

TOWNSHIP OF BREITUNG



PO Box 56 | Soudan | MN | 55782

Earned Sick and Safe Leave Policy

Addition to Employee Handbook 01-01-2024

Section 1. Earned Sick ~~Leave~~ and Safe Leave Law

The Minnesota Legislature passed and Earned Sick and Safe Leave law (“ESSL”) ~~statute, which becomes~~ effective on January 1, 2024. The statute ~~ESSL~~ requires all employers with one or more employees to provide paid leave benefits (“Earned Sick and Safe Leave”), as described herein, to all eligible employees. You are considered and eligible employee for Earned Sick and Safe Leave under ESSL with of the Township of Breitung (“Township”) if you are a temporary employee, seasonal employee, part-time employee, or full-time employee if you and/or you are an employee performing work for at least eighty (80) hours in a calendar year for the Township. Independent contractors are not eligible.

Section 2. Earned Sick and Safe Leave

For the Township’s bargaining unit employees, their contractual benefit exceeds the requirements set forth in the statute. Those employees can use their existing benefit for ESSL as summarized below.

For the Township’s other eligible employees, ESSL ~~Earned Sick and Safe Leave~~ is paid time off earned at the rate of one (1) hour for every thirty (30) hours worked by an employee, up to a maximum of forty-eight (48) hours of Earned Sick and Safe Leave per calendar year. The hourly rate of Earned Sick and Safe Leave is the same hourly rate an employee earns from employment with the Township. ~~For those employees, ESSL will begin to accrue on January 1, 2024 or their date of hire, whichever is later. If an employee holds different positions or works different shifts with different rates of pay, ESSL will be paid based upon the rate that the employee would have been paid for the shift or hours that were missed. An employee may carry over accrued but unused ESSL into the following calendar year. The total amount of accrued but unused ESSL must not exceed 80 hours at any time.~~

Section 3. Earned Sick and Safe Leave Use

~~ESSL~~ Earned Sick and Safe Leave may be used as it is accrued in the smallest increment of time tracked by the Township’s payroll system, of which is 1 (one) hour fifteen (15) minutes, for the following circumstances:

3.1. ~~An employee’s own:~~ Eligible employees can use ESSL for the following reasons:

- ~~3.1.1. Mental or physical illness, injury or other health condition~~
- ~~3.1.2. Need for medical diagnosis, care or treatment, of a mental or physical illness~~
- ~~3.1.3. Injury or health condition~~
- ~~3.1.4. Need for preventative care~~

~~3.1.5. Closure of the employee's place of business due to weather or other public emergency~~

~~3.1.6. The employee's inability to work or telework because the employee is prohibited from working by the Township due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the Township has requested a test or diagnosis.~~

~~3.1.7. Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:~~

~~3.1.7.1. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.~~

~~3.1.7.2. Obtain services from a victim services organization.~~

~~3.1.7.3. Obtain psychological or other counseling.~~

~~3.1.7.4. Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking.~~

~~3.1.7.5. Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.~~

~~3.1.8. Care of a family member:~~

~~3.1.8.1. With mental or physical illness, injury or other health condition;~~

~~3.1.8.2. Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition;~~

~~3.1.8.3. Who needs preventative medical or health care;~~

~~3.1.8.4. Whose school or place of care has been closed due to weather or other public emergency;~~

~~3.1.8.5. When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease.~~

~~3.1.8.6. Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:~~

~~3.1.8.6.1. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.~~

~~3.1.8.6.2. Obtain services from a victim services organization.~~

~~3.1.8.6.3. Obtain psychological or other counseling.~~

~~3.1.8.6.4. Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking.~~

~~3.1.8.6.5. Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.~~

- The employee's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- A family member's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member;
- Closure of the employee's workplace due to weather or public emergency or an employee's need to care for a family member due to closure of the family member's school or place of care due to weather or public emergency;
- The employee's inability to work or telework because the employee is:
 - o Prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
 - o Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and
- When determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

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3.2. For ESSLEarned Sick and Safe Leave purposes, "family member" includes an employee's:

- 3.2.1. Spouse or registered domestic partner.
- 3.2.2. Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis.
- 3.2.3. Sibling, step sibling or foster sibling.
- 3.2.4. Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child.
- 3.2.5. Grandchild, foster grandchild or step grandchild.
- 3.2.6. Grandparent or step grandparent.
- 3.2.7. A child of a sibling of the employee.
- 3.2.8. A sibling of the parent of the employee.
- 3.2.9. A child-in-law or sibling-in-law.
- 3.2.10. Any of the above family member of a spouse or registered domestic partner.
- 3.2.11. Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.
- 3.2.12. Up to one individual annually designated by the employee.

Section 4. Advance Notice for use of Earned Sick and Safe Leave

If the need for ~~ESSL Earned Sick and Safe Leave~~ is foreseeable (for example, for a scheduled medical appointment), the Township requires (3) three days' advance notice. ~~However, if~~ the need is unforeseeable, employees must provide notice of the need for ~~ESSL Earned Sick and Safe Leave~~ as soon as practicable (usually before the start of their shift). Employees should provide notice by calling the office and leaving a message.

When an employee uses ~~ESSL Earned Sick and Safe Leave~~ for more than (3) three consecutive days, the Township may require appropriate supporting documentation (such as medical documentation supporting medical leave, or court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable ~~documentation~~ documentation may include a written statement from the employee indicating that the employee is using, or used ~~ESSL Earned Sick and Safe Leave~~ for a qualifying purpose.

The ~~Township~~ City will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

~~In accordance with the state law,~~ The Township also will not require an employee using ~~ESSL Earned Sick and Safe Leave~~ to find a replacement worker to cover the hours the employee will be absent.

Section 5. Carry Over of Earned Sick and Safe Leave

Employees ~~may be eligible for~~ carry over accrued but unused ~~ESSL Earned Sick and Safe Leave~~ into the following calendar year, but the total ~~ESSL of Earned Sick and Safe Leave carry-over~~ hours shall not exceed eighty (80) hours at any time.

Section 6. Cash Out of Earned Sick and Safe Leave

Upon separation from employment, whether voluntary or involuntary, any accrued unused ESSL will be forfeited, and not cashed out.

Section 7. Retaliation Prohibited

The Township ~~will~~ shall not discharge, discipline, penalize, interfere with, restrain, coerce, or otherwise retaliate or discriminate against an employee because they have exercised or attempted to exercise ESSL for asserting Earned Sick and Safe Leave rights, including but not limited to, requesting ESSL, using ESSL, an Earned Sick and Safe Leave absence, or pursuing remedies under the statute. Employees have the right to file a complaint with the Minnesota Department of Labor and Industry or bring a civil action if the Township has improperly denied ESSL or if they have been retaliated against for requesting or using ESSL.

