for reasons such as vacations, family matters or to attend a medical appointment must be arranged in advance with the employee's supervisor.

Under specific circumstances, part-time, temporary and seasonal employee may qualify for certain types of leave provided by state or federal law, including:

A. Family & Medical Leave (FMLA).

Provides up to twelve (12) weeks of unpaid, job-protected leave for the birth or adoption of a child or for the serious medical condition of an employee or an employee's spouse, child, or parent; and up to twenty-six (26) weeks of unpaid, job-protected leave for specified circumstances related to the military service of an employee's family member. Eligible employees are those who have been employed by the City of Shakopee for at least one year and have worked a minimum of 1250 hours within the previous twelve (12) month period.

B. Bone Marrow Donor Leave. (Minn. Stat. Sec. 181.945)

C. Parenting Leave. (Minn. Stat. Sec. 181.940 – 181.944)

D. School Conference and Activities Leave. (Minn. Stat. Sec. 181.9412)

E. Voting Leave.

F. Jury or Witness Duty Leave.

G. Military Leave. (Minnesota Statutes Section 192.26; U.S.C. Title 38, Sec. 2021)

Employees who believe they may qualify for any of the leave types listed above should contact the City's HR Technician for additional information, including eligibility criteria and leave specifics.

VIII. EMPLOYEE CONDUCT

- A. Teamwork.** Each employee is part of a team, working together to provide excellent service to the residents of Shakopee. Each employee is expected to strive to do his or her best to assist in this team effort, by doing the employee's job economically and efficiently, with consideration toward the public. Employees are expected to work well with others. Employees also are expected to assist others, in their own and other departments, when requested and their work load permits, so that the work of the City gets done.
- B. Courtesy.** City employees are expected to be friendly and courteous to each other and to the public. They are expected to give and take, look at the other person's point of view, and apply common sense, honesty, and open-mindedness to whatever problems arise in day-to-day work.
- C. Work Hours and Rest Periods.**
- 1. Work Hours.** Employee work hours shall be scheduled by their supervisor. Whenever possible, work schedules shall be communicated to employees at least one week ahead of time. Employees are expected to be on site and ready to begin work at the stated start time for a shift and to continue actively working until the stated end of the shift.
 - 2. Rest Periods.** Each employee may take a 15 minute paid rest period for each four hours worked. Supervisors may schedule employee rest periods so as not to interfere with work requirements.
- D. Dress.** The dress and appearance of City employees is a direct reflection on the professionalism of our services. Employees are expected to use good judgment and dress in a manner that will allow them to safely and fully perform the duties of their position.

Some part-time, temporary and seasonal employee may be provided uniforms or clothing that displays City identification or logos. Employees are expected to wear these items as directed by their supervisor and are not to wear such items during off-duty hours.

- E. Acceptance of Gifts.** Pursuant to Minnesota Statutes section 471.895, no employee shall request, solicit, or accept a gift from any person or representative of a person or association that has a direct financial interest in a decision that the employee or the City is authorized to make, except as permitted under Minn. Stat. Sec. 471.895, Subd. 3.

Employees should courteously decline all offers of gifts and gratuities. Exceptions to the prohibition against gifts are rare. If an employee has any doubt

about the propriety of a gift, the employee shall report the gift to his or her supervisor immediately.

F. Use of City Property.

1. **City Property.** No employee shall negligently lose, damage, or waste City property. No employee shall use City property, including City vehicles, for anything other than City work without the prior explicit permission of the employee's department head.
2. **City Name.** No employee may use the employee's job title or the City name to further personal or political goals. Job titles and reference to the City may be used only for official City business.

G. Personal Activities.

1. **Outside Employment.** Employees must devote all work time to City business. No work relating to outside employment may be performed during work time. Employees must notify their supervisor of any outside employment. If the outside employment constitutes an irreconcilable conflict, as determined by the City Administrator, the employee must resign from either their City position or the outside employment.
2. **Soliciting.** All employee-to-employee solicitation on city property for products, services or causes is limited to two weeks in length and must be conducted: a) on break or meal time; b) in the lunchroom or break area of the worksite; c) in writing with the use of sign up sheets or self-serve displays (no verbal presentations); and d) only for non-profit organizations or causes.
3. **Political Activities.** As provided in Minn. Stat. Sec. 211B.09, an employee or official of the City may not use official authority or influence to compel a person (1) to apply for membership in or become a member of a political organization, (2) to pay or promise to pay a political contribution, or (3) to take part in political activity.

