

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: April 25, 2022
Item No.: 7.c

Department Approval



City Manager Approval



Item Description: Consider Changes to Chapter 104 of the Municipal Code – Personnel Policy

BACKGROUND

There are two basic types of Minnesota cities; statutory cities, which operate primarily under Chapter 412 of the Minnesota Statutes, and home rule charter cities, which operate under a local charter. Statutory cities may choose from three forms of organization; Standard Plan Statutory City, Plan A Statutory City, Plan B Statutory City.

The City of Roseville is one of 16 Plan B Statutory cities in the state. Other Plan B cities are:

- Burnsville
- Chanhassen
- Edina
- Golden Valley
- Maplewood
- Milaca
- Mound
- New Brighton
- New Hope
- North St. Paul
- Perham
- Prior Lake
- Shoreview
- St. Anthony Village
- Victoria

The Plan B form of government is also known as the council-manager plan. It consists of the elected mayor, four or six elected council members and an appointed city manager. Although the council retains legislative and policy-making authority, administrative responsibilities (such as hiring and firing) are delegated to the city manager.

In most cases, a city is not required to have personnel policies, however the League of Minnesota Cities recommends cities have written personnel rules and procedures. Personnel policies are written rules and guidelines necessary to keep the city functioning smoothly from a human resources perspective. Personnel policies help implement a consistent approach to management and serve as a guide for managers. They ensure consistent treatment of employee groups.

Practice varies in the procedure used to establish a personnel policy for a city. In some cities, the basic policy is established by ordinance, in some, by council resolution, and in others by a general ordinance supplemented by a more detailed personnel handbook or manual. For better flexibility in

38 stating the terms, conditions, privileges and responsibilities of employment, and for ease in updating
39 practices, a policy manual or handbook is preferable to an ordinance.

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41 Of the 16 Statutory Plan B cities, Roseville is the only city that includes their personnel policies in
42 city code (Shoreview has a limited, summary version in their city code). The other cities either
43 explicitly reference the duties of the City Manager under the Plan B form of government or they are
44 silent on the matter thereby delegating the authority through state statute to the City Manager.

45
46 The provisions of this ordinance are outdated. Procedures staff are currently following have been
47 updated or are different than outlined in the ordinance. In an effort to provide better ease in updating
48 practices, ensure the integrity of and adherence to city code, staff is seeking to remove reference to
49 personnel policies and procedures in the city code. The city's policies and procedures are maintained
50 and updated in an employee handbook in accordance with many state and federal guidelines and
51 rules.

52
53 Removal of the personnel policy from the city code does not alter the city council's authority to
54 review and approve new positions. The City Council would retain this authority. The City Council
55 retains all authority in state statute and the City Manager authority is outlined in Minnesota Statutes
56 412.651.

57 **POLICY OBJECTIVE**

58 To implement a consistent approach and treatment of employees, provide timely rules and guidelines
59 to supervisors, and to ensure the city is able to adapt to changing state and federal laws, and city
60 procedures in an efficient manner. This aligns with the work surrounding the Strategic Racial Equity
61 Action Plan to review our policies and procedures with an equity lens and be able to update and
62 adapt these procedures. In addition, the ability to be responsive and flexible provides for a more
63 efficient operation and aligns with the City's Mission Statement to provide ethical, efficient, and
64 responsive local government.

65 **BUDGET IMPLICATIONS**

66 None.

67 **STAFF RECOMMENDATION**

68 Approve an Ordinance Amendment updating Chapter 104 of the Municipal Code – Personnel Policy.
69 The draft ordinance has been posted to the city's website at least 10 days before this meeting in
70 accordance with Minnesota Statutes 415.19.