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Further, use of ~~ESSL Earned Sick and Safe Leave~~ will not be factored into any attendance point system the Township may use.

Additionally, it is unlawful for the Township to report or threaten to report the actual or suspected citizenship or immigration status of a person or their family member's ~~immigration status~~ for exercising or attempting to exercise any right protected under the ESSL Earned Sick and Safe Leave statute.

Section 8. Benefits and Return to Work Protections

During an employee's use of ~~ESSL Earned Sick and Safe Leave~~, they an employee will continue to receive the Township's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using ~~ESSL accrued Earned Sick and Safe Leave~~ is entitled to return to their employment with the Township at the same rate of pay received when their leave began, plus any

automatic pay adjustments that may have occurred during the employee's time off. Seniority during ~~ESSL~~~~Earned Sick and Safe Leave~~ absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the Township and the employee is rehired ~~again~~ within one hundred eighty (180) days of separation, ~~any~~ previously accrued ~~ESSL~~~~Earned Sick and Safe Leave~~ that had not been used will be reinstated. ~~Such As~~ an employee is entitled to use accrued ESSL and accrue additional ESSL ~~Earned Sick and Safe Leave~~ at the commencement of reemployment.

Adopted by the Town Board of Breitung Township on December 21st, 2023. Chairman Tim Tomsich, Supervisor Charles Tekautz, and Supervisor Matthew Tuchel

Ayes:

Nays:

By: _____

Chairman Timothy Tomsich

By: _____

Supervisor Charles Tekautz

By: _____

Supervisor Matthew Tuchel

By: _____

Clerk, Dianna Sundahl

Breitung Township Employee Handbook

January ~~8, 2019~~2024

**Breitung Township
Employee Handbook
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HANDBOOK LIMITATIONS

This Employee Handbook ("Handbook") serves as a source of information for employees regarding the policies and procedures of Breitung Township. Please take the time to read this Handbook carefully. This Handbook is not exhaustive. This Handbook provides general policy and procedural guidelines. These policies and procedures are not conditions of employment, and do not constitute an employment contract. These policies and procedures are subject to additions, deletions, or changes by Breitung Township from time to time, without notice or update. Breitung Township reserves the right to vary from these policies and procedures if, in its opinion, the circumstances so require.

THIS HANDBOOK IS A GENERAL STATEMENT OF POLICY, TO BE MODIFIED AND APPLIED BY BREITUNG TOWNSHIP AT ITS DISCRETION. THIS HANDBOOK IS NOT A CONTRACT, EXPRESS OR IMPLIED, GUARANTEEING EMPLOYMENT FOR ANY SPECIFIC DURATION. ALTHOUGH WE HOPE THAT YOUR EMPLOYMENT RELATIONSHIP WITH US WILL BE LONG-TERM, YOUR EMPLOYMENT IS "AT WILL", WHICH MEANS THAT EITHER YOU OR BREITUNG TOWNSHIP MAY TERMINATE THE RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE.

This Handbook supersedes and revokes all prior policies, procedures, handbooks, and memoranda.

The provisions and requirements of local, state, and federal law supersede all provisions of this Handbook. In the event that there is a conflict between this Handbook and any law, the law governs. Breitung Township intends to comply with all applicable laws.

This Handbook covers all non-bargaining unit employees. For bargaining unit employees, this Handbook also governs to the extent that it is not inconsistent with the applicable collective bargaining agreement. If there is a conflict between this Handbook and a collective bargaining agreement, the agreement governs for all bargaining unit employees.

Nothing in this Handbook is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act ("NLRA"). Such activity includes, but is not limited to, employee communications with each other and with third parties regarding wages, hours, or other terms or conditions of employment. Employees have the right to engage in or refrain from such activities.

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EMPLOYMENT PRACTICES

ACCOMMODATIONS

Breitung Township will provide reasonable accommodation of any employee's disability or religious beliefs, observances, or practices, so long as such accommodation would not impose an undue hardship. Breitung Township will also provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth. Breitung Township will engage in an interactive process with any employee who requests an accommodation.

Breitung Township will provide the following accommodations to any pregnant employee at ~~her~~their request: (1) more frequent or longer restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. With respect to other accommodations, which may include, but are not limited to, such as temporary transfer to another position or additional lifting restrictions a less strenuous or hazardous position, temporary leave of absence, modification in work schedule or job assignments, seating, more frequent or longer breaks, and limits to heavy lifting, Breitung Township may request certification from the pregnant employee's licensed health care provider or certified doula and may refuse to provide an accommodation that would impose an undue hardship on the operation of its business.

Breitung Township will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for asserting their rights or remedies under Minnesota's Pregnancy Accommodations law or any other local, state, or federal law.

Breitung Township will not require any employee to take a leave of absence or to accept an accommodation. Any employee who requires any type of accommodation should contact ~~his or her~~their supervisor.

CONFIDENTIAL INFORMATION

Some of the information that employees have access to is considered sensitive or confidential in nature. All employees should use discretion and care in handling and disclosing confidential information. Confidential information includes but is not limited to: sensitive employee information, such as social security numbers and direct deposit/banking information; contracts; pending projects and proposals; and any other information which Breitung Township holds confidential. Any information marked "confidential" by Breitung Township will also be deemed to be covered under this policy.

All employees must secure the written approval of a supervisor before communicating with the media (either verbally or in writing) *on behalf of Breitung Township*. Any written media statement *on behalf of Breitung Township* must be reviewed and approved by a supervisor.

This policy does not limit employees' rights to communicate with each other or with third parties about their wages, benefits, or other terms and conditions of employment.

EMPLOYMENT CLASSIFICATIONS

All Breitung Township employees are “at will” employees. Each employee will have a further classification within one of the following employment classifications:

- Regular Full-Time: Employees who are regularly scheduled to work 40 hours or more per week.
- Regular Part-Time: Employees who are regularly scheduled to work less than 40 hours per week.
- Temporary: Employees employed for a specific length of time or for a temporary position replacement.

Unless expressly indicated, all of the provisions in this Handbook apply to all employees, regardless of employment classification. If an employee has questions regarding ~~his or her~~their employment classification, ~~he or she~~they should discuss them with ~~his or her~~their supervisor.

EMPLOYMENT VERIFICATION

All employees hired after November 6, 1986 must verify their identity and eligibility to work in the United States. Section 1 (the employee portion) of the I-9 Form must be completed no later than the first day of employment. Section 2 (the employer portion) of the I-9 Form must be completed within three business days of the first day of employment. Section 3 of the I-9 Form must be completed (if applicable) when updating and/or re-verifying the employment authorization of an employee whose previous valid authorization has expired.

