

# PERSONNEL MANUAL



## PARK DISTRICT OF THE CITY OF GRAND FORKS

BOARD APPROVED 11/3/2020

# GRAND FORKS PARK DISTRICT PERSONNEL POLICIES

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**SECTION 1**  
**OVERVIEW**

## **1.01 WELCOME TO THE GRAND FORKS PARK DISTRICT**

An interesting and challenging experience awaits you as an employee of the Grand Forks Park District. This document is a manual that will introduce Grand Forks Park District employees to the organization and will familiarize you with the guidelines and benefits that affect the employment relationship between you and the Grand Forks Park District.

The Grand Forks Park District wish you the best of success in your position and hope that your employment relationship with the Grand Forks Park District will be a rewarding experience.

A listing of facilities and parks that are currently utilized, maintained, and operated by the Grand Forks Park District is located on the website, [www.gfparks.org](http://www.gfparks.org).

## **1.02 DISCLAIMER**

This manual includes personnel policies and procedures regarding employment with the Grand Forks Park District and is compiled in accordance with official action of the Grand Forks Board of Park Commissioners.

The Grand Forks Board of Park Commissioners may at any time abolish, alter, revise, make additions to, or otherwise amend regulations by a majority vote at any Board meeting which becomes effective immediately upon revision or designated date except as otherwise required by law.

The Executive Director shall be responsible for the appointment and discharge of all employees and for the direction of their activities.

From this point forward, the Grand Forks Park District shall be referred to as the “Park District” and the Grand Forks Park Board of Commissioners shall be referred to as the “Board”.

This manual follows local, state, and federal laws at the time of approval by the Board. Current local, state, or federal laws supersede this manual if applicable.

This manual is intended solely as a guide for health insurance, pension, and other benefits. Specific rules and requirements for these benefits will supersede this manual.

The policies and procedures described in this manual are not conditions of employment and do not create a contract, express or implied, between the Park District and any of its employees or a guarantee of employment for any specific duration or upon any specific terms. The Park District and its employees have an employment relationship which is known as “employment at will.” Specifically, this means that either the Park District or an individual employee has the right to terminate the employment relationship at any time, for any reason, or for no reason at all, with or without advance notice.

The Park District reserves the right to amend or terminate any of these provisions, programs, and benefits at its discretion.

The Park District employees and the Board will be able to view the most up to date personnel manual on the Park District’s website at [www.gfparks.org](http://www.gfparks.org).

**1.03 MISSION STATEMENT**

Our mission is to provide the best parks, programs, facilities, forestry services, and other services possible to promote a healthy and enjoyable lifestyle for all citizens of Grand Forks.

## 1.04 ORGANIZATIONAL STRUCTURE

### CHAIN OF COMMAND - RANK ORDER:

Board of Commissioners  
Executive Director  
Superintendent  
General Manager  
Golf Professional/Golf Superintendent/Manager  
Assistant Golf Superintendent/Assistant Manager/Coordinator/Supervisor  
Full-Time Employee  
Part-Time Employee  
Seasonal Employee

The Park District believes all employees have the right to access all levels of management. The Park District encourages all employees to discuss work related problems with their immediate supervisor. If you would rather not approach your supervisor, or if the problem is not addressed adequately by a supervisor, employees may approach a Superintendent or the Executive Director.

The Park District promotes an open-door policy. All employee input will be considered and can be presented without fear of personal recrimination of his or her position.

A list of the current Board is located on the website, [www.gfparks.org](http://www.gfparks.org).

All full-time employees have job descriptions and are expected to perform their jobs per those job descriptions. Furthermore, all employees are expected to represent the Park District in an ethical and responsible manner.



**SECTION 2**  
**EMPLOYMENT POLICIES**

## **2.01 EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

It is the policy of the Park District to comply with all state and federal equal employment opportunity laws and regulations. Therefore, recruiting, hiring, training, promotion, compensation benefits, employment decisions, and all similar matters will be decided without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), marital status, disability, or genetic information.

The Park District does not unlawfully discriminate based on citizenship or national origin but at the same time is committed to employing only United States citizens and aliens who are authorized to work in the United States.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

Employees with questions or seeking more information are encouraged to contact the Payroll/Human Resource Department. Employees may raise questions or complaints without fear of reprisal.

## **2.02 AMERICANS WITH DISABILITIES ACT (ADA)**

It is the policy of the Park District, in compliance with the Americans with Disabilities Act and the North Dakota Human Rights Act, to provide equal opportunity in employment for all qualified persons with disabilities.

Employees with questions or seeking more information are encouraged to contact the designated ADA coordinator.

### **2.03 POLITICAL ACTIVITY / HATCH ACT**

No person employed by the Park District, shall engage in political activities while on duty. Such conduct is prohibited under federal and state law.

For penalties and more information relating to the violation of the Hatch Act, refer to Section 5 of the (1974) United States Code Chapters 7, 13, 15; (especially Section 5 Chapter 7325 (1979)). Also, see N.D.C.C. Sec. 34-11.1-02, Chapter 39-01-04, and Sec. 44-08-19.

## **2.04 CHILD LABOR LAWS**

State child labor provisions establish a minimum age of 14 to be employed and regulate the employment of teens ages 14 and 15. Persons age 14 and 15 are required to file an Employment and Age Certificate (work permit) with the Department of Labor and their attending school.

Federal child labor laws limit the hours they can work and prohibit certain types of work that the Department of Labor deems to be hazardous.

## 2.05 HOSTILE WORK ENVIRONMENT

It is the policy of the Park District to foster an environment of respect for the dignity and worth of all its employees. Because incidents of workplace harassment are demeaning to all persons involved and impair the ability of the Park District to perform its functions, the Park District has adopted this policy defining and prohibiting a hostile workplace.

A hostile work environment is a form of harassment. It is demonstrated by such severe and pervasive conduct that permeates the work environment and interferes with an employee's ability to perform his or her job. A hostile work environment is actionable in the Equal Employment Opportunity process when it is based on allegations of discrimination; e.g., race, color, gender, national origin, religion, age, disability, sexual orientation, or reprisal.

Examples of actions which may result in hostile work environment harassment include, but are not limited to:

- Use of racially derogatory words, phrases, or epithets.
- Demonstrations of a racial or ethnic nature such as a use of gestures, pictures, or drawings which could offend a racial or ethnic group.
- Comments about an individual's skin color or racial/ethnic characteristics.
- Making disparaging remarks about an individual's gender.
- Negative comments about an employee's religious beliefs (or lack of religious beliefs).
- Expressing negative stereotypes regarding an employee's birthplace or ancestry.
- Negative comments regarding an employee's age when referring to employees 40 years of age or over.
- Derogatory or intimidating references to an employee's mental or physical impairment.

A hostile work environment can also exist when an employer acts in a harassing manner designed to cause a significant change in an employee's employment status. Examples include unjustly causing the employee to quit his/her job, an unjust firing, unjust failure to promote, unjust demotion, unjust formal discipline such as suspension, an undesirable unjust reassignment, an unjust significant change in benefits, or an unjust negative compensation decision. Only individuals with supervisory or managerial responsibilities can commit this type of harassment.

Another form of workplace harassment is sexual harassment. Sexual harassment is a form of sexual discrimination that violates Title VII of the Civil Rights Act of 1964. Sexually harassing conduct is prohibited in the workplace and can be committed by management, coworkers, vendors, visitors, and customers of the Park District. Sexual harassment is generally divided into two categories:

Quid Pro Quo is defined as a form of sexual harassment when a manager or supervisor or a person of authority gives or withholds a work-related benefit in exchange for sexual favors. Typically, the harasser requires sexual favors from the victim, either rewarding or punishing the victim in some way.

Hostile Work Environment is defined as an environment where employees feel unsafe, uncomfortable, or are subjected to unwanted advances, or implied or actual threats of a sexual nature. Sexually harassing conduct includes, but is not limited to: derogatory remarks, epithets, offensive jokes, or display or circulation of offensive materials.

Any person who has a complaint of workplace harassment against a superior, co-worker, vendor, or person we serve should bring the problem to the attention of the Park District. Complaints may be brought to the employee's supervisor or up to the next level in the chain of command if the complaint is about the supervisor.

Complaints will be investigated and handled as confidentially and promptly as possible. The Park District will conduct a full and impartial investigation, remedy violations, and monitor compliance according to the policy. The Park District prohibits retaliation against anyone for having raised a harassment complaint or for cooperating with an investigation of a complaint.