71 **REQUESTED COUNCIL ACTION**

72 Motion to approve an amendment to Chapter 104 of the Municipal Code.

Prepared by: Rebecca Olson, Assistant City Manager
Attachments: A: Chapter 104 – redlined
B: Chapter 104 – clean copy
C: Ordinance
D: Minn. Stat. § 412.651 City Manager; Powers and Duties

CHAPTER 104
PERSONNEL POLICY PERSONNEL RULES AND
REGULATIONS

SECTION:

104.01: ~~Purpose and Scope; Personnel Appointments~~ Personnel Rules and Regulations

104.02: ~~Promotions and Separations~~ (Rep. by Ord. 1230, 8-23-1999)

104.03: ~~Benefits~~

104.04: ~~Compensation~~

104.05: ~~Miscellaneous Regulations~~

104.01: PURPOSE AND SCOPE; PERSONNEL APPOINTMENTS PERSONNEL RULES AND REGULATIONS:

- A. Except as limited by state and federal law, the city manager or the city manager's designee, has the authority, powers, and rights necessary for the efficient and effective management of all City business. The city manager or designee may promulgate personnel rules setting forth the rights, duties, and responsibilities of employees. Such rules may from time to time be amended. Purpose: It shall be the purpose of this chapter to establish a uniform and equitable system of personnel administration for employees of the city. This chapter may be referred to as the *PERSONNEL ORDINANCE*. The City Council has the sole authority to change any of the provisions of this chapter. The city manager has the sole authority to interpret and implement the provisions of this chapter. The city reserves the right to amend, modify or repeal any provision of this chapter without prior notice to any employee who might be covered by it. (Ord. 1135, 2-14-1994)
- B. ~~Employees Covered: This chapter shall establish the employment relationship of all city employees except the following:~~
1. ~~All elected officials and members of boards and commissions;~~
 2. ~~City manager and city attorney; and~~
 3. ~~Persons hired to provide services for the city on a contractual basis. (Ord. 1231, 11-8-1999)~~
- C. ~~Provisions Superseded in Certain Cases: The provisions of this chapter shall be superseded in the following cases:~~
1. ~~Any employee included in a collective bargaining agreement, entered into in accordance with the Minnesota Public Employment Labor Relations Act (MSA Chapter 179) shall be exempt from any sections of this chapter which are governed by a collective bargaining agreement. (Ord. 1401, 12-13-2010)~~
 2. ~~Nothing in this chapter shall be effective to the extent that it is inconsistent with the "Veterans Preference Act", Section 197.455, Minnesota Statutes. (Ord. 1401, 12-13-2010)~~
 3. ~~Nothing in this chapter shall be effective to the extent that it is inconsistent with the rules of the Roseville police civil service commission or with chapter 419, Minnesota Statutes, "Police Civil Service Commissions". (Ord. 1135, 2-14-1994)~~

- ~~D.— Definitions: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this subsection:~~
- ~~CITY MANAGER: The city manager appointed by the City Council or the person designated by the manager to act in that capacity in a given situation.~~
- ~~PAID-ON-CALL FIREFIGHTERS: Employees whose schedules are flexible and vary based on the employee's availability and management's need. Employees who respond to calls for work on an on-call basis and are paid by the call. Paid-on-call fire staff members are not eligible for benefits except where specified. (Ord.1401, 12-13-2010)~~
- ~~PAID TIME OFF: Compensated leave which combines traditional vacation and sick leave into one bank of available time off. (Ord. 1339, 6-20-2006)~~
- ~~REGULAR FULL-TIME: A position that is regularly scheduled for a forty (40) hour week. Regular full-time positions are approved by the City Council and generally are expected to continue for more than one year. Employees that hold regular full-time positions are eligible for benefits and paid leave.~~
- ~~REGULAR PART-TIME: A position that is regularly scheduled for less than forty (40) hours per week. Regular part-time positions are approved by the City Council and generally continue for more than one year. Regular part-time staff regularly schedule for twenty (20) or more hours per week but less than forty (40) are eligible for partial benefits and paid leave where specified. (Ord.1401, 12-13-2010)~~
- ~~SERVICE CREDIT: The unit used to measure the period of time required for an employee to be eligible for benefits.~~
- ~~SICK BANK: An employee's accrued and unused sick leave, in excess of 96 hours, as of June 30, 2006, to a maximum of 640 hours. (Ord. 1339, 6-20-2006)~~
- ~~TEMPORARY SEASONAL: Positions in this category meet one of the following definitions: Employees hired in a position limited by duration of a specific project or task. Temporary employees normally do not exceed six months with a period of at least a month off between seasonal or temporary projects with the City. Temporary employees are not eligible for benefits. Temporary positions include positions created to handle periodic increases in work load, seasonal work and special projects. Temporary and seasonal employees may work full or part-time and are not subject to all City policies, only those provided to them in their new employee orientation or during ongoing training.~~
- ~~A position that has been established as an internship, or as part of another specialized program is also included in this category. (Ord. 1230, 8-23-1999; amd. Ord. 1231, 11-8-1999); (Ord.1401, 12-13-2010)~~
- ~~E.— City Manager Authority: The city manager makes all employment-related decisions within the city, including personnel appointments. The city manager is also responsible for providing work direction to staff. The city manager may dismiss, demote, or suspend any employee. (Ord. 1230, 8-23-1999)~~
- ~~F.— Physical Examination: All candidates for municipal service may be required to undergo a physical examination as a condition of employment in conjunction with an offer of employment. The examination shall be conducted by a physician selected by the city manager. All costs of the examination shall be paid by the city.~~
- ~~G.— Background Investigations: The city will conduct a background investigation of an applicant for a position where justified by the job requirements or where allowed or required by state or federal law. This may include investigation of past criminal convictions by the police department or by the bureau of criminal apprehension. (Ord. 1135, 2-14-1994)~~