If an employee has questions regarding the employment verification process and/or ~~his or her~~their employment eligibility, ~~he or she~~they should discuss them with the Clerk.

EQUAL EMPLOYMENT OPPORTUNITY

Breitung Township is committed to providing equal opportunity in employment for all qualified applicants and employees without regard to race (~~including traits associated with~~race, such as hair texture and hair styles), color, creed, religion, national origin, sex (~~including gender identity and~~ pregnancy), ~~gender identity, gender expression,~~ marital status, familial status, veteran status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under local, state, or federal law. Breitung Township is committed to hiring and supporting a diverse work force. Breitung Township is also committed to prohibiting discrimination in employment on the basis of race (~~including traits associated with race, such as hair texture and hair styles~~), color, creed, religion, national origin, sex (including ~~gender identity and~~ pregnancy), ~~gender identity, gender expression,~~ marital status, familial status, veteran status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under local, state, or federal law.

This policy extends to all qualified applicants and employees in all aspects of the employment relationship including, but not limited to, recruiting, hiring, training, promotion, transfer, compensation, and termination.

Any employee who violates this policy or retaliates against an employee for reporting or complaining of a violation of this policy or participating in an investigation regarding an alleged violation of this policy shall be subject to disciplinary action, up to and including termination of employment.

OPEN DOOR POLICY

Breitung Township encourages open and honest communication between employees and management. Employees are encouraged to discuss any work-related issue with their supervisor. If any employee is not comfortable approaching his or her supervisor, or feels that his or her supervisor did not adequately address the issue, he or she is they are encouraged to discuss the issue with the Clerk or any Supervisor.

If an employee has an issue which is more specifically addressed by the Respectful Workplace Policy, he or she they should follow the reporting procedure described in that policy.

PAYROLL CLASSIFICATIONS

Breitung Township has the following payroll classifications:

Exempt: Employees who are employed in an executive, administrative, professional, or other exempt capacity. Exempt employees are not entitled to overtime compensation under the Fair Labor Standards Act ("FLSA").

Non-exempt: Employees who are employed in a non-exempt capacity. Non-exempt employees are entitled to overtime compensation under the FLSA.

Unless expressly indicated, all of the provisions in this Handbook apply to all employees, regardless of payroll classification. If an employee has questions regarding his or her their payroll classification, he or she they should discuss them with the Clerk.

PERSONNEL RECORDS

Personnel records are maintained in a location designated by the Clerk. Personnel data is retained in personnel files, finance files, and medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated in accordance with the Minnesota Government Data Practices Act.

RETALIATION

Breitung Township will not retaliate against any applicant or employee for engaging in

protected activities. "Retaliation" means taking a materially adverse action against an applicant or employee because ~~he or she~~they ~~has~~have asserted a right protected by equal employment opportunity and/or labor laws. Retaliation includes both participation and opposition.

"Participation" means filing a charge, testifying, assisting, or participating in any way in an investigation, proceeding, or hearing. "Opposition" includes, but is not limited to, complaining or threatening to complain about alleged discrimination against oneself or others; resisting sexual advances or intervening to protect others; requesting reasonable accommodation for disability or religion; or complaining to management about discriminatory compensation disparities.

Retaliation will not be tolerated. Any employee who engages in retaliation will be subject to disciplinary action, up to and including termination of employment.

WHISTLEBLOWER

Breitung Township will not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding ~~his or her~~their compensation, terms, conditions, location, or privileges of employment because:

(1) the employee, or a person acting on behalf of the employee, in good faith, reports a violation, suspected violation, or planned violation of any federal or state law or common law or rule adopted pursuant to law to Breitung Township or to any governmental body or law enforcement official;

(2) the employee is requested by a public body or office to participate in an investigation, hearing, inquiry; or

(3) the employee refuses an order to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs Breitung Township that the order is being refused for that reason.

If any employee believes that some policy, practice, or activity of Breitung Township is in violation of law, ~~he or she~~they must file a written complaint with the Clerk and/or any Supervisor. Breitung Township will promptly and thoroughly investigate the complaint and, if necessary, take appropriate action.

Breitung Township will not retaliate against any employee who engages in the conduct described above. "Whistleblowers" are protected under the law.

This policy does not limit employees' rights to communicate with each other or with third parties about their wages, benefits, or other terms and conditions of employment.

PERSONAL CONDUCT

DRUG-FREE WORKPLACE

Breitung Township is committed to protecting the safety, health and well-being of employees and other individuals in our workplace. We recognize that ~~illegal~~ drug use and alcohol use pose a significant threat to these goals. We have established a drug-free awareness program and promulgated this drug-free workplace policy statement in an effort to balance our respect for individuals with the need to maintain a drug-free work environment.

Breitung Township encourages employees to voluntarily seek help with drug and alcohol problems.

Covered Employees

This policy covers all applicants and employees.

Applicability

This policy is intended to apply whenever anyone is representing or conducting business for Breitung Township. Therefore, this policy applies during all working hours, wherever the work is being performed.

Prohibited Behavior

It is a violation of this policy to manufacture, distribute, dispense, possess, or use illegal drugs a controlled substance in the workplace or to report for work or work under the influence of illegal drugs. It is also a violation of this policy to use alcohol in the workplace or to report for work or work under the influence of alcohol. It is also a violation of this policy to use, possess, sell, transfer, or be impaired by cannabis, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products, and medical cannabis, during working hours, on Breitung Township premises, or while operating any Breitung Township vehicle, machinery, or equipment. As a condition of employment, employees must not engage in this prohibited behavior.

Notification of Convictions

As a condition of employment, any employee who is convicted of a criminal drug statute violation occurring in the workplace must notify the Clerk in writing within five calendar days of the conviction. A conviction is a finding of guilt, including a plea of nolo contendere (no contest), or imposition of sentence, or both, by a judicial body. Breitung Township will take appropriate personnel action within 30 days of such notification. Breitung Township will notify federal contracting agencies in a timely manner.

Consequences

One of the goals of our drug-free awareness program is to encourage individuals to voluntarily seek help with drug and/or alcohol problems. If, however, an individual violates this policy, the consequences are serious.

If an applicant violates this policy, the offer of employment may be withdrawn.

If an employee is convicted of a criminal drug statute violation occurring in the workplace, ~~he or she~~they will be subject to disciplinary action, up to and including termination of employment. For all other violations of this policy, an employee will be subject to disciplinary action, up to and including termination of employment and/or will be referred for rehabilitation. An employee referred for rehabilitation who fails to successfully complete rehabilitation and/or repeatedly violates the policy will be terminated from employment.