If an employee is found causing any form of a hostile work environment, after a complete investigation, this may be grounds for disciplinary action up to and including termination.

## **2.06 WORKPLACE LACTATION POLICY**

Pursuant to the FMLA “PPACA” (Patient Protection and Affordable Care Act), the Park District’s intent with this policy is to support breastfeeding in the workplace, while ensuring the business needs of the Park District are met.

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 supervisor based on Park District 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 supervisor.

The Park District will provide a room or location, other than a restroom when feasible, near the work area where the employee can express breast milk. 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.

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



## **2.07 TOBACCO POLICY**

The Park District offers a smoke-free work environment to all employees. Smoking is prohibited while operating any Park District vehicle or equipment.

No person shall use, chew, smoke, inhale e-cigarettes, or otherwise engage in the usage of tobacco, tobacco products within or on any playground, fitness center, arena, pool, Park District parks, baseball/softball diamonds, or outdoor tennis courts. Except for chewing tobacco products at Lincoln Golf Course and King's Walk Golf Course, all tobacco products and all tobacco usage are banned on all property owned, leased, or managed by the Park District.

All additional state and local laws and ordinances will also be followed related to tobacco products.

## **2.08 ALCOHOL/CONTROLLED SUBSTANCE POLICY**

Transfer, sale, receipt, possession, or use of alcohol or other drugs, legal or illegal, while on Park District premises during work hours or meal breaks is prohibited. This includes all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, and other mood-altering substances or substances that could influence job performance. Employees are expected to be in suitable mental and physical condition to be at work and to perform their job. At no time, on or off duty, should an employee operate a Park District vehicle or equipment while under the influence of alcohol or drugs. Violation of this policy may be grounds for disciplinary action up to and including termination.

Employees found guilty of criminal offenses involving the possession, use, distribution, manufacture, or sale of alcohol and/or controlled substances may be grounds for disciplinary action up to and including termination. Employees shall inform their supervisor of all alcohol and/or drug incidents immediately after becoming aware of the incident.

The Park District reserves the right to search, as allowable by law, all areas and property in which the Park District maintains full control or joint control with the employee when a manager 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. The Park District may also notify the appropriate law enforcement agency that an employee may have illegal controlled substances in his/her possession or in an area not jointly or fully controlled by the Park District.

### **DRUG AND ALCOHOL TESTING**

#### **Employees who possess a commercial driver's license:**

Employees who possess a commercial driver's license for their employment with the Park District are subject to the Federal Highway Administration and Department of Transportation drug and alcohol testing requirements. Federal regulations mandate urine drug testing and breath alcohol testing for these safety-sensitive positions and prohibit performance of safety-sensitive functions when there is a positive test result. Drug and alcohol testing of these employees will be conducted per federal regulations.

#### **All other employees:**

##### Reasonable Suspicion Testing

At the discretion of Management, any Park District employee may be subject to a urine and/or breath test when there are reasons to believe that drug or alcohol use is affecting job performance. This test will be performed at a local healthcare facility by a qualified professional.

A confirmed positive test or if employee refuses testing may be grounds for disciplinary action up to and including termination.

## **2.09 DRIVER LICENSE POLICY**

An employee of the Park District who needs a valid driver's license to satisfactorily perform duties assigned to them and who loses the license due to suspension or revocation, must apply for a temporary restricted license. If the application is denied, the employee may be demoted to a position within the department which does not require the employee to drive a motor vehicle. This demotion shall last for the term of the license suspension or revocation.

If such a position is not available, the employee may be placed on approved leave, for the duration of the suspension or revocation, without pay. The employee may utilize any accumulated vacation time during the approved leave. Depending on length of license suspension and availability of an alternate position, the employee may be terminated.

## **2.10 SEATBELT USAGE**

All employees who operate Park District vehicles or are passengers in Park District vehicles are required to comply with North Dakota seat belt laws. All employees who operate a personal vehicle or a passenger in a personal vehicle, while on Park District business, are required to comply with North Dakota seat belt laws.

If an employee is ticketed for not wearing a seat belt, said employee will be responsible for the ticket or fine.

If an employee is seen by a supervisor either driving or as a passenger in a Park District vehicle and not wearing a seat belt, said employee may receive disciplinary action.

## **2.11 OPEN RECORDS POLICY**

It is the policy of the Park District to maintain records open to the public in accordance with the North Dakota open records law, N.D.C.C. Chapter 44-04. The Park District, upon request for public records, shall make such records available to any person, except as otherwise provided by law.

Each employee's individual personnel file is regarded as confidential information, but by state law is open to individuals and the public. This excludes medical and personal information.

Anytime a public employee talks about work related items it becomes an open record. This includes using a personal cell phone, personal email account, after work hours, and offsite away from the workplace.

## **2.12 DRESS CODE**

Appearance and dress should be in keeping with the job being performed, both for safety reasons and to reflect a positive image for the Park District. Should an employee arrive for work wearing clothing or accessories that, in the opinion of their supervisor, is inappropriate, they may be required, without pay, to go home and change clothes prior to commencing work.

In those departments where uniforms have been implemented, the wearing of said uniform is mandatory.

Employees are encouraged to wear clothing with the Park District or facility name and logo.

## **2.13 TECHNOLOGY AND EQUIPMENT POLICY**

### **LAND LINE PHONES**

Employees will conduct themselves in a professional manner at all times during work hours. Park District land line phones are for official business and personal calls should be kept to a minimum. Personal use of Park District phones for long-distance calls by employees are not allowed, except in the case of emergency.

### **PARK DISTRICT PROVIDED CELL PHONE**

To provide for the efficient operations of Park District services, certain employees are designated and provided cell phones. The manager of each department will approve who receives a cell phone provided by the Park District. Any unauthorized charges will result in disciplinary action including reimbursement for the charges. No employee shall talk or text on a cell phone while driving a Park District owned vehicle.

### **EMPLOYER REIMBURSED PERSONAL CELL PHONE**

To provide for the efficient operations of Park District services, certain employees are designated and reimbursed for personal cell phones. The manager of each department will approve who is reimbursed for a cell phone. No employee shall talk or text on a cell phone while driving a Park District owned vehicle.

### **EMAIL**

The email system belongs to the Park District and is subject to open records laws. Employees should use the email system for business purposes only. Personal use of the email system should be kept to a minimum.

Employees should not state in an email anything which they would not write in a memorandum or repeat in an open meeting. Employees should be aware that deleting an email does not necessarily destroy it, but merely marks it to be written over later.

The display or transmission of sexually explicit or pornographic images, messages, or cartoons, or any transmission or use of email communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassing, threatening, or disparaging of others based on their race, national origin, sex, sexual orientation, age, disability, religion, political beliefs, or any other protected class status, is strictly prohibited. Employees also are prohibited from using the Park District's email system for other unlawful, unethical, defamatory, or tortuous activities.

### **COMPUTERS**

Computers belong to the Park District and is subject to open records laws. Employees should use Park District computers for business purposes only. Personal use of Park District computers should be kept to a minimum.

The creation, display, transmission, receipt, or storage of sexually explicit or pornographic messages, images or cartoons, or any documents, programs or files that contain ethnic slurs, racial epithets, or anything that may be construed as harassing, threatening, or disparaging of others based on their race, national origin, sex, sexual orientation, age, disability, religion, political beliefs, or any other protected class status, is strictly prohibited. Employees also are prohibited from using the Park District's computer system and/or the internet for any unlawful, unethical, defamatory, or tortuous activities.

Employees should not use and/or install their personal computer games, financial software, or other programs on the Park District's computer system.

### **INTERNET**

Internet history is subject to open records laws. Employees should use the internet on Park District provided devices for business purposes only. Personal use of the internet on Park District provided devices should be kept to a minimum.

The creation, display, transmission, receipt, or storage of sexually explicit or pornographic messages, images or cartoons, or any documents, programs or files that contain ethnic slurs, racial epithets, or anything that may be construed as harassing, threatening, or disparaging of others based on their race, national origin, sex, sexual orientation, age, disability, religion, political beliefs, or any other protected class status, is strictly prohibited. Employees also are prohibited from using the internet on Park District provided devices for any unlawful, unethical, defamatory, or tortuous activities.

