

ORDINANCE NO. 21-XXXX

Chapter 58 Personnel¹

Article I. In General

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in overstrike.)

Sec. 58-1. Definitions.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Full-time or regular employee* means an employee who is regularly scheduled to work 80 hours per biweekly payroll period and is a budgeted position that is considered to be a regular position.~~

~~*Part-time employee* means an employee who is scheduled to work on a regular and recurring schedule of less than 80 hours in a biweekly payroll period.~~

~~*Temporary employee* means either a full-time, part-time, seasonal or student employee who has been appointed to a temporary position of less than 80 hours in a biweekly payroll. Employment for temporary employees shall be limited to 67 working days in any calendar year. A temporary employee who is a full-time student under the age of 22 and is enrolled in a nonprofit or public educational institution prior to being hired, during employment and after the temporary employment shall be exempt from the 67-day requirement.~~

~~*Work hours* means work schedules for employees shall be established by the appropriate department head with approval of the city manager. The regular workweek for employees is five eight-hour working days in addition to a lunch period, Monday through Friday, except as otherwise established by the department head in accordance with custom and needs of the department.~~

¹Cross reference(s) — Administration, ch. 2.

~~(Code 1963, § 112.01(B); Code 1980, § 16-1; Ord. No. 427, 2-6-1975; Ord. No. 83-808, 10-20-1983; Ord. No. 88-1064, 2-4-1988)~~

~~Cross-reference(s)—Definitions generally, § 1-2.~~

~~Sec. 58-2. Purpose of chapter.~~

~~It shall be the purpose of this chapter to establish an uniform and equitable system of municipal personnel administration for the city, to be applicable to all regular and probationary employees of the city, except where the city shall otherwise hereafter provide, or unless modified by a separate agreement.~~

~~(Code 1963, § 112.01(A); Code 1980, § 16-2; Ord. No. 427, 2-6-1975)~~

~~Sec. 58-3. Exempt positions.~~

~~All offices and positions in the city government, now existing or hereafter created, shall be subject to the policies and procedures of this chapter, except the following:~~

- ~~(1) All elected officials and members of boards and commissions.~~
- ~~(2) Volunteer fire department and personnel appointed to serve without pay.~~
- ~~(3) City manager, if covered by a separate employment agreement.~~
- ~~(4) Consultants rendering professional services.~~

~~(Code 1963, § 112.02(A)—(E); Code 1980, § 16-3; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988)~~

~~Sec. 58-4. Applicability to employees under negotiated agreement.~~

~~The provisions of the policies and procedures of this chapter shall apply to all organized personnel who work under negotiated agreements with the city. In the event of a conflict between the terms of an employee agreement and this chapter, the terms of the negotiated agreement shall take precedence and those employees subject to the agreement shall be so regulated.~~

~~(Code 1963, § 112.02(F); Code 1980, § 16-4; Ord. No. 427, 2-6-1975)~~

Sec. 58-5. General conditions.

~~It is hereby declared personnel policy of the city that:~~

- ~~(1) Employment in the city organization shall be based on merit and fitness, free of personal considerations.~~
- ~~(2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government.~~
- ~~(3) Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis.~~
- ~~(4) Tenure of employees covered by this chapter shall be based on the satisfactory performance of work and the continuation of position.~~
- ~~(5) There shall be no discrimination against any person seeking employment or employee because of any political or religious affiliation or race, sex, age, physical disability or martial status. City policy shall be consistent with the conditions and provisions of applicable federal and state laws relating to municipal employees.~~
- ~~(6) In case of appointment to positions for which examinations are required by law, or administrative procedure, merit and fitness may be ascertained by written, oral, physical (which include drug and alcohol testing), or other examinations, and shall relate to those matters which will test fairly the capacity and fitness of candidates to perform efficiently the duties of the positions for which examinations are held.~~
- ~~(7) In case of appointment to positions for which examinations are not required, the city manager may require examinations including medical examinations and drug and alcohol testing. The city manager may appoint any person who meets the requirements listed in the position classification, whom the city manager deems qualified to perform the duties of the position.~~
- ~~(8) Residency shall be encouraged but will not be mandatory for municipal employees. To the extent possible, police and other emergency personnel, as determined by the city manager, shall reside within 25 miles or 30 minutes driving time from city hall. Emergency personnel shall maintain a telephone in their residence and shall have reasonable access to a plowed street.~~