Assistance

Breitung Township recognizes that drug and alcohol abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, this policy:

- ☐ Encourages employees to seek help if they are concerned that they or their family members may have a drug or alcohol problem.
- ☐ Allows the use of accrued paid time off (if any) while seeking treatment for drug or alcohol problems.

Confidentiality

All information received by Breitung Township through the drug-free awareness program is confidential. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play, and the effort is ongoing.

Employees shall not report to work or be subject to duty while their ability to perform job duties is impaired due to the use of ~~controlled substances~~drugs or alcohol. In addition, employees are encouraged to:

- ☐ Be concerned about working in a safe environment.
- ☐ Report dangerous behavior to their supervisor.

POLITICAL ACTIVITY

Employees have the right to express their views and to pursue legitimate involvement in the political system. However, employees may not, directly or indirectly, solicit or receive funds for political purposes on work time. Employees may not conduct political activities on work time, and may not use Breitung Township resources (telephones, computers, e-mail and internet systems, etc.) to conduct such activities.

RESPECTFUL WORKPLACE

Breitung Township is committed to maintaining a work environment free from violence, discrimination, and other offensive behavior. Breitung Township will not tolerate any such behavior by or towards any individual or group. This policy applies to all applicants and employees.

Any employee who violates this policy will be subject to discipline, up to and including termination of employment.

Categories of Disrespectful Behavior

Violent Behavior: Includes the use of physical force, threats of physical force, harassment or intimidation, or abuse of power or authority, to control an employee by causing pain, fear, or hurt. Also includes the use of and/or threats of the use of weapons.

Discriminatory Behavior: Includes inappropriate remarks about or conduct related to an employee's race (including traits associated with race, such as hair texture and hair styles), color, creed, religion, national origin, sex (including ~~gender identity and pregnancy~~), gender identity, gender expression, marital status, familial status, veteran status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under local, state, or federal law. Also includes discrimination or harassment based on opposition to discrimination or participation in complaint proceedings.

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

Prohibited behavior also includes requests to engage in illegal, immoral, or unethical conduct, or retaliation for making a complaint under this policy.

Harassment

Breitung Township is committed to maintaining a work environment free from harassment based on any protected class or characteristic. Harassment may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Sexual Harassment

Breitung Township is committed to maintaining a work environment free from sexual harassment. Sexual harassment is just one kind of discriminatory and offensive behavior. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or any other verbal or physical conduct or communication of a sexual nature, where:

- (1) Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of employment;
- (2) Submission to or rejection of the conduct or communication is used as a factor in making employment decisions affecting an individual's employment (hiring, promotions, termination, etc.); or
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Sexual harassment may include, but is not limited to, the following conduct:

- (1) Unwelcome or offensive sexual remarks or innuendo;
- (2) Unwelcome or offensive sexual jokes;
- (3) Unwelcome invitations to social engagements;
- (4) Unwelcome and objectionable physical contact;
- (5) Unwelcome and objectionable close physical proximity;
- (6) The dissemination of materials such as posters, photographs, cartoons, or other materials that have a sexual connotation and may be offensive;
- (7) Any indication (even if merely implied) that an individual's employment (hiring, promotions, termination, etc.) depends upon the granting of sexual favors; or
- (8) The creation (whether intentional or careless) of a work atmosphere that is offensive or intimidating.

Although the intent of the person engaging in the conduct may be harmless or even friendly, it is the welcomeness of the conduct by the recipient that is relevant to whether the conduct is harassment. Given the difficulty of judging whether the conduct is welcome or unwelcome in particular situations, Breitung Township prohibits all employees from engaging in any conduct of a sexual nature or amounting to harassment based on any protected classification in the work environment.

Reporting

Any employee who believes ~~he or she~~they ~~has~~have been subjected to a violation of this policy or any employee who believes ~~he or she~~they ~~has~~have witnessed another employee being subjected to a violation of this policy, must promptly report the violation to the Clerk. If the Clerk is the source of or a party to the violation, or does not respond to the report in a timely and appropriate manner, or the employee is not comfortable reporting to ~~him or her~~them for any reason, the employee must promptly report the violation to the Treasurer and/or any Supervisor.

Breitung Township will promptly and thoroughly investigate any report of a violation of this policy. Breitung Township's investigation will, to the extent possible, be confidential. If Breitung Township determines that a violation of this policy has occurred, it will take appropriate and effective remedial action, up to and including termination of employment. Appropriate action will also be taken to deter any future violations.

Breitung Township prohibits retaliation against any person for reporting a violation of this policy or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by Breitung Township or a governmental agency regarding an alleged violation of this policy.

Breitung Township is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, sub. 3(b) by adopting and enforcing this policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.

This policy does not limit employees' rights to communicate with each other or with third parties about their wages, benefits, or other terms and conditions of employment.

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EMPLOYMENT BENEFITS

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)

Breitung Township participates in the Public Employees Retirement Association ("PERA") to provide pension benefits for eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions begin immediately. Breitung Township and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each pay check for Social Security and Medicare. For information about PERA eligibility and contribution requirements, contact the Treasurer.

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OTHER BENEFITS

Other employment benefits vary by department and collective bargaining agreement (if any).

LEAVES OF ABSENCE

Breitung Township will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce or otherwise retaliate or discriminate against any employee for requesting or obtaining any leave of absence for any reason.

BONE MARROW DONATION LEAVE

Breitung Township will provide paid leave to any employee who works an average of 20 or more hours per week and seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves will not exceed 40 work hours, unless Breitung Township authorizes additional leave in writing. In order to qualify for leave, the employee must provide Breitung Township with written verification by a physician of the purpose and length of each leave. If there is a medical determination that the employee does not qualify as a bone marrow donor, any paid leave granted prior to that determination is not forfeited.

CIVIL AIR PATROL SERVICE LEAVE

Breitung Township will provide unpaid leave to any employee who works an average of 20 or more hours per week to render service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions, so long as the leave will not unduly disrupt the operations of Breitung Township.

CRIME VICTIMS LEAVE

Breitung Township will permit employees to take a reasonable amount of paid time off ~~(if any)~~ to attend criminal proceedings if the employee is a victim or witness who is subpoenaed or requested by the prosecutor to attend court or is a victim of a violent crime or the spouse or immediate family member of a victim of a violent crime. Breitung Township will also permit employees to take a reasonable amount of paid time off ~~(if any)~~ to obtain a restraining order or order for protection or to otherwise attempt to obtain relief from harassment or domestic abuse. Breitung Township requires 48 hours' advance notice of the need for leave, unless providing such notice is impracticable, and may require verification of the reason for the leave.