H. Conflicts of Interest. City employees must be exceedingly careful to avoid a conflict of interest or even the appearance of a conflict of interest. Therefore, a City employee, acting in the employee's official capacity, may not transact official City business with a family member, or with a business or person with whom that employee has a financial interest or involvement.

Employees shall not enter into a relationship with a vendor where the employee's actions are, or may reasonably be viewed as, not in the best interests of the city. An employee who becomes involved in a possible conflict situation must report the possible conflict to the employee's supervisor and department head.

I. Lawsuits Against the City. All questions pertaining to lawsuits shall be referred to the City Administrator. All City employees must promptly notify their supervisor in the case of incidents, which reasonably may be expected to result in a lawsuit. The supervisor must promptly report the incident, in writing, to the City Administrator.

IX. SAFE AND HEALTHY WORKPLACE

A. Safety

- 1. In General.** Employees must take proper precautions to prevent accidents and work safely. Employees shall follow safe practices and all safety regulations concerning their job. Injuries should be reported immediately to the employee's supervisor. Any employee who notices an unsafe condition must immediately report it to the employee's supervisor.
- 2. Hazardous Substances.** Any employee routinely exposed to hazardous substances or harmful physical agents as defined in Minnesota Statutes Chapter 182 shall be trained before being assigned or reassigned to work exposing the employee to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where information about hazards is stored in the workplace, how the hazards are labeled, and where to obtain specific information. The City Administrator shall provide for such training and for compliance with the "Minnesota Employee Right to Know Act of 1983," including the establishment of specific policies to insure compliance with the state law and regulations. An employee acting in good faith has the right to refuse to work under conditions that the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

B. Use of Tobacco Products. The use of tobacco products is not permitted in any City building or vehicle or on City grounds.

C. Drug-Free Workplace Policy

- 1. In General.** The City intends to provide a drug-free, safe, and secure work environment. No employee may be under the influence of, use, manufacture, possess, sell, or transfer drugs or alcohol while the employee is working or on City property or operating a City vehicle, machinery, or equipment, except to the extent authorized by a valid medical prescription, or when engaged in authorized Police Department activities. This Policy shall be interpreted consistently with Minn. Stat. Sec. 181.950 et seq. and applicable federal law.
- 2. Reporting.** Employees must report, to their department head, any conviction under a criminal drug statute for violations occurring on or off work premises during the employee's workday or while conducting City business. A report of the conviction must be made within five days after the conviction as required by the Federal Drug-free Workplace Act of 1988.

C. Drug Testing

1. **Types of Testing.** Employees are subject to drug and alcohol testing in the following circumstances:
 - a. **Job Applicant Testing.** The City may require that all applicants who have received conditional offers of employment undergo drug and alcohol testing. If the offer of conditional employment is subsequently withdrawn, the City will notify the applicant of the reason for the withdrawal.
 - b. **Routine Physical Examination Testing.** Any employee may be required to undergo drug and alcohol testing as part of a routine physical examination. The drug or alcohol test will be requested no more than once annually and the employee will be given at least two weeks' written notice that the test shall be required as part of the examination.
 - c. **Random Testing.** An employee in a position in which impairment caused by drug or alcohol usage would threaten the health or safety of any person may be required to undergo random drug and alcohol testing. In addition, employees who are required to have a commercial driver's license are subject to random testing as required by federal law and the City's policy.
 - d. **Reasonable Suspicion Testing.** Any employee may be required to undergo drug and alcohol testing if there is a reasonable suspicion that the employee: (a) is under the influence of drugs or alcohol; or (b) has engaged in the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on City property or operating a City vehicle, machinery, or equipment; or (c) has sustained a personal injury arising out of and in the course of employment, or caused another person to sustain a personal injury; or (d) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.
 - e. **Treatment Program Testing.** Any employee may be required to undergo drug and alcohol testing if the employee has been referred by the City for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under the City insurance, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.
2. **Testing Procedure.** Any department head or the City Administrator may order the drug and alcohol testing. Before undergoing drug or alcohol testing, the employee shall complete a form (1) acknowledging that the employee has

been given a copy of the City's drug and alcohol policy, and (2) indicating consent to undergo the drug and alcohol testing.