### **EQUIPMENT**

Park District owned equipment is to be used for Park District business purposes only. Personal use of equipment is considered an employee benefit and must be approved by Management before being used. Any damage or loss of Park District equipment is the financial responsibility of the employee.

Employee owned equipment is not allowed to be used for business purposes.



## **2.14 SOCIAL MEDIA POLICY**

Park District employees are free to express themselves as private citizens on personal social networking sites. Social media is a place where people exchange information, opinions, and experiences to learn, develop, and communicate. This policy provides practical advice to avoid issues that might arise by careless use of social media in and out of the workplace. Social networking includes but is not limited to forums, internet postings, blogs, Facebook, YouTube, Instagram, Snapchat, Twitter, and other related items.

An employee may comment on Park District business, however the employee must make it clear within all postings that the views the employee stated are the employee's views only and do not represent the Park District's views.

The following is a partial list of activities which may be subject to disciplinary action up to and including termination. Employees are prohibited from:

1. Using or posting the Park District logo.
2. Using obscene or inflammatory language, images, or videos which causes harm when referring to the workplace, co-workers, supervisors, or customers.
3. Using language, images, or videos that's inflammatory or abusive regarding race, gender, or national origin which causes harm when referring to the workplace, co-workers, supervisors, or customers.
4. Posting harmful or disparaging comments, images, or videos towards the Park District, its products, or services.
5. Revealing confidential or proprietary information concerning the Park District.
6. Harassing or discriminating against any former or current employee, customer, or business associate.

Employees are strongly urged to report any violations or perceived violations to Management or the Payroll/Human Resources Department. The Park District will investigate and respond to all reports of violations of the social media policy. Violation will result in disciplinary action, up to and including termination.

Whether on work or personal time, every employee is a representative of the Park District. Be respectful, courteous, and use good judgement. Respect confidentiality of the Park District and others. Remember that anything you post is virtually impossible to take back. Once you post it is out in the public eye for everyone to view. Many eyes may fall upon your words, images, or videos, including those of reporters, consumers, co-workers, or your manager.

To protect the Park District, only employees who have authorization may post to any Park District social networking site regarding Park District business.

This policy is not intended to infringe on employee's exercise of rights under the NLRA.

## **2.15 MEDIA INTERACTIONS**

Employees may not speak to the news media on a legal issue as an official or unofficial spokesperson of the Park District without prior clearance from the Executive Director. All other inquiries from the media should be referred to the Executive Director or Management. No other person or employee is authorized to make comments without prior approval.

## **2.16 OUTSIDE EMPLOYMENT**

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

1. Any outside employment is secondary to Park District employment and will not interfere with proper performance of Park District employment, except for military service obligations.
2. Employees will not accept pay or compensation from anyone for time during which they are on duty with the Park District.
3. Employees are prohibited from working on any Park District project for any contractor or company that has a current contract with the Park District or for any employer that would constitute a conflict of interest with the Park District.
4. Employees will not accept outside employment which requires the free use of Park District equipment, facilities, or materials.
5. Employees will not accept or solicit private work at any time during which they are on duty with the Park District.
6. Employees will not accept outside employment with a competing business or be self-employed in a competing business, unless approved by Management.
7. Management may inquire of any outside employment that may interfere or conflict with the employee's regular duties.

## **2.17 DISCIPLINARY ACTION & SEPARATION OF EMPLOYMENT POLICIES**

Any part-time Park District employee may be subject to disciplinary action (warning, suspension, demotion, or termination) by his or her supervisor.

Any full-time Park District employee may be subject to disciplinary action (warning) by his or her supervisor.

Any full-time Park District employee may be subject to additional disciplinary action (suspension, demotion, or termination) by his or her supervisor with the approval of the Executive Director.

The following are some, but not all, guidelines that may be relied on by the Park District. The list is not intended to be all-inclusive or to change the status of Park District employees from employment at will. Employees are not guaranteed that they will receive any warnings or progressive discipline prior to termination for offenses deemed serious by Management. The following are activities which may result in disciplinary action:

1. Drinking alcohol or using illegal drugs on the job or arriving on the job under the influence of alcohol or illegal drugs.
2. Failure to follow orders from one's supervisor or manager.
3. Inability to get along with fellow employees, which hinders work being done.
4. Absence from work without permission or failure to report to the supervisor or manager when one is absent.
5. Habitual absence or tardiness.
6. Failure to perform assigned work in an efficient manner.
7. Waste of Park District material, property, or time.
8. Neglect of duty.
9. Conviction of a felony.
10. Conviction of a felony/misdemeanor involving moral character.
11. Failure to obey the laws of the City of Grand Forks, the State of North Dakota, and the United States.
12. Offensive conduct in public, toward the public, or toward other employees.
13. Incompetence.
14. Careless or negligent use of Park District equipment.
15. Insubordination.
16. Foul, abusive, or offensive language.
17. Threats against persons or property.
18. Sleeping on the job.
19. Negligence.
20. Disruptive behavior.
21. Threat of destruction of Park District property.
22. Misuse of Park District electronic devices pertaining to the viewing, distribution, or storing of inappropriate or offensive materials.

## **DISCIPLINARY ACTION POLICY**

This disciplinary action policy is not intended to change the at will nature of the employment relationship.

No disciplinary action shall be taken due to race, color, religion, sex, sexual orientation, national origin, age, status regarding marriage or public assistance, participation in lawful activity off the employer's premises during nonworking hours, or solely based on handicap or political affiliations or opinions.

## **PROCEDURES AND PENALTIES**

The following procedures and penalties are guidelines to provide the supervisor with a method to handle disciplinary action. The severity of the penalty shall be determined by his or her supervisor with the Executive Director's approval, if necessary.

### **1. WARNING**

- a. For infractions deemed minor by the supervisor, the supervisor should first discuss the matter with the employee. It is recommended that a written summary of events using the Park District Employee Corrective Action Form be placed in the personnel file and copied to the employee.
- b. If improvements on the infractions are not made, then additional disciplinary action may be taken.

### **2. SUSPENSION**

- a. Employees can be suspended for incidents that merit termination if the employee's participation is suspected, but unclear. While an investigation is conducted, an employee may be suspended for disciplinary reasons with or without pay.
- b. The supervisor should first discuss the matter with the employee. It is recommended that a written summary of events using the Park District Employee Corrective Action Form be placed in the personnel file and copied to the employee.
- c. Supervisors will meet formally with suspended employees upon their return to work, to define clearly and specifically the improvements in job-related behaviors or performance required as a condition of the employee's continued employment. It is recommended that a written summary of events using the Park District Employee Corrective Action Form be placed in the personnel file and copied to the employee.
- d. Upon the findings of the investigation, then additional disciplinary action may or may not be taken.

### **3. DEMOTION**

- a. Employees may be demoted to a lower classification and/or pay for major infractions or poor performance.
- b. The supervisor should first discuss the matter with the employee. It is recommended that a written summary of events using the Park District Employee Corrective Action Form be placed in the personnel file and copied to the employee.

#### 4. TERMINATION

- a. Employees may be terminated for major infractions or poor performance.
- b. The supervisor should first discuss the matter with the employee. It is recommended that a written summary of events using the Park District Employee Corrective Action Form be placed in the personnel file and copied to the employee.

#### **GRIEVANCE PROCEDURE**

Any employee who has a complaint concerning disciplinary action, suspension, termination, demotion, denial of promotion or merit increase, layoff, or discrimination based on a category i.e., sex, race, age, disability recognized by federal and local civil rights laws has the right to file a grievance per procedures outlined in this policy.

No employee will be discriminated against, harassed, intimidated, or suffer any reprisal because of filing a grievance or participating in the investigation of a grievance. If an employee feels that he or she is being subjected to any of the above, that employee has the right to appeal directly to a manager or the Executive Director.

Employees should attempt to resolve the problem informally with their supervisor as soon as possible. If a solution cannot be reached, the employee may present a formal grievance, in writing, following the chain of command to the Manager, Superintendent, Executive Director, and President of the Board.

#### **REDUCTION IN FORCE**

The Park District intends to minimize the negative impact on current employees if a reduction in the work force becomes necessary. However, from time to time, cutbacks or reductions may be unavoidable due to forces beyond the Park District's control. In some cases, a program may have to be reduced in size or terminated entirely if funds for its operation are no longer available. If this type of cutback must occur, the Park District will reduce employees as they deem appropriate.