DISCRETIONARY LEAVE

Employees are entitled to various types of leave. However, circumstances may arise in which an employee needs additional leave or leave for a different reason. In that event, Breitung Township may grant the employee an unpaid discretionary leave of absence. Whether a leave is granted, the duration of such leave, and the details of such leave will be determined by the Board of Supervisors.

If the reason for the leave was the employee's own injury or illness, the employee will be required to furnish a fitness-for-duty certification before returning to work, as permitted by applicable law.

ELECTION JUDGE LEAVE

Breitung Township will provide paid leave to any employee who is selected to serve as an election judge pursuant to state law. Although the leave is paid, Breitung Township will reduce the wages of any employee serving as an election judge by the amount paid to the employee by the appointing authority during the time the employee was absent from work. In order to qualify for leave, an employee must provide Breitung Township with at least 20 days' advance written notice of the need for leave and a certification from the appointing authority stating the hourly compensation to be paid to the employee for ~~his or her~~their service and the hours during which the employee will serve.

FMLA LEAVE

The Federal Family and Medical Leave Act ("~~F~~MLA") applies to all public agencies, including Breitung Township. Due to Breitung Township's size, however, none of our employees are eligible for FMLA leave. [JLD Note: The Township is a "covered employer" but does not have any "eligible employees." To be "eligible," you must work at a location where 50 or more employees are employed within 75 miles.]

JURY DUTY LEAVE

Breitung Township will provide unpaid leave to any employee to report to jury duty in response to a summons. Employees who receive a summons should show it to their supervisor as soon as possible. Employees are expected to report for work whenever the court schedule permits. Breitung Township may request that an employee be relieved from jury duty if we think that ~~his or her~~their absence from work would cause serious operational problems.

Breitung Township will not take adverse action against any employee who receives a summons, responds to a summons, attends court for prospective jury service, or serves as a juror.

MILITARY LEAVE

Breitung Township will provide paid and unpaid military leave to any employee who is called to service in the armed forces in accordance with state and federal law. Leave is available for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, for examinations to determine fitness for any such duty, and for any other leave permitted by state and federal law. An employee should notify ~~his or her~~their supervisor of the need for military leave as far in advance of the leave as possible. An employee's rights with respect to paid time off (if any), the substitution of accrued paid time off (if any), the continuation of health plan coverage, and the accrual of benefits during military leave, in addition to reinstatement after military leave, will be as defined by state and federal law.

MILITARY CEREMONIES LEAVE

Breitung Township will provide up to a maximum of one day of unpaid leave each calendar year to any employee whose immediate family member, as a member of the United States armed forces, has been ordered into active service in support of a war or other national emergency for the purpose of attending a send-off or homecoming ceremony for that family member, so long as the leave will not unduly disrupt the operations of Breitung Township.

“Immediate family member” means an employee’s parent, legal guardian, child, grandparent, grandchild, sibling, spouse, or fiancée.

MILITARY FAMILIES LEAVE

Breitung Township will provide up to a maximum of 10 working days of unpaid leave to any employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service. “Immediate family member” means an employee’s parent, child, grandparent, sibling, or spouse. An employee must give ~~his or her~~their supervisor as much notice of the need for leave as practicable. Although the leave is unpaid, an employee may substitute any available paid time off (if any) for any part of the leave.

ORGAN DONATION LEAVE

Breitung Township will provide paid leave to any employee who works an average of 20 or more hours per week and seeks to undergo a medical procedure to donate an organ or partial organ. The combined length of the leaves will not exceed 40 work hours for each donation, unless Breitung Township authorizes additional leave in writing. In order to qualify for leave, the employee must provide Breitung Township with written verification by a physician of the purpose and length of each leave. If there is a medical determination that the employee does not qualify as an organ donor, any paid leave granted prior to that determination is not forfeited.

POLITICAL CONVENTION LEAVE

An employee who is a member of a state central committee or the executive committee of a major political party, or who is a delegate or an alternate delegate to any convention of a major political party will be given unpaid leave to attend a meeting of the committee or to attend the convention or a meeting of an official convention committee. An employee must provide at least ten (10) days prior written notice to ~~his or her~~their supervisor.

PREGNANCY AND PARENTING LEAVE

Breitung Township will provide up to a maximum of 12 weeks of leave to any employee ~~who has been employed by Breitung Township at least one-half time during the 12-month period immediately preceding the leave~~ for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee, but must not exceed 12 weeks, unless agreed to by Breitung Township.

The leave shall begin at a time requested by the employee. However, for leave taken for a birth or adoption, the leave must begin within 12 months of the birth or adoption (unless the child must remain in the hospital longer than the mother, in which case the leave must begin within 12 months after the child leaves the hospital).

The employee must provide Breitung Township with reasonable notice of the date the leave will commence and the estimated duration of the leave. Breitung Township will continue to make insurance coverage available to the employee and the employee’s dependents (if

any) during the leave, although the employee must pay the full premium.

The employee may substitute any available disability or paid time off (if any) for the unpaid portion of the leave.

An employee's rights with respect to reinstatement after this type of leave will be as defined by state law.

SCHOOL CONFERENCES AND SCHOOL-RELATED ACTIVITIES LEAVE

Breitung Township will provide up to a maximum of 16 hours of unpaid leave during any 12-month period to any employee who is employed by Breitung Township at least one-half time during the 12-month period immediately preceding the leave for the purpose of attending the school conferences or school-related activities of ~~his or her~~ **their** child, if such conferences or activities cannot be scheduled during non-working hours. If an employee's child receives child care services or attends a prekindergarten regular or special education program, the employee may also use this leave to attend a conference or activity related to the child, or to observe and monitor the services or program, if such conference, activity, or observation cannot be scheduled during non-working hours. Although the leave is unpaid, an employee may substitute any accrued paid time off (if any) for any part of the leave. When the need for leave is foreseeable, an employee must give ~~his or her~~ **their** supervisor reasonable advance notice of the need for leave and must make a reasonable effort to schedule the leave so as not to unduly disrupt Breitung Township's operations.