3. **Testing Laboratory.** A laboratory meeting all requirements of state law, including those set forth in Minn. Stat. Sec. 181.953, shall handle all drug and alcohol testing.
4. **Test Results.** Within three days of obtaining the final test results, the testing laboratory shall provide the City with a written report indicating the drug(s), alcohol, or their metabolites tested for, the types of test conducted, and whether the test produced negative or positive test results.

Within three working days after receipt of the test result report, the City shall inform the employee in writing of a negative test result on an initial screening test, or of a negative or positive test result on a confirmatory test.

5. **Rights of Employees and Job Applicants.** Employees and applicants have a right to request and receive a copy of the test result report. If an employee or applicant tests positive for drug use, the City will give written notice of the right to explain the positive test.

Within three working days after notice of a positive test result on a confirmatory test, the employee or applicant may submit information to the City to explain that result or may, within five working days after notice of the positive test result, request a confirmatory retest at the employee's or the applicant's own expense. If the confirmatory retest does not confirm the original positive test result, the City will not take any adverse personnel action against the employee or applicant based on the original confirmatory test and will reimburse the employee for the expense of the retest.

6. **Consequences for Refusal to Test.** Employees and job applicants have the right to refuse to undergo drug and alcohol testing. However, failure to comply with the City's drug and alcohol policy, and refusal to take a drug and alcohol test upon request shall subject an employee to discipline, including discharge. If an applicant refuses to test, the job offer will immediately be withdrawn.
7. **Discipline.** An employee who has a positive test result on a confirmatory test, when this is the first such result for the employee, will be subject to discipline but shall not be discharged unless (1) the employee has been given an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency, and (2) the employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program as evidenced by

withdrawal from the program before its completion or a positive test result on a confirmatory test after completion of the program.

Participation in the specified program will be at the employee's own expense or pursuant to coverage under the City's insurance. All other employees obtaining a positive test result will be subject to discipline including discharge.

- 8. Classification of Data.** Test result reports are private data on individuals as defined by Minnesota Statutes Chapter 13.

D. Workplace Violence Policy.

Violence, or the threat of violence, has no place in any of the City of Shakopee's work locations. It is the goal of the City to rid worksites of violent behavior or the threat of such behavior. It is the shared obligation of all employees, law enforcement agencies, and employee organizations to individually and jointly act to prevent or defuse actual or implied violent behavior at work.

Violence, or the threat of violence, by or against any employee of the City of Shakopee or other person is unacceptable and contrary to City policy, and will subject the perpetrator to serious disciplinary action and possible criminal charges. The City will work with law enforcement to aid in the prosecution of anyone outside of the organization who commits violent acts against an on-duty employee.

- 1. Prohibited Conduct.** The City will make every reasonable effort to keep its employees as safe as possible and will not tolerate acts of violence. Acts of violence include, but are not limited to, the following:
 - a. Causing physical injury to another person;
 - b. Making threatening remarks, swearing and gestures;
 - c. Aggressive, hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
 - d. Intentionally damaging or threatening to damage employer property or the property of another employee; or member of the public;
 - e. Possession of a weapon while on City property or while on City business;
 - f. Sexual harassment, domestic violence or other offensive behavior;
 - g. Deliberate or careless conduct endangering the safety of other employees.
- 2. On-the-Job.** There are situations where relationships between employees, or between an employee and their supervisor, result in strong negative feelings by the individuals involved. Any person involved in situations where they fear that physical retaliation may take place, or where someone made verbal threats of physical violence, should immediately discuss it with their supervisor, department head or the City Administrator. Employees involved

in fighting or making verbal threats will be disciplined, up to and including dismissal.

- 3. Dealing with the Public.** Similar situations could occur in employee contacts with the public. While the City has a strong commitment to customer service, the City does not intend for employees to be subjected to verbal abuse by any customer. A supervisor, or police officer, should be requested to intervene when a customer is abusive. If there is a concern over the possibility of physical violence, the employee should discuss it with their supervisor.
- 4. Off-the-Job.** An employee may be involved in a personal, non-criminal dispute with family members or acquaintances. If the situation escalates, individuals sometimes secure an “Order of Protection” or an “Injunction Against Harassment” or similar orders from the court. If an employee requests a court order, he or she should include the work location in the order. The employee should inform his or her supervisor of the order and provide a description of the individual cited in the order.