~~(9) No person shall henceforth be appointed to a position which would require supervision of such person's relative. A person shall be deemed to be a relative if such relationship is as brother, sister, spouse, lineal ancestor, lineal descendant, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or related by marriage through the relationship of a first cousin.~~

~~(10) The personnel code should not be construed to constitute a contract of employment and that all employees (not having a written agreement to the contrary) are employed at will with the employee enjoying the freedom to resign at will, as well as freedom on the part of the employer to terminate the employee at any time.~~

~~(Code 1963, § 112.03; Code 1980, § 16-5; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988)~~

~~Sec. 58-6. Administration.~~

~~(a) All appointments to positions in the city government, except the city manager and the police chief, shall be made by the city manager where consistent with the provisions of the city charter, and according to merit and fitness. The city manager may, by written administrative order, assign any part or all of the city manager's duties and responsibilities under this chapter to one or more staff members. Under such circumstances, the actions of the staff member shall have the same force and effect as if taken by the city manager.~~

~~(b) The police chief is in all respects subject to the administrative direction of the city manager as all other heads of departments and all subordinate officers and employees in the departments.~~

~~(c) Recruitment, appointment and removal of the police chief is delegated to the city manager by the city council.~~

~~(Code 1963, § 112.04; Code 1980, § 16-6; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988; Ord. No. 96-1591, 3-7-1996)~~

~~Sec. 58-7. Employee and volunteer background investigations.~~

~~(a) *Applicants for city employment.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes~~

~~of employment background checks for the positions described in section 58-7(b).~~

~~(b) *Criminal history employment background investigations.* The Blaine Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for all regular part-time or full-time employees of the City of Blaine and other positions that work with children or vulnerable adults within the city, unless the city's hiring authority concludes that a background investigation is not needed.~~

~~In conducting the criminal history background investigation in order to screen employment applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the police department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the police department to the hiring authority, the city manager, or other city staff involved in the hiring process.~~

~~Before the investigation is undertaken the applicant must authorize the police department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:~~

- ~~(1) The grounds and reasons for the denial;~~
- ~~(2) The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06;~~
- ~~(3) The earliest date the applicant may reapply for employment; and~~
- ~~(4) That all competent evidence of rehabilitation will be considered upon reapplication.~~

~~(c) Pursuant to an authorized consent form, the city manager or designee may obtain criminal history data on a person who has, may have, or seeks to have access to a child under Minn. Stat. § 299C.61 and who is employed by,~~

volunteers with, or seeks to be employed by or volunteer with the city or with a children's service provider utilizing city parks, buildings, or facilities. These background checks shall be in accordance with Minn. Stat. §§ 299C.60—299C.64 known as "Minnesota Child Protection Background Check Act."

(Code 1980, § 16-28; Ord. No. 93-1326, 4-1-1993; Ord. No. 95-1582, 11-16-1995; Ord. No. 09-2181, 5-7-2009)

Editor's note(s)—Ord. No. 09-2181, adopted May 7, 2009, changed the title of § 58-7 from "Background investigations" to read as herein set out.

~~Sec. 58-8. Promotion.~~

The city manager shall be responsible for determining whether or not an employee possesses the necessary qualifications for promotion to a particular position. Appropriate tests may be given to aid in this determination. Length of full-time employment with the city will be considered in promotions only when all other qualifications are equal.

(Code 1963, § 112.05; Code 1980, § 16-7; Ord. No. 427, 2-6-1975)

~~Sec. 58-9. Publication of notice of position openings.~~

Notice of all vacancies shall be posted at city hall for ten days.

(Code 1963, § 112.06; Code 1980, § 16-8; Ord. No. 427, 2-6-1975)

~~Sec. 58-10. Reserved.~~

Editor's note(s)—Ord. No. 21-2477, adopted Aug. 2, 2021, repealed § 58-10, which pertained to probationary period and derived from 1963 Code, § 112.07; 1980 Code, § 16-9; Ord. No. 427, adopted Feb. 6, 1975; Ord. No. 83-808, adopted Oct. 20, 1983; and Ord. No. 88-1064, adopted Feb. 4, 1988.