~~H.— Probationary Period: (Rep. by Ord. 1230, 8-23-1999)~~

~~I.— Completion of Probationary Period: (Rep. by Ord. 1230, 8-23-1999)~~

~~J.— Employment of Relatives: For purposes of this policy, a "relative" is defined as mother, father, son, daughter, brother, sister, grandchild, grandparent, stepchild, stepparent, or legal guardian. However, relatives of employees will not be employed when a conflict of interest exists. In order to ensure the lack of bias, prejudice and/or favoritism, or its appearance, relatives or those living in the same household as current employees and City Council members are not eligible for employment in a job classification in which a conflict of interest may occur or is not in the best interest of the City as determined by the City Manager. City Manager approval is required for all full-time and part-time regular positions.—Spouses of employees or elected officials are also excluded from employment as a bona fide occupational requirement, when a conflict of interest exists. The following list highlights situations that would constitute a conflict of interest:~~

- ~~○ Where one employee would supervise or have authority to appoint, remove, or discipline a spouse or a relative.~~
- ~~○ Where one spouse or relative would be responsible for auditing the work of another.~~
- ~~○ Where a policy level employee of an organization or company is related to a policy level employee or official of the city and there is a contract or agreement between the entities, such that there is a potential appearance of inappropriate influence.~~
- ~~○ Where confidentiality of the city would be jeopardized.~~

~~Promotions or transfers of a spouse or relative, which would result in a conflict of interest, will not be acted upon until the conflict is satisfactorily resolved. (Ord.1401, 12-13-2010)~~

~~K.— Equal Employment Opportunity:~~

- ~~1. State and Federal Regulations: The city provides equal opportunity to all employees and applicants for employment in accordance with all applicable state and federal laws, directives and regulations.~~
- ~~2. Discrimination: Discrimination based on race, creed, color, national origin, place of residence, disability, marital status, status with regard to public assistance, sex, sexual orientation, veteran status, pregnancy, age or any other class protected by state or federal law is prohibited in all personnel policies, programs and practices.~~
- ~~3. Responsibility of City Manager: The city manager is responsible for implementing this policy. Failure of any city employee to act in a manner consistent with this policy may result in disciplinary action against that employee. (Ord. 1230, 8-23-1999)~~

~~**104.02: PROMOTIONS AND SEPARATIONS:** (Rep. by Ord. 1230, 8-23-1999)~~

~~104.03: BENEFITS:~~

- ~~A.— Employee Benefits: Employees hired in regular full-time positions are eligible to receive Paid Time Off, paid holidays and any other benefits which are approved by council resolution. Regular part-time employees who work at least 20 hours per week are eligible for paid holidays on a pro rata basis and any other benefits which are approved by council resolution.~~
- ~~B.— Service Credit: Service credit for a regular or probationary full-time employee begins on the date of employment and is calculated as follows:~~
 - ~~1. Full-Time Employee, Twelve or More Days: A regular or probationary full-time employee who works 12 or more days in a calendar month will receive full service credit for that month.~~

