

Employee Reference Guide

*Grand Forks/East Grand Forks
Metropolitan Planning Organization*

2015 Edition

TABLE OF CONTENTS

WELCOME.....	1
Notice/Disclaimer	1
Orientation Program.....	2
Job Posting.....	2
Personnel Files	2
Probationary Appointment.....	3
Performance Reviews	4
Scope and Application	5
Grand Forks/East Grand Forks Executive Policy Board	5
Classifications Of Employment	6
EMPLOYMENT POLICIES	8
Employment and Promotion Policy	8
Sexual Harassment Policy.....	9
Resignation	10
Exit Interview.....	10
Return or GF/EGF MPO Property	10
GF/EGF MPO Electronic Communications Policy	11
Non-Discrimination and ADA Accommodation	11
Procedure For Requesting Accommodations.....	12
Alcohol and Controlled Substance Policy	12
Workplace Lactation Policy.....	14
Driver License Policy	15
Smoke Free Workplace.....	15
Open Door Policy	16
EMPLOYMENT REGISTERS	17
Examinations.....	17
Veteran’s Preference	17
Employment Registers	18
Duration of Employment Registers	19
Certification of Registers	19
Priority of Registers	19
LAY-OFF AND REHIRING PROCEDURES	20
Order of Lay-Off.....	20
Notice of Lay-Off	20
Reassignment of Laid Off Employee.....	20
DISCRETIONARY TRANSFER BY THE EXECUTIVE DIRECTOR.....	20
LIMITED TERM APPOINTMENTS AND REASSIGNMENTS	21
SENIORITY	21

TABLE OF CONTENTS PAGE 2

COMPENSATION POLICIES	23
Salary Policy	23
Salary Plan Adoption	23
Salary Plan Maintenance.....	23
Minimum Pay Rates.....	23
Total Remuneration	25
Salary Increases	25
Salary Policy	25
Pay Rates for Transfers, Promotions, and Demotions	25
Compensation for Part-Time Work	26
Hours of Work	26
Hourly Rates	27
Regular Pay Increases	27
Overtime Pay Procedures.....	27
Compensatory Time.....	28
Reimbursement For Out-Of-Pocket Expenses.....	29
Travel Expense Policy and Procedures.....	29
Wage, Hour and Worktime	33
Tuition Reimbursement Program.....	33
Employee Suggestion Program.....	35
Call-Back Compensation	35
Off-Duty Court Appearances.....	35
Holidays and Holiday Pay	36
Private Vehicle Policy.....	36
Sick Leave Redemption	37
Pay Upon Termination of Employment.....	37
Deductions from Pay.....	38
Overpayment.....	39
BENEFITS AND RELATED PROGRAMS	40
Wellness Program	40
Post-Employment Health Plan.....	40
Deferred Compensation Program	41
Health Insurance	41
AFLAC	41
Life Insurance	42
Longevity	42
Change of Address/Status	42
Employees who have a change in status of Dependents.....	42
Retirement.....	43
Long Term Disability Insurance	43
Unemployment Compensation Insurance	43
Employee Voluntary Vision Plan	43

TABLE OF CONTENTS PAGE 3

Employee Voluntary Dental Plan	43
Employee Credit Union	44
Employee Assistance Program	44
Automatic Deposit	45
Health Fitness Center Discounts.....	45
Designated Medical Provider.....	45
On The Job Injury	45
Workforce Safety And Insurance.....	45
EMPLOYEE CONDUCT	47
Disciplinary Action.....	47
Due Cause for Disciplinary Action.....	49
Notice of Suspension, Demotion, or Dismissal; Informal Disciplinary Conference	51
Appeal of Disciplinary Action.....	52
Hearing Procedure Appeal to Executive Policy Board Chairman	52
Hearing Procedure Appeal to Executive Policy Board (Board)	54
Decision by the Reviewing Authority.....	56
EMPLOYEE GRIEVANCE PROCEDURE.....	57
Procedure for Presentation of Grievances.....	57
GENERAL PROVISIONS, RESTRICTIONS, AND PROHIBITIONS	61
Retaliation	61
Limitations on Outside Employment	61
Political Activity	62
Employee Becoming a Candidate for City Office	63
Conflict of Interest	63
Employee Training and Development	63
Safety Policy and Program.....	64
EMPLOYEE LEAVE.....	64
Family and Medical Leave.....	64
Military Family Leave	66
Military Leave.....	67
Vacation	68
Sick Leave.....	69
Leave Without Pay.....	70
Leave With Pay.....	71
Release From Duty	71
Jury Duty Leave.....	71
Official Meeting Leave.....	71
Professional Leave	72

TABLE OF CONTENTS PAGE 4

Bonus Personal Leave.....	72
Flexible Working Hours	72
Educational Leave.....	72
Bereavement Leave.....	73
Temporary Disability and Limited Duty.....	73

WELCOME TO THE GRAND FORKS-EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION

An interesting and challenging experience awaits you as an employee of the Grand Forks-East Grand Forks Metropolitan Planning Organization (GF/EGF MPO). This document is a reference guide that will introduce GF/EGF MPO Employees to the organization and will familiarize you with the guidelines and benefits that affect the employment relationship between you and the GF/EGF MPO.

Please read this reference guide and retain for future reference. The policies stated in this reference guide are subject to change through action by the Executive Policy Board. For more complete information regarding any of our benefit programs, please contact the Office Manager. For more complete information regarding policies or code references, please refer to the Grand Forks City Code. You can reference the City Code on the Grand Forks City website at: <https://library.municode.com/index.aspx?clientId=11792>.

The employees of the GF/EGF MPO wish you the best of success in your position and hope that your employment relationship with the MPO will be a rewarding experience.

IMPORTANT NOTICE

This REFERENCE GUIDE is intended solely as a guide. The language used in the guide should not be construed as creating a contract, expressed or implied, between the GF/EGF MPO and any of its employees or a guarantee of employment for any specific duration or upon any specific terms. In the event of a contradiction between the information appearing in the REFERENCE GUIDE and the information that appears in the Grand Forks City Code, the Grand Forks City Code shall govern in all cases.

The GF/EGF MPO reserves the right to amend or terminate any of these provisions, programs, and benefits, or to require or increase employee contributions toward any program or benefit at its discretion.

The policies stated in this REFERENCE GUIDE are subject to change through actions of the MPO Executive Policy Board.

**Please note that numbers at the end of a paragraph refer to the coordinating section of the Grand Forks City Code for further reference.*

ORIENTATION PROGRAM

During your first few days of employment, an MPO employee may provide an orientation program to you. During this process, you may receive important information regarding the basic GF/EGF MPO policies, affirmative action plans, your compensation, and the GF/EGF MPO benefits program, plus other information necessary to acquaint you with your job with the GF/EGF MPO. You will be asked to complete all necessary paperwork at this time, such as medical benefits plan enrollment forms, beneficiary designation forms, and appropriate federal, state, and local tax forms. At this time, you will be required to present the GF/EGF MPO with information establishing your identify and your eligibility to work in the United States in accordance with applicable federal law. During your first few days of employment, the Executive Director will provide information to you regarding the performance requirements of your position, work schedules and departmental policies and procedures.

Please use this orientation program to familiarize yourself with the GF/EGF MPO policies and benefits. We encourage you to ask any questions you may have during this program so that you will understand all the guidelines that affect and govern your employment relationship with us.

JOB POSTING

The GF/EGF MPO believes in hiring the best qualified individual for each position. The GF/EGF MPO has established a job-posting program to give employees an opportunity to apply for positions they are interested in and qualified for. Vacancies are posted on the MPO Website at: www.theforksmmpo.org. Postings generally include the title, salary range, minimum hiring specifications, essential functions of the job, eligibility standards and the closing date for filing notice of reassignment (promotional) intent. Positions are normally posted for ten (10) working days. The GF/EGF MPO reserves the right, based upon need, to dispense with job postings if the need arises. Positions advertised externally are normally posted for fifteen (15) working days.

You are responsible for monitoring job vacancy notices and for completing and filing an application form with the Office Manager during the posting period for a specific opening.

PERSONNEL FILES

The GF/EGF MPO maintains employee personnel files, which are generally open to the public. However, portions of your personal file are not considered open public records. Public portions contain documentation regarding an employee's tenure with the GF/EGF MPO, such as performance appraisals, training records, payroll information, disciplinary warning notices, and letters of commendation. You may review your personnel file at any time. If you are interested in reviewing your file, contact the Office Manager to schedule an appointment.

You are responsible for ensuring that your personnel file is up-to-date at all times. Please notify the Office Manager of any changes in your name, telephone number, home address,

marital status, number of dependents, pay increases or changes, scholastic achievements, the individuals to notify in the case of an emergency, and so forth.

PROBATIONARY APPOINTMENT

When there is a vacancy, the Executive Directory shall determine the best candidate for the position.

All appointments shall be probationary and subject to a probationary period. The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to the position, and for rejecting any employee whose performance does not meet the required and expected work standards.

Any person certified and appointed to a regular position, including those appointed from a re-employment register, rehabilitation register, reassignment register, or eligible register, shall be required to successfully complete a working test during the probationary period to evaluate the employee's ability to perform the various duties pertaining to the position. The probationary period shall begin immediately upon appointment and shall continue for a period of six-months. **6-0521**

In all cases, upon the request of the Executive Director, the MPO Executive Policy Board may consider and approve an extension of the probationary period up to an additional six (6) months. A probationary employee may be removed and terminated by the Executive Director in accordance with 6-0522.

A probationary employee is not generally eligible for a reassignment register. However, the Executive Policy Board, in its sole discretion and authority, may waive such prohibition upon a request and showing of good cause. Each new employee shall be evaluated at least twice during the probationary period.

Every effort shall be made by the Executive Director to ensure that the probationary employee received proper training, orientation, and assistance.

PERFORMANCE REVIEWS

To ensure that employees perform their job to the best of their abilities, it is important that employees be recognized for good performance and that they receive appropriate suggestions for improvement when necessary. Consistent with this goal, an employee's performance will be evaluated by their supervisor on an ongoing basis. **6-0521**

The GF/EGF MPO has implemented a Market Based Pay for Performance System. The Grand Forks City Human Resource Department annually surveys the defined market, and presents an annual Salary Plan for approval. The GF/EGF MPO follows the City's Pay Plan and approves Pay for Performance increases as such.

Performance reviews will be conducted by the Executive Director each quarter; the first quarter covers the October through December period, the second quarter covers the January through March period, the third quarter covers the April through June period, and the fourth quarter covers the July through September period. Annual performance evaluations are due October 15th of each year, and generally pay increases for performance reviews and evaluations shall become effective January 1st of the next fiscal year as established in accordance with 6-0306 of the Grand Forks City Code.

In 2004, the procedure/policy in support of 6-0306 is as follows:

- 1) Employees HIRED January 1st to June 30th of each year would receive a PFP evaluation increase on January 1st of the following year.
- 2) Employees HIRED on or after July 1st through December 31st of each year, would receive a 6-month PFP evaluation increase six (6) months from their hire date.
- 3) Employees PROMOTED or (reassigned) at any time during the calendar year of January 1st to December 31st of each year would receive a PFP evaluation increase on January 1st of the following year.
- 4) Employees who receive a Limited Term Appointment and Reassignment per 6-0524(1) or 2) and the time period overlaps with the annual evaluation period, shall receive a PFP evaluation increase based on their base salary and comparative (compa) ratio of the classified position title held prior to the limited term or reassignment appointment.

The Performance Evaluation Form contains weighted rating categories, covering various performance elements of both GF/EGF MPO wide application and job specific (essential function) application. The ratings for each category are on a scale of 1 to 5 with the following meanings:

CATEGORY DEFINITIONS – Performance Evaluations:

- “1” Consistently DOES NOT meet standards (essential functions).
- “2” Occasionally DOES NOT meet standards (essential functions).

- “3” Meets standards (100% proficiency of essential functions of position) - Variance from this rating requires written justification and must be approved by the Executive Director.
- “4” Occasionally EXCEEDS standards (essential functions).
- “5” Consistently EXCEEDS standards (essential functions). 50% of the employee’s total evaluation score is based on the GF/EGF MPO wide elements, categories of which were created by a steering committee, and 50% of the employee’s total evaluation is based on JOB SPECIFIC elements which are created between the Executive Director and the Employee utilizing the job description for each position.

In all cases, the Executive Director is ultimately responsible for the written final evaluations of the employees under his direction.

Employees may ask for a review of their evaluation through the Chairman of the Executive Policy Board whose decision shall be final and based on documentation and discretionary judgment of the Executive Director and not the individual scores themselves. The employee may only file a grievance per 6-0701, if they allege and prove unfair or misapplication of policies, standards and procedures used in their evaluation.

All written performance reviews will be based on your overall performance in relation to performance elements of your position and will also take into account your conduct, demeanor, and record of attendance and tardiness.

A copy of your probationary and annual written performance evaluations will be maintained in your personnel file.

SCOPE AND APPLICATION

All offices and positions of the GF/EGF MPO are divided into the classified service and the non-classified service. The non-classified service includes the following:

All elected officials; Employees not in a classified position, persons appointed to boards, commissions, or committees; volunteer personnel and personnel appointed to serve without pay; consultants, professionals, and legal counsel rendering temporary professional service; positions designated as non—classified by the Executive Policy Board; and persons employed under written contract;.

The classified service shall include such positions as are authorized and classified by the Executive Policy Board. **6-0103**

GRAND FORKS/EAST GRAND FORKS EXECUTIVE POLICY BOARD

The GF/EGF Executive Policy Board is composed of eight (8) members. All members are residents of the Counties of Grand Forks, North Dakota or Polk, Minnesota. Members serve

a two (2) year term and meet on at least a quarterly basis. Five (5) members constitute a quorum for the transaction of official business. The GF/EGF Executive Policy Board possesses the following authority as outlined in the Grand Forks City Code:

1. To recommend rules and regulations, including amendments thereto, as may be necessary and proper to carry out the intent and purposes of this chapter. These rules and amendments must be submitted to the MPO Executive Policy Board for adoption and upon adoption shall have the full force and effect of the law;
2. To hear appeals on disciplinary matters as specified in Chapter 6 of the Grand Forks City Code;
3. To represent the public and the Cities of Grand Forks and East Grand Forks' interests in the improvement of personnel administration in the MPO's service;
4. To advise the Executive Director on problems concerning personnel administration;
5. To advise the Executive Director in fostering the improvement of personnel standards in the MPO service;
6. To make any inquiry which the MPO Executive Policy Board may consider desirable concerning the administration of personnel in the MPO service and to review any personnel action which may appear to be arbitrary, capricious, or illegal, and make recommendations to the Executive Director with respect thereto;
7. To hire staff as the commission may find necessary to carry out the intent and purposes of this chapter. The hiring of staff shall be within the constraints of annual appropriations and budget as established by the MPO;
8. To create and utilize employment registers in order to fill vacancies within the classified service for the MPO;
9. To establish tests, examinations and evaluations for the evaluation of applicants for the classified service; and
10. To perform such other duties with reference to personnel administration of the MPO, not inconsistent with the City Code, as the MPO Executive Policy Board may require by ordinance or as otherwise directed. **6-0205**

CLASSIFICATIONS OF EMPLOYMENT

The GF/EGF MPO classifies its employees as follows:

- ❖ **Classified employee** means an employee who has been appointed to a full-time or part-time classified position in accordance with the provisions of this chapter after successfully completing a probationary period.
- ❖ **Employee** means a person hired by the GF/EGF MPO. Except as otherwise provided herein, this term shall not include those individual who may be engaged as a consultant.
- ❖ **Full-Time employee** means an employee for forty (40) hours per week or more on a regular basis throughout the calendar year.

- ❖ **Non-Classified employee** means an employee who has been hired by the GF/EGF MPO for a non-classified position as designated by section 6-0103. A non-classified employee shall be considered to be an employee “at will” and shall not acquire or hold any property interest in employment with the GF/EGF MPO. A non-classified employee shall not be entitled to employment benefits except as may be provided under the terms of an enforceable contract between the GF/EGF MPO and the employee.
- ❖ **Part-Time employee** means an employee employed for less than forty (40) hours per week.
- ❖ **Probationary employee** means an employee who has not completed his or her probationary period after original employment, transfer, promotion, or disciplinary action taken pursuant to section 6-0606(2) of the Grand Forks City Code.
- ❖ **Shift employees.** An employee who routinely works a rotating or irregular work week or is periodically scheduled and required to work on Sundays and holidays.
- ❖ **Volunteer.** A person who gives his/her services without any express or implied promise of remuneration. Under no circumstances may a volunteer be considered an employee of the GF/EGF MPO.

EMPLOYMENT POLICIES

EMPLOYMENT & PROMOTION POLICY (Affirmative Action Policy)

The GF/EGF MPO provides equal opportunities to all employees and applicants for employment. This policy applies to all terms and conditions of employment, including, but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

To further the principle of equal employment opportunity for all, the GF/EGF MPO has established an affirmative action policy for minorities, women, individuals with disabilities, North Dakota veterans, and disabled North Dakota veterans as outlined in the Grand Forks City Code.