~~Sec. 58-11. Position classification.~~

The city manager shall establish and maintain a position classification plan for all positions covered by the provisions of this chapter. All positions shall be grouped in classes, each having a definite range of difficulty and responsibility. When a new position is created for which no appropriate position classification exists, or when the duties of an existing position are sufficiently changed so that no

~~appropriate class exists, the city manager shall create a new class and cause an appropriate position classification to be written for such class.~~

~~(Code 1963, § 112.08; Code 1980, § 16-10; Ord. No. 427, 2-6-1975)~~

~~Sec. 58-12. Compensation plan.~~

~~The city manager shall present to the council a compensation plan for all positions subject to this chapter. The compensation plan for each position shall be approved by resolution of the council annually and shall be filed with the city clerk.~~

~~(Code 1963, § 112.09; Code 1980, § 16-11; Ord. No. 427, 2-6-1975)~~

~~Sec. 58-13. Overtime.~~

~~The city manager is hereby authorized to establish by administrative order, in compliance with applicable provisions of the Federal Fair Labor Standards Act, a policy for overtime work for employees who shall be reimbursed through compensatory time or hourly rates of pay. Overtime will be calculated to the nearest 15 minutes. Overtime for personnel working under a negotiated agreement shall be specified by agreement between the city and the exclusive representative for each bargaining unit in the city.~~

~~(Code 1963, § 112.10; Code 1980, § 16-12; Ord. No. 427, 2-6-1975)~~

~~Sec. 58-14. Transfer.~~

~~The city manager may transfer any regular or probationary employee to another position, if, in the discretion of the city manager, the employee is qualified for the position.~~

~~(Code 1963, § 112.22; Code 1980, § 16-23; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988)~~

~~Sec. 58-15. Political activity.~~

~~(a) Any employee is not precluded from becoming or continuing to be a member of a political club or organization or from attendance at a political meeting or enjoying entire freedom from all interference in casting such employee's vote or from seeking or accepting election or appointment to public office.~~

~~(b) Any employee who shall become a candidate for any elective public office may be required to take a leave of absence without pay and shall perform no duties connected with the position held by such employee until such employee is no longer a candidate, if such candidacy interferes with such employee's normal duties of employment. If the needs of the municipal service require, the vacancy created by such employee's absence may be filled and such employee's services terminated.~~

~~(c) In the case of an employee declaring as a candidate for an elective office of the city, such employee shall automatically receive a leave of absence for the duration of such candidacy.~~

~~(d) If elected to public office, such employee may be required to resign or take a leave of absence if the duties of such employee's elective office interfere with such employee's duties as a city employee.~~

~~(Code 1963, § 112.25; Code 1980, § 16-26; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988)~~

~~Sec. 58-16. Employee assistance program for the treatment of emotional, alcoholic and drug disabilities and other personal problems.~~

~~(a) An employee assistance program is established under the jurisdiction of the city manager for the purpose of assisting temporary and permanent city employees with emotional, alcoholic and drug disabilities and other personal problems. The purpose and goal of the program is the referral, treatment, and rehabilitation, if necessary, of city employees in order to make them better employees. The role of the city manager or designated employee will be to provide referral service to the appropriate private or public agencies and resources, to assist the employee in obtaining help, and to monitor the employee's progress. Employees who refuse to seek assistance for their emotional, alcoholic, or drug-related problems and who refuse to follow a recommended program of treatment, thus resulting in the employee's inability to resolve such employee's problem, may be subject to disciplinary action or termination as provided in this chapter.~~

~~(b) The city manager or designated employee is required to develop guidelines for the employee assistance program to be approved by the council. A copy of the guidelines shall be provided for all city employees. In addition, the employee's family shall be contacted directly to make the members thereof aware of this~~

assistance program. Families of city employees are encouraged to notify the city manager or the city manager's designated employee if they have reason to believe the employee is in need of help.

(Code 1963, § 112.26; Code 1980, § 16-27; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988)

~~Secs. 58-17—58-50. Reserved.~~

ARTICLE II. LEAVE

~~Sec. 58-51. Legal holidays.~~

~~(a) The following holidays will be observed by city employees:~~

Police	Other	Public Works
Ten days per year to be paid in cash in December of each year	New Year's Day	New Year's Day
	Martin Luther King's Birthday	Martin Luther King's Birthday (employer's designated floating holiday)
	President's Day	
One floating holiday	Memorial Day	President's Day
	Independence Day	Memorial Day
	Labor Day	Independence Day
	Veterans' Day	Labor Day
	Thanksgiving Day	Columbus Day
	Christmas Day	Veterans' Day
	One floating holiday	Thanksgiving Day
	One floating holiday designated by city manager	Christmas Day
		One floating holiday

~~When New Year's Day, Independence Day, Veterans' Day or Christmas Day falls on Saturday, the preceding day shall be observed as a holiday. When New Year's Day, Independence Day, Veterans' Day or Christmas Day falls on Sunday, the following day shall be observed as a holiday.~~