#### **RESIGNATION**

1. The Park District requests, as a courtesy to other employees and for staffing purposes, a written resignation be given in advance of the resignation date by at least two (2) weeks. However, employment with the Park District is at will and may be terminated by the employee or the Park District at any time and for any reason.
2. Employees should submit their written resignation to their immediate supervisor.

#### **FINAL PAY**

Employees who leave the service of the Park District for any reason shall receive all pay which may be due them, with the following qualifications:

1. Full-time employees will be paid for all unused vacation days.
2. Termination date for all employees is the last day of actual work or approved leave. Paying for unused vacation or sick leave will not extend the termination date.

3. Failure to return Park District issued equipment, keys, uniforms, material, or other items will result in a deduction of the amount owed from your final pay as allowable by law.
4. Employees will be advised of their rights under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). This act entitles employees and their dependents to continue their coverage under your Park District health insurance plan at their own expense, but at a group rate for eighteen (18) months after they leave.

## **2.18 SAFETY PROCEDURES**

Please note the Park District has a separate Safety Manual. Please review this manual as part of your orientation process and address any questions you may have to your supervisor.

Contact the Payroll/Human Resources Department for the Safety Manual.



## **2.19 CODE OF CONDUCT**

The Park District's Code of Conduct policy outlines our expectations regarding employees' behavior towards their colleagues, supervisors, and overall organization.

The Park District promotes an honest, healthy, and positive work environment in which employees treat one another as they would like to be treated. It is the responsibility of all of our employees to help in fostering and maintaining such workplace. Respectful behaviors and actions that would help foster this environment include, but are not limited to, being respectful to each other, calm and objective, and sensitive to other's concerns and interests.

The Park District does not promote unprofessional behavior including, but not limited to, disruptive behavior, using inappropriate language, raising your voice during confrontational situations, being rude, or disrespectful of another human being. Disorderly conduct includes, but not limited to, fighting, attempting bodily injury, or using threatening language toward another employee.

All employees should treat the Park District's property, whether material or intangible, with respect and care. Employees should protect Park District facilities and other material property (e.g. Park District vehicles) from damage and vandalism, whenever possible.

The Park District may have to take disciplinary action against employees who repeatedly or intentionally fail to follow our code of conduct. Disciplinary actions will vary depending on the violation.

## **2.20 NON-RETALIATION / WHISTLEBLOWER POLICY**

Park District employees should share their questions, concerns, suggestions, or complaints with Management or Payroll/Human Resources Department who can address them properly. Any good faith report, concern, or complaint is fully protected by this policy, even if the report, question, or concern is, after investigation, not substantiated.

No employee who in good faith reports a violation of Park District policy or law shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination.

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of Park District policy or law. Any allegations that prove not to be substantiated and have been made maliciously or with knowledge that they were false, will be subject to discipline up to and including termination.

**SECTION 3**  
**GENERAL PROVISIONS**

### **3.01 HIRING PROCESS**

It is the policy of the Park District to recruit, hire, train, and promote persons in all job classifications with the most qualified applicants. The following summarizes the major elements of the Park District's hiring policies.

- All job postings may be posted internally before announced publicly.
- All employees must complete an application before assuming duties of employment.
- All employees must compete in a selection process based upon merit of their skills and abilities as they relate to the position they are seeking. The selection process is determined by the manager of the open position.
- Returning seasonal employees, with a previous years' evaluation rating of favorable, must fill out a current year's application. These employees, at the discretion of their supervisor, may be exempted from further current year's selection processes.
- Job descriptions may be written for part-time positions. Full-time positions are required to have job descriptions.
- Relatives of current Park District employees are welcome to apply for Park District job openings; however, they must compete and be selected based upon the merits of their technical qualifications, and not their relationships. The Park District will not permit a relative (spouse, child, parent, sibling, and in-law) to supervise another relative except with approval of the Executive Director.

#### **PREFERENCE FOR INTERNAL CANDIDATES**

Job openings are filled by qualified persons from within the Park District whenever possible. Preference is given to internal candidates over external candidates when both are equally qualified. However, internal candidates are not guaranteed the positions for which they apply. The Park District may begin an external search for applicants simultaneously with the job posting.

#### **TESTING/SCREENING**

Applicants for certain positions may be required to fill out a standard screening instrument and take a test as a condition of being considered for employment. All such tools will not discriminate against any ethnic, religious, disabled, or other minority groups.

#### **INTERVIEWING**

Applicants will be screened to determine who should become candidates for a job. Job candidates may be interviewed by more than one person, including the position's supervisor.

#### **REFERENCES**

References may be checked on all candidates.

## **LETTER OF HIRE**

When it has been determined, which candidate will fill an open position, Management may send the candidate a letter of hire. This letter will include:

- Position title
- Starting date
- Starting pay or salary
- Offer of employment

The prospective employee is asked to sign and return the letter.

### **3.02 BACKGROUND CHECKS**

It is the policy of the Park District to request authorization for background checks from job applicants as appropriate for the particular position of employment. The purpose of this background check procedure is to preserve the safety and well-being of all those who participate in Park District activities and to verify information provided by the applicant on the job application. The background checks will be utilized and disclosed in accordance with fair Credit Reporting Act, North Dakota Human Rights Act, and Federal Equal Employment Opportunity laws.

Applicants for employment will be required to sign a written authorization form allowing the Park District to order a background check of the applicant prior to the start of employment. The applicant's employment, if started before the background check is completed, is conditional on the results of the background check.

The Park District will administer the process of requesting and reviewing background checks. The Park District will protect the confidentiality, as allowed by law, of any information received because of the background check. The results of the background check will be reviewed with Management and the Executive Director if necessary.

A background check will be ordered every three years for current employees or more often if deemed necessary by Management.

A background check will be ordered once per calendar year for rehired seasonal part-time employees.

### **3.03 NEW EMPLOYEE ORIENTATION**

New employees will undergo an orientation to acquaint them with the Park District policies and procedures, their jobs, and their internal and external working relationships. New employees will be asked to complete all necessary payroll paperwork at the time of the orientation. It is the employee's responsibility to notify the Payroll/Human Resource Department or their immediate supervisor of any changes in personal data. Personal data includes mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, and other such information.

Please use this orientation time to familiarize yourself with the Park District policies and benefits. We encourage you to ask any questions you may have so you will understand all the guidelines that affect and govern your employment relationship with us.

### **3.04 DIRECT DEPOSIT**

Direct deposit is required for all new employees. Employees hired before January 1, 2016, and not on direct deposit as of that date, will be grandfathered in and have the option to continue receiving a paper check.



### **3.05 WORK SCHEDULES**

The normal business hours for each department shall be established by the department's superintendent or manager. Management should not normally schedule an employee for more than forty (40) hours of work in the department's seven-day (7) work cycle. Management and employees are required to maintain accurate records of employee attendance, hours of work, and hours of leave, and shall provide these records to the Payroll/Human Resource Department.

According to ND Admin Code 46-02-07-02(5), an employee must receive a minimum of a thirty (30) minute unpaid lunch break, if so desired, in each shift exceeding five (5) hours when there are two (2) or more employees on duty. An employee will not be allowed to carry over a break from one day to the next and will not be allowed to accrue compensatory time for a missed break. Exempt employees may be required to work beyond the designated work schedule to adequately fulfill their duties.

The work cycle is Monday morning through Sunday at midnight. This work cycle is used to determine the employee's eligibility for overtime payments under the Fair Labor Standards Act, 29 U.S.C. section 207(k).

### **3.06 PAYROLL DEDUCTIONS**

Deductions from each employee's paycheck include mandatory and voluntary deductions.

Mandatory deductions include, but not limited to:

- A. Social Security
- B. State Taxes
- C. Federal Taxes
- D. Pension
- E. Court ordered withholding for child support, alimony, delinquent loans, or for some other reason by court order.

Voluntary deductions may include:

- A. Insurance
- B. Flexible Benefits
- C. Deferred Compensation
- D. Charitable Contributions
- E. Employee Advances

Voluntary deductions are made only with the written authorization of the employee.

An itemized statement of all deductions from the employee's wages are reflected on each paycheck.

### 3.07 PARK DISTRICT CLOSING POLICY

#### Inclement Weather and Emergency Closing

Adverse weather is defined as emergency conditions rather than normally expected seasonal weather conditions. At various times throughout the year, primarily the winter months, adverse weather conditions may require that for the safety and well-being of employees, work schedules be adjusted. This may include arriving late to work, leaving early from work, or other schedule adjustments.