~~SICK OR INJURED RELATIVE LEAVE~~ EARNED SICK AND SAFE LEAVE

~~Breitung Township will permit any employee who has been employed by Breitung Township at least one-half time during the 12-month period immediately preceding the leave to use his or her personal sick leave benefits for the purpose of caring for a minor child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent who is suffering from an illness or injury on the same terms that the employee could use the sick leave for his or her own illness or injury.~~

~~"Personal sick leave benefits" means time accrued and available to be used as a result of absence from work due to personal illness or injury, including paid time off (if any), but does not include short-term or long-term disability. "Child" includes a stepchild and a biological, adopted, and foster child. "Minor child" includes a "child" under 18 years of age or an individual under age 20 who is still attending secondary school. "Grandchild" includes a step-grandchild and a biological, adopted, and foster grandchild.~~

~~An employee may use sick leave for safety leave for reasonable periods of time. "Safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking. Safety leave may be used for assistance to the employee or to the relatives listed above.~~

~~An employee may not take more than 160 hours of leave in any 12-month period for any reason listed above other than the illness or injury of a minor child.~~

Section 1. Earned Sick and Safe Leave Law

The Minnesota Legislature passed an Earned Sick and Safe Leave statute, effective on January 1, 2024. The statute requires all employers with one or more employees to provide paid leave benefits ("ESSL"), as described herein, to all eligible employees. You are considered an eligible employee of the Township of Breitung ("Township") if you are a temporary employee, seasonal employee, part-time employee, or full-time employee if you perform work for at least eighty (80) hours in a calendar year for the Township. Independent contractors are not eligible.

Section 2. Earned Sick and Safe Leave

For the Township's bargaining unit employees, their contractual benefit exceeds the requirements set forth in the statute. Those employees can use their existing benefit for ESSL as summarized below.

For the Township's other eligible employees, ESSL is paid time off earned at the rate of one (1) hour for every thirty (30) hours worked by an employee, up to a maximum of forty-eight (48) hours per calendar year. For those employees, ESSL will begin to accrue on January 1, 2024 or their date of hire, whichever is later. If an employee holds different positions or works different shifts with different rates of pay, ESSL will be paid based upon the rate that the employee would have been paid for the shift or hours that were missed. An employee may carry over accrued but unused ESSL into the following calendar year. The total amount of accrued but unused ESSL must not exceed 80 hours at any time.

Section 3. Earned Sick and Safe Leave Use

ESSL may be used as it is accrued in the smallest increment of time tracked by the Township's payroll system, which is fifteen (15) minutes.

3.1. Eligible employees can use ESSL for the following reasons:

- The employee's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- A family member's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member;
- Closure of the employee's workplace due to weather or public emergency or an employee's need to care for a family member due to closure of the family member's school or place of care due to weather or public emergency;
- The employee's inability to work or telework because the employee is:
 - Prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
 - Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and

- When determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

3.2. For ESSL purposes, "family member" includes an employee's:

3.2.1. Spouse or registered domestic partner.

3.2.2. Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis.

3.2.3. Sibling, step sibling or foster sibling.

3.2.4. Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child.

3.2.5. Grandchild, foster grandchild or step grandchild.

3.2.6. Grandparent or step grandparent.

3.2.7. A child of a sibling of the employee.

3.2.8. A sibling of the parent of the employee.

3.2.9. A child-in-law or sibling-in-law.

3.2.10. Any of the above family member of a spouse or registered domestic partner.

3.2.11. Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.

3.2.12. Up to one individual annually designated by the employee.

Section 4. Advance Notice for use of Earned Sick and Safe Leave

If the need for ESSL is foreseeable (for example, for a scheduled medical appointment), the Township requires (3) three days' advance notice. If the need is unforeseeable, employees must provide notice of the need for ESSL as soon as practicable (usually before the start of their shift). Employees should provide notice by calling the office and leaving a message.

When an employee uses ESSL for more than (3) three consecutive days, the Township may require appropriate supporting documentation (such as medical documentation supporting medical leave or court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a

written statement from the employee indicating that the employee is using, or used ESSL for a qualifying purpose.

The Township will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

The Township also will not require an employee using ESSL to find a replacement worker to cover the hours the employee will be absent.

Section 5. Carry Over of Earned Sick and Safe Leave

Employees may carry over accrued but unused ESSL into the following calendar year, but the total ESSL hours shall not exceed eighty (80) hours at any time.

Section 6. Cash Out of Earned Sick and Safe Leave

Upon separation from employment, whether voluntary or involuntary, any accrued unused ESSL will be forfeited, and not cashed out.

Section 7. Retaliation Prohibited

The Township will not discharge, discipline, penalize, interfere with, restrain, coerce, or otherwise retaliate or discriminate against an employee because they have exercised or attempted to exercise ESSL rights, including but not limited to, requesting ESSL, using ESSL, or pursuing remedies under the statute. Employees have the right to file a complaint with the Minnesota Department of Labor and Industry or bring a civil action if the Township has improperly denied ESSL or if they have been retaliated against for requesting or using ESSL.

Further, use of ESSL will not be factored into any attendance point system the Township may use.

Additionally, it is unlawful for the Township to report or threaten to report the actual or suspected citizenship or immigration status of a person or their family member for exercising or attempting to exercise any right protected under the ESSL statute.

Section 8. Benefits and Return to Work Protections

During an employee's use of ESSL, they will continue to receive the Township's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using ESSL is entitled to return to their employment with the Township at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during ESSL absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the Township and the employee is rehired within one hundred eighty (180) days of separation, any previously accrued ESSL that had not been used will be reinstated. Such an employee is entitled to use accrued ESSL and accrue additional ESSL at the commencement of reemployment.

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VOTING LEAVE

Breitung Township will provide paid leave to any employee who is eligible to vote for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of a covered election or during the period allowed for voting in person before a covered election. A "covered election" includes a regularly scheduled state primary or general election, an election to fill a vacancy in the office of United States senator or United States representative, or an election to fill a vacancy in nomination for a constitutional office, an election to fill a vacancy in the office of state senator or state representative, or a presidential nomination primary.

WORK GUIDELINES

ABSENTEEISM / ATTENDANCE

Regular, reliable attendance is an essential function of every position at Breitung Township. It is important that all employees report for work on time as scheduled. Tardiness and/or absenteeism will result in disciplinary action, up to and including termination of employment, as permitted by applicable law.

ACCIDENTS

All employees must immediately report any accidents and/or injuries that occur on duty or on a work-related trip to their supervisor who will, in turn, report to the Board of Supervisors.

CELLULAR TELEPHONES

An employee may use a personal cell phone for personal purposes while off duty or on break.

Employees may only make or receive telephone calls, text, or use a personal or business cell phone in any other way in a Township vehicle or in a personal vehicle on Township business, when the vehicle is not in operation and it is safe to do so. A vehicle is in "operation" when it is on – it is in motion, is stopped at a traffic light or stop sign, is stopped in traffic, or is parked.

For purposes of this policy, "use" of a cell phone includes placing and sending outgoing calls and text messages, receiving incoming calls and text messages, and sending and receiving other kinds of data on so-called "smart phones." "Text" includes, but is not limited to, short message services, e-mailing, instant messaging, a command or request to access a Web page, any other form of electronic text retrieval or entry, etc.