~~(b) Request for floating holidays shall be approved by the department head and designated supervisory employees as prescribed by administrative procedure.~~

~~(c) Full holiday pay will be granted to all regular and probationary employees. Employees shall be on the payroll on the workday immediately preceding and the work day immediately following a holiday to be eligible for that holiday pay.~~

~~(Code 1963, § 112.11; Code 1980, § 16-13; Ord. No. 427, 2-6-1975; Ord. No. 83-808, 10-20-1983; Ord. No. 86-923, 1-16-1986; Ord. No. 88-1064, 2-4-1988)~~

~~Sec. 58-52. Vacation leave.~~

~~(a) Vacation leave for personnel working under a negotiated agreement shall be specified by agreement between the city and the exclusive representative for each bargaining unit in the city.~~

~~(b) Vacation leave for all other personnel not working under a negotiated agreement shall be specified by administrative policy as set forth by the city manager.~~

~~(Code 1963, § 112.12; Code 1980, § 16-14; Ord. No. 427, 2-6-1975; Ord. No. 83-808, 10-20-1983; Ord. No. 92-1274, 2-6-1992; Ord. No. 97-1646, 3-20-1997; Ord. No. 18-2420, 12-20-2018)~~

~~Sec. 58-53. Sick leave.~~

~~(a) Sick leave shall be a benefit provided to all regular and probationary city employees and shall be specified by administrative policy as set forth by the city manager.~~

~~(Code 1963, § 112.13; Code 1980, § 16-15; Ord. No. 427, 2-6-1975; Ord. No. 83-808, 10-20-1983; Ord. No. 88-1064, 2-4-1988; Ord. No. 92-1274, 2-6-1992; Ord. No. 93-1325, 4-1-1993; Ord. No. 94-1518, 4-21-1994; Ord. No. 97-1646, 3-20-1997; Ord. No. 18-2420, 12-20-2018)~~

Sec. 58-54. Injury leave.

- ~~(a) Injury leave shall be granted to regular and probationary employees who are incapacitated as a result of injury or occupational disease incurred, subject to the condition that the injury or disease qualifies the employee for benefits from worker's compensation insurance.~~
- ~~(b) Employees injured during the performance of their duties for the employer and thereby rendered unable to work for the employer will be paid the difference between the employee's regular pay and worker's compensation insurance payments for a period not to exceed 90 working days per injury, not charged to the employee's vacation, sick leave, or other accumulated paid benefits, after a three-working day initial waiting period per injury. The three-working day waiting period shall be charged to the employee's sick leave account, less worker's compensation insurance payment. Employees drawing worker's compensation benefits shall not receive supplementary IOD pay or sick leave pay which provides for more after-tax take-home pay than the employee made while working. Family and medical leave will run concurrently with injury on duty leave.~~
- ~~(c) The city's supplemental IOD pay during the 90-working day period shall be terminated upon the date of certification by a competent medical authority, approved by the city manager, that the employee can return to duty and can perform the essential functions of the job. If an employee is not certified by a medical authority to return to duty by the end of 90 working days, the employee may request a leave of absence up to 90 days, subject to approval of the city manager, and may elect to supplement worker's compensation by using accumulated sick leave and/or accumulated vacation.~~
- ~~(d) Employees who are absent from work and receiving worker's compensation disability benefits will be considered to be working for the purpose of accumulating vacation leave or sick leave for up to 90 days. No sick leave or vacation benefits will accrue beyond the 90 days for employees receiving worker's compensation disability unless the employee is granted a family/medical leave.~~
- ~~(e) Whenever an employee is injured on the job, a report of such accident shall be made immediately to the department head, who shall forward a written report to the city manager.~~

~~(Code 1963, § 112.14; Code 1980, § 16-16; Ord. No. 427, 2-6-1975; Ord. No. 83-808, 10-20-1983; Ord. No. 88-1064, 2-4-1988; Ord. No. 94-1518, 4-21-1994)~~