The following procedure will be followed:

- a. Park District closing will be made at the discretion of the Executive Director.
- b. Unless specific notification is received from the Executive Director, all employees have the responsibility for reporting to work at their scheduled time.
- c. All full-time employees with a single pay rate will be paid for the remainder of their scheduled workday, or actual hours worked when the Park District or the employee's individual facility closes, whichever is higher. All full-time employees with multiple pay rates will be paid at their minimum pay rate for up to eight hours, or actual hours worked when the Park District or the employee's individual facility closes, whichever is higher. These non-worked hours are not included in any overtime calculations.
- d. All part-time employees will not be paid for the remainder of their workday when the Park District or the employee's individual facility closes.
- e. If a full-time employee previously was not scheduled to work (vacation time, sick time, off day) then they will not be compensated for the Park District closing on that day. If a full-time employee planned on taking a partial day off, using vacation hours or sick hours, and the Park District closes while they are currently working, then the employee no longer needs to use vacation or sick hours.
- f. All full-time non-exempt employees reporting late to work or leave early shall be charged appropriate vacation time for the time not worked up until the Park District is closed.
- g. When the Park District is open, all full-time exempt employees will need to use vacation if unable to report on a scheduled workday due to inclement weather.
- h. At the discretion of the Executive Director, there may be full-time employees that must provide continuing or essential services. Recreation facilities, in general, will attempt to stay open, depending on the circumstances.
  - i. If the non-exempt full-time employee is required to work during a period the Park District is closed, the employee will be provided time and a half (comp time hours or overtime) for each hour worked. Those employees with multiple pay rates, actual work performed will determine the pay rate. In addition, the employee will be compensated for when the Park District is closed as detailed in this section.
  - ii. If the exempt full-time employee is required to work during a period the Park District is closed, the employee will not be provided any additional monetary compensation.

- i. At the discretion of the Executive Director, when the whole Park District is open there may be individual facilities that need to close. For these closed individual facilities, the employees will be paid as stated above in this section.

#### Other Park District Closing

The Park District may be closed for various reasons, other than weather, at the discretion of the Executive Director. In these situations, the above procedures will be followed in relation to employee compensation.

### **3.08 TRAVEL REIMBURSEMENT**

Employees who incur expenses for Park District business purposes, such as use of personal car, out-of-pocket miscellaneous expenses, travel expenses, etc. shall be reimbursed for such expenses based on current IRS per diem guidelines or actual expense incurred.

For actual expenses incurred, receipts are required for reimbursement except for taxi or cab fares up to and including \$20.00. Meals that are included in a registration fee do not qualify for reimbursement to the employee. Travel reimbursement forms are available from Accounts Payable.

### **3.09 PROFESSIONAL LICENSES AND CERTIFICATION**

Applicants whose jobs require professional license or certification must present documentation of their license or certification prior to employment.

Licenses and certifications that are required by the Park District, for that position, will be paid for by Park District.

Copies of the license or certification, plus copies of all renewal or changes, must be provided by the employee for inclusion in his or her personnel file if requested by manager.

Employees must notify their supervisors before the next scheduled workday of any changes in the status of their license or certification.

### **3.10 RELEASING JOB REFERENCES**

All requests for information about a current, retired, or terminated employee should be transferred to the Payroll/Human Resource Department or the employee's former supervisor. The Payroll/Human Resource Department may disclose to prospective employers only the information they are allowed under open records laws.

### **3.11 EXIT INTERVIEW**

An employee's immediate supervisor or the Payroll/Human Resource Department, whenever possible, should hold an interview with any employee separated from employment with the Park District for purposes of gathering information that may facilitate control of the turnover of employees.

If the employee prefers, the interview may be conducted with the next member of the chain of command.

In conducting the exit interview, the Park District will use a termination checklist to provide structure for the discussion. After the exit interview, the manager will submit the termination checklist to the Payroll/Human Resource Department.

If an exit interview is not conducted, the manager will still complete a termination checklist and submit it to the Payroll/Human Resource Department.



**SECTION 4**

**COMPENSATION POLICIES**

#### **4.01 CLASSIFICATION OF EMPLOYMENT**

Employee categories as established by the Park District are:

- a. Full-time: An individual employed to work 40 hours a week with an unlimited employment duration and eligible for benefits. Variations in hours may occur with approval by Management, however for health insurance purposes the minimum hours per week is 30. These positions may be classified as either exempt or nonexempt for overtime per the Federal Labor Standards Act.
- b. Part-time: An individual who is expected to work less than 40 hours per week and is not eligible for full benefits.
- c. Seasonal: An individual employed for a specified, limited period, not to exceed one year, and is not eligible for full benefits.

#### **JOB DESCRIPTIONS**

The Park District will maintain a written job description for all full-time employee positions. In the event new paid positions are created through expansion or reorganization, written job descriptions will be prepared.

A job description must contain the following elements: title, summary of job duties, performance requirements, definition of the essential and non-essential functions of the position, qualifications (education, experience, other), attributes, and immediate supervisor.

Job descriptions are to be as detailed and explicit as possible. However, employees occasionally may be required to perform related duties not specified in the job description. In the event, new major responsibilities or other significant changes occur, the job description must be rewritten to reflect these changes.

Written job descriptions play a key role in assuring the Park District organization's compliance with the Americans with Disabilities Act, and other federal and North Dakota employment laws.

#### **4.02 SALARY RANGES**

For all employees, pay ranges and classification will be established by Management during the annual budget process. Employees will receive, at a minimum, compensation per requirements of applicable minimum wage laws.

#### **4.03 PAY ADJUSTMENT POLICY**

Employees may receive pay increases based on annual evaluations.

Pay increases are based on performance as indicated in the written evaluation. The fulfillment of a certain period of time in a position does not justify a salary increase, however it is taken into consideration.

Pay ranges for any job classification may be increased (or decreased in time of financial difficulty) by Management.

The provisions of this section do not apply to part-time and seasonal employees. The pay of such employees is individually determined by Management.

Performance bonuses may be made by the Board. Such bonuses depend on the employee's performance and the overall financial status of the Park District.

#### **4.04 PERFORMANCE EVALUATIONS**

All full-time employees shall receive, at year end, a performance evaluation, which will objectively assess their performance accomplishments relative to the job description.

Standardized forms will be used to record all formal performance evaluations. These records will be used to help determine salary reviews, advancements, transfers, layoffs and other personnel actions, which are based on performance.

All employees will be given the opportunity to review and make copies of their performance evaluations. Employees are encouraged to include written comments on the evaluation, if appropriate. Employees who disagree with evaluations are encouraged to discuss areas of disagreement with their supervisor or follow the appropriate chain of command. Employees must sign and date their evaluation after all comments have been noted.

Performance evaluations become a permanent part of the employee's personnel file.

## **4.05 OVERTIME AND COMPENSATORY TIME**

### **OVERTIME**

The Park District recognizes that overtime is sometimes necessary. All overtime hours must be approved in advance by the employee's supervisor. Any employee working unauthorized overtime may be subject to disciplinary action.

Overtime must be paid at one and one-half (1 ½) times the regular rate of pay to any employee who works more than forty (40) hours in any one (1) workweek in a non-exempt (hourly) position. Exempt (salary) positions do not qualify for overtime.

Overtime is paid on actual hours worked and holiday time, this does not include sick and vacation paid time off.

Managers have discretion that overtime may be recommended, for on-call, special events, or emergency hours worked, with the Executive Director having final approval.

#### Overtime Seasonal Exceptions:

Any Park District employee working in a facility that operates less than seven months in any calendar year may be exempt from overtime or comp time pay. The total hours worked would be paid at the regular hourly rate of pay. Examples of these facilities are outdoor pools and golf courses. This is in accordance to The Fair Labor Standards Act (FLSA) Seasonal Amusement/Recreation Establishment Exemption.

### **COMPENSATORY TIME (COMP TIME)**

The Park District recognizes that overtime is sometimes required and may provide an employee comp time in lieu of monetary overtime pay. There must be an agreement or understanding between the supervisor and employee, prior to the performance of work, to substitute comp time for overtime pay.

Comp time is accrued at a rate of one and one-half hours of comp time for each hour of overtime worked.