Decisions regarding employment and personnel administration in the GF/EGF MPO shall be free of political considerations and based on merit. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of city government. Appointments, promotions, and other actions requiring the application of the merit principle shall be based on test, examinations, and/or evaluations. High morale should be maintained by fair and consistent administration. Tenure of employees shall be subject to good behavior, the physical and mental ability to do the work, the satisfactory performance of work, the necessity for the performance of work, legal authorization and availability of funds. **6-0102**

The GF/EGF MPO is an equal employment opportunity employer. An employee or applicant for employment may not be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against on the basis of race, color, religion, sex, national origin, age, physical or mental disability, or status regarding marriage or public assistance, except in limited instances where such selection criteria exists as a bona fide occupation qualification or essential element and function of the position. **6-0104**

It is the policy of the GF/EGF Metropolitan Planning Organization to:

- ❖ Recruit, hire, train, and promote persons in all job classifications, without regard to race, color, religion, national origin, political affiliation, age, handicap or disability, or other non-merit factors, except where there is a bona fide occupational qualification.
- ❖ Base decisions on employment so as to further the principle of equal employment opportunities.
- ❖ Insure that promotional decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for employment and promotional opportunities.

- ❖ Insure that personnel actions such as compensation, benefits, transfers, layoffs, re-employment, training and education, employee benefits programs, and any other personnel action will be administered without regard to race, color, religion, sex, national origin, age, handicap or disability, political affiliation or other non-merit factors.

APPEALS INVOLVING DISCRIMINATION

Any employee who feels that he or she has been discriminated against in any personnel action on the basis of race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors, shall utilize the procedures as prescribed by section 6-0701.

SEXUAL HARASSMENT POLICY

It is the policy of the GF/EGF MPO to foster an environment of respect for the dignity and worth of all its employees. Because incidents of sexual harassment are demeaning to all persons involved, and impair the ability of the MPO to perform its functions, the MPO has adopted this policy defining and prohibiting sexual harassment.

All employees are responsible for assuring that the work place is free from sexual harassment. Any employee who has a work place sexual harassment complaint against supervisors, co-workers, agents or contractors of the MPO, MPO officers or officials, or anyone on the premises must bring the problem to the MPO's attention by notifying the employee's supervisor. If the complaint involves someone in the employee's direct line of supervision, then the employee should inform another supervisor or the MPO Executive Policy Board's Chairman of the complaint.

Sexually harassing conduct is prohibited in the work place, whether committed by a supervisor or non-supervisory personnel. Sexually harassing conduct includes, but is not limited to:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of an offensive sexual nature, especially where:
 - (A) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment.
 - (B) Submission to, or rejection of such conduct is used as the basis for decisions affecting an individual's employment, evaluation, wages, advancement, assigned duties, shifts, other conditions of employment or career development; or
 - (C) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Offensive comments, jokes, innuendoes, and other sexually oriented statements or material.

3. Graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, or display or possession in the work place of sexually suggestive objects or pictures.

Any employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including termination.

The GF/EGF Executive Policy Board is authorized to establish rules and regulations as may be necessary and/or convenient relating to receiving, investigating, and resolving complaints involving allegations of sexual harassment. **6-0908**

RESIGNATION

An employee wishing to terminate employment with the GF/EGF MPO in good standing shall file, with the Executive Director at least two (2) weeks before leaving service, a written resignation stating the effective date and reasons for leaving. Absent extenuating circumstances, an employee's failure to comply with the requirements of this section will be considered in any decision to place the employee's name on the re-employment register and the possibility of rehiring the employee. All resignations shall be deemed final when filed with the Executive Director and no resignation may be withdrawn or rescinded after submission without the approval of the Executive Director. **6-1006**

EXIT INTERVIEW

The Executive Director, whenever possible, may hold an interview with any employee separated from employment with the GF/EGF MPO for purposes of gathering information that may facilitate control of the turnover of employees.

RETURN OF GF/EGF MPO PROPERTY

An employee who leaves employment with the GF/EGF MPO for any reason is responsible for returning any MPO property in his or her custody, possession, or control. The MPO has ownership rights to any files developed by an employee on the job, including electronic files.

At the time of separation, and before final payment of any salary or other reimbursement due, all records, files, work papers, computer system files, assets, tools, keys, and any other items of MPO property in the employee's custody, possession, or control shall be turned over to the Executive Director. **6-1005**

GF/EGF MPO ELECTRONIC COMMUNICATIONS POLICY

The GF/EGF MPOs E-Mail Policy governs the use of Internet and Internet E-Mail by the employees of the GF/EGF MPO. This policy extends to off-hours usage of company equipment, e-mail, and Internet facilities. The Internet and e-mail systems of the GF/EGF MPO should be used for business purposes only. No other Internet and e-mail system may be used to conduct GF/EGF MPO business. Remember that all e-mail may be public information and may be viewed by the public at any given time. The purpose of the Internet is to assist the employee in performing daily job responsibilities. The abuse of the Internet or e-mail will be reported to the Executive Director and the employee may be subject to disciplinary action under City Code. Upon hire, employees are provided the full policy description for signature of acknowledgment. For a full description of the Electronic Communications Policy, please contact the Office Manager for a copy.

NON-DISCRIMINATION & ADA ACCOMMODATION

The GF/EGF MPO does not discriminate on the basis of disability status in the admission of access to, or treatment of, employment in its programs or activities. The Executive Director and/or Office Manager has been designated to coordinate compliance with the non-discrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 and the Americans With Disabilities Act of 1991 (ADA).

It is the MPO's policy to:

1. Ensure that qualified individuals with disabilities are treated in a non-discriminatory manner in the pre-employment process, and that employees with disabilities are treated in a non-discriminatory manner in all terms, conditions, and privileges of employment.
2. Administer medical examinations (a) to applicants only after conditional offers of employment have been extended, and (b) to employees when justified by business necessity, or as part of the MPO's voluntary annual physical examination period.
3. Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files.
4. Provide disabled applicants and employees with reasonable accommodation, except where such accommodation would create an undue hardship on the MPO.
5. Notify individuals with disabilities that the GF/EGF MPO provides reasonable accommodation to qualified individuals with disabilities.

PROCEDURE FOR REQUESTING ACCOMMODATION

Any individual requiring a special accommodation to allow access or participation at an MPO meeting is asked to notify the ADA Coordinator (701) 746-2665 of his/her needs.

ALCOHOL AND CONTROLLED SUBSTANCE POLICY

1. Employees are expected to report for duty in a manner that provides for public safety and efficient performance. The MPO hereby prohibits any employee from being intoxicated or under the influence of alcohol and/or controlled substances, and further prohibits the possession, use, distribution, manufacture, or sale of alcohol and/or controlled substances on its property, while on stand-by or MPO duty, or while in any work vehicle. For purposes of this section, "controlled substances" shall mean any substance defined as such by any of the schedules found in North Dakota Century Code 19-03.1-05(07)(09) or (11). This section shall not in any manner prohibit law enforcement officials from possessing alcohol and/or controlled substances in connection with the conduct of official business.
2. Employees violating this policy may be subject to discipline up to and including termination.
3. Employees charged with criminal offenses involving the possession, use, distribution, manufacture or sale of alcohol and/or controlled substances may be suspended with or without pay, at the discretion of the Executive Director, for up to ninety (90) days while the employee seeks to resolve the charges. If the charges are not satisfactorily resolved during this period, the employee shall be placed on accumulated annual leave. If, at the time such annual leave expires, the charges are not yet resolved or disposed of to the satisfaction of the Executive Director, the employee may be suspended without pay until the final disposition of the charges. If the final disposition of the charges is satisfactory to the Executive Director, and the employee is allowed to return to work, the employee may be awarded such salary and benefits as may have accrued since the date the suspension without pay was imposed. If the final disposition of the charges is unsatisfactory to the Executive Director, the employee shall be terminated retroactive to the date of the suspension without pay.
4. Employees who volunteer for treatment of an alcohol or substance abuse problem may be given an opportunity to participate in an appropriate treatment and/or rehabilitation program as approved by the appointing authority without discipline, if such request is made prior to any act or omission subject to disciplinary action. Upon successful completion of the program, an employee whose position requires possession of a current, valid driver's license may be required by the appointing authority, or his or her designee, to submit to random chemical screening of up to one year.
5. An employee whose use of alcohol or controlled substance is detected through involvement in an accident or adverse incident in any way involving the MPO will be

subject to discipline up to and including termination. Employees may be provided an opportunity to participate in a treatment and/or rehabilitation program at the discretion of the Executive Director. Upon successful completion of the program, an employee whose position requires possession of a current, valid driver's license may be required by the Executive Director, or his or her designee, to submit to random chemical screening for up to one year.

6. An employee shall inform the Executive Director of all convictions involving alcohol and/or controlled substances within five days of the conviction and may be subject to discipline up to, and including termination.
7. An employee shall inform their supervisor within five days of suspension or revocation of his/her driver's license due to drug offences involving alcohol and/or controlled substances.
8. An employee using medications prescribed by a doctor shall inform his/her supervisor of any possible side effects, performance limitations, or any other safety hazards, which may occur from the use of this medication. Based upon this information, the supervisor may reassign the employee, modify the employee's job to ensure the safety of the employee, co-workers, and the public, or relieve the employee of his/her duties until such time that the medication no longer affects his/her performance.
9. The GF/EGF MPO reserves the right to search, without employee consent, all areas and property in which the MPO maintains full control or joint control with the employee when the Executive Director or supervisor has a reasonable suspicion that an employee is involved in the possession, use, distribution, manufacture, or sale of alcohol and/or controlled substances. "Reasonable suspicion" is a belief based on objective facts and observations sufficient to lead a reasonable, prudent supervisor to suspect that an employee is involved in the possession, use, distribution, manufacture or sale of alcohol and/or controlled substances in violation of the MPO's policy. The supervisor may also notify the appropriate law enforcement agency that an employee may have illegal alcohol and/or controlled substances in his/her possession or in an area not jointly or fully controlled by the MPO. Supervisors shall not physically search employees.
10. The Executive Director or, in the absence of the Executive Director, any employee may prevent another employee from engaging in work when the Executive Director or employee has a reasonable suspicion that another employee is intoxicated or under the influence of alcohol and/or controlled substances or when the Executive Director or employee has a reasonable suspicion that another employee is in the possession of alcohol and/or controlled substances.
11. In the event that the Executive Director, supervisor, or employee prevents an employee from engaging in work when a reasonable suspicion exists that the employee is intoxicated or under the influence of alcohol and/or controlled substances exists, the

individual taking such action shall notify the Executive Policy Board Chairman of the incident and any action taken.

12. The MPO Executive Policy Board is authorized to establish rules and regulations as may be necessary and/or convenient to implement and administer the alcohol and controlled substance policy.
13. To assist in the implementation of its alcohol and controlled substances policy the GF/EGF MPO may require an administer drug and alcohol tests for any of the following reasons:
 - a. The GF/EGF MPO may require and administer random drug and alcohol tests to employees in positions which require employees to obtain and maintain a commercial driver's license;
 - b. The GF/EGF MPO may require a drug and alcohol test as a precondition to employment in positions which require employees to obtain and maintain a commercial driver's license;
 - c. The GF/EGF MPO may require and administer drug and alcohol testing after an employee has been involved in an automobile accident with the scope of his or her employment; and
 - d. The GF/EGF MPO may require and administer drug and alcohol testing when there exists a reasonable suspicion of a violation of the GF/EGF MPO's drug and alcohol policy. Full compliance with the GF/EGF MPO's alcohol and controlled substance policy requires employees to submit to testing for any of the above reasons. **6-0906**

WORKPLACE LACTATION POLICY

The purpose of the Workplace Lactation Policy is to provide guidelines that support the GF/EGF MPOs position as a family friendly work place by allowing new mothers that choose to express mild during work hours the reasonable time and, if feasible, the space to do so. It is the intention of this policy to establish general guidelines to ensure that business needs are met by each affiliate while providing the workplace flexibility, when possible, to allow for individual employee differences and to promote a healthy work and personal life balance.

Workplace Lactation Guidelines

The scheduling of breaks and work should be flexible to provide time for expression of breast milk.

Time provided should run concurrent with break times that are already provided whenever possible. Daily work schedules, including lunch/break times and lengths will be established by the Executive Director based on the organization's needs. For time that may be needed beyond the normal scheduled breaks, employees may use vacation time or may make up time as discussed and approved by the Executive Director.

The GF/EGF MPO will make every reasonable effort to provide a room or location, other than a restroom, in close proximity to the work area where the employee can express milk. Breaks less than 20-minutes must be paid.

In locations where possible, consideration should be made to provide a convenient and sanitary facility with a water source for washing hands and equipment in a private location with access to a refrigerator designated for breast milk storage.

GF/EGF MPO employees are responsible for working with other employees to establish a reasonable and consistent schedule for expression of milk.

The Executive Director or Office Manager are responsible for ensuring that any authorized break shorter than 20-minutes is paid. Employees are responsible for working with the Executive Director to establish a reasonable and consistent schedule for expressing milk.

Employees expressing milk in the workplace are expected to do so in a discrete and professional manner.

DRIVERS LICENSE POLICY

All GF/EGF MPO employees are required to have and maintain a valid drivers license.

An employee whose license is suspended or revoked more than once due to an alcohol and/or drug offense shall be required to report to a licensed facility for an addiction evaluation or may be disciplined by suspension and/or possible discharge from employment with the GF/EGF MPO.

No employee will be allowed to operate a licensed vehicle until:

1. The employee has the driver's license restored or has been issued a temporary restricted license, and
2. The employee, if required, has completed the addiction evaluation, and recommendations, if any, have been fulfilled, or is progressing satisfactorily in any long-term program as recommended.

TOBACCO FREE WORKPLACE

The GF/EGF MPO is committed to providing its employees and the public with a tobacco-free work environment. No person shall use tobacco products in any MPO or Grand Forks City or East Grand Forks City vehicle nor shall any person use tobacco products in any city owned or operated building or upon any city owned or operated grounds or property, except in designated areas of the Alerus Center parking lot which are officially designated as permitting tobacco usage.

OPEN DOOR POLICY

The GF/EGF MPO believes all employees have the right to access all levels of management. The MPO encourages all employees to discuss work-related problems with the Executive Director. If you would rather not approach the Executive Director, or if the problem is not addressed adequately, then you should feel free to discuss the problem with the MPO Executive Policy Board Chair.

This policy is not only for major problems, but also for day-to-day feedback, suggestions, and ideas.

EMPLOYMENT REGISTERS

EXAMINATIONS

All appointments to the GF/EGF MPO classified service shall be made according to merit and fitness to be ascertained as far as practicable by competitive examination. Examinations shall be impartial, practical, and shall relate to matters which test the ability, capacity and fitness of the applicants to discharge efficiently the duties of the class for which the examination is held. Exams may include, but are not limited to, written tests, oral tests, performance tests, review of past performance, interviews, rating of training, education or experience, assessment exercise, or any combination of these. The Executive Policy Board may also take into consideration factors such as education, experience, aptitude, knowledge, character, attitude, or other qualities or attributes which, in the sole judgment and discretion of the Executive Policy Board, enter into the determination of the relative fitness of applicants. **6-0505**

Physical, emotional, psychological, and/or mental fitness may be tested and considered by the Executive Policy Board when determined to be an essential job element of function of the position for which the examination is given and a qualified offer of employment has been made.

The identity of each person taking a competitive written test shall be concealed from the examiners by the use of an identification number, which shall be used on all written examination papers. This number shall be used until all test papers have been rated. An applicant whose examination papers carry the name of the applicant, or any other identification mark or symbol, or any applicant who reveals his identification number to the Executive Director, directly or indirectly, shall be disqualified and the applicant so notified.

6-0505, 6-0506, 6-0507, 6-0508, 6-0513

VETERAN'S PREFERENCE

Disabled veteran means a veteran who is a North Dakota resident and is found to be entitled to a service-connected disability rating as determined by the United States Veterans Administration.

Veteran means a North Dakota resident who served in the active military forces, during a period of war, or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released there from under other than dishonorable conditions. **6-0101**

Five (5) points shall be added to the final grade of a veteran who has received an honorable discharge from the armed services and who has attained a passing grade on the examination. (Form DD214 required at time of application). Any veteran whom the US

Veteran's Administration has awarded at least a 10% disability rating shall receive five (5) additional points (Certification of at least 10% disability required at the time of application). The disability must be compensable at the time of application. The rank of the applicant shall be determined on the basis of total points, including the veteran's preference points. Veteran's preference points shall be granted only for original entrance examinations. **6-0509**

EMPLOYMENT REGISTERS

Registers may be utilized and created by the Executive Director, in its sole discretion and authority, when filling vacancies with the classified service for the GF/EGF MPO:

ELIGIBILITY REGISTER (Original Employment) – The MPO Executive Policy Board shall establish and maintain such eligible registers for various classes of positions as it deems necessary or desirable to meet the MPO's needs. Qualified applicants shall be placed on the register in the order of the rating as established by the Board.