2. ~~Full-Time Employee, Twelve Or Less Days: A regular or probationary full-time employee who works less than 12 days in any calendar months will not receive service credit for that month unless the time off is covered by approved sick leave, vacation, military leave or family/medical leave.~~
3. ~~Temporary Employee Transferred to Full-Time: A temporary employee transferred to a regular position will not receive any service credit for service prior to such transfer.~~
4. ~~Regular Part-Time Employee Transferred to Full-Time: A regular, part-time employee who transfers to a regular full-time position will receive credit for prior service. The prior service will be calculated by multiplying the number of months of prior service by the budgeted full-time equivalent status of the part-time position.~~
- C. ~~Paid Time Off: Paid Time Off is provided to allow employees equitable leave time for both illness and rest and relaxation. Paid Time Off will be granted to eligible employees according to earned service credit.~~
- D. ~~Legal Holidays Occurring during Paid Leave Period: When a recognized holiday falls on a working day during an employee's Paid Time Off, the day of the holiday will not be counted as a day of Paid Time Off.~~
- E. ~~Rate of Accumulation of Paid Time Off: Regular full-time employees shall earn Paid Time Off at the following rates:~~
 1. ~~First through Fourth Year: Beginning with the initial date of employment through the end of the fourth year of service credit, the employee shall earn 5.538 hours bi-weekly.~~
 2. ~~Fifth through Fourteenth Year: Beginning with the fifth year of service credit through the end of the fourteenth year of service credit, the employee shall earn 7.077 hours bi-weekly.~~
 3. ~~Fifteenth Year On: Beginning with the fifteenth year of service credit, the employee shall earn 8.615 hours bi-weekly.~~
- F. ~~Paid Time Off on Termination of Employment: An employee who terminates his/her employment shall receive, upon termination, unused Paid Time Off.~~
- G. ~~Carryover and Disposition of Paid Time Off: Each employee shall be permitted to carry over up to a maximum of 500 hours from one year to the next. Allowable disposition of hours in excess of the maximum may be contributed to deferred compensation accounts or pre-dedicated for use within the first quarter of the following year.~~
- H. ~~Sick Bank: Eligible employees may utilize the sick leave bank, until the bank is used up or the bank sunsets in 2025, for the following:~~
 1. ~~Personal illness or injury.~~
 2. ~~Personal medical or dental appointments.~~
 3. ~~Illness or injury of a spouse, child, parent or other member of an employee's household which requires the employee's care and attention.~~
 4. ~~Medical or dental appointments of a spouse, child, parent or any other member of an employee's immediate household which require the employee's care and attention.~~
- I. ~~Application of Workers' Compensation Benefits to Paid Time Off or Sick Bank Program: In cases of absence where an employee receives compensation benefits under workers' compensation, the total compensation received from both workers' compensation and Sick Bank, and Paid Time Off shall not exceed the amount of pay normally received. Paid Time Off and/or Sick Bank benefits may be paid in an amount such that the benefits plus the workers' compensation benefits equal the normal pay received.~~
- J. ~~Bereavement Leave: In cases of a death in an employee's immediate family, a regular employee's department head may authorize leave benefits for such absences up to a~~

maximum of three days for each occasion. For purposes of this section, "immediate family" includes spouse, child, siblings, parents, parents-in-law, grandchildren, and grandchildren of the employee's spouse, grandparents, grandparents-in-law, brothers-in-law, sisters-in-law and any other member of an employee's immediate household. (Ord. 1135, 2-14-1994); (Ord. 1401, 12-13-2010)

K. ~~Mandated Leaves: The city will comply with the provisions of any federal or state laws that grant employees leave time, such as the Family and Medical Leave Act. (Ord. 1230, 8-23-1999)~~

L. ~~Special Leave: The manager may allow an employee special leave at full pay for attendance at conferences benefiting the municipality. (Ord. 1135, 2-14-1994)~~