Comp time is to be used and approved using the same guidelines as vacation time. Comp time is to be used before vacation time is used. The maximum accrued balance of comp time, at any given time, is 240 hours for full-time employees (480 hours for part-time employees working seasonal activities such as golf courses and outdoor pools). This is per the Fair Labor Standards Act (FLSA).

Comp time is to be used in the year earned. There is no carry over of comp time at year end, unless approved by Management.

#### **4.06 POSITION RECLASSIFICATION POLICY**

Within the Park District, the essential components and functions of certain jobs and general job categories are reviewed annually. Due to this review, positions may be reclassified to the duties being performed. After this process, Management will determine if a different pay structure is appropriate.

This policy excludes employee promotions.

#### **PROCEDURES**

1. Employee initiated requests for position evaluations will be considered during the year-end evaluation process.
2. The employee's supervisor and other members of Management will evaluate the reasons for changing the position classification.
3. If a change is approved, effective date will be determined by Management.
4. Management may initiate requests for position changes in their department at any time. An evaluation process would be conducted as stated above.

#### **CRITERIA**

1. For a reclassification to be considered, the job assignment must have been completed and the employee performing the new duties for at least two months prior to consideration.
2. The new duties must be approximately sixty percent (60%) of the employee's workweek to qualify as a significant and substantial change in position status.

**SECTION 5**  
**EMPLOYEE LEAVE**



## 5.01 VACATION LEAVE

The Park District provides paid vacation for rest and relaxation.

Full-time employees accrue vacation time, per pay period, per the schedule below. Years of service is based on employee's hire date.

<u>Years of Service</u>	<u>Vacation Earned During Year</u>	<u>Maximum Carryover Hours Allowed on January 1</u>
0-3 years	80 hours	120 hours
4-7 years	100 hours	140 hours
8-11 years	120 hours	160 hours
12-15 years	140 hours	180 hours
16+ years	160 hours	200 hours

Newly hired employees may start at a different vacation level, deemed appropriate by the hiring manager, due to their education and/or previous work experience.

Employee may submit a vacation request only for their earned vacation hours. Employees are not allowed to go negative (in the hole) on vacation hours.

Vacation hours are earned based on hours worked, authorized earned vacation, or sick leave.

Vacation hours more than the maximum carryover amount on January 1<sup>st</sup> will be forfeited.

No employee shall waive his/her annual vacation for receiving pay.

Terminated employees from the Park District shall be compensated for 100% of unused accrued vacation time.

Request for vacation shall be submitted in writing. Vacation requests are to be approved and turned in prior to taking vacation. All requests shall be approved at the discretion of the supervisor.

Non-exempt employees may submit vacation time in any increment to get their weekly hours up to a maximum of 40 hours. Exempt employees must submit vacation time if they did not work at all during their scheduled day.

## 5.02 HOLIDAYS AND HOLIDAY PAY

The following shall be considered as official paid holidays for full-time employees:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

When a holiday falls on a Sunday, the following Monday shall be a holiday or if the holiday falls on a Saturday, the preceding Friday shall be a holiday.

If an employee is on vacation or sick leave at the time of the holiday, the day will be counted as a holiday and not as a day of vacation or sick leave.

All hours worked on holidays must be approved in advance by the employee's supervisor.

In the event of a Park District closing due to inclement weather or emergency closing on a holiday, employees will be compensated as described below for the hours worked and then regular time for the remaining hours of the holiday.

At the discretion of the Executive Director, there may be full-time employees that must provide continuing or essential services during a holiday.

- a. If the non-exempt full-time employee is required to work during a period the Park District is closed for a holiday, the employee will be provided time and a half (comp time hours or overtime) for each hour worked. Those employees with multiple pay rates, actual work performed will determine the pay rate. In addition, the employee will be compensated at their minimum pay rate for their scheduled workday for when the Park District is closed.
- b. If the exempt full-time employee is required to work during a period the Park District is closed for a holiday, the employee will not be provided any additional monetary compensation. However, at Management's discretion, time off may be provided in lieu of the holiday.

### **5.03 SICK LEAVE**

Full-time benefited employees are eligible for paid sick leave. Sick leave provides time off with pay for periods of illness or incapacity resulting from injury. Sick leave may also be used for healthcare appointments that can't be scheduled at times other than during the workday. Sick leave may also be used to attend a funeral of someone not covered under Bereavement Leave, should a supervisor deem it appropriate.

#### **ADMINISTRATION OF SICK LEAVE**

- A. Eligible employees will accrue sick leave at the rate of ninety-six (96) hours per year (eight hours per month).
- B. Sick leave is accrued from date of employment.
- C. Sick leave has no limit on total hours accrued or carried over from previous year.
- D. Payment of 50%, up to a maximum of 720 hours, is made for unused sick leave upon separation, if the employee has a minimum of five years of eligible service.

#### **USE OF SICK LEAVE**

- A. An employee shall provide any requested medical documentation.
- B. Each employee is responsible for directly notifying his or her supervisor at the beginning of each working day when illness prevents the employee from working.
- C. Employees may use sick leave to care for ill immediate family members. Immediate family members are defined as:
  - 1. Spouse
  - 2. Sons, stepsons, daughters, and stepdaughters
  - 3. Parents, stepparents, mother-in-law, and father-in-law
  - 4. Brothers, stepbrothers, sisters, and stepsisters
  - 5. Grandparents
- D. Employees are not allowed to go negative (in the hole) on sick leave.
- E. Non-exempt employees may submit sick time in any increment to get their weekly hours up to a maximum of 40 hours for an eligible event. Exempt employees must submit sick time, for an eligible event, if they did not work at all during their scheduled day.
- F. Sick leave can be used after the three days bereavement leave is used with the approval of the supervisor.
- G. Supervisor may grant use of sick leave to attend a funeral of someone not covered under the definition of immediate family should they deem it appropriate.

#### **5.04 SICK LEAVE DONATION PROGRAM**

A Park District employee may donate sick leave to another Park District employee who is suffering from a severe illness, injury, impairment, or condition that has caused or is likely to cause the employee to take leave without pay. An employee shall provide any requested medical documentation to Management.

The receiving employee must have used all forms of paid leave prior to using donated sick leave. The employee's use of donated leave may not exceed 500 hours in any twelve (12) month period. Sick leave is donated on a per pay period as needed. The receiving employee shall be paid sick leave at the receiving employee's normal rate of compensation.

Approval of donating and receiving sick leave shall be determined by the Executive Director upon recommendation of the employee's supervisor.

## **5.05 MATERNITY AND PATERNITY LEAVE**

This policy is using accrued sick time for a pregnancy. If there are complications from the pregnancy, then the sick leave policy would apply.

### **MATERNITY LEAVE**

Sick leave would be available from admittance to hospital for childbirth to discharge from hospital.

Sick leave would be available from discharge from hospital to two weeks from discharge or until medical clearance to go back to work is given from a physician, whichever is later. Documentation from a physician may be requested by Management.

After the sick leave process has been followed as stated above, vacation leave or unpaid leave may be used. The total paid and unpaid leave under this policy is not to exceed 12 weeks which corresponds to the amount of time authorized by Family Medical Leave Act (FMLA). See the Department of Labor's website, [www.dol.gov](http://www.dol.gov), for full details related to FMLA.

### **PATERNITY LEAVE**

Sick leave would be available from admittance to hospital for childbirth to discharge from hospital.

Sick leave would be available from discharge from hospital to two weeks.

After the sick leave process has been followed as stated above, vacation leave or unpaid leave may be used. The total paid and unpaid leave under this policy is not to exceed 12 weeks which corresponds to the amount of time authorized by Family Medical Leave Act (FMLA). See the Department of Labor's website, [www.dol.gov](http://www.dol.gov), for full details related to FMLA.

## **5.06 BEREAVEMENT LEAVE**

Full-time benefited employees are eligible for bereavement leave to be used for the need of out-of-town travel and handling funeral arrangements. Absence from work because of a death in the immediate family may be excused without loss of pay, to a maximum of three (3) calendar days.

The immediate family includes an individual with any of the following relationships to the employee:

1. Spouse
2. Sons, stepsons, daughters, and stepdaughters
3. Parents, stepparents, mother-in-law, and father-in-law
4. Brothers, stepbrothers, sisters, and stepsisters.
5. Grandparents

Supervisor may grant use of sick leave to attend a funeral of someone not covered under the definition of immediate family.