Drivers must comply with all applicable laws. Employees will be subject to discipline if cell phone use interferes with the performance of any employee's job duties, interferes with the safe operation of a vehicle, violates applicable law, or violates any Breitung Township policy.

MEAL BREAKS AND WORK BREAKS, AND NURSING MOTHERS AND LACTATING EMPLOYEES BREAKS

All employees may take one 30-minute unpaid meal break for every 8 consecutive hours of work. The meal break may not be used to perform any work duties. All employees may also take one 20-minute paid work break for every 4 consecutive hours of work. An employee's break schedule must be approved by their supervisor.

Nursing Mothers and Lactating Employees Breaks: Any employee who needs to express ~~breast~~-milk for ~~her~~their infant will receive reasonable ~~un~~paid break time each day to do so. The break time ~~must, if possible, may~~ run concurrently with other break time. Breitung Township will make reasonable efforts to provide a clean, private, and secure room or other location, in close proximity to the work area, other than a bathroom or a toilet stall, that is shielded from view and free from intrusion from co-workers and the public and that includes access to an electrical outlet, where an employee can express ~~breast~~-milk in privacy. Breitung Township will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against any employee for asserting any rights or remedies with respect to the Minnesota Nursing Mothers and Lactating Employees statute.

OVERTIME

Overtime is any time worked in excess of 40 hours per work week. A non-exempt employee is paid at a rate of one and one-half times ~~his or her~~their regular rate of pay for overtime. A non-exempt employee cannot work overtime without the prior approval of ~~his or her~~their supervisor. An exempt employee is not paid for overtime.

PAYDAYS AND TIME SHEETS

All employees are paid bi-weekly. Each paycheck includes pay for all work performed through the end of the previous pay period.

Any employee who thinks that there is any kind of error in ~~his or her~~their paycheck, such as the total number of hours worked, the number of overtime hours worked, or the rate at which overtime hours was paid, should report the error to the Clerk immediately.

SAFETY

All employees are expected to obey safety rules and to exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor. In the event an employee is hurt or becomes ill at work, ~~he or she~~they must immediately notify ~~his or her~~their supervisor.

SALARY DEDUCTIONS

Exempt employees receive a salary intended as compensation for all hours worked. An

exempt employee's salary is established at the time of hire or when an employee becomes classified as an exempt employee. While an exempt employee's salary is subject to review and modification from time to time, such as during a performance evaluation, the salary is a predetermined amount of compensation that is not subject to deductions for variations in the quality or quantity of work performed or for absences occasioned by or by the operating requirements of Breitung Township. Subject to the exceptions listed below, an exempt employee must receive ~~his or her~~their full salary for any workweek in which ~~he or she~~they performs any work, regardless of the number of days or hours worked.

Absent contrary state law requirements, deductions from an exempt employee's salary are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment or for penalties imposed in good faith for infractions of safety rules of major significance. In these circumstances, either partial day or full day deductions may be made.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that Breitung Township does not allow deductions that violate the FLSA.

Any exempt employee who believes ~~he or she~~they ~~has~~have been subject to an improper deduction or whose pay does not accurately reflect the hours worked, should immediately report the matter to ~~his or her~~their supervisor. If the supervisor is unavailable or if the employee has not received a prompt and satisfactory response from the supervisor, ~~he or she~~they should report the matter to the Treasurer.

Exempt employees will be reimbursed for any improper deduction. Every report of an improper deduction will be fully investigated and corrective action will be taken where appropriate. Breitung Township will not allow retaliation against any employee who reports an improper deduction or who cooperates in Breitung Township's investigation of such reports. Retaliation is unacceptable, and any form of retaliation will result in disciplinary action up to and including termination of employment.

SMOKING

Breitung Township observes and supports the Minnesota Clean Indoor Air Act. All buildings and vehicles, in their entirety, are designated as tobacco free, meaning that smoking in any form (through the use of tobacco products such as pipes, cigars, and cigarettes) or "vaping" with e-cigarettes is prohibited.

Breitung Township will not retaliate or take adverse action against an employee or anyone else who, in good faith, reports a violation of this policy.

Breitung Township will not discharge, refuse to hire, penalize, discriminate against, or in any manner retaliate against any applicant or employee because the applicant or employee exercises ~~his or her~~their right to a smoke-free workplace under this policy.

TECHNOLOGY

Breitung Township provides technology, such as telephones and computer resources, for use by its employees for business purposes. "Computer resources" includes but is not limited to host computers, file servers, application servers, communication servers, mail servers, web servers, workstations, stand-alone computers, "jump drives," software, data files, and all internal and external computer and communications networks, including electronic mail ("e-mail") and internet systems that may be accessed directly or indirectly from Breitung Township's computer network.

All employees must behave ethically and legally in using Breitung Township's telephones and computer resources. All employees must comply with this policy in using Breitung Township's telephones and computer resources.

Inappropriate or unacceptable use of Breitung Township's computer resources includes, but is not limited to, the following conduct:

- (1) Creating, sending, receiving, accessing, or storing computer files, messages, or pictures which are pornographic, obscene, sexually suggestive, sexist, racist, discriminatory, or harassing;
- (2) Using computer resources to conduct illegal activities;
- (3) Making illegal copies of licensed software;
- (4) Using software in a manner that is inconsistent with applicable licensing agreements;
- (5) Using software that is designed to destroy data, provide unauthorized access to computer resources, or disrupt, disable, impair, or otherwise harm computer resources in any way;
- (6) Loading software that is not approved by Breitung Township; or
- (7) Downloading files without checking for computer viruses.

Breitung Township's telephones and computer resources must be used primarily for work-related purposes. Limited personal use, such as making a personal telephone call or accessing the internet for personal purposes during meal or work breaks, is acceptable. However, personal use must not interfere with the performance of work duties and must be consistent with Breitung Township's Respectful Workplace Policy.

Any telephonic or e-mail communications created, sent, received, accessed, or stored with Breitung Township's telephonic or e-mail systems are the property of Breitung Township. Therefore, employees do not have an express or implied personal privacy right in any matter created, sent, received, accessed, or stored with Breitung Township's telephonic or e-mail systems. Although Breitung Township does not intend

to routinely monitor telephonic or e-mail communications, it may monitor these systems and access information or communications stored on the systems to maintain the integrity and efficiency of the system, prevent and discourage unauthorized access and system misuse, retrieve business-related information, investigate reports of misconduct or misuse, reroute or dispose of undeliverable mail, or respond to lawful requests for information, including requests from law enforcement agencies. The existence of passwords or "message delete" functions does not restrict or eliminate Breitung Township's ability or right to access information or communications stored on Breitung Township's e-mail system.