RE-EMPLOYMENT REGISTER – An employee who has resigned in good standing may request to be placed on a re-employment register in the classification most recently vacated, subject to approval or disapproval of the Executive Director and the Executive Board Chair, provided that the employee presents the request to be placed upon the re-employment register in writing to the Board prior to the date the employee's resignation is effective.

Any employee who has resigned expressly due to an injury, or disability incurred as a result of, and in the employee's normal course and scope of employment may request to be placed on a re-employment register upon recuperation/rehabilitation occurring within one (1) year from the date of recuperation/rehabilitation unless otherwise extended as provided by Section 6-0515. The ranking of all individuals on a re-employment register shall be in the order of the length of service with the MPO. Any individual whose employment eligibility expires, or who fails to request re-employment eligibility within the specified time period shall be treated as a new applicant on the eligible register. **6-0514**

RE-ASSIGNMENT REGISTER – The MPO Executive Policy Board may establish and maintain such re-assignment registers for the purpose of promoting and transferring employees as it deems necessary and desirable to meet the needs of the MPO. On each re-assignment register the employees shall be ranked in order of the ratings earned in the test given for this purpose. In the case of ties in the final ratings of eligible persons on the re-assignment register, all other factors being equal, seniority shall prevail.

An employee appointed from a re-assignment register who does not successfully complete the probationary period shall be reinstated to the former position in the class occupied by the employee immediately prior to the re-assignment, provided that the former position is unoccupied or occupied by a probationary employee. Any probationary employee removed from a position due to the failure of a re-assigned employee to complete his or her probationary period shall be reinstated to the appropriate register for the duration of the register.

If in the sole judgment and discretion of the Executive Policy Board, a proposed reassignment register fails to meet the needs of the GF/EGF MPO, the Executive Policy Board may decline to establish such register.

In the event the Executive Policy board declines to establish a proposed reassignment register after review of the examination results, the Executive Policy Board may re-designate the class or classes from which a reassignment may be made or the Executive Policy Board may create or utilize an Eligible Register.

REHABILITATION REGISTER – An employee who has left employment with the MPO in good standing because of an injury, illness, or disability incurred as a result of, and in the employee’s normal course and scope of employment, and having been rehabilitated and/or retrained to qualify to hold his/her former position or a different employment position with the MPO may request to be placed on a rehabilitation register. The ranking of the individuals on the register shall be in the order of the length of time on the rehabilitation register. Prior to an appointment, any individual under consideration must possess the minimum qualifications of the vacant position. Any employee appointed from the rehabilitation register must satisfactorily complete the probationary period. **6-0514**

DURATION OF EMPLOYMENT REGISTERS

All registers shall be open and continuous and shall be supplemented from time to time as the needs of the MPO service require. Except as otherwise provided in 6-0516 of the Civil Service Code, any applicant who is placed on a register and is not selected for a period of one (1) year shall be removed from the register unless the Board, in its sole discretion, before the expiration of the register, extends the time during which such register shall remain in force when the needs of the service so require. In no event shall the total period during which an individual remains on a register exceed two (2) years from the date on which the individual is originally placed on the register. **6-0515**

CERTIFICATION OF REGISTER

When a vacancy occurs, and the Executive Director has directed the position to be filled, the Executive Policy Board may certify the names of the individuals on the appropriate register for consideration. **6-0518**

PRIORITY OF REGISTERS

Certification shall be made from the existing register in the following order of preference: A) Re-employment and Re-assignment registers; B) Rehabilitation register; and C) Eligibility register. **6-0519**

LAY-OFF AND REHIRING PROCEDURES

The MPO may lay off an employee when deemed necessary by reasons of shortage of work or funds, the abolition of the position or other material changes in the duties or organization, reduction, termination, or elimination in grant funding, or for other reasons which are outside the employer's control, and which do not reflect discredit upon the service of the employee. The duties performed by the employee laid off may be reassigned to other employees in appropriate classes. A separation as a result of a disciplinary action shall not be considered as a layoff. **6-1001**

ORDER OF LAY-OFF

Lay off of employees shall be made in inverse order of length of service in the department involved. A temporary employee shall be laid off before a part-time employee, a part-time employee before a probationary employee, and a probationary employee before a regular employee. If two or more employees of the department involved have equal ratings on the basis of seniority, the order of lay off in such classes shall be on the basis of the employee evaluation reports. **6-1002**

NOTICE OF LAY-OFF

The Executive Director shall give written notice to the GF/EGF MPO Executive Policy Board Chairman, and to the employee of the proposed lay-off and reasons therefore not less than fourteen (14) calendar days before the effective date of the lay-off. **6-1003**

REASSIGNMENT OF LAID OFF EMPLOYEE

If otherwise qualified, an employee laid off from employment with the GF/EGF MPO shall be entitled to a transfer. Alternatively, at the request of the laid off employee, the Office Manager shall enter the employee's name on the reemployment register, where it shall be given preference. **6-1004**

DISCRETIONARY TRANSFER BY THE EXECUTIVE DIRECTOR

If in the sole judgment and discretion of the Executive Director, the personnel needs of the GF/EGF MPO would be served by the transfer of an employee to another position or department, the Executive Director may make such transfer, provided he has consulted with affected employees and that the transfer does not result in the reduction in salary to the employee. **6-0525**

LIMITED TERM APPOINTMENTS AND REASSIGNMENTS

In the event circumstances make it impossible or impracticable to fill a vacant position in the normal manner, the Executive Director may appoint with the concurrence of the MPO Executive Policy Board Chairman, any person to such vacant position in order to prevent stoppage of work or loss or serious inconvenience to the public. The appointment shall be made only during the existence of such circumstances and for a period not to exceed ninety (90) days. No person shall be reappointed to any such position. The Executive Director may also reassign an existing employee to an existing or new position in certain circumstances for a period not to exceed one hundred eighty (180) days. In the event an employee is on authorized leave and it is necessary for the Executive Director to temporarily substitute for an absent employee, the Executive Director may appoint or reassign any person to fulfill the duties of the position during such leave. The Executive Director shall report all such appointments or reassignments to the Executive Policy Board and the Office Manager. All limited term appointments shall be reported to the Executive Policy Board within fourteen (14) days of appointment. **6-0524**

SENIORITY

1. Seniority of an employee shall be established by computing the amount of continuous service, including vacation, sick leave, and approved leave of absence with pay taken since the date of employment or date of re-employment, whichever is applicable. Except as otherwise provided herein, any and all seniority rights accrued during any period of employment shall automatically be terminated and forfeited by the resignation of the employee; and in the event of such employee's future re-employment in the same or any other position, the resignation shall be considered a break in continuous service for purposes of computation of seniority, unless such resignation is the direct result of, and expressly due to an on-the-job injury.
2. In the event of the re-employment of a former employee who resigned as the direct result of, and expressly due to an on-the-job injury, the employee's seniority will include all years of continuous service prior to the date of resignation and all years of continuous service following re-employment.
3. Dismissal under the provisions of Article 5 or Article 6 of the Civil Service Code shall affect computation of seniority in the same manner as resignation, and in the event of future re-employment of the individual by the MPO, shall be considered a break in continuous service; provided, however, that an employee re-instated to a former position as a result of failure to successfully complete the probationary period upon appointment to a higher classification or position as provided by Section 6-0522 of the Civil Service Code, shall not be considered to have incurred a break in continuous service thereby.
4. Leave of absence without pay under the provision of Section 6-0811 or 6-0813 herein shall not be considered a break in continuous service to warrant forfeiture of previously

earned seniority rights. Military service during the time of an emergency, plus six (6) months thereafter, shall be included in the computation of seniority.

5. The rules providing for computation of seniority shall apply to computation of years of service for purposes of allowed annual vacations of employees with pay as provided by Sections 6-0806 and to priority of selection of time of annual vacation in the event of otherwise unresolved conflicts pertaining thereto. All other things being equal, the original date of hire will prevail. **6-0527**

COMPENSATION POLICIES

SALARY POLICY

The GF/EGF MPO follows the City of Grand Forks' Salary Policy, therefore it shall be the policy of the GF/EGF MPO to:

1. Strive to pay market based salaries comparable with competing public and private employers within the MPO's financial ability and its annually approved budget;
2. Provide consistent and equitable salary administration based on the position requirements and the employee's related experience, skills, and performance. **6-0301**

SALARY PLAN ADOPTION

The GF/EGF MPO shall annually approve a salary plan for all classified positions. The annual salary plan shall include the following components:

1. All salary ranges including minimum, intermediate and maximum salary ranges.
2. A listing of all positions.
3. An allocation of all positions into the salary ranges.
4. A listing of all positions exempt from the payment of overtime compensation.
5. Such other information as deemed necessary and appropriate.

A copy of the approved annual salary plan shall be maintained by the Office Manager. The annual salary plan may be amended from time to time by the resolution of the Grand Forks City Council. **6-0302**

SALARY PLAN MAINTENANCE

As the GF/EGF MPO follows the City of Grand Forks' Salary Plan, they agree that The City of Grand Forks' Director of Human Resources shall undertake such studies or surveys as may be reasonably necessary for determining changes, if any, to the annual salary plan. In addition, the Director of Human Resources shall:

- A. Annually update a database of the basic, fiftieth percentile salary rates (midpoint) of similar positions with the labor markets competing with the City and shall recommend a salary range for each position consisting of a minimum (eighty percent) and maximum (one hundred twenty percent) of the mid-point for each position.

- B. Periodically review positions to assure similarity of occupations in the market.
- C. Annually provide market data to the Executive Director and Executive Policy Board concerning changes in salary ranges for particular positions and market data concerning overall changes in market salaries.
- D. Develop and maintain policies and procedures for periodic review of position duties and responsibilities and make recommendations to the Executive Director and Executive Policy Board from time to time for purposes of possible changes in the annual salary plan.
- E. Develop standards for determining employee performance evaluations and further providing for the implementation of performance pay increases in employee salary.

The Executive Director shall be responsible to:

- A. Report all material and non-temporary changes in a position's duties and responsibilities.
- B. File performance pay reviews and annual performance evaluations for each classified employee with the MPO. Such evaluations shall be completed in accordance with the policies and procedures established by the City of Grand Forks' Director of Human Resources. **6-0303**

MINIMUM PAY RATES

The minimum rate of pay in the salary range established for a position will be paid to an employee upon appointment to the position. Appointment at a rate above the minimum and up to, but not including, one hundred percent of the midpoint for that range may be paid if, in the opinion of the Executive Director, and upon approval of the MPO Chairman, there has been a demonstrated inability to adequately recruit at the minimum rate of pay of the assigned range or the new employee possesses exceptional qualifications and/or experience warranting appointment at a higher rate pay range. Appointment at the rate of one hundred percent of midpoint and up to one hundred twenty percent of midpoint may be paid if, in the opinion of the MPO Chairman, there has been a demonstrated inability to adequately recruit at a lower rate of pay of the assigned range or the new employee possesses exceptional qualifications and/or experience warranting appointment at a higher rate in the pay range.

In the event a former employee is reemployed or reinstated in a position in which the employee was previously employed, the Executive Director may make an appointment at the Same rate of pay which the employee had been receiving at the termination of the employee's Prior service. **6-0304**

TOTAL REMUNERATION

Except as otherwise provided, no employee shall receive pay from the GF/EGF MPO in addition to the salary authorized under the annual salary plan for services rendered by the employee in the discharge of the employee's ordinary duties. However, the Executive Policy Board may authorize such pay for performance or incentive benefits, educational benefits, expense reimbursements, or such additional compensation as may be determined to be reasonably necessary or beneficial to the GF/EGF MPO. No reward, gift, or other form of remuneration in addition to the compensation set forth shall be received from any source by employees for the performance of their duties, except as authorized by the Executive Policy Board. If such reward, gift, or other form of remuneration is made available to any employee, the employee shall apply to the Executive Policy Board for authorization to accept such remuneration, otherwise, the employee shall remit the remuneration to the GF/EGF MPO and it shall be credited to the general fund. **6-0305**

SALARY INCREASES

Salary increases within the appropriate salary range shall be made, if at all, based upon the employee's pay for performance review and performance evaluations.

All approved salary increases shall be effective on the date established by the Executive Director. **6-0306**

SALARY POLICY

The following policy supports 6-0306 and 6-0307 of the City Code:

Salary can only be increased or decreased in the following manner:

- A. Pay for performance review and evaluations to become effective January 1 of the next fiscal year as established in accordance with 6-0306.
- B. Pay Rates for Transfers, Promotions, and Demotions refer to 6-0307 with the effective date for the salary change as established by the Executive Director.
- C. The Executive Director shall determine appropriate salary per 6-0307.

PAY RATES FOR TRANSFERS, PROMOTIONS, AND DEMOTIONS

Except for temporary assignments, an employee's rate of pay upon transfer, promotion, or demotion shall be determined as follows:

- A. For a lateral transfer from one position to another position within the same salary range, not in the nature of a promotion or demotion, the rate of pay shall remain the same.

- B. For a downward voluntary transfer from one position to another in a lower salary range, not in the nature of a demotion, the rate of pay shall be reduced to a rate commensurate with the same relationship to the midpoint as existed in the former range of pay.
- C. For a promotion to a position in a higher range of pay, the rate of pay shall be increased to at least a minimum rate in the new range of pay.
- D. For a demotion resulting from discipline or performance reasons, the rate of pay shall be established by the Executive Director.

For an assignment not in the nature of a transfer, promotion or demotion, compensation shall be determined by the Executive Director on a case by case basis. **6-0307**

Salary changes are effective on the date established by the Executive Director. For promotions to a position in a higher range of pay, the rate of pay shall be increased to at least a minimum rate for the new range (6-0307 C). Further, it shall be the policy of the Executive Director to consider a 1% to a 5% increase of the employee's current salary for promotions (reassignments). It shall be the goal of this policy to have employees who are promoted to a position of supervisor be higher in base salary than the employees whom they supervise. In these situations, the Executive Director may approve salary increases. In all cases the decision of the Executive Director shall be final.

COMPENSATION FOR PART-TIME WORK

Whenever an employee works for a period of less than the regularly scheduled number of hours a day, days a week, or weeks a month, the amount paid shall be proportionate to the time actually worked. No employee shall work two (2) positions concurrently with the MPO except as provided by Code or otherwise authorized by the Executive Director.

A classified employee shall receive eligible benefits established by the Executive Policy Board on a prorated basis. **6-0313**

HOURS OF WORK

1. The normal business hours shall be established by the Executive Director, and approved by the MPO Executive Policy Board. The Executive Director should not normally schedule an employee for more than forty (40) hours of work in the department's seven-day (7) work cycle. The seven-day (7) work cycle shall be periodically reviewed and approved by the Executive Policy Board. The Executive Director, or his/her designees, are required to maintain accurate records of employee attendance, hours of work, and hours of leave, and shall provide these records to the Executive Policy Board, as directed. Employees shall be in attendance at their work in accordance with MPO rules and regulations.

2. The regular workweek is the schedule an employee will typically work during a seven-day (7) calendar week as designated by the Executive Director and approved by the Executive Policy Board.
3. Records of all hours worked shall be maintained by the Executive Director or his/her designee. All hours worked shall be rounded to the nearest quarter (1/4) hour.

6-0801

Work period means a fixed and regularly recurring period of time, selected by the Executive Director, used to determine an employee's eligibility for overtime payments under the Fair Labor Standards Act, 29 U.S.C. Section 207(K).

A workweek is a designated and approved period of time consisting of no more than a seven-day period.

HOURLY RATES

The hourly rates shall be determined by dividing the annual salary based on the current wage rate being paid, excluding overtime, by two thousand eighty (2080) work hours per year. Two thousand eighty (2080) hours per year is computed on a basis of forty-hour week and fifty-two (52) weeks per year.

6-0314

REGULAR PAY PROCEDURES

All GF/EGF MPO employees are paid bi-weekly. If a scheduled payday falls on an MPO-observed holiday, you will be paid on the day preceding the weekend or holiday. All required deductions, such as federal, state, and local taxes, and all authorized deductions, such as for health insurance contributions, will be withheld automatically from your paychecks.

Please review your paystub for errors. If you find a mistake, report it to the Office Manager immediately in order that the proper corrective procedure be taken.

OVERTIME PAY PROCEDURES

1. The annual salary plan shall designate all positions which are exempt from the payment of overtime pay and compensatory time. Positions classified as exempt are, due to the nature of their duties, expected to have flexible hours which are anticipated to exceed forty hours per week. Positions designated as exempt shall not be entitled to overtime compensation or compensatory time.
2. All non-exempt employees are subject to overtime and/or compensatory time provisions of the Fair Labor Standards Act. All non-exempt employees will receive overtime pay or compensatory time off for all hours worked in excess of forty hours per week in the manner provided by the Fair Labor Standard Act, 29 U.S.C. Section 201, et. seq.