Supervisor may grant use of sick leave to an employee for the death of an immediate family member after the 3 days eligible under Bereavement Leave have been used.

## **5.07 MILITARY LEAVE**

All Park District employees who have been employed for ninety (90) days and are members of the National Guard or the Armed Forces Reserve shall be granted a leave of absence in accordance with Section 37-01-25 of the North Dakota Century code.

Uniformed Services Employment and Reemployment Rights Act (USERRA) guarantees the rights of military service members to take a leave of absence from their civilian jobs for active military service and to return to their jobs with accrued seniority and other employment protections.

Health insurance premiums will be paid by the Park District at the current allocated rate while the employee is on paid military leave or uses at least 30 hours of vacation leave per week.

Health insurance premiums will not be paid by the Park District when the employee is placed on military leave without pay. Health insurance can be continued if the employee makes the full monthly payment in advance to the Park District.

## **5.08 JURY DUTY AND SUBPOENAED LEAVE**

The Park District encourages employees to fulfill their civic responsibility by serving on jury duty when required and allows employees served with a subpoena to participate in court proceedings. If an employee is called to serve on jury duty or is subpoenaed, they will need to notify their supervisor immediately. All full-time employees will be on paid status while serving on jury duty or subpoenaed. Management may request employees to provide documentation of their jury duty summons or subpoena. The employee is expected to report for work whenever the court schedule permits.

Compensation and reimbursement from the court will be retained by the employee.

An employee with personal related court proceedings will require the use of accrued vacation time or may opt for time off without pay.



## **5.09 FAMILY MEDICAL LEAVE ACT OF 1993 WITH 2008 AMENDMENTS (FMLA)**

The FMLA requires the Park District to provide eligible employees with up to 12 weeks of unpaid leave in a rolling 12-month period if the leave is necessary. To be eligible to take leave under the FMLA, an employee must:

- A. Have worked 1,250 hours during the 12 months prior to the start of leave.
- B. Have worked for the employer for 12 months. The 12 months of employment are not required to be consecutive for the employee to qualify for FMLA leave. In general, only employment within seven years is counted unless the break in service is (1) due to an employee's fulfillment of military obligations, or (2) governed by a collective bargaining agreement or other written agreement.

### **REASONS FOR TAKING LEAVE**

The Park District must grant an eligible employee up to a total of 12 workweeks of unpaid, job protected leave in a 12-month period for one or more of the following reasons:

- A. For the birth of an employee's child.
- B. For the placement with the employee of a child for adoption or foster care.
- C. To care for an immediate family member (spouse, child, or parent – but not a parent “in-law”) with a serious health condition.
- D. When the employee is unable to perform his or her functions due to a serious health condition.
- E. Qualifying Exigencies Leave is for an employees whose spouse, son, daughter, or parent who is a member of the Armed Forces, including the National Guard and Reserve, and who is on covered active duty, or has been notified of an impending call or order to covered active duty as a result of a foreign deployment. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.
- F. Applicable accrued leave benefits must be substituted for all or part of any otherwise unpaid FMLA leave. The total of paid and unpaid leave under this policy is not to exceed 12 weeks.

Military Caregiver Leave: The Park District must grant an eligible employee up to a total of 26 workweeks of unpaid, job protected leave in a 12-month period to care for a family member who is a covered veteran with a serious injury or illness.

### **PROCEDURE FOR REQUESTING FMLA**

Communication is critical in the determination process of eligibility for FMLA benefits and in the development of a FMLA plan. The time on paid leave, including vacation and sick time, along with Workforce Safety and Insurance leave is run concurrent with FMLA time. As soon as possible, if able to, the employee should contact Management and advise that they will be utilizing FMLA. The Payroll/Human Resources Department may also initiate the FMLA process. The Payroll/Human Resources Department will determine and notify the employee of the employee's eligibility status for FMLA within five business days. Medical certification may be requested by Payroll/Human Resources Department to verify the reason for taking FMLA leave. If FMLA leave

qualifies, then it will commence once the employee, Management, or the Payroll/Human Resources Department become aware of the FMLA event. Park District will document the FMLA leave with a FMLA Eligibility Notice and a FMLA Designation Notice.

For further procedure guidance, please contact the Payroll/Human Resources Department for the appropriate steps to take in this process.

### **FMLA BENEFITS**

During FMLA leave under this policy, the employee is responsible for any insurance payments normally deducted through payroll. Sick leave, vacation leave, and seniority does accrue while an employee is on FMLA leave. An employee on FMLA leave will not lose any employment benefits prior to FMLA leave, unless a benefit is used by the employee during the FMLA leave such as accrued annual or sick leave.

See the Department of Labor's website, [www.dol.gov](http://www.dol.gov), for full details related to FMLA.

**SECTION 6**

**BENEFITS ADMINISTRATION**

## **6.01 PENSION – ADMINISTERED BY PARK DISTRICT**

Effective January 1, 2010, this pension plan, administered by the Park District was closed to new employees. New employees are now eligible to be part of NDPERS.

This pension plan is a single employer defined benefit pension plan. All employees became a member of the pension plan at the time they started employment with the Park District if they met certain criteria. A full copy of the pension plan is located in the main Park District office.

Retirement benefits at normal retirement date are 2% of average monthly earnings, of last 5 completed calendar years, times years of benefit service.

All participants contribute 3.7% or 5.9% of monthly earnings, depending on years of service and when they started participating in the plan.

“Rule of 90” is a combination of years of service and age that equal 90 years. Participants qualifying for the “Rule of 90” or reach the age of 65 are eligible for full-retirement benefits based on current pension formula.

The Board approved adopting an Early Retirement Benefit plan (temporary supplement) under the rule of 90. If an employee chooses to retire after reaching the Rule of 90, that employee will be eligible to receive 12.5% of their final monthly salary each month. The benefit expires at age 65 or after 48 monthly payments, whichever comes first. If an employee does not choose to retire after reaching the Rule of 90 that employee may continue to work and remain in the pension plan until he or she chooses to retire.

## **6.02 PENSION – ADMINISTERED BY NDPERS**

Effective January 1, 2010, new employees are eligible for this pension plan that is administered by North Dakota Public Employees' Retirement System (NDPERS). See pension plan document for eligibility requirements. A full copy of the pension plan is located in the main Park District office.

This pension plan is a multiple employer defined benefit pension plan. Employees, who meet certain criteria, become a member of the pension plan at the time they start employment with the Park District.

All participants and the Park District contribute a certain percentage that is outlined in the North Dakota Century Code.

### **Rule of 85 or Rule of 90**

For members hired before or on December 31, 2015, have the “Rule of 85” which is a combination of years of service and age that equal 85 years. Participants qualifying for the “Rule of 85” or reach the age of 65 are eligible for full-retirement benefits based on current pension formula. For Rule of 85 you are eligible to retire and draw benefits as early as age 55 under early retirement provisions. If you begin drawing retirement benefits before you are age 65 or meet the Rule of 85, your retirement benefit will be reduced by one-half of one percent (.005) for each month in which you are less than age 65 or would have met the Rule of 85, whichever occurs first. This amounts to a reduction of 6 percent per year from your single life retirement benefit.

For members hired on or after January 1, 2016, have the “Rule of 90” which is a combination of years of service and age that equal 90 years. Participants qualifying for the “Rule of 90” or reach the age of 65 are eligible for full-retirement benefits based on current pension formula. For Rule of 90 you are eligible to retire and draw benefits as early as age 60 under early retirement provisions. If you begin drawing retirement benefits before you are age 65 or meet the Rule of 90, your retirement benefit will be reduced by two-thirds of one percent (.00667) for each month in which you are less than age 65 or would have met the Rule of 90, whichever occurs first. This amounts to a reduction of 8 percent per year from your single life retirement benefit.

### **Retirement Benefit Multiplier**

For members hired before or on December 31, 2019, retirement benefits at normal retirement date are 2% of average monthly salary, times years of benefit service.

For members hired on or after January 1, 2020, retirement benefits at normal retirement date are 1.75% of average monthly salary, times years of benefit service.

### **Final Average Salary**

The final average salary is the higher of the final average salary calculated on December 31, 2019 or the average salary earned in the three highest periods of twelve consecutive months employed during the last 180 months of employment.

### **Retiree Health Insurance Credit (RHIC)**

For members hired prior to or on December 31, 2019, the Park District contributes 1.14% of your gross monthly salary to RHIC.