~~Sec. 58-55. Family and medical leave.~~

- ~~(a) The city will provide eligible employees a total of 12 unpaid work weeks of leave per 12-month period to care for:
 - ~~(1) The employee's newborn or newly-placed adopted or foster child;~~
 - ~~(2) The employee's parent, child, or spouse with a serious health condition; or~~
 - ~~(3) The employee's own serious health condition.~~~~
- ~~(b) Family/medical leave shall be taken simultaneously with the Minnesota Parenting Leave and shall be no longer than 12 weeks in any 12-month period.~~
- ~~(c) The city or the employee may substitute certain types of paid leave for any part of the 12-week leave.~~
- ~~(d) The city will continue to pay the city's contribution for group health coverage for the employee during the 12-week FML leave.~~
- ~~(e) Employees are required to confirm their intention to return to work at the end of the leave. If an employee granted family/medical leave does not return from the leave and work at least 30 calendar days, the city will seek reimbursement from the employee for the city's portion of group health coverage premiums paid during the leave.~~
- ~~(f) To be eligible for family/medical leave, an employee must:
 - ~~(1) Have been employed by the city for at least 12 months; and~~
 - ~~(2) Have worked for the city a minimum of 120 hours within the previous 12 months.~~~~
- ~~(g) Intermittent or reduced family/medical leave may be granted by the city manager in special circumstances.~~
- ~~(h) The employee shall provide the city manager with 30 days' notice of a foreseeable leave or as soon as practicable if the leave is due to unexpected or unforeseeable situations; provide medical certification for a serious health condition for either the employee or a covered family member; and provide written notice of the return-to-work date.~~

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- ~~(i) Upon returning from leave, the employee will be restored to the same or equivalent position. Employees on leave shall accrue no benefits or seniority during the family/medical leave.~~
 - ~~(j) The city manager may deny employment restoration to exempt employees who are among the highest paid ten percent if such denial is necessary to prevent substantial economic injury to the city's operation.~~
 - ~~(k) The city manager will consider each request for family/ medical leave on a case-by-case basis in accordance with the statute and regulation.~~

~~(Code 1980, § 16-17; Ord. No. 94-1518, 4-21-1994)~~

~~Sec. 58-56. School conference leave.~~

- ~~(a) Regular part-time and full-time employees employed by the city for the preceding 12 months shall be granted upon reasonable notice up to a maximum of 16 hours of unpaid leave during any 12-month period for the employee to attend conferences or classroom activities related to the school, child care, or pre-kindergarten program of the employee's child.~~
- ~~(b) Such leave shall be granted only if the conference and activities cannot be scheduled during nonwork hours.~~
- ~~(c) An employee may substitute accrued vacation leave for any part of the leave.~~

~~(Code 1980, § 16-17A; Ord. No. 94-1518, 4-21-1994)~~

~~Sec. 58-57. Bone marrow donation leave.~~

- ~~(a) An employee shall be granted up to a maximum of 40 hours paid leave for a bone marrow donation medical procedure.~~
- ~~(b) Physician verification of the purpose and length of leave shall be submitted to the city manager.~~
- ~~(c) The amount of family medical leave shall not be reduced by the amount of bone marrow donation leave.~~

~~(Code 1980, § 16-17B; Ord. No. 94-1518, 4-21-1994)~~

~~Sec. 58-58. Jury and witness duty.~~

~~If an employee is called to serve as a juror or subpoenaed as a court witness, the employee shall receive compensation which will equal the difference between the employee's regular pay and compensation paid for jury duty or witness fees. Employees are expected to report to work in the city when they are released from court during regular office hours and to make every effort to complete the work assigned to them during the time they are serving as jurors or witnesses.~~

~~(Code 1963, § 112.16; Code 1980, § 16-18; Ord. No. 427, 2-6-1975)~~

~~Sec. 58-59. Attendance at conference and other meetings.~~

~~Attendance at conferences and other meetings shall be considered as time on regular duty, provided that such attendance shall be approved by the city manager.~~

~~(Code 1963, § 112.18; Code 1980, § 16-20; Ord. No. 427, 2-6-1975)~~

~~Secs. 58-60—58-90. Reserved.~~

ARTICLE III. DISCIPLINE AND TERMINATION

~~Sec. 58-91. Notice of resignation.~~

~~Any nonexempt employee pursuant to FLSA (Fair Labor Standards Act) wishing to leave the municipal service in good standing shall file with such employee's department head or city manager at least 14 calendar days before leaving, a written resignation stating the effective date of the resignation. Any exempt employee pursuant to FLSA wishing to leave the municipal service in good standing shall file with such employee's department head or city manager at least 30 calendar days before leaving, a written resignation stating the effective date of the resignation.~~

~~(Code 1963, § 112.19; Code 1980, § 16-21; Ord. No. 427, 2-6-1975; Ord. No. 85-904, 9-19-1985)~~

~~Sec. 58-92. Layoffs.~~

~~(a) The city manager may lay off any employee whenever such action is made necessary as provided in the annual budget by reason of shortage of work or funds, the abolition of a position or because of changes in organization. Two~~