3. Any non-exempt employee who works more than four (4) hours beyond a scheduled workday or shift shall receive overtime compensation at a rate of one and one-half (1 ½) times the hourly rate.
4. Overtime work by an employee of the MPO must be authorized in advance by the Executive Director.
5. It shall be the policy of the GF/EGF MPO to minimize overtime burdens. To achieve this, the final decision whether an employee may accrue hours in excess of the maximum set for a workweek or work period lies solely within the reasonable discretion of the Executive Director. If an employee has already worked the maximum hours possible prior to incurring overtime liability, the Executive Director may release the employee from working the last day or days of the workweek or work period, or any portion thereof, to avoid incurring overtime liability.
6. Records of all overtime hours worked shall be maintained by the Executive Director. All overtime hours worked shall be rounded to the nearest quarter (1/4) hour. **6-0308**

COMPENSATORY TIME

In lieu of overtime pay, an eligible employee may elect to receive compensatory time off subject to the following:

- A. An employee must choose whether he/she wants to have overtime pay or compensatory time by the end of the pay period in which it was earned.
- B. Except as otherwise provided, no employee shall carry more than sixty (60) hours of accumulated compensatory time at any time during the calendar year nor beyond December 31 of each year, except as requested by the employee and approved by the Executive Director.
- C. An employee's use of compensatory time off shall be coordinated and scheduled with the department and shall not interfere with the operational needs of the department. Where it is not feasible to permit the absence of the employee, the Executive Director shall not provide the option of compensatory time off to the employee, but rather shall compensate the employee with cash payment for the overtime. Accrued unused compensatory time off may not exceed sixty-hours (60). Once the sixty-hours (60) of compensatory time maximum accrual has been reached, employees required to work in excess of forty-hours (40) in a designated work week shall be paid overtime at the employee's overtime rate. If an employee elects to take compensatory time off and the Executive Director or designee later determines that it is not feasible to grant compensatory time, then the employee shall be compensated by the second pay period following the determination for the full cash value of the compensatory time. **6-0309**

REIMBURSEMENT FOR OUT-OF-POCKET EXPENSES

Employees who incur expenses in the conduct of GF/EGF MPO business, such as use of personal car, out-of-pocket miscellaneous expenses, travel expenses, etc., shall be reimbursed for such expenses in accordance with the policy established by the City of Grand Forks Auditor and approved by the Grand Forks City Council. **6-0317**

TRAVEL EXPENSE POLICY AND PROCEDURES

Effective January 1, 2004, the following policy is established in support of **6-0317**:

1. **Travel Expenses Allowed.** No elected or appointed officer, employee, representative, or agent of the MPO may willfully make claim upon, or willfully receive advancement or reimbursement for traveling or meeting expenses in an amount in excess of that allowed by this policy. Where more than one elected or appointed officer, employee, representative, or agent travels in the same vehicle while engaged upon official duty, whether belonging to different departments, employees, etc., no claim may be made for more than one mileage, such claim to be made by the owner or lessee of such personal vehicle.
2. **Expense Amounts Allowed.** Each elected or appointed officer, employee, representative, or agent of the MPO may make claim for meals and lodging while engaged in discharge of a public duty away from the claimant's normal working and living residence for all or any part of any quarter of a day. Claims may not be made for meals that are included as part of a registration fee for a conference, seminar, or other meeting. Reimbursement is allowed only for overnight travel or other travel away from the normal place of employment in excess of four hours.
3. **In State Per Diem Meal Expenses.** Meal expenses for travel with **NORTH DAKOTA** will be reimbursed as follows:
 - A. First quarter is from six (6 AM) to twelve (12 NOON) and the sum is \$7.00. First quarter reimbursement may not be made if travel began after seven (7 AM).
 - B. Second quarter is from twelve (12 NOON) to six (6 PM) and the sum is \$10.50.
 - C. Third quarter is from six (6 PM) to twelve (12 MIDNIGHT) and the sum is \$17.50.
 - D. Fourth quarter is from twelve (12 MIDNIGHT) to six (6 AM). No meal reimbursement will be made for this quarter. Follows NDCC 44-08-04.

4. **Out of State Per Diem Meal Expenses.**
 - A. The allowance for out-of-state meals, within the continental United States is equal to the per diem meal rate in the city for which a claim is made on the day as established by rule for federal employees by the United States General Services Administration and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.
 - B. The allowance for meals in Canada, Alaska or Hawaii may not exceed on and one-half times the current continental U.S. standard rate for federal employees established by the United States General Services Administration.
 - C. The allowance for meals outside the continental U.S., Canada, Alaska, and Hawaii may not exceed two times the current continental U.S. standard rate for federal employees established by the United States General Services Administration.
5. **Out of State Lodging Expenses.** The allowance for lodging expenses outside the State of North Dakota is the actual lodging expense incurred.
6. **In State Lodging Expenses.** The allowance for lodging expense inside the State of North Dakota shall be the state approved rate. However, if the state approved rate is not available, the actual lodging expense incurred will be reimbursed.
7. **Reimbursement of Incidental Expenses.** The GF/EGF MPO will reimburse incidental expenses as reasonably and necessarily incurred. Incidental expenses include taxi, shuttle, parking, telephone, fax, internet, or other business related expenses incurred while traveling. Tips on meals will be allowed up to 15% of the meal per diem. Miscellaneous tips for other services shall be listed and will be reviewed for reasonableness and reimbursed as approved by the Department of Finance. Receipts for incidental expenses should be obtained where available.
8. **Mileage Reimbursement.** Mileage reimbursement for the use of personal vehicles while on authorized travel for the GF/EGF MPO will be reimbursed according to the current standard rate as established by the Internal Revenue Service. Each employee receiving reimbursement is responsible to determine any tax ramifications of reimbursement.
9. **Verification of Expenses.**
 - A. No receipt is required for per diem meal allowances as provided herein.
 - B. Receipts are required for lodging, taxi, shuttle, parking, telephone, fax, internet, or such other incidental expenses for which a receipt can be obtained.

10. **Prepayment of Travel Expenses for GF/EGF MPO Employees.**
 - A. Airline tickets, registration, fees, hotel deposits for approved travel may be purchased prepaid by the GF/EGF MPO or may be put on an MPO credit card.
 - B. Airline tickets, registration fees, and hotel deposits for approved travel may be direct billed to the GF/EGF MPO when that can be arranged.
11. **Use of Personal Credit Card for Airline Tickets.** An MPO employee may have airline tickets for official MPO travel charged to his/her personal credit card if it is to his/her advantage for insurance purposes. The employee will be reimbursed within the next billing cycle once he/she submits an appropriate invoice.
12. **Exceptions Allowed for Meals at Events or Special Meetings in City When Not Away from Normal Place of Business for Four (4) Hours or More or When Part of Registration Fee is Required.**
 - A. The Executive Director may formally approve, in advance, the attendance of elected officials, MPO employees, commission or board members, as MPO representatives, at events or special meetings.
 - B. The allowed amount will be the actual cost of the event and, where available, should be directly billed to the GF/EGF MPO.
13. **Expenses for Official Travel Not Employee's Responsibility.** The MPO cannot require an official or employee to forego or waive reimbursement of expenses related to official travel.
14. **Travel Advances.**
 - A. The Office Manager shall advance funds at the request of the Executive Director for employees traveling on official business for the GF/EGF MPO. The advanced funds shall be used for payment of meals, lodging, mileage when using personal vehicle, and incidental expenses incurred on official travel. The advanced funds shall not exceed ninety percent (90%) of the estimated expenses. No advance shall be made in any amount less than fifty dollars (\$50.00).
 - B. The Executive Director must approve MPO Staff travel advances; the MPO Chairman must approve the Executive Director's travel advances.
 - C. Funds advanced for incidental expenses under this section must be accounted for as required under guidelines 9 (b).
 - D. An advance travel voucher must be submitted to receive an advance.

1. The “Travel Request Authorized” box at the bottom of the page must be checked.
 2. The employee and the Executive Director must sign the document.
15. **Travel Reimbursement.**
 - A. The Office Manager shall reimburse, at the request of the Executive Director, employees funds used for meals, lodging using personal vehicle and incidental expenses incurred while the employee is traveling on official business for the GF/EGF MPO. Reimbursement requests should be submitted no later than seven (7) days from the date of return from travel.
 - B. Amounts advanced to the official or employee will be subtracted from the final travel document to determine if funds are due to the employee or due back to the MPO.
 - C. If an amount is due to the employee, it will be paid with the next billing cycle following receipt of the reimbursement request.
 - D. A travel voucher for final travel reimbursement must be submitted upon completion of travel by an official or employee who has received an advance for travel or who is seeking reimbursement for travel.
16. **Responsibility for Updates.** The Office Manager is responsible for updating appropriate tables when changed by the State Legislature, the United States General Services Administration, or the Internal Revenue Service.
17. **Administration and Questions.** The Office Manager is responsible for administration of this policy and will answer questions and clarify processes as needed.
18. **Recovery of Overpayment.** Any person who receives MPO funds for the discharge of a public duty in excess of the amounts allowed this policy must refund such amounts received in excess of that authorized. The Office Manager is authorized, pursuant to City Code 6-0318, to withhold such amounts from any salary or other amounts owed the employee. The MPO may also utilize such other administrative, civil, or other actions or options available to it to receive any excess payments.
19. **Violations May Result in Disciplinary Action.** Violations of the City’s travel expense and reimbursement policies may result in disciplinary action being taken against the employee as provided by City Code, Chapter IV, Article VI, Employee Conduct and Discipline.
20. **Authorization for Establishment of Forms and Procedures.** The Office Manager is hereby authorized to implement such forms and administrative procedures that may be

necessary and/or convenient for the implementation, interpretation, and administration of this policy.

WAGE, HOUR AND WORKTIME

The GF/EGF MPO complies with wage and hour provisions pursuant to N.D.C.C. Title 34 and N.D. Administrative Code Chapter 46-02-07.

Pursuant to 46-02-07-02 (6) Attendance at lectures, meetings, training programs, and similar activities need not be counted as working time if all of the following four criteria are met:

- A. Attendance is in fact voluntary;
- B. The course, lecture, or meeting is not directly related to the employee's job and;
- C. The employee does not perform any productive work during such attendance.

Training or Education mandated by the State, Federal Government, or any political subdivision for a specific occupation need not be counted as work-time.

Ordinary travel from home to work need not be counted as work-time. Special and unusual one-day assignments performed for the employer's benefit and at the employer's request is work-time for the employee regardless of driver or passenger status. Travel away from home is work-time when performed during the employee's regular working hours. Time spent traveling on non-working days during regular working hours is work-time. The time spent as a passenger on an airplane, train, bus, or automobile after normal working hours is not work-time. The driver of a vehicle is working at any time when required to travel by the employer. Travel time from jobsite to jobsite, or from office to jobsite, is work-time to be compensated. Activities which are merely incidental use of an employer-provided vehicle for commuting home to work are not considered part of the employee's principal activity and therefor need not be counted as work-time.

In all cases, the Executive Director shall use his discretion in determining the applicability of what constitutes work-time.

TUITION REIMBURSEMENT PROGRAM

1. The GF/EGF MPO may, upon prior approval from the Executive Director and the Executive Policy Board, pay, in whole or part, the tuition of full-time employees for eligible educational, vocational, technical, or adult training programs. An eligible program is one that, in the judgement of the Executive Director or Executive Policy Board, is directly related to the employee's current position or to a related higher position, and which will improve present job performance or prepare the employee for promotion. The fact that credits from an educational program are applicable towards continuing education and/or licensing requirements necessary for an employee to remain

eligible for the employee's current position is not by itself a sufficient ground for the reimbursement of program costs. To qualify for a tuition refund, prior written approval must be obtained from the Executive Director and the Executive Policy Board before any class work is undertaken.

2. Eligible full-time employees will be entitled to a forty percent (40%) refund of tuition upon the successful completion with a grade of C, or higher, in each approved course.

Eligible classified employees will be entitled to a prorated refund.

3. A refund under this section shall be limited to a maximum total of 10 semester hours or 15 quarter hours in any calendar year. As for vocational, technical, or adult training programs, this refund shall be paid for a maximum total of 120 classroom hours in any calendar year.
4. If an employee terminates or is terminated from employment with the GF/EGF MPO within two years following the completion of any eligible educational, vocational, technical, or adult training program for which the employee received a refund, then the amount of tuition refund shall be immediately repaid by the employee to the GF/EGF MPO. Should an employee fail to immediately reimburse the GF/EGF MPO for the amount of such refund, the GF/EGF MPO may deduct the refund amount from any salary or wages due to the employee from the GF/EGF MPO. The provisions of the subpart shall not apply if the employee is terminated due to workforce reductions or layoffs.
5. No reimbursement will be made for textbooks, lab fees, or any other expenses other than tuition. No course work shall be permitted during working hours unless the Executive Policy Board and the Executive Director approve the use of authorized leave with pay for this purpose.
6. Within 30 days of the completion of approved course work, the employee shall present the original or certified transcript notification, a certificate of satisfactory completion, or both to the Executive Director and the Executive Policy Board in order to be eligible for any tuition refund.
7. The payment of tuition refund shall be subject to, and contingent upon the appropriation and availability of funds in the annual budget. Final approval of requests for tuition refunds shall be left to the discretion of the Executive Policy Board based upon the best interests of the GF/EGF MPO. **6-0310**

Applications for the tuition reimbursement program can be obtained from the Office Manager.

EMPLOYEE SUGGESTION PROGRAM

Employees who make suggestions resulting in monetary savings or productivity improvements of work procedures or equipment or provide other significant benefits to the MPO may be eligible for a monetary award or other recognition as approved and authorized by the Executive Policy Board. **6-0320**

CALL-BACK COMPENSATION

1. A callback occurs when an employee is summoned back to work after the completion of his or her regular work day or shift. An early start or late departure resulting in a continuous extension of a regularly scheduled workday or shift does not constitute a callback. Callback shall not be used during regularly scheduled time off or as an extension of the work day, unless emergency conditions exist as determined by the Executive Director.
2. An employee who is called back to work following a release from his or her employment duties shall receive overtime pay for all hours worked. An employee who responds to a call-back request shall receive a minimum of two (2) hours of overtime pay at one and one-half (1 ½) times the employee's regular hourly rate.
3. An employee who responds to a callback request shall be considered as being on duty for the full two-(2) hour period, even though the employee completes the task in a shorter period of time. Receiving a separate call-back request within the initial two (2) hour period does not entitle the employee to an additional two (2) hours of pay at overtime rates. In the event of a subsequent callback, the employee will receive overtime pay only for the time it took to complete the task in excess of the initial two-hour period.
4. Callback pay at time and one half shall not be included toward the employee's regular work week or work period for purposes of overtime pay. **6-0310**

OFF-DUTY COURT APPEARANCES

1. A GF/EGF MPO employee who is directed to appear in court on a matter within the scope of the employee's employment, but outside the employee's regular work schedule, shall be paid for a minimum of two (2) hours at one and one-half (1 ½) of the employee's regular hourly rate.
2. In lieu of the court pay, and if scheduling permits, the employee may designate compensatory time.
3. In the event the court appearance lasts beyond two (2) hours in length, the employee shall receive either overtime pay or compensatory time, if elected, for the time spent in court in excess of the two-hour period.

4. Court time paid at time and one-half shall not be counted toward the employee's regular workweek or period for purposes of overtime pay.
5. An employee who responds to an appearance request shall be considered as being on duty for the full two-hour (2) period, even though the employee completes the appearance in a shorter period of time. A separate appearance within the initial two-hour (2) period does not entitle the employee to an additional two (2) hours of pay at overtime rates. In the event of a subsequent appearance, the employee will receive overtime pay only for the time it took to complete the appearance in excess of the initial two-hour period.

6-0311

HOLIDAYS AND HOLIDAY PAY

The following holidays shall be granted with pay to all eligible employees, except those employed in continuous shift operations, where working conditions permit: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

For employees who are not employed in continuous shift operations, the holidays which fall on a Saturday will be observed on the preceding Friday. Those holidays which fall on a Sunday will be observed on the following Monday. For all continuous shift operations employees, the holiday will be observed on the actual day of the holiday.

Eligible employees who are employed in continuous shift operations will be compensated for the holiday at one and one-half (1 ½) times the regular rate of pay for eight (8) hours. Holiday pay will not be available to those continuous shift employees using sick leave or vacation leave on the day of the holiday.

Employees who are recalled to work on a holiday will receive call-back compensation in accordance with section 6-0310 and 6-0312.

PRIVATE VEHICLE POLICY

Providers of vehicles, when used for GF/EGF MPO business within the Cities of Grand Forks and East Grand Forks, shall be reimbursed based on the following schedule:

A. FLAT RATE BASE

1. \$0 per month – for providers who drive 399 miles/year or less.
2. \$20 per month – for providers who drive between 400 miles and 1,799 miles/year.
3. \$50 per month – for providers who drive 1,800 miles or more per year.

NOTE: Eligibility for flat rate is calculated using the provider's mileage for the last calendar year. In the case of a new provider, the anticipated mileage based on a like provider can be used.