M. ~~Military Leave of Absence: (Rep. by Ord. 1230, 8-23-1999)~~

N. ~~Leave of Absence Without Pay: Upon request of an employee, leave of absence without pay may be granted by the city manager. Such leave of absence shall not exceed a period of 12 weeks and, if applicable, shall be taken simultaneously with any leaves mandated by law, such as the Family and Medical Leave Act. Prior to requesting leave under this section, an employee must first exhaust all accrued Paid Time Off and Sick Bank if leave is due to injury or illness. The leave may be extended beyond 12 weeks to a maximum of one year by the city manager. No Paid Time Off benefits shall accrue during a period of leave of absence without pay. A leave of absence without pay will be considered a break in service for purposes of computing service credit if it exceeds 12 weeks. (Ord. 1230, 8-23-1999)~~

O. ~~Official Holiday: The following shall be the official holidays for all employees subject to this chapter:~~

~~New Year's Day, January 1.~~

~~Martin Luther King, Jr., Birthday, the third Monday in January.~~

~~Presidents' Day, the third Monday in February.~~

~~Memorial Day, the last Monday in May.~~

~~Independence Day, July 4.~~

~~Labor Day, the first Monday in September.~~

~~Veterans' Day, November 11.~~

~~Thanksgiving Day, the fourth Thursday in November.~~

~~Post Thanksgiving Day, the day following Thanksgiving Day.~~

~~One-half day (afternoon) Christmas Eve Day, December 24.~~

~~Christmas Day, December 25.~~

~~One floating holiday annually, to be designated by the City Manager.~~

~~When New Year's Day, Independence Day, Veterans' Day or Christmas Day fall on a Sunday, the following day shall be a holiday.~~

~~When New Year's Day, Independence Day, Veterans' Day, or Christmas Day fall on a Saturday, the preceding day shall be a holiday.~~

~~When Christmas Eve Day falls on a Saturday or a Sunday, the 1/2 day will be taken on the preceding Friday afternoon. (Ord. 1135, 2-14-1994)~~

P. ~~Severance Pay: Severance pay shall be paid to the following city employees who terminate their employment:~~

1. ~~Retirement: Regular, full-time employees who meet the eligibility requirements for receipt of a pension pursuant to the Public Employees Retirement Association Statute, Minnesota Statutes Chapter 353, with ten or more years of service with the city who terminate their employment because of retirement.~~

- ~~2. Reduction of City Employment or Change in Municipal Operations: Regular, full-time employees with ten or more years of service with the city who terminate their employment because of reduction of city employment or changes in city operations.~~
- ~~3. Death of Employee: Regular, full-time employees, with ten or more years of service with the city, who die before they terminate their employment shall have severance pay as calculated in this section paid to their named beneficiary or their estate if they fail to name a living beneficiary.~~

~~The severance pay shall be in an amount Paid Time Off plus 50% of accumulated Sick Bank hours, but in no event shall such payment of Sick Bank hours exceed the equivalent of 320 hours at the employee's wage rate at the time of such separation. (Ord. 1230, 8-23-1999)~~

- ~~Q. Part-Time Firefighters: The members of the fire department shall organize themselves into a firefighter's relief association. The City Council shall establish by resolution pension and funeral benefits for part-time firefighters. (Ord. 1231, 11-8-1999)~~
(Ord. 1339, 6-20-2006)