~~weeks' advance written notice of the layoff shall be given. An employee may be transferred to another position if such employee is qualified. Qualifications and job performance shall be the determining factor for layoffs.~~

- ~~(b) Employees who have been laid off will be recalled to their former position classification in the reverse order of their layoff.~~

~~(Code 1963, § 112.21; Code 1980, § 16-22; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988)~~

~~Sec. 58-93. Suspension.~~

~~The city manager may suspend by a written notice any employee without pay for disciplinary reasons. Such suspensions shall not exceed 30 days in any one calendar year.~~

~~(Code 1963, § 112.23; Code 1980, § 16-24; Ord. No. 427, 2-6-1975; Ord. No. 88-1064, 2-4-1988)~~

~~Sec. 58-94. Dismissal, demotion and disciplinary action.~~

- ~~(a) *Causes for demotion.* An employee may be demoted by the city manager for inefficient performance of such employees duty, for disciplinary reasons, or for any other justifiable cause.~~

- ~~(b) *Causes for dismissal, demotion, or disciplinary action.* Any employee subject to the provisions of this chapter, including all department heads, may be dismissed from the municipal service by the city manager only for cause. The particular dismissal, demotions or suspensions shall be based on the individual facts and circumstances involved, and evidence of cause for dismissal, demotion or disciplinary action shall include, but not be limited to the following:~~

- ~~(1) Incompetence or inefficiency in the performance of the employee's duties.~~
- ~~(2) Violation of any lawful or official regulation or administrative order, or violation of any lawful direction made and given by such employee's supervisor, where such violation amounts to an act of insubordination or a breach of proper discipline or has resulted or reasonably might be expected to result in loss or injury to the municipality or to the public.~~

- ~~(3) Unsatisfactory conduct in job performance resulting from being under the influence of alcohol or drugs. See the city administrative policy on drugs and alcohol testing.~~
- ~~(4) Physical or mental defect which in the judgment of the city manager incapacitates the employee in the proper performance of the duties of such employee's position. An examination by a licensed medical doctor may be required and refusal to undergo one requested under the city drug and alcohol policy may be grounds for discipline including, but not limited to, discharge.~~
- ~~(5) Use of offensive conduct or language toward the public or municipal officers or employees.~~
- ~~(6) Failure to pay or make reasonable provisions for future payment of just debts due or owing by such employee causing thereby annoyance to officers and employees of the municipality.~~
- ~~(7) Carelessness and negligence in the handling or control of municipal property or unauthorized use of city property.~~
- ~~(8) Inducing or attempting to induce an officer or employee of the municipality to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or administrative order.~~
- ~~(9) Receiving any cash, gift or any other thing of monetary value in the course of or in connection with such employee's work, from any person for such employee's personal use when such cash, gift, or other thing of monetary value is given in the expectation of receiving a more favorable treatment than that accorded other persons. Any gift of cash shall be deemed to be given in the expectation of receiving a more favorable treatment and shall be deemed to be improper. The employee shall report all gifts to such employee's department head and the city manager. If the city manager approves the gift, the gift shall be deemed to be proper.~~
- ~~(10) Conduct in private life which brings discredit upon the municipal service.~~
- ~~(11) Dishonesty in the performance of such employee's duties.~~
- ~~(12) Conduct or actions which create or may create a clear conflict of interest with such employee's position, duties and responsibilities as a city employee.~~
- ~~(13) Insubordination.~~
- ~~(14) Violations of the provisions of this chapter.~~

~~(15) Other good or sufficient grounds.~~

~~(c) *Hearings.*~~

~~(1) In cases involving dismissal, demotion or suspension, the employee shall have seven calendar days following receipt of the city manager's statement to file a written demand with the city manager for a hearing, before the city manager. The hearing shall not be held later than ten days from the date of filing of the employee's written demand for a hearing. Unless otherwise provided by law, the city manager may revoke or modify the previous action taken.~~

~~(2) The rights of any employee, if such employee is exonerated and reinstated to such employee's former position, shall be retroactive to the effective date of the disciplinary action.~~

~~(Code 1963, § 112.24; Code 1980, § 16-25; Ord. No. 427, 2-6-1975; Ord. No. 431, 3-20-1975; Ord. No. 88-1064, 2-4-1988)~~

INTRODUCED and read in full this ____ day of _____, 2022.

PASSED by the City Council of the City of Blaine this ____ day of _____, 2022.