Employees also do not have an express or implied personal privacy right in any information created, sent, received, or accessed with Breitung Township's internet system. Although Breitung Township does not intend to routinely monitor internet use, it may do so to maintain the integrity and efficiency of the system, prevent and discourage unauthorized access and system misuse, retrieve business-related information, or investigate reports of misconduct or misuse. The existence of passwords does not restrict or eliminate Breitung Township's ability or right to monitor internet use.

If any employee receives inappropriate or unacceptable material from another employee or observes another employee engaging in inappropriate or unacceptable use of Breitung Township's telephones or computer resources, ~~he or she~~they must contact ~~his or her~~their supervisor immediately.

TERMINATION OF EMPLOYMENT

All Breitung Township employees are "at will" employees, which means that either the employee or Breitung Township may terminate the relationship at any time, for any reason, with or without cause or notice.

Breitung Township may, but is not required to, utilize progressive discipline in dealing with poor performance or misconduct. The typical steps in the progressive discipline process are verbal warning, written warning, suspension (with or without pay), and termination. Breitung Township reserves the right to repeat or bypass steps in the progressive discipline process or to forgo the process entirely.

TIMEKEEPING

All employees are responsible for accurately recording the hours they work each day. Employees must not overreport or underreport time worked. Falsifying time records is a serious matter, and will result in discipline, up to and including termination of employment.

WAGE DISCLOSURE

Employees have the right to disclose their wages, benefits, and other terms and conditions of employment. Breitung Township will not: (1) require non-disclosure by an employee of ~~his or her~~their wages as a condition of employment; (2) require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages; or (3) take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.

Breitung Township will not ~~discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise~~ retaliate ~~or discriminate~~ against any employee for asserting any rights or remedies with respect to the Minnesota Wage Disclosure Protection statute. Any employee may bring a civil action against Breitung Township ~~and/or file a complaint with the Minnesota Department of Labor and Industry~~ for a violation of the ~~Minnesota Wage Disclosure Protection~~ statute. Remedies may include reinstatement, back pay, restoration of lost service credit, and expungement of any adverse records.

WEATHER

In the event of inclement weather, Breitung Township will close its offices. Employees are not required to be at work if the office is closed. Absence due to office closure is automatically approved for all employees. Employees will be paid for the hours they were originally scheduled to work that day.

All employees must use sound judgment in deciding whether or not to report for work because of inclement weather – employee safety is of paramount importance. Any employee who is unable to report for work must notify ~~his or her~~their supervisor as soon as possible.

WORKERS' COMPENSATION

Breitung Township provides a comprehensive workers' compensation insurance program to all employees. The program covers injuries or illnesses that occur during the course of employment. Employees must immediately report any work-related injury or illness to their supervisor, regardless of how minor the injury or illness may seem.

Breitung Township supports the practice of bringing injured employees back to work, as soon as they are medically able, to a position that is compatible with any physical restrictions they may have.

The prompt return of injured employees to positions within their medical restrictions will minimize the impact of work-related injuries. Coming back to work early helps employees remain functional as they recover, while providing Breitung Township with the valuable use of their talents. It also helps control workers' compensation costs.

Current positions may be modified to fit the medical limitations of injured employees by modifying workstations, altering specific tasks, or working reduced hours. If this is not possible, temporary transitional jobs may be made available.

If any employee has questions regarding Breitung Township's return-to-work program, ~~he or she~~they should discuss them with ~~his or her~~their supervisor.

WORK HOURS

A schedule of regular working hours will be established for each employee at the time of hire, although changes and flexibility in that schedule are possible. Schedule modifications should be arranged with co-workers and approved by the employee's supervisor.

ACKNOWLEDGMENT

ACKNOWLEDGMENT OF RECEIPT BREITUNG TOWNSHIP EMPLOYEE HANDBOOK

The policies and benefits in this Handbook are to be considered as guidelines. Breitung Township, at its option, may change, delete, suspend, or discontinue any part or parts of the policies and benefits in this Handbook at any time without notice. Any such action shall apply to existing as well as future employees. No one other than the Board of Supervisors may change any of the policies in this Handbook. No statement or promise by a supervisor may be interpreted as a change in any of the policies in this Handbook, nor will it constitute an employment contract.

This Handbook is not intended to be, nor shall it be considered to be, an employment contract.

This Handbook replaces any previous Handbooks. All previous Handbooks are hereby revoked.

The provisions and requirements of local, state, and federal law supersede all provisions of this Handbook. In the event that there is a conflict between this Handbook and any law, the law governs. Breitung Township intends to comply with all applicable laws.

This Handbook covers all non-bargaining unit employees. For bargaining unit employees, this Handbook also governs to the extent that it is not inconsistent with the applicable collective bargaining agreement. If there is a conflict between this Handbook and a collective bargaining agreement, the agreement governs for all bargaining unit employees.

In the event any provision of this Handbook is found to be unenforceable and invalid by a court of competent jurisdiction, such finding shall not invalidate the entire Handbook, but rather only the objectionable provision.

Please read the following statements and sign below to indicate your receipt of this Handbook.

1. I have received and read a copy of the Handbook. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of Breitung Township at any time.
2. **I UNDERSTAND THAT MY EMPLOYMENT WITH BREITUNG TOWNSHIP IS TERMINABLE "AT WILL" EITHER BY MYSELF OR BREITUNG TOWNSHIP, REGARDLESS OF THE LENGTH OF MY EMPLOYMENT, AND THAT THE HANDBOOK IS NOT INTENDED TO ALTER THAT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT CONTRACT. I UNDERSTAND THAT ANY OF THE TERMS OR CONDITIONS OF MY EMPLOYMENT, INCLUDING BUT NOT LIMITED TO**

EMPLOYMENT BENEFITS, MAY BE MODIFIED OR ELIMINATED AT ANY TIME.

3. I understand that the Handbook contains ~~an Equal Employment Opportunity Policy~~ and a Respectful Workplace Policy, which includes a reporting procedure for violent, discriminatory, harassing, and offensive behavior. I agree to follow the reporting procedure if I have a complaint or receive a report of a complaint or if I observe conduct or communication that I believe is prohibited by the policy.
4. I understand that nothing in the Handbook is intended to interfere with, restrain, or prevent protected concerted activity, including the right to communicate with other employees and/or third parties about wages, benefits, or other terms and conditions of employment.
5. I agree to keep the Handbook in my possession during my employment and to update it whenever directed to do so.
56. I understand that my signature below indicates I have read and understood the above statements, and have received a copy of the Handbook.

Employee's Printed Name

Employee's Signature

Date