- B. Plus mileage reimbursement for each mile traveled for GF/EGF MPO business.
 - 1. Rate equal to the IRS allowable mileage reimbursement.
 - 2. Rate is adjusted annually on January 1.
- C. Information will be provided to IRS per regulations.

Providers of vehicles, when used for GF/EGF MPO business outside the Cities of Grand Forks and East Grand Forks, will be reimbursed at a rate equal to the IRS allowable mileage reimbursement, with this rate being adjusted annually on January 1.

Providers must turn in mileage sheets to the GF/EGF MPO to receive reimbursement.

SICK LEAVE REDEMPTION

Employees who have completed at least five (5) years of employment with the GF/EGF MPO may annually redeem fifty (50) percent of accrued and unused sick leave in excess of nine hundred and sixty (960) hours at the employee's rate of pay in effect at the time of accrual. An employee can, however, choose to let their sick leave accrue and will receive fifty (50) percent of the total amount accrued at retirement or termination, paid at the rate at which it was earned. In June of each year, each employee is contacted by the Office Manager to obtain information, requests and intent of the employee concerning unused sick leave. **6-0322**

PAY UPON TERMINATION OF EMPLOYMENT

- 1. Upon termination of employment, employees will be paid for accrued and unused vacation leave at the rate of pay in effect at the time of termination.
- 2. Upon termination of employment, employees will be paid accrued and unused compensatory time at the rate of pay in effect at the time of termination.
- 3. Upon termination of employment with the GF/EGF MPO due to an inability to perform essential functions of the position because of an on-the-job injury, employees will be paid all accrued and unused sick leave at the following rates:
 - A. For employees having accrued more than nine hundred sixty (960) hours prior to June 30, 1980:
 - 1. One hundred (100) percent of the rate of pay in effect at the time of termination for hours accrued and unused prior to June 30, 1980;
 - 2. One hundred (100) percent of the rate of pay in effect at the time of accrual for hours accrued after June 30, 1980.

- B. For all other employees:
 - 1. One hundred (100) percent of the rate of pay in effect at the time of termination for up to nine hundred sixty (960) hours;
 - 2. One hundred (100) percent of rate of pay in effect at the time of accrual for hours in excess of nine hundred sixty (960);
- 4. Except as otherwise provided herein, upon termination of employment with the GF/EGF MPO, employees who have completed five (5) or more years of continuous service will be paid for accrued and unused sick leave at the following rates:
 - A. For employees having accrued more than nine hundred sixty (960) hours prior to June 30, 1980:
 - 1. Fifty (50) percent of the rate of pay in effect at the time of termination for hours accrued and unused prior to June 30, 1980;
 - 2. Fifty (50) percent of the rate of pay in effect at the time of accrual for hours accrued after June 30, 1980;
 - B. For all other employees:
 - 1. Fifty (50) percent of the rate of pay in effect at the time of termination for up to nine hundred sixty (960) hours;
 - 2. Fifty (50) percent of the rate of pay in effect at the time of accrual for hours in excess of nine hundred sixty (960);
- 5. The Director of Human Resources and the City Auditor may establish such rules and regulations as may be necessary and convenient in the administration of the section.

6-0315

DEDUCTIONS FROM PAY

Except as otherwise provided herein, deduction from regular pay shall be made for the following reasons:

- A. Unauthorized absence;
- B. Absence due to illness after all sick leave, vacation time, and compensatory time have been exhausted;
- C. Absence due to suspension from duty without pay pending final decision;

- D. Leave without pay;
- E. Any other absence not authorized by the rules, regulations, or the Executive Director;
- F. Previous overpayment of pay or expense reimbursement;
- G. Worker's Compensation reimbursement, excluding any lump sum or permanent disability settlements;
- H. Court ordered withholding for child support and/or alimony;
- I. Such other deductions as approved and authorized by the Executive Director and requested by the employee.

OVERPAYMENT

Any overpayment of salary or other compensation to an employee shall be paid back to the GF/EGF MPO. The Executive Directory shall verify the amount of overpayment and establish a method of repayment. The employees shall repay the excess salary or compensation within the next pay period or within a reasonable time period established by the Executive Director.

BENEFITS AND RELATED PROGRAMS

The GF/EGF MPO has established a variety of employee benefits programs to assist you and your eligible dependents in meeting the financial burdens that can result from illness, disability, and death, and to help you plan for retirement, deal with job-related or personal problems, and enhance your job-related skills.

This section of the reference guide highlights some features of our benefits program. Our group health and life insurance and retirement-related programs are described more fully in summary plan description booklets, with which you are provided at the onset of your employment.

For more complete information regarding any of the MPO's benefits programs, please contact the Office Manager.

WELLNESS PROGRAM

The GF/EGF MPO, in conjunction with the City of Grand Forks, provides a Wellness Program for employees. It consists of other worksite wellness events. You will be notified of events through posters, e-mails or notices with your paycheck. The Wellness Program is conducted by Community Health Nurses and Licensed Registered Dietitians. There is no cost to MPO employees for this service. If you have questions in regards to the wellness events, you may contact the Public Health Department at (701) 787-8100 or visit them at 151 South 4th Street, 3rd Floor of the County Office Building.

POST EMPLOYMENT HEALTH PLAN

The GF/EGF MPO contributes a monthly amount, as approved by the Executive Policy Board, toward a Post-Employment Health Plan for MPO Employees through Nationwide Retirement Solutions into a Universal Reimbursement Account. This PEHP provides post-employment medical/health benefits, upon your separation of employment. Employees become a participant after six months of employment. Reimbursements, upon separation, may be made for qualified health care expenses which may include: co-pay/deductible expense; hospital, doctor visits and other medical expenses; hearing aid or tests; dental or optical expenses; out of pocket prescription expenses; routine physical examinations; and medical insurance premiums. You may elect to have your employer contributions directed to an investment option of your choice. Changes to your allocations can be made conveniently by telephone at **1-877-677-3678 (24 hour access line)**, or via the internet at www.NRSFORU.com.

Nationwide Retirement Solutions
1-877-677-3678 (Toll Free)

DEFERRED COMPENSATION PROGRAM

The GF/EGF MPO offers a voluntary supplemental retirement program option for MPO employees through Nationwide Retirement Solutions Deferred Compensation Program. Employees may enroll in the program at any time. You may contribute up to a maximum of \$17,500. The Age 50+ Catch-Up Limit is \$5,500. The minimum contribution is \$25 per month. For more information please contact the Office Manager or call a Nationwide Retirement Specialist at:

Nationwide Retirement Solutions
8-877-677-3678 (Toll Free)

HEALTH INSURANCE

The GF/EGF MPO employees have their health insurance with the North Dakota Public Employees Retirement System (NDPERS) Plan for eligible employees. The present underwriter of this plan is Sanford Health. The MPO pays 75% and the employees pay 25% of the total health premium for this insurance coverage. The rates are set by the North Dakota State Legislature.

The GF/EGF MPO employees will receive a copy of the Summary of Benefits and Coverage By Sanford Health.

The employee must notify the Office Manager to be directed through the process.

The GF/EGF MPO will notify NDPERS of any termination of your employment. COBRA coverage per Federal law is offered to plan participants (at their own expense) if any of the following circumstances apply:

Termination (for any reason) of the employee;
Divorced or separated spouse and/or children of the employee;
Children who become ineligible because of age – Coverage, depending on circumstances, is available for up to eighteen (18) and/or thirty six (36) months.

For additional information, please contact the Office Manager.

AFLAC

AFLAC policies (e.g. cancer insurance, intensive care insurance, etc.) are available to employees at their own expense through AFLAC. Payroll deductions for the premium are available. For further information, contact AFLAC at (701) 772-4921, or the Office Manager.

AFLAC
(701) 772-4921

LIFE INSURANCE

The GF/EGF MPO currently carries life insurance through Minnesota Life Insurance Company, Inc., which is administered by Ochs, Inc.

The GF/EGF MPO pays the premium for a \$35,000 Basic Term Life Policy for each eligible MPO employee. Employees have the option to purchase supplemental life insurance up to an additional \$300,000 in coverage, cost is determined by age. Employees have the option to purchase additional dependent coverage up to \$25,000 for the employee's spouse and \$10,000 for all children. Employees receive a certificate of insurance which explains the group term life insurance. This plan document is also available from the Office Manager.

LONGEVITY

Longevity pay is a benefit employees receive for length of service provided to the GF/EGF MPO that were hired before January 1, 2014, subject to annual approval by the Grand Forks City Council, as follows:

\$45/month after 6 years of service
\$55/month after 9 years of service
\$65/month after 12 years of service
\$75/month after 15 years of service
\$85/month after 20 years of service

CHANGE OF ADDRESS/STATUS

- ❖ Notify the Office Manager in writing of your new address (via e-mail or letter)
- ❖ Complete a new W/4 Form (if applicable)
- ❖ Complete a Reciprocity Agreement Form if moving from ND to MN
- ❖ The Office Manager will change your address on the payroll system and notify your Pension Administrator, Dental, Vision, Deferred Compensation, PEHP, and Health Insurance of your change of address.

EMPLOYEES WHO HAVE A CHANGE IN STATUS OF DEPENDENTS (I.E. DIVORCE, MARRIAGE, INELIGIBLE DEPENDENTS)

- ❖ Notify the Office Manager of any change in status of dependents
- ❖ Within 30 days, complete a new Health Insurance Application Forms
- ❖ Complete Life Insurance Change Form
- ❖ Complete Beneficiary Change Form for MPO Pension Plans
- ❖ Notify the Office Manager at (701) 746-2660 for more information.

RETIREMENT

1. Defined Benefit Plan (NDPERS) – State Pension Plan

GF/EGF MPO employees working in a classified position participate in a defined benefit plan with NDPERS State Pension Plan. Currently the Employer contribution is 8.26% and the employee contribution is 7%.

An employee is considered vested upon completion of three (3) years of service. For more information, contact the Office Manager.

LONG TERM DISABILITY INSURANCE

The GF/EGF MPO carries long term disability insurance through Madison National Life Insurance Company, Inc. The MPO pays the entire premium for each eligible employee. Employees are eligible for this benefit after six (6) months of employment. Once enrolled, disability for a benefit amount of up to 66 2/3% of the employee's salary at the time of disability, not to exceed \$6,945 dollars per month. The disability benefit is coordinated with any other government disability plan, workforce safety and insurance, etc. The minimum benefit paid under the plan is \$100.00 per month. There is a ninety (90) day qualifying/waiting period to receive benefits under this plan. You must obtain a claim form from the Office Manager.

The above benefits will be paid to the disabled employee during the first twenty-four (24) months of any one period of total disability provided the insured employee is under the regular care and attendance of a licensed physician and unable to perform the material duties of the employee's regular occupation or employment. For more information, please refer to your long Term Income Protection Certificate of Insurance document.

UNEMPLOYMENT COMPENSATION INSURANCE

The GF/EGF MPO participates in the North Dakota Unemployment Compensation Insurance Fund.

EMPLOYEE VOLUNTARY VISION PLAN

The Avesis Vision Plan is available to employees at their own expense. Benefits include eye examinations, eyeglass lenses and frames, contact lens allowance, laser vision discount, etc. Open enrollment for participation in the voluntary vision plan occurs every two years in June, unless there is a qualifying event. An information sheet regarding the vision plan is included in the employee orientation packet, or may be obtained from the Office Manager.

EMPLOYEE VOLUNTARY DENTAL PLAN

Dental insurance is available to employees at their own expense through Standard Insurance Company ("The Standard") of Portland, Oregon. An enrollment form is available in

the employee orientation packet, or may be obtained from the Office Manager. The annual enrollment period occurs in June of each year for a July 1st effective date. Further information may be obtained by calling:

Standard Insurance Company
952-921-2603

EMPLOYEE CREDIT UNION

The employees of the GF/EGF MPO and their immediate families have access to the Riverfork Federal Credit Union at 711 North Washington Street in Grand Forks.

To become a member, simply fill out a membership card at the Credit Union.

Office Hours are: Monday through Friday – 8:30 a.m. to 5:30 p.m.
Saturday Drive Up Window – 9:00 a.m. to 12:00 P.M.

Riverfork Federal Credit Union
711 North Washington Street, Suite 101
Grand Forks, ND 58203
Telephone Number: (701) 775-0593
Fax Number: (701) 780-9545
Website: www.riverforkfcu.com

EMPLOYEE ASSISTANCE PROGRAM

The GF/EGF MPO offers and pays for an Employee Assistance Program (EAP) for all the employees. Employees are the MPO's most important asset. The health and well-being of employees is very important.

This mutual venture between the MPO and Magellan Behavioral Health provides confidential, professional help to you and your family. The EAP can help with problems at home or work. There is no charge for assessment services. Fees for continued treatment are paid by the employee and may be covered by insurance.

All employees and their families are eligible to utilize the EAP. Any contact with the EAP is confidential and is in no way reflected in the personnel record.

You may contact the EAP by calling 1-800-523-5668 and inform them that you are an MPO employee or a family member of the employee and arrange for an appointment. The interview provides an opportunity to discuss the nature of the problem and an outline to its solution. You can also visit their website at: www.MagellanAssist.com and follow the online instructions to login. The website offers a wide variety of health and wellness information.

Magellan Behavioral Health
1-800-523-5668

AUTOMATIC DEPOSIT

The GF/EGF MPO requires all employees to utilize automatic deposit into their savings or checking accounts. Forms are available from the Office Manager.

HEALTH FITNESS CENTER DISCOUNTS

The GF/EGF MPO employees receive a 10% discount at the Choice Health and Fitness and the YMCA towards membership. Discounts for membership at Achieve Therapy and Fitness are also available.

DESIGNATED MEDICAL PROVIDER

The GF/EGF MPO participates in the Workforce Safety and Insurance (WSI) Program. A new employee will be required to fill out the “Designated Medical Provider” form that is included in the orientation packet. This form can be updated at any time. The designated provider you choose is who you will be required to go to first for any non-emergency work related injury. WSI may not pay for medical treatment to another provider unless you are referred by your designated provider. Emergency care is exempt from this designated provider requirement. **The designated medical provider for the GF/EGF MPO is Altru Health Systems.**

ON THE JOB INJURY

It is the responsibility of the employee to report each on the job injury to their supervisor as soon as possible after the occurrence. Any injury requiring medical attention and/or loss of time calls for a Workforce Safety (Worker’s Compensation) Claim Form to be filled out and turned in to the Office Manager. This form may be picked up at the doctor’s office, or from the Office Manager.

All injuries occurring on the job require an Occupational Injury/Illness Report Form and a Supervisor’s Investigation of Injury Report Form to be turned in to the Office Manager. These forms are available from the Office Manager.

WORKFORCE SAFETY AN INSURANCE (WORKER’S COMPENSATION)

To provide for payment of your medical expenses and for partial salary continuation in the event of a work-related accident or illness, you are covered by Workforce Safety and Insurance (Workers’ Compensation Insurance). The amount of benefits payable and the duration of payment depend on the nature of your injury or illness. In general, however, all medical expenses incurred in connection with an injury or illness are paid in full, and partial salary payments are provided beginning with the fifth consecutive scheduled working day of your absence from work.

If you are injured or become ill on the job, you must immediately report such injury or illness to your supervisor, or the Executive Director. This ensures that the GF/EGF MPO can assist you in obtaining appropriate medical treatment. Your failure to follow this procedure may result in the appropriate Workforce Safety Insurance (Worker's Compensation) report not being filed in accordance with the law, which may consequently jeopardize your right to benefits in connection with the injury or illness.

The GF/EGF MPO will continue to pay an employee who is absent because of an on the job injury for up to one year. Any compensation paid to the employee while the employee is off work due to a job injury shall be reduced to the extent of any and all salary reimbursement payments from North Dakota Workforce Safety and Insurance (Worker's Compensation Bureau).

When the employee receives the benefit check from North Dakota Workforce Safety and Insurance (Worker's Compensation Bureau), the employee shall bring a copy of the payment statement (check stub), as soon as possible, to the Office Manager so the adjustment may be made on the employee's paycheck.

Questions regarding Workforce Safety and Insurance (Worker's Compensation) should be directed to the Office Manager.

EMPLOYEE CONDUCT

All GF/EGF MPO employees are required to comply with all administrative regulations, policies, orders, and directives of the Executive Director or Executive Policy Board. GF/EGF MPO employees are to perform their duties in a cooperative and efficient manner, demonstrating high regard for work habits, attitude, production, and personal conduct.