For members hired after or on January 1, 2020, you are not offered the RHIC as a retirement benefit.

### **6.03 457(b) DEFERRED COMPENSATION PLAN**

The Park District offers its full-time benefited employees an optional deferred compensation plan created in accordance with Internal Revenue Code Section 457(b). The Plan permits employees to save and invest on a pre-tax or post-tax basis for their retirement.

Former full-time benefited employees contributing to the 457(b) plan who changed status to part-time employees are grandfathered in, as of July 1, 2019, to the 457(b) plan if they are employed and contribute annually.

If you are eligible to withdraw your funds, you may have to pay income tax, but there is no early withdrawal penalty.

## **6.04 HEALTH INSURANCE**

Health insurance coverage is available for eligible employees and their dependents, on the 1<sup>st</sup> or 16<sup>th</sup> of the month (whichever comes first) following 60 days after their hire date.

Employees have the option to waive health coverage provided by the Park District. Employees who waive health insurance coverage do not receive any additional salary compensation.

Additional details about the health insurance benefit may be obtained from the Payroll/Human Resources Department.

### **FULL-TIME EMPLOYEES**

Group health insurance is available with the Classic Blue 500 Plan through Blue Cross Blue Shield of North Dakota for full-time employees. Single coverage, single plus dependent coverage, and family coverage are available. The Park District pays 90.25% of the cost of the coverage as selected by the employee. Employee responsibility is 9.75% of the cost.

### **PART-TIME EMPLOYEES**

Group health insurance is available with the BlueSaver 100 5000 Plan through Blue Cross Blue Shield of North Dakota for part-time employees who qualify for health insurance under the Affordable Care Act. Single coverage, single plus dependent coverage, and family coverage are available. The Park District pays 75% of the cost of single coverage. Employee is responsible for 25% of single coverage. Employee is responsible for 100% of any additional costs above single coverage for single plus dependent or family coverage.



## **6.05 LIFE INSURANCE**

Full-time employees have life insurance protection paid for by the Park District and becomes effective after successfully completing the waiting period.

Additional details about this life insurance benefit may be obtained from the Payroll/Human Resources Department.

## **6.06 LONG TERM DISABILITY / WORKFORCE SAFETY AND INSURANCE**

### **LONG-TERM DISABILITY**

The Park District pays the insurance premium for salary continuance as specified in the contract in case of severe illness or injury requiring absence from work for three months or longer. Coverage under this policy is effective after completing the waiting period for all full-time employees.

Additional details about the long-term disability policy may be obtained from the Payroll/Human Resources Department.

### **WORKFORCE SAFETY AND INSURANCE**

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 (WSI). The amount of benefits payable and the duration of payment depend of 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. If you are injured or become ill on the job, you must immediately report such injury or illness to your supervisor. This ensures that the Park District can assist you in obtaining appropriate medical treatment. Your failure to follow this procedure may result in the appropriate WSI report not being filed in accordance with the law, which may consequently jeopardize your right to benefits in connection with the injury or illness.

An injury report form will be completed promptly by the employee to ensure documentation and expedite compensation. Failure of an employee to document job-related injuries may result in disciplinary action. Reporting job-related injuries protects both the Park District and the employee. Employees who are receiving compensation from WSI will not receive additional payment from the Park District for non-worked hours.

Employees out on a WSI event are eligible to use vacation leave and/or sick leave in combination with WSI payment to receive up to payment of 40 hours per week.

## **6.07 OTHER BENEFITS**

### **FULL-TIME EMPLOYEES**

All full-time employees, including their spouse and dependents, are eligible for the following benefits:

#### Park District

All programs and activities are free of charge except any program or activity run by an outside organization that utilizes Park District facilities. Ice time is available at discounted prices. Shelter rentals are free of charge.

#### Choice Health & Fitness

Membership, childcare, and group programs will be free of charge. Private, semi-private, or specialty programs/activities/lessons/merchandise/party rooms will be discounted.

#### King's Walk and Lincoln Golf Courses

Free green fees, cart rentals, and driving range. Discounted merchandise is available. Guests must pay normal prices.

These benefits are subject to change at Management's discretion.

### **PART-TIME AND SEASONAL EMPLOYEES**

Part-time and seasonal employees may receive access to certain facilities or programs as determined by Management.

### **RETIRED EMPLOYEES**

A former employee will only qualify if they are receiving pension benefits from the Park District. In addition, they must have retired from the Park District and not have been terminated or quit and subsequently reached retirement age.

If the former employee qualifies, they would be eligible for lifetime membership at Choice Health & Fitness, King's Walk Golf Course, and Lincoln Golf Course. This benefit would only apply for gym and green fees memberships. Normal fees would apply to all other services and activities (personal training, tennis, driving range, carts, etc.). The membership would qualify only for the former employee and spouse. All other immediate and extended family members would not qualify.

### **SURVIVING SPOUSE AND FAMILY**

A surviving spouse and family of a deceased employee who was currently employed would be eligible for limited benefits. The surviving spouse and children up to the age of 18, 26 if enrolled full time in school, are eligible for membership at Choice Health & Fitness, King's Walk Golf Course, and Lincoln Golf Course. This benefit would only apply for gym memberships and green fees. Normal fees would apply to all other services and activities (personal training, tennis, driving

range, carts, etc.). The surviving spouse and children up to the age of 18, 26 if enrolled full time in school, are also eligible for recreation programming of the Park District.

### **PARK COMMISSONER BENEFITS**

All Park Commissioners, including their spouse, dependents, and surviving spouse, are eligible for the following benefits:

#### Park District

All programs and activities are free of charge except any program or activity run by an outside organization that utilizes Park District facilities. Ice time is available at discounted prices. Shelter rentals are free of charge.

#### Choice Health & Fitness

Membership, childcare, and group programs will be free of charge. Private, semi-private, or specialty programs/activities/lessons/merchandise/party rooms will be discounted.

#### King's Walk and Lincoln Golf Courses

Free green fees, cart rentals, and driving range. Discounted merchandise is available. Guests must pay normal prices.

Park Commissioners who had five years of service or less are eligible to receive these benefits for each year of service after the Park Commissioner serves their term.

Park Commissioners who had six years of service or more are eligible to receive these benefits for their lifetime.

## **6.08 OPTIONAL INSURANCE SERVICES**

Various insurance services are offered through the Park District that employees may choose to participate in. These insurance services are 100% paid by the employee.

These services include, but are not limited to:

- A) Flexible Benefits
- B) Dental Insurance
- C) Cancer Insurance
- D) Accident Insurance
- E) Hospital Confinement Insurance
- F) Critical Care Insurance
- G) Additional Life Insurance

These services are subject to change.

## **6.09 PROFESSIONAL DEVELOPMENT**

The Park District encourages its personnel to take advantage of opportunities for professional growth and development.

Leave to attend a professional conference or meeting may be granted if it can be shown by the participant the Park District will benefit from the knowledge and experience acquired by participation. Employees must submit request to attend conference or meeting to their supervisor prior to registration for approval. Employees attending approved conferences or meetings will be reimbursed for registration, lodging, meals, and travel.

Upon returning to work the employee must be prepared to share acquired knowledge and skills with other personnel who would benefit from this information.

The Park District will not approve conference or meeting attendance to employees who wish to participate in activities which are not clearly job related. If employee still wishes to attend conference or meeting that is not approved, vacation time may be used.

## **6.10 TUITION REIMBURSEMENT**

To further develop staff skills, the Park District encourages employees to continue their education. Employees requesting a tuition reimbursement will need to discuss the matter with their immediate supervisor.

The Park District may pay in whole or in part tuition costs if funds are available and if:

- a. The employee has been a regular full-time employee for at least six months.
- b. In the opinion of management, the courses selected are directly related to the employee's job and/or the purpose of the Park District.
- c. The employee has obtained prior approval from his or her supervisor and the Executive Director.
- d. The employee completes an undergraduate-level course with a final grade of "C" or better. A final grade of "B" or better is required for a graduate-level course.
- e. The employee remains employed at the Park District for a full year after completion of the course. If the employee is not employed for the full 12 months, he or she may be required to repay 100% of the cost of the course or a portion of the cost based on the number of months he or she was employed following completion of the course. That sum may be deducted from the employee's final paycheck.

Employees may attend classes during the workday at the discretion of their supervisor and the Executive Director.