Even in the case where an employee has not secured a court order but fears for his or her safety, the employee should call 911 and inform his or her supervisor as soon as practical.

- 5. City Response.** When any of the above situations is brought to the attention of a department head or the City Administrator, an evaluation of the severity of the situation must be made immediately. If it is concluded violence could result, management shall:
 - a. Discuss the situation with employees who are likely to come in contact with the person. Management will provide a description of the subject and instructions on actions to be taken if the person comes to the worksite.
 - b. In all cases, if there is an immediate need for Police Department intervention, call 911.
- 6. Possession and Use of Dangerous Weapons by Employees.** In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of dangerous weapons, except where such possession or use is specifically required as part of the employee’s job duties, is strictly prohibited on City property, in City vehicles, or in any personal vehicle being used for City business.
- 7. Dangerous Weapons Defined.** A dangerous weapon is any instrument capable of producing bodily harm, and that manifests an intent to harm or intimidate another person or that warrants alarm for the safety of another person.

8. **Exceptions to Dangerous Weapons Prohibitions.** Employees of the City of Shakopee may possess a firearm on City property only if they are engaged in military or law enforcement activities

Additionally, City staff utilizes certain equipment that would be considered dangerous weapons if used improperly. The City needs this equipment for the efficient operation of various departments. However, every reasonable effort will be made to train employees on the proper use of equipment. Furthermore, any employee using City equipment for anything other than its intended use will be subject to disciplinary action.

F. Sexual Harassment Policy.

1. **Policy.** The City is committed to providing a work environment that is free of discrimination and unlawful harassment. All employees are to enjoy a safe work environment free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of supervisors, co-workers, or visitors. Sexual harassment in any form against any employee or member of the public will not be tolerated.
2. **Definition.** Sexual harassment is unlawful under federal statute Title VII of the Civil Rights Act of 1964 as well as under Minnesota Statutes Chapter 363A. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:
 - a. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's employment; or
 - b. Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
 - c. The conduct or communication has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
3. **Supervisory and Administrative Responsibility.** No supervisor shall engage in sexual harassment. If any discriminatory or unreasonable conduct is observed by a supervisor, the supervisor must ask the offending person or people to stop immediately and advise that discipline will follow if the behavior continues. Supervisors, who become aware of violations of the sexual harassment policy and fail to take appropriate action, will be subject to disciplinary action. All incidents or recurrences should be reported as described below.

- 4. Employee Responsibility.** Employees shall conduct themselves in accordance with this policy and shall assist supervisors and department heads in maintaining a work environment free from sexual harassment. Any offensive conduct should be substantiated to the extent possible. Employees are encouraged to inform the offending person(s) that the employee finds the conduct offensive and request that it stop. The employee shall also immediately report any offensive conduct or incident of harassment to the department head or the City Administrator, as described below.
- 5. Complaints.** In order for the City to address offensive or harassing conduct, such conduct must be promptly brought to the City's attention. Complaints of sexual harassment shall be dealt with fairly and evenhandedly. The dignity of all the parties involved shall be considered. Any employee, who believes that he or she has been harassed, or has witnessed sexual harassment, should promptly report the facts of the incident or incidents and the names of the individuals involved to the employee's department head, or to the City Administrator. Department heads shall immediately report any and all such complaints to the City Administrator and, if appropriate, may assist in investigating the complaint. If a department head is the alleged perpetrator, complaints should be made directly to the City Administrator. If the City Administrator is the alleged perpetrator, complaints should be made to the Assistant City Administrator.
- 6. Investigation and Resolution.** If deemed appropriate by the City Administrator, the City may conduct an investigation of the complaint. The investigation may include interviews with all relevant individuals and will be conducted in such a manner as to attempt to preserve the confidentiality and rights of all parties. The City will not retaliate against any employee who makes a report of sexual harassment, nor will it tolerate retaliation by any employee against the reporting employee. Employees who engage in retaliatory conduct may be subject to disciplinary action. Any employee who makes a false report of sexual harassment or gives false information during an investigation may also be subject to disciplinary action. Upon review of the results of the investigation, if there is one, the City Administrator may recommend:

 - a. Counseling and/or training with affected employees to ensure understanding of what is prohibited, as well as the seriousness of the issue and the City's commitment to deal with violations of this policy;
 - b. Discipline, including discharge.