6-0601

DISCIPLINARY ACTION

1. In the sole judgment and discretion of the Executive Director, if due cause exists for taking disciplinary action against an employee, the Executive Director may utilize the following forms of disciplinary action either individually or in combination thereof.
 - A. **Reprimand:** The Executive Director may reprimand an employee, either orally or in writing, provided that the reprimand is issued within a reasonable period of time after the Executive Director learns of the existence of said due cause. A copy of the reprimand shall be provided to the employee and placed in the employee's personnel file. An employee receiving a written reprimand may file a written reply to the reprimand in his or her personnel file. An employee may appeal a reprimand to the Executive Policy Board within fifteen (15) days after the action is taken.
 - B. **Suspension by Executive Director:** The Executive Director may suspend an employee with or without pay for up to three (3) days. An employee may appeal a suspension to the Executive Policy Board Chairman. The suspension shall become effective on the date as set forth by the Executive Director in the written notice of suspension, irrespective of whether the employee has appealed or may appeal the suspension. Should the Executive Policy Board determine the suspension was unwarranted; the employee shall be reinstated with full back pay.
 - C. **Suspension by Executive Policy Board Chairman:** The Executive Policy Board Chairman may suspend an employee with or without pay for such length of time as he/she considers appropriate, but not exceeding sixty (60) days in any twelve month period. An employee may appeal a suspension to the Executive Policy Board within thirty (30) days after the action is taken. The suspension shall become effective on the date as set forth by the Chairman in the written notice of suspension, irrespective of whether the employee has appealed or may appeal the suspension. Should the Executive Policy Board determine the suspension was unwarranted; the employee shall be reinstated with full back pay.
 - D. **Investigatory suspension:** The Executive Director may suspend, with or without pay, an employee who is the subject of a disciplinary or criminal investigation, provided a reasonable basis exists to warrant such a suspension. If,

at the conclusion of the investigation, disciplinary action is not warranted, the employee shall be reinstated and reimbursed for any lost pay.

- E. **Demotion:** The Executive Director may demote an employee from a position in one (1) class to a position in a lower class. In addition to, or alternately, the Executive Director may reduce an employee's salary within the range provided for the employee's class, return the employee to the entry level probationary status, or withhold any pay increase.

An employee shall not be demoted if he or she is not eligible for employment in the lower class, or if the demotion would result in the layoff of a regular employee. The Executive Director shall provide the employee and the Executive Policy Board written notice of the demotion at least five (5) calendar days prior to the effective date of the demotion. An employee may appeal a demotion to the Executive Policy Board in accordance with the administrative appeal hearing procedure as set forth in the Grand Forks Civil Service Code. The demotion shall become effective on the date as set forth by the Executive Director in the written notice of demotion, irrespective of whether the employee has appealed or may appeal the demotion. Should the Board determine the demotion was unwarranted; the employee shall be reinstated with full back pay.

- F. **Probation:** The Executive Director may place an employee on probation. The placement of an employee on probation for disciplinary reasons shall not affect the employee's accrual of benefits or seniority. An employee may appeal the placement on probation to the Executive Policy Board. The probationary period shall become effective on the date as set forth by the Executive Director in the written notice of probation, irrespective of whether the employee has appealed or may appeal the probation.

- G. **Dismissal:** The Executive Director may dismiss the employee. Such dismissal will become effective as of the date set forth by the Executive Director in the written notification of the dismissal to the employee, irrespective of whether the employee has or may appeal the dismissal.

In any case involving potential disciplinary action of an employee other than the Executive Director, the Executive Director may provide the Chairman with such recommendations with respect to disciplinary action as the Executive Director determines to be appropriate or necessary. However, such recommendations shall not be binding upon the Chairman.

Disciplinary action against an employee may be taken under this section regardless of the source of the information concerning the conduct constituting the grounds for such disciplinary action.

6-0602

DUE CAUSE FOR DISCIPLINARY ACTION

An adequate reason or “due cause” for a disciplinary action shall include, but not be limited to, the following:

1. Incompetence or inefficiency in the performance of duties.
2. Offensive or inappropriate conduct or language toward GF/EGF MPO employees or other persons, including harassment or retaliation.
3. Performance of personal or other non-work related matters during work hours.
4. Dishonesty in the performance of duties, or making any false statement or material omission in any matter relating to the employee’s duties or employment, including employment and promotion applications and work undertaken in the scope of employment.
5. Acting or failing to act in a manner not otherwise specified that tends to lower discipline or morale among GF/EGF MPO employees, brings or tends to bring discredit to the GF/EGF MPO, its elected officials or employees, or that adversely affects the prompt, courteous, and efficient provision of public services. Any speech protected by the First Amendment shall not be a basis for disciplinary actions, however.
6. Conviction of, or a plea of guilty to a felony or Class A misdemeanor.
7. Violation of any ordinance or lawful and reasonable official regulation, policy, order, or directive, or failure to obey any lawful and reasonable direction made and given by the employee’s supervisor, where such violation or failure amounts to an act of insubordination.
8. A serious breach of proper discipline resulting in, or which may be reasonably expected to result in, loss or injury to the GF/EGF MPO or to the public.
9. Inducing or attempting to induce a GF/EGF MPO employee to commit an unlawful act, violate any ordinance, or to act in violation of any lawful and reasonable regulation, policy, directive, or order.
10. Any absence from scheduled duty without leave contrary to the provisions of the Civil Service Code, Chapter 6, or failure to report after a leave of absence has been disapproved, revoked, or canceled.
11. Any false statements or fraudulent conduct or deception with any person in making any false statement, engaging in any fraudulent conduct, or in any deception in any official GF/EGF MPO business.

12. Any false statement or fraudulent conduct in order to obtain compensation from the GF/EGF MPO or assistance of any employee in fraudulently obtaining compensation from the GF/EGF MPO.
13. The employee's taking for personal use a fee, gift, or other valuable thing in the course of the employee's work, when such fee, gift, or other valuable thing is given by persons in the hope or expectation of receiving a favor or better treatment than accorded other persons.
14. The employee's engaging in a private business or in an outside trade or occupation, so that duties of the employee's position, as prescribed by law or regulation or by the employee's superior, are impaired or made less effective by the employee's outside business, trade, or employment.
15. The employee, through gross negligence, multiple incidents of negligence, or willful conduct, has caused damage to public or private property, funds, or waste of public supplies.
16. Violation of the alcohol and controlled substance policy.
17. Abuse of sick leave or injury leave.
18. Violation of limitations on political activity as specified in 6-0903.
19. The employee has threatened, used, or has attempted or caused to be used, personal or political influence in securing promotion, transfer, leave of absence, change of grade, character of work, or increased pay.
20. Fighting or threats of physical violence.
21. Intentional falsification or material omission in employment application, personnel records, time reports, or other GF/EGF MPO records.
22. Theft or intentional destruction of GF/EGF MPO property, or the unauthorized possession or use of MPO property, equipment, or materials.
23. Deliberate or careless conduct endangering the safety of the employee, other employees, or members of the public.
24. Failure to report to work without notification and/or habitual tardiness.
25. Leaving assigned work area without prior authorization by a supervisor.
26. Discussing with unauthorized persons any confidential information gained through employment with the GF/EGF MPO.

27. Engaging in a strike, slowdown, or group work stoppage, or any kind of unauthorized interruption of work.
28. Possession of unauthorized firearm on the work place.
29. Loss of any license, permit, certification, and/or registration required to hold the employee's position.
30. Engaging in acts of sabotage or other material interference with GF/EGF MPO projects or activities.

6-0603

**NOTICE OF SUSPENSION, DEMOTION, OR DISMISSAL;
INFORMAL DISCIPLINARY CONFERENCE**

1. A written notice of a proposed suspension without pay, demotion, or dismissal must be given to the employee in person or mailed by registered or certified mail to the last known place of residence no later than ten (10) working days prior to the proposed action. The notice of disciplinary actions must contain the following:
 - A. The disciplinary action(s) being considered;
 - B. Specific reason or reasons for the action;
 - C. The effective date of the action;
 - D. An explanation of the evidence against the employee;
 - E. A statement of the employee's right to submit a written response and/or to request an informal disciplinary conference with the Executive Director or Executive Policy Board Chairman, whichever one has proposed the disciplinary action, for the opportunity to be heard prior to the effective date of the disciplinary action; and
 - F. A statement of the employee's right to appeal any adverse decision as provided by 6-0605 of the Grand Forks City Code.
2. Following any informal disciplinary conference with the employee and his or her legal counsel, supervisor, or official representative, or following any submission of a written response by the employee, the Executive Director or Executive Policy Board Chairman, whichever one has proposed the disciplinary action, shall affirm, modify, or withdraw the proposed disciplinary action. The affirmation, modification, or withdrawal of the proposed disciplinary action shall be accompanied by a written statement to the employee stating the decision on the matter, the reasons, and the employee's right to appeal the decision as provided by section 6-0605.

6-0604

APPEAL OF DISCIPLINARY ACTION

From the disciplinary action by the Executive Director: Within ten (10) days after the date of notice of the reprimand or suspension of an employee holding a permanent position, the affected employee may appeal the action by filing a written notice of appeal to the Executive Policy Board Chairman. The notice of appeal shall identify the ruling appealed from, and be signed by the appealing employee. It shall be the duty of the Executive Policy Board Chairman to inform the Executive Director of the filing of an appeal. Within ten (1) working days after the filing of the written notice of appeal, the Executive Policy Board Chairman, upon consideration of the evidence and a review of the employee's personnel record, shall issue an order:

- A. Affirming the reprimand or suspension;
- B. Reversing the reprimand or suspension;
- C. Imposing such other forms or combinations of disciplinary action as the Executive Policy Board Chairman determines reasonable appropriate.

The decision of the Executive Policy Board Chairman is final, subject to any right of review under any law of the State of North Dakota or the United States. The Chairman's decision shall not be stayed pending a review in any court of competent jurisdiction. In the event the Chairman's decision is reversed, the appealing employee shall then be reinstated as of the date the disciplinary action was taken and shall be entitled to compensation from the same date.

From disciplinary action by the Executive Policy Board Chair: Within ten (10) working days after the reprimand, termination, demotion, placement on probation, or suspension of an employee holding a permanent position, the affected employee may appeal the action by the Executive Policy Board Chair by filing a written notice of appeal with the Executive Policy Board. The notice of appeal shall identify the ruling appealed from, and be signed by the appealing employee. The employee shall file the notice of appeal with the Office Manager. It shall be the duty of the Executive Policy Board to inform the Executive Director of the filing of an appeal.

6-0605

HEARING PROCEDURE APPEAL TO EXECUTIVE POLICY BOARD CHAIRMAN

Scheduling. Within ten (10) working days of receiving the employee's appeal, the Chairman shall schedule a time and a place for a hearing and the reasons for the disciplinary action. The Chairman shall not schedule the hearing less than five (5) days, nor more than sixty (60) calendar days from the date the employee filed the notice of appeal. The Chairman may, in his or her discretion, waive the scheduling requirements at the agreement of the parties or if the Chairman determines circumstances exist which warrant such a waiver.

Notification. The Chairman shall notify the parties, in writing, of the time and place of the hearing personally or by certified mail at least five (5) days before the date of the hearing.

Continuances. The Chairman shall consider requests for continuances and shall grant or deny these requests based upon the facts presented and the ability of the Chairman to schedule an alternate hearing date within a reasonable time period. A party's request for continuance shall be filed with the Office Manager not less than three (3) working days before the hearing. In granting requests, the Chairman reserves the right to impose terms and conditions upon the requesting party when such action is deemed appropriate.

Hearing Officer: The Chairman may hear the employee's appeal or may appoint a designated hearing officer to preside over the matter. The decision rendered by either the Chairman or the designated hearing officer shall be final and binding upon both parties, subject to any right of review under any law of the State of North Dakota or the United States.

Oaths and Subpoenas: The Chairman or designated hearing officer shall have the power to administer oaths and issue subpoenas to require the attendance of a reasonable number of witnesses and/or the production of a reasonable number of relevant documents specified by either of the parties. If a subpoenaed witness refuses to attend, testify, or produce the required documents, the Chairman or designated hearing officer may file a written report of the refusal with the district court. The district court shall then proceed against the person or witness as if the refusal had occurred in the proceeding legally pending before the district court.

Record of Proceedings: The Chairman or designated hearing officer shall make a record of all hearing proceedings. Upon request of one (1) of the parties, a record of the proceedings shall be transcribed with the requesting party bearing the costs associated with the transcription.

Conduct at Hearing: All persons participating in or appearing at hearing shall conduct themselves in an orderly and decorous manner. The Chairman or designated hearing officer reserves the right to eject from the hearing persons not conducting themselves in such a manner.

Witnesses: The Chairman or designated hearing officer shall have the discretion to limit the number of witnesses that each party may call and shall have the discretion to limit the time of testimony of each witness.

Evidence-Material and Relevance: The Chairman or designated hearing officer shall hear the evidence upon the disciplinary action imposed by the Executive Director, maintaining full authority to limit the hearing to matters which are material and relevant to the issue to be decided. Hearsay evidence may be permitted only when relevant to the central issues, but shall not be relied upon when direct evidence is readily available. Technical rules of evidence shall not apply. The Chairman or designated hearing officer shall have the discretion to limit the presentation of evidence by both parties.

Burdens of Proof and Persuasion: The appealing party shall bear the burdens of proof and persuasion in all appeal matters. If the Chairman or designated hearing officer determines that the disciplinary action imposed by the Executive Director is supported by substantial evidence, such action must be sustained.

Legal Counsel: The Executive Director may be represented by legal counsel; the appealing employee may be represented by legal counsel retained by the employee or the employee's representative. When the Chairman requires legal counsel one may be employed.

Hearing Procedure: The Executive Director shall first present evidence in support of the disciplinary action imposed. The appealing employee shall present evidence in support of the appeal. The parties may then offer rebuttal evidence in the same order as the original evidence was presented. The Chairman or designated hearing officer may question any witnesses at the conclusion of direct or cross-examination. After hearing all of the evidence, the Chairman or designated hearing officer may, in its discretion, hear oral arguments or request that the parties submit written arguments.

Failure to Appear: If the appealing employee fails to appear or be represented by counsel at the time scheduled for the hearing, the Chairman shall hear such evidence as may be produced and make a determination accordingly. The Chairman, after due consideration, shall notify, in writing, the Executive Director and the employee of its judgment.

Findings of Fact and Decision: Upon conclusion of any hearing, the Chairman or designated hearing officer, shall prepare written findings of fact, and shall issue and sign a written decision on the matter. The Office Manager shall be responsible for delivering a copy of the findings of fact and decision to the Executive Director and the appealing employee, and such judgment shall be effective from that time forward or as otherwise determined by the Chairman or designated hearing officer. **6-0606**

HEARING PROCEDURE APPEAL TO EXECUTIVE POLICY BOARD (BOARD)

Scheduling: Within ten (10) working days of receiving the employee's appeal from the disciplinary action by the Chairman, the Board shall schedule a time and a place for a hearing on the reasons for disciplinary action. The Board shall not schedule the hearing less than five (5) nor more than sixty (60) days from the date the employee filed the notice of appeal. The Board may, in its discretion, waive the scheduling requirements of this section at the agreement of the parties or if the Board determines circumstances exist which warrant such a waiver.

Notification: The Board shall notify the parties in writing of the time and place of the hearing personally or by certified mail at least five (5) days before the date of the hearing.

Continuances: The Board shall consider requests for continuances and shall grant or deny these requests based upon the facts presented and the ability of the Board to schedule an alternate hearing date within a reasonable time period. A party's request for continuance shall be filed with the Office Manager not less than three (3) working days before the hearing. In granting requests, the Board reserves the right to impose terms and conditions upon the requesting party when such action is deemed appropriate.

Oaths and Subpoenas: The Board shall have the power to administer oaths and issue subpoenas to require the attendance of a reasonable number of witnesses and/or the production of a reasonable number of relevant documents designated by either of the parties. The parties shall file their requests for subpoenas in writing with the Office Manager at least three (3) working days before the hearing. The request shall contain the names of the persons to be subpoenaed and/or the documents requested by the parties. The Board Chairman shall sign the subpoena. The party requesting the subpoena shall be responsible for the service of the subpoena and any expense involved. If a subpoenaed witness refuses to attend, testify or produce the required documents, the Board shall file a written report of the refusal with the district court. The district court shall then proceed against the person or witness as if the refusal had occurred in the proceeding legally pending before the district court.

Witness: Each party may call a reasonable number of witnesses. The Board shall have the discretion to limit the number of witnesses that each party may call and shall have the discretion to limit the time of testimony of each witness. The MPO shall make available to give testimony any MPO employee called as a witness by the appealing employee upon request of the Board. However, the Board may schedule the presentation of the witnesses so as not to unduly burden the MPO. Either party may request that witnesses be sequestered. The Board may honor such requests or may on its own initiative sequester witnesses. The appealing employee or his or her designated representative and the Executive Director or his or her designated representative shall be permitted to be present during the entire proceedings.

Record of Proceedings: The Office Manager shall be responsible for making a record of all hearing proceedings. The Board may order the proceedings taken by a competent reporter, but transcribed only upon requests of one (1) of the parties or by order of the Board. The requesting party shall bear the cost of the transcript and place a copy of the transcription on permanent file with the Board.

Evidence-Material and Relevance: The Board shall hear the evidence upon the disciplinary action imposed by the Chairman. The Board shall conduct the proceedings as informally as is compatible with the requirements of justice and with a view toward the representation of all the evidence so that a fair and impartial decision may be made. The Board Chairman shall have full authority at all times to maintain orderly procedure and to limit the hearing to matters which are material and relevant to the issue to be decided. Hearsay evidence may be permitted only when relevant to the central issues, but shall not be relied upon when direct evidence is readily available. Technical rules of evidence shall not apply. The Board shall have the discretion to limit the presentation of evidence by both parties.

Burdens of Proof and Persuasion: The appealing party shall bear the burdens of proof and persuasion in all appeal matters. If the commission shall determine that the Chairman's action is supported by substantial evidence, such action must be sustained.

Legal Counsel: The Chairman may be represented by legal counsel; the appealing employee may also be represented by legal counsel retained by that employee or the employee's representative. If needed, the Board may also be represented by legal counsel.

Hearing Procedure: The Chairman shall first present evidence in support of the charge. The appealing employee shall present evidence in support of the appeal. The parties may then offer rebuttal evidence in the same order as the original evidence was presented. Board members may question any witnesses at the conclusion of direct or cross-examination. After hearing all of the evidence, the Board may, in its discretion, hear oral arguments or request that the parties submit written arguments.

Failure to Appear: If the appealing employee fails to appear or be represented by counsel at the time scheduled for the hearing, the Board shall hear such evidence as may be produced and make a determination accordingly. The Board, after due consideration, shall notify in writing the Chairman and the employee of its judgment.

Conduct of Hearing: Counsel for both parties are entitled to be firm and direct in their cross examination of any witness, but not abusive. Conduct toward a witness which is unfair, oppressive, threatening and unnecessarily hostile will not be allowed. Continued conduct of this nature may lead to a suspension of the offending counsel from representing an appealing employee or the Chairman before the Board. All persons participating in or appearing at hearings shall conduct themselves in an orderly and decorous manner. The Board reserves the right to eject from the hearing persons not conducting themselves in such a manner.

Findings of Fact and Decision: Upon conclusion of any hearing, the Board shall cause its findings of fact and the decision of the majority to be prepared in writing and signed by each participating board member. If the decision is not unanimous, the dissenting member(s) may submit a minority report. The findings and decision, along with the minority report, if any, shall be filed in the Board's permanent files. The Office Manager shall be responsible for delivering a copy of the findings and decision to the Chairman and the appealing employee, and such judgment shall be effective from that time forward or as otherwise determined by the Board.

6-0606.1

DECISION BY THE REVIEWING AUTHORITY – EXECUTIVE POLICY BOARD CHAIRMAN; EXECUTIVE POLICY BOARD

Upon consideration of the evidence, and a review of the disciplinary action taken by the Executive Director, the Chairman may:

- A. Affirm the disciplinary action;
- B. Reverse the disciplinary action; or

Upon consideration of the evidence and a review of the disciplinary action imposed by the Chairman, and a review of the employee's personnel record, the Board may, by a majority vote:

- A. Affirm the disciplinary action;
- B. Reverse the disciplinary action; or

The decision of the reviewing authority, either the Chairman or the Board, is final, subject to any right to review under any law of the State of North Dakota or of the United States. The decision of the reviewing authority shall not be stayed pending review in any court of competent jurisdiction. In the event the decision is reversed, the appealing employee shall then be reinstated as of the date the disciplinary action was taken and shall be entitled to compensation from the same date.

6-0607

EMPLOYEE GRIEVANCE PROCEDURE

1. It shall be the policy of the GF/EGF MPO to establish open communications between supervisors and their employees, and to assure employees that their problems and complaints will be considered fairly, rapidly, and without reprisal.
2. The primary purpose of this grievance procedure is to determine what is right, rather than who is right. Free discussion between employees and supervisors will lead to a better understanding of the practices, policies, and procedures, which affect employment. It shall be the objective of this grievance procedure to settle as soon as possible, at the lowest supervisory level, and to commensurate an equitable settlement. However, if the employee feels it is justified, there should be no hesitancy in carrying a particular concern to the highest level of management.
3. All employees shall be eligible to utilize grievance procedures set forth in the Civil Service Code.
4. Every employee shall have the right, without being subjected to restraint, interference, coercion, discrimination, reprisal, retribution, or harassment of any form, to utilize the suggestion, complaint, and grievance procedure established by the Civil Service Code.
5. Every employee shall have the right to be represented by legal counsel, or his or her employee representative, in the grievance procedure set forth in the Civil Service Code.
6. This article shall not apply to any decision, determination, or action by the Executive Policy Board.

6-0701

PROCEDURE FOR PRESENTATION OF GRIEVANCES

Procedure for presentation of grievances: The employee shall first attempt to settle the grievance with the immediate supervisor within ten (10) working days from the event giving rise to the grievance. The supervisor shall make a decision and advise the employee within five (5) working days. It is not necessary that the grievance be presented in writing to the supervisor. If the grievance involves the employee's immediate supervisor then the employee may file a written grievance directly with the Executive Director.

Appeal to the Executive Director

- A. If the grievance cannot be satisfactorily resolved by informal discussion or agreement, or if the supervisor fails to make a decision within five (5) working days, the employee may file a written grievance with the Executive Director setting out in detail the nature of the grievance, the facts upon which it is based, and the relief requested. The employee must file the written grievance no later than five (5) working days after receipt of the supervisor's decision, or ten (10) working days after the employee first took the original grievance to the supervisor, whichever occurs first.
- B. The employee shall provide a duplicate copy of the grievance to the Executive Director, who shall review the grievance and notify within five (5) working days the employee and the supervisor whether the grievance is subject to established ordinances, administrative regulations, or provisions of Chapter 6 of the Civil Service Code.
- C. If the grievance is subject to established ordinances, regulations, or provisions of Chapter 6 of the Civil Service Code, the Executive Director shall recommend a settlement of the grievance as provided therein and issue a written decision to both the employee and the supervisor within ten (10) working days.
- D. Upon notice from the Executive Director that the grievance is not subject to established ordinances, regulations, or provisions of Chapter 6 of the Civil Service Code, the supervisor shall be responsible for settling the grievance. Within five (5) working days the supervisor shall respond in writing to the employee, said writing to include:
 - 1. An explanation of the matter;
 - 2. The Executive Director's decision;
 - 3. An explanation of further action the employee may take.
- E. If the employee's grievance involves his/her immediate supervisor, the employee may file a written grievance directly with the Executive Director. The employee must provide a copy of the grievance to the immediate supervisor at, or before the time of filing the grievance with the Executive Director. If the employee's grievance involves the Executive Director, the employee may file a written grievance directly with the Executive Policy Board Chair. The employee must provide a copy of the grievance to the Executive Director, at or before the time of filing the grievance with the Executive Policy Board Chair.

Appeal to the Executive Policy Board Chair

The employee may appeal, in writing, the decision of the Executive Director to the Executive Policy Board Chair within five (5) working days after the Executive Director

has given an answer. The Executive Policy Board Chair will act upon the appeal with ten (10) working days from the date he/she receives it. The Executive Policy Board Chair shall respond in writing to the employee, and include the following:

1. An explanation of the matter;
2. The Executive Policy Board Chair's decision;
3. An explanation of further action the employee may take.

Appeal to the Executive Policy Board

The employee may appeal the decision of the Executive Policy Board Chair to the Executive Policy Board within five (5) working days after receiving the Executive Policy Board Chair's decision. The parties involved shall submit, in writing, any information they wish the Executive Policy Board to consider prior to its decision. The Board may schedule a hearing to discuss the employee's grievance with all the parties involved within thirty (30) days after receiving the appeal, the Board shall issue a decision, which shall be final.

The use or failure to utilize the formal grievance procedure does not preclude disciplinary action being taken against an employee upon a finding of due cause. **6-0702**

Time Limitations

If the employee fails to present the grievance within the time periods stated in the Civil Service Code, the grievance shall be waived. If the employee fails to appeal the grievance to the next higher authority within the specified time, it shall be final on the basis of the last answer. If the proper authority fails to respond within the specified time limits, the employee may elect to treat the grievance as denied at the step and may appeal to the next authority. The specified time limits at each step may be extended by mutual written agreement of the parties involved.

6-0703

Standard of Review

The person or persons hearing and determining a grievance pursuant to the authority of Section 6-0702 shall have the full power and authority to reverse or to modify, as well as to affirm, a decision giving rise to a grievance if the person or the Executive Policy Board concludes that the decision is based upon a misinterpretation or misunderstanding of applicable constitutional principles, both state and federal, or of North Dakota statutory provisions, or of ordinances, regulations, rules, formal procedures, or formal statements of policy of the GF/EGF MPO. However, if the decision which gives rise to a grievance is one which involves the exercise of discretionary judgement on the part of the person making the decision, and it fairly appears that the person making the decision has been entrusted with, or delegated the power to exercise his or her discretion in making such a decision, then the decision shall be reversed only in the event there is a demonstrated abuse of discretion. The employee filing the grievance shall have the burden of demonstrating the existence of an abuse of discretion by clear and convincing evidence. **6-0704**

Appeals Involving Discrimiation

Any employee who feels that he or she has been discriminated against, in any personnel action, on the basis of race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors shall utilize the procedures as prescribed by Section 6-0701 of the Grand Forks Civil Service Code to gain relief.

Any individual who has applied for a position with the GF/EGF MPO and feels that he or she has been discriminated against during any phase of the selection process, on the basis of race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors, may appeal in the following manner:

1. The applicant shall first attempt to settle the grievance with the Executive Director, who shall render a decision within ten (10) working days.
2. If the applicant is not satisfied with the decision of the Executive Director, the applicant may present the matter, in writing, to the Executive Policy Board Chairman within five (5) working days of receiving the Executive Director's decision. The Executive Policy Board Chair shall consider the matter and render a decision with ten (10) working days.
3. If the applicant is not satisfied with the decision of the Executive Policy Board Chair, the applicant may file a written notice of appeal with the Executive Policy Board. The Board shall meet with all individuals concerned in the grievance, and its decision shall be a final and binding administrative decision.

The effect of the filing of a notice of appeal is to temporarily suspend any action taken toward filling a position, until a final determination of the grievance has been made. Final determination may occur when the Executive Policy Board hears the applicant's grievance on its merit and renders a decision, or when the applicant fails to file a timely appeal with the Executive Director or the Executive Policy Board Chair.

A notice of appeal shall sufficiently describe the decision being appealed and the reasons therefore.

6-0705

GENERAL PROVISIONS, RESTRICTIONS, AND PROHIBITIONS

RETALIATION

NO GF/EGF MPO employee or officer shall take any retaliatory action against another person because such person does any of the following:

1. Discloses or threatens to disclose to an MPO Official, Officer, Executive Director, Supervisor, or public body any activity, policy, or practice the person believes is in violation of a law, rule or regulation, custom, practice, or official policy;
2. Files a grievance or complaint against an MPO Official, employee, or agent;
3. Provides information to, or testifies before any public body conducting an investigation, hearing, or inquiry into allegations of, or violations of law; or
4. Objects to, or refuses to participate in any activity, policy, custom, or practice which the person reasonably believes is in violation of law, official policy, or practice, or incompatible with public's health, safety, or welfare.

6-0901

LIMITATIONS ON OUTSIDE EMPLOYMENT

Employees are permitted to engage in outside employment subject to the following restrictions:

1. Any outside employment is secondary to GF/EGF MPO employment and will not interfere with proper performance of MPO employment, except for military service obligations. Employees should report to work refreshed and ready to work;
2. Employees will not accept pay or compensation from anyone for time during which they are on duty with the MPO;
3. Employees are prohibited from working on any MPO project for any contractor or company that has a current contract with the MPO or for an employer that would constitute a conflict of interest with the MPO;
4. Employees will not accept outside employment which requires the use of MPO equipment, facilities, or materials;
5. Employees will not accept or solicit private work at any time during which they are on duty with the MPO; and
6. Employees will not accept or solicit private work as a result of their employment with the MPO.

6-0902

POLITICAL ACTIVITY

Employees working in positions partially or fully funded by the federal government shall be governed by federal law in their political activities. When not inconsistent with federal law, these employees and all other GF/EGF MPO employees shall be subjected to the following provisions:

1. GF/EGF MPO Employees May:
 - A. Express opinions on political subjects and candidates;
 - B. Take an active part in political management and political campaigns, but not on paid MPO time; and
 - C. Make a financial contribution to a political party or organization, solicit and collect voluntary political contributions, so long as they do not coerce, command, or advise another MPO employee to make such contributions, and as long as such solicitations are not done during hours of MPO employment.

2. GF/EGF MPO Employees Are Prohibited From:
 - A. Directly or indirectly soliciting or receiving funds for political purposes during hours of employment.
 - B. Using his or her authority or influence to compel any MPO employee to:
 - i. Apply for membership in or become a member of any political organization;
 - ii. Pay or promise to pay any assessment, subscription or contribution to a political organization; and
 - iii. Take part in any political activity.
 - C. Using his or her official authority to influence for the purpose of interfering with or affecting the results of an election or nomination for office;
 - D. Holding an appointed or elected public office which constitutes a conflict of interest with the MPO employment or imposes duties and obligations which are incompatible with MPO employment; and
 - E. Wear campaign buttons or similar emblems, or distribute campaign literature while at work, in an MPO uniform, or in the offices or buildings of the City of Grand Forks and the City of East Grand Forks. **6-0903**

EMPLOYEE BECOMING A CANDIDATE FOR CITY OFFICE

Any person in the MPO's service, except elected officials, who seek nominations or who become a candidate for an elective City office shall be required to take an unpaid leave of absence unless such person chooses instead to use accrued vacation time or compensatory time, which leave shall commence at least sixty (60) days prior to the date of election or from the date of filing for office, whichever is lesser. Election or appointment of a person in the MPO's service to an elective office shall constitute an automatic resignation of the person from his or her position with the MPO. No individual shall hold both an elective City office and a paid position with the MPO.

6-0904

CONFLICT OF INTEREST

MPO employees shall not use their office or position for personal financial gain or for the financial gain of their family. MPO employees shall not engage in their own business activity, accept private employment, or render services for private interests when such employment, business activity, or service is incompatible with the proper discharge of their official duties or would impair their independence of judgement or action in the performance of their official duties. MPO employees shall not use or disclose information obtained as a result of employment and not generally available to the public. No MPO employee shall use or permit the use of MPO equipment, supplies, property, or labor for personal convenience or gain. MPO employees who refuse or fail to comply with the policies set forth in this section may be subject to disciplinary action including, but not limited to, reprimands, suspensions, demotions, and termination.

6-0909

EMPLOYEE TRAINING AND DEVELOPMENT

The GF/EGF MPO shall make reasonable efforts to implement training programs to increase the knowledge, proficiency, ability, and skills of its employees and to keep MPO employees informed of current developments and practices in their occupational fields.

The Executive Director shall be responsible for development, administration, and coordination of employee training.

The Executive Director shall periodically analyze and evaluate the overall needs for employee training and development; attempt to match identified needs with available training resources; assure that employees receive opportunity to participate in training programs being offered and are properly encouraged to do so; properly credit each employee's personnel file upon successful completion of training and development activities to assure maximum consideration for transfers and promotions; assure that programs are arranged at times that are available to all and do not unduly interrupt MPO operations; and remain current on training opportunities in the area.

The Executive Director shall provide active leadership in the training and development of employees under his/her supervision. For more information, please refer to City Code **6-0905**.

SAFETY POLICY AND PROGRAM

The GF/EGF MPO places above all other considerations the safety and well-being of its employees and the public it serves. Administration firmly acknowledges their obligation as an employer to provide the safety possible working conditions for their employees.

Most occupational injuries occur as a result of unsafe conditions or unsafe acts, both preventable causes of accidents. In accordance with this conviction, the MPO's safety policy aggressively focuses on the PREVENTION of work-related accidents.

Administration recognizes the unique duties and environment and has established a safety position. We urge you, as an employee, to become acquainted with the rules and policies, and to become an active participant of the MPO's safety effort. A copy of the Safety Policy may be reviewed and/or obtained from the Office Manager.

EMPLOYEE LEAVE

FAMILY AND MEDICAL LEAVE

Family leave (FMLA leave) is an unpaid leave of absence of up to twelve (12) weeks available to all eligible employees:

- ❖ For incapacity due to pregnancy, prenatal medical care or childbirth;
- ❖ To care for the employee's child after birth, or placement for adoption or foster care.
- ❖ To care for the employee's spouse, child, or parent, who has a serious health condition; or
- ❖ To take medical leave when an employee is unable to work because of a serious health condition.

Consistent with applicable law, FMLA will run concurrent with sick or vacation leave.

FMLA leave also includes military family leave as provided under the 2008 National Defense Authorization Act and this policy, including a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period.

An **“eligible employee”** means an individual employed by the GF/EGF MPO for at least twelve (12) months, and who has worked at least one-thousand two-hundred fifty (1,250) hours for the GF/EGF MPO over the previous twelve (12) months. Eligibility is determined as of the date FMLA leave commences.

FMLA leave used for the birth, adoption, or foster care placement of a child must begin with twelve (12) months of the event.

Certification may be required by the institution to verify the existence of a serious health condition. A **“serious health condition”** is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Generally, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or chronic condition. Other conditions may meet the definition of continuing treatment. Certification information that may be requested is defined and limited by implementing FMLA regulations (appendix A and B).

The maximum length of available FMLA leave for eligible employees is twelve (12) weeks in a calendar year that being with the first day of the leave. An employee is not required to use the FMLA leave in one block or at one time.

Leave can be taken intermittently or on a reduced schedule, provided that for a serious health condition of the employee or to care for someone with a serious health condition, it is medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations.

A married couple who are both employed with the GF/EGF MPO and who are eligible for FMLA leave may each be entitled to twelve (12) weeks of leave during the calendar year.

If an employee request intermittent leave or leave on a reduced schedule, in order to care for a spouse, son, daughter, parent, service member, or their own serious health condition that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position. The employee must be qualified for the alternate position and the position must have equivalent pay and benefits and better accommodate recurring periods of leave than the regular position of the employee.

In reference to the Grand Forks Civil Service City Code, Section 6-0811. Family Leave, it is the policy of the GF/EGF MPO that an employee may use accrued paid leave before taking leave without pay. Paid leave includes vacation, sick leave and comp-time. Paid leave runs concurrent with FMLA leave. An employee who has exhausted all types of paid leave shall be provided unpaid leave to fulfill the authorized period of family leave.

Employees must provide thirty (30) days advance written notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days-notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the normal call-in

procedure. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

An employee seeking leave to care for a family member is not required to demonstrate that the employee is the only family member available to provide care. Employees must inform the employer if the requested leave is for which FMLA leave was previously taken or certified. Employees also may be required to provide a medical certification and periodic recertification supporting the need for leave.

The GF/EGF MPO must post and distribute FMLA employee rights notices to all employees. Notice may be distributed in employee handbooks or at hiring. Electronic notice may be used if applicable.

Employees are entitled to eligibility notice within five (5) business days of leave request, or the day the employer acquired knowledge that the employee leave may be FMLA qualifying leave. If an employee is ineligible, notice must identify at least one reason to explain the basis of the ineligibility determination. Employees are entitled to Designation Notice, or notice that leave is FMLA-qualifying, within five (5) business days. The employer may provide eligibility and designation notices simultaneously if the employer has sufficient information to do so at the time of the leave request.

When leave is completed, the employee must be returned to the same position, or a position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply.

Employees utilizing family leave will be provided health benefits at the same level and coverage as if the employee had not taken leave.

MILITARY FAMILY LEAVE

A “covered service member” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness.

“Outpatient status” means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient; or a unit established to provide command and control of members of the Armed Forces receiving medical care as outpatients.

“Serious injury or illness” means an injury to or illness incurred by the service member in the line of duty or active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.

“Qualifying exigency” includes (1) making arrangements for childcare required due to the service member’s absence; (2) making financial and legal arrangements to address the service member’s absence; (3) attending counseling related to the service member’s activity duty; (4) attending official ceremonies or programs where the military requests participation of the family member; (5) attending a farewell or arrival arrangements for the service member; or (6) attending affairs caused by the missing status or death of the service member.

An eligible employee with a spouse, child or parent who is on armed forces active duty, or has been notified of an impending call or order to active duty, may take up to twelve (12) weeks of unpaid leave due to a qualifying exigency.

If the need for leave is foreseeable, such as when the family member receives military order in advance, the employee must provide the employer with reasonable and practicable notice of the need for leave. The employer may require the request for leave to be supported by a certification, such as a copy of the military orders.

An eligible employee who is the spouse, child, parent, or nearest blood relative of a service member who has incurred a serious illness or injury while on active duty may take up to twenty-six (26) weeks of unpaid leave in a single calendar year to care for the injured service member.

A married couple who are both employed by the GF/EGF MPO and eligible for FMLA leave may each be entitled to a total of twenty-six (26) work weeks of leave during a calendar year if the leave is taken to care for a service member with a serious illness or injury.

An employer may require that the service member or family member provide a medical certification certifying the service member is seriously injured or ill and is actively receiving medical treatment.

MILITARY LEAVE

1. Any employee requesting unpaid leave to enter the Armed Services of the United States during a time of emergency shall be granted such leave for the duration of the emergency and shall be reinstated as provided by law.
2. Employees who are members of the National Guard or Military Reserve Units, and have periodic duty obligations which conflict with their MPO work schedule, shall be granted leave with pay for up to twenty (20) days per calendar year, provided, however, that such persons have been in continuous employ with the GF/EGF MPO for ninety (90) days immediately preceding the leave of absence. If the employee is called to active duty in case of an emergency, the total days for the leave with pay goes to thirty (30) days.

3. If leave is required for the weekend, daily, or hourly periods of drill for military training on a day in which the employee is scheduled to perform the work of the MPO, the employee has the option of time off without pay for the period missed or the employee has the opportunity to reschedule the work period so that the Reserve or National Guard weekend, daily, or hourly training occurs during time off from work.
4. For further information, please refer to North Dakota Century Code, Section 37-01-25 and 25.1 in addition to Grand Forks City Code Section 6-0812 and 6-0813.

VACATION

1. Each full-time classified employee shall be allowed to accrue vacation with pay according to the following schedule:

Years of Service	Vacation Earned	Years of Service	Vacation Earned
1 st Year	80 Working Hours	13 th Year	132 Working Hours
2 nd Year	82 Working Hours	14 th Year	134 Working Hours
3 rd Year	84 Working Hours	15 th Year	136 Working Hours
4 th Year	86 Working Hours	16 th Year	162 Working Hours
5 th Year	88 Working Hours	17 th Year	164 Working Hours
6 th Year	90 Working Hours	18 th Year	166 Working Hours
7 th Year	92 Working Hours	19 th Year	168 Working Hours
8 th Year	122 Working Hours	20 th Year	170 Working Hours
9 th Year	124 Working Hours	21 st Year	172 Working Hours
10 th Year	126 Working Hours	22 nd Year	174 Working Hours
11 th Year	128 Working Hours	23 rd Year+	176 Working Hours
12 th Year	130 Working Hours		

2. Classified part-time employees shall receive vacation leave on a prorated basis.
3. The Executive Director may authorize and approve the additional accrual of vacation hours on a case-by-case basis.
4. Vacation carry-over will be automatic from December 31st of each year through the following calendar year provided that the amount carried over cannot exceed a two-year accrual of leave. Vacation accrued in excess of the amount authorized for carry-over must be taken prior to December 31st of each year or it shall be forfeited. An employee may request an annual waiver of the accrual limitation. The Executive Director shall make the final determination upon such request on a case-by-case basis.

5. The time at which an employee shall take vacation leave shall be authorized by the Executive Director with regard to the wishes of the employee and the needs of the MPO.
6. Vacation shall be charged against the employee in not less than one-half (1/2) hour units. No employee shall waive an annual vacation for the purpose of receiving double pay.
7. Each classified employee shall receive eight (8) personal leave hours each year, in addition to accrued vacation time. Classified part-time and job sharing employees will receive personal leave on a prorated basis. **6-0807**

SICK LEAVE

The GF/EGF MPO recognizes that the inability to work because of illness or injury may cause economic hardship. The MPO also recognizes that employees may require time off to secure necessary treatment for disabilities.

1. Sick leave pay shall be granted to all eligible classified full-time employees at the rate of one hundred twelve (112) working hours per year.
2. Eligible classified part-time employees will receive sick leave on a prorated basis.
3. Sick leave shall not be considered a privilege or earned benefit which may be used at an employee's discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or in the case of illness of a spouse, child, step-child, parent, spouse's parent, grandparent, spouse's grandparent, brother or brother-in-law, or sister or sister-in-law, or those of loco-parentis, i.e. aunt or uncle, to meet dental appointments or to take physical examinations, or other illness prevention measures. Sick leave may also be used for bereavement leave in accordance with section 6-0809. The Executive Director may approve sick leave usage for situations not identified above on a case-by-case basis.
4. Sick leave shall be granted for treatment of alcoholism or substance abuse for the duration of inpatient hospitalization or institutional inpatient treatment at a recognized alcohol or drug treatment facility, provided that the employee completes the treatment as certified by the attending physician or an official of the institution. Such leave shall be granted not more than two (2) separate times.
5. To receive compensation while absent on sick leave, the employee shall notify the employee's immediate supervisor in accordance with the procedures specified by the Executive Director as deemed necessary. Requests for sick leave may be subject to inquiry or investigation as the Executive Director deems necessary. When an absence is for more than three (3) working days, the employee may be required to file a physician's certificate. A request form for sick leave must be filled out immediately upon the

employee's return to work or in the case of an extended injury or illness at the end of each payroll.

6. Unused sick leave may be accumulated on an unlimited basis.

7. Sick leave shall be charged in one-half (1/2) hour units.

6-0808

LEAVE WITHOUT PAY

1. A leave of absence without pay may be granted by the Executive Director for up to thirty (30) working days. Leave without pay in excess of thirty (30) working days and up to sixty (60) working days may be authorized by the Executive Policy Board Chair. Any leave of absence in excess of sixty (60) working days must be approved by the Executive Policy Board. No leave of absence shall be approved by the Executive Policy Board in excess of one (1) year.
2. Any employee requesting unpaid leave to enter the armed services of the United States during a time of emergency shall be granted such leave for the duration of the emergency and may be reinstated as provided by law.
3. Upon the expiration of a regularly approved leave without pay, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of the employee on unpaid leave to report within three (3) consecutive working days after its expiration shall be deemed to have waived any right or interest in and to the position and have automatically resigned employment with the GF/EGF MPO.
4. Leave without pay shall be granted only when it will not result in undue prejudice to the interest of the GF/EGF MPO as an employer beyond any benefits to be realized. Application for leave of absence without pay for travel or study calculated to equip the employee to render more efficient services to the GF/EGF MPO may be deemed to involve such compensating benefits to be measured against the loss or prejudice to the interests of the GF/EGF MPO involved in keeping open the position or filling it temporarily until the return of the employee. No leave shall be granted primarily in the interest of the employee, except in the case of an employee who has shown through a record of service or by other evidence to be of more than average value to the GF/EGF MPO and whose service is desirable to retain even at some sacrifice.
5. If an employee accepts employment elsewhere while on leave of absence without prior written approval for such employment by the Executive Policy Board, that person's employment with the MPO shall be deemed to have terminated.
6. Any employee seeking any elective political office shall be granted leave without pay.
7. An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence shall be without pay and

may be subject to disciplinary action. In the absence of such disciplinary action, any employee absent for three (3) consecutive working days without leave shall be deemed to have resigned their position with the GF/EGF MPO. Such action may be reconciled by a subsequent grant of leave if the condition warrants.

8. An employee requesting a leave of absence without pay for any reason must fill out a request form and the requested leave must be approved by the Executive Director, Executive Policy Board Chair, or the Executive Policy Board as applicable.

6-0813

LEAVE WITH PAY

An employee may be granted up to thirty (30) days of leave with pay by the Executive Director upon a finding of exceptional need or merit. Leave with pay in excess of thirty (30) days must be approved by the Executive Policy Board. No leave of absence with pay shall be approved by the Executive Policy Board in excess of six (6) months.

6-0812

RELEASE FROM DUTY

The Executive Director may relieve an employee from duty, with pay, if the employee is unfit to perform his/her duties due to illness, fatigue, intoxication from alcohol or a controlled substance, or any other reason. A release from duty with pay does not bar disciplinary action if the employee's unfitness also constitutes due cause. In addition, the Executive Director may authorize non-chargeable administrative leave.

6-0802

JURY DUTY LEAVE

An employee summoned for jury duty shall be granted a leave of absence with pay for the time necessary to complete the duty. All fees received as a juror, except mileage fees for the use of the employee's private vehicle, shall be paid to the GF/EGF MPO, or the employee may take vacation leave or accrued compensatory time and retain the amount received for jury duty. An employee summoned for jury, but not selected to serve on the jury, and who is discharged with two or more hours remaining in the work day shall report for duty.

6-0803

OFFICIAL MEETING LEAVE

Leaves with pay may be authorized in order that regular employees may attend official meetings of the GF/EGF MPO or related organizations, if such leave is approved by the Executive Director. Leave with pay may also be granted for the purpose of allowing a regular employee to engage in official training courses or to participate in other official activities, if approved by the Executive Director.

6-0804

PROFESSIONAL LEAVE

The GF/EGF MPO encourages its personnel to take advantage of opportunities for professional growth and development. Leave to attend a professional conference or meeting will normally be granted if it can be shown by the participant, prior to registration for an event that the GF/EGF MPO will benefit from knowledge and experience acquired by participation. Upon return to work, an employee who has been granted professional leave must be prepared to share the acquired knowledge and skills with other personnel who would benefit from them. The GF/EGF MPO will not grant professional leave to employees who wish to participate in activities which are not clearly job related; however, upon approval of the Executive Director, the employee may use accrued vacation leave or compensatory time. An employee may not use accrued sick leave to attend a professional conference or meeting. All professional leave shall be approved by the Executive Director, except that the Executive Policy Board Chair shall approve any professional leave for the Executive Director. **6-0805**

BONUS PERSONAL LEAVE

To be eligible for bonus personal leave, an employee must be a permanent employee and must be actively employed on or before January 1st of the calendar year in which the bonus personal leave is to be earned.

Eligible classified employees who use no more than eight (8) hours of sick leave in a calendar year will be granted a bonus personal leave day, which shall be added to the employee's regular personal leave for the calendar year following the year it was earned and scheduled in the same manner. Bonus personal leave must be taken in increments of not less than one quarter (1/4) hour and must be used in the year it was granted.

The bonus personal leave will be calculated using eight (8) hours for permanent full-time employees and prorated for permanent part-time and job sharing employees based on the ratio of hours scheduled weekly to forty (40) hours. **6-0814**

FLEXIBLE WORKING HOURS

The Executive Director may authorize a modification of an employee's work schedule to an alternative schedule wherein the usual number of hours are worked, but starting and quitting time vary; provided the rescheduling does not in any way impair the GF/EGF MPO's ability to serve the public or create a need for additional personnel or unnecessary overtime. **6-0815**

EDUCATIONAL LEAVE

Educational leave of absence without pay may be granted to a permanent employee, not to exceed twelve (12) months, if the educational leave will benefit the GF/EGF MPO and the employee, and the GF/EGF MPO would incur no expense or hardship by granting the leave. The course work must be directly related to the employee's position with the GF/EGF MPO. The

employee must submit a written request to the Executive Director, stating the reasons for the request, the date the leave will begin, and the anticipated date of return. All educational leaves shall be approved by the Executive Policy Board Chair. **6-0806**

BEREAVEMENT LEAVE

1. An employee who must make arrangements for, or attend a funeral, or attend to estate business following the funeral, for employees identified in section 6-0808, may use up to five (5) working days of accrued sick leave for such purposes. The five day limit may be extended at the discretion of the Executive Director. As an alternative to the use of sick leave, an employee may elect to utilize vacation, compensatory time, or unpaid personal leave for any days in excess of five (5) working days.
2. The employee shall provide notification to the employee's immediate supervisor prior to taking time off as provided for by this section. **6-0809**

TEMPORARY DISABILITY AND LIMITED DUTY

An employee who is temporarily disabled due to injury, illness, pregnancy, or other temporary disability and unable to perform his/her normally assigned duties may be reassigned to different duties within the same department upon approval by the Executive Director in accordance with the following requirements:

- A. All temporary reassignments are discretionary in nature, however, reasonable efforts are encouraged to be made to accommodate necessary and reasonable reassignments in light of the MPO's needs, availability of work tasks, and the employee's ability to perform such tasks.
- B. All requests for reassignment shall be made by the employee in writing to the Executive Director accompanied by medical certification from an attending physician of the employee's temporary disability. The medical certification must demonstrate the need for temporary reassignment due to disability and also include written medical prognosis that the employee is expected to return to full duty within six (6) months of the reassignment request.
- C. The employee's status and qualifications for reassignment may be reviewed monthly by the Executive Director. Periodic medical updates from the physician may be required in the course of such reviews.
- D. Reassignment of duties under this policy shall not exceed six (6) months in duration, except upon authorization of the Executive Policy Board. A temporary disability reassignment shall in no event exceed one (1) year.
- E. Any employee whose duties are temporarily reassigned shall receive the same salary prior to the reassignment.

- F. In the event a probationary employee is reassigned due to a temporary disability, the employee's probationary period shall be extended for the duration of the reassignment.
- G. This policy does not apply if the disability is determined, at any time, to be a permanent disability.

Temporary disability leave shall consist of paid sick leave followed by leave without pay, if necessary. An employee may choose to use paid vacation time once accumulated sick leave has been exhausted. An employee may use compensatory time ahead of any other paid leave time.

Upon signifying an intent to return at the end of the temporary disability leave, an employee shall be reinstated to the employee's original position or to a position with an equivalent salary range.

6-0810