~~104.04: COMPENSATION:~~

- ~~A. Rates of Pay: The City Council shall, by resolution, establish and, from time to time, revise a position classification and pay plan.~~
- ~~B. Payday: All regular employees shall be paid on the day set by resolution of the council.~~
- ~~C. Payroll Deductions: Automatic payroll deductions shall be made as required for federal and state government taxes and the various pension plans. Employees may elect to have payroll deductions made for a city employee group insurance or flexible benefit plan, a deferred compensation account, United States savings bonds, charity drive contributions, bank and credit union accounts and union dues. (Ord. 1135, 2-14-1994)~~
- ~~D. Overtime Pay: Employees who are eligible for overtime under the guidelines of the Fair Labor Standards Act (FLSA) will be compensated at the rate of time and one-half for all hours worked in excess of 40 hours per week. This compensation will take the form of either time and one-half pay or, where permitted by the Fair Labor Standards Act, compensatory time. Compensatory time is paid time off at the rate of 1 and one-half hours off for each hour of overtime worked. (Ord. 1230, 8-23-1999)~~
- ~~E. Resignation: When an employee resigns, he/she shall receive pay for any accrued unused Paid Time Off. No payment shall be made for unused sick bank leave benefits. (Ord. 1339, 6-20-2006)~~
- ~~F. Indebtedness to the City: If any employee owes any money or leave time to the city at the time of his/her termination, his/her final pay will be applied against this amount in whatever amount necessary to pay it off. A receipt shall be given to the employee for the amount applied against the debt. (Ord. 1135, 2-14-1994)~~

~~104.05: MISCELLANEOUS REGULATIONS:~~

- ~~A. Travel Expenses: When traveling on city business, an employee will be reimbursed for his/her travel expenses. In order to receive such reimbursement, the employee shall, immediately upon return to work, fill out and submit the appropriate claims form.~~
- ~~B. Car Expenses: An employee required to use his/her personal automobile on city business shall be reimbursed at the rate currently permitted by the Internal Revenue Service for allowable travel expense purposes.~~

~~Claims for mileage shall designate date of travel, purpose of travel and miles traveled. Certain employees designated by the city manager may receive a vehicle allowance in lieu of reimbursement for expenses.~~

- ~~C. City Tools and Equipment: City tools and equipment shall not be used for anything other than city purposes unless approved by the council.~~
- ~~D. Outside Employment: An employee's activities outside working hours must not interfere with the performance of the employee's job with the city. An employee must have the approval of his/her department head before obtaining outside employment. An employee must notify his/her department head of the outside employer's name and address, the hours of his/her work and a description of duties.~~
- ~~E. Political Activity: No city employee shall directly or indirectly:~~
- ~~1. During his/her hours of employment, solicit or receive political funds.~~
 - ~~2. At any time use his/her authority or official influence to compel any employee:~~
 - ~~a. to apply for membership in or to become a member of a political organization.~~
 - ~~b. to pay or promise to pay any assessment, subscription or political contribution.~~
 - ~~c. to take part in any political activity. (Ord. 1153, 9-26-1994)~~
- ~~F. Layoffs: When necessary due to reorganization or budgetary constraints, layoffs of regular full-time and part-time employees may occur. The City Manager will decide which job classes within a department are subject to layoff. Within a department and job class, the City Manager will consider job performance, qualifications and length of service to determine which employee(s) will be affected by the layoff. (Ord. 1230, 8-23-1999)~~
- ~~G. Conflict of Interest: It is expected that every employee shall exercise good judgment in avoiding becoming involved with conflicting outside business interests. These include, but are not limited to, the following:~~
- ~~1. Those in which an employee has financial interest in, or receives benefits from, a business in which he/she occupies a position which may enable him/her to influence the placing of city business either inside or outside the city government.~~
 - ~~2. Those in which an employee accepts full-time or part-time work elsewhere, where such activity interferes with their duties and job performance at the city.~~
 - ~~3. Those in which an employee may gain access to information not generally available to the public which may allow him/her to directly or indirectly gain anything of value.~~
- ~~H. Endorsement of Products or Services: No employees of the City will endorse any product or service offered by a private business, which will ultimately be used in sale or advertising promotions. This includes statements of interpretation about the product or service or the providing of information in such a manner which implies endorsement.~~
- ~~I. Acceptance of Gratuities: Minnesota Statutes section 471.895, prohibiting the giving of gifts by interested persons and the receipt of such gifts by public officials is hereby adopted by reference. (Ord. 1153, 9-26-1994)~~
- ~~J. Smoking Policy: Smoking is not permitted in any city building or city vehicle. Smoking includes carrying a lighted cigarette, cigar or pipe. This policy is in compliance with requirements of the Minnesota Clean Indoor Air Act.~~
- ~~In an effort to provide and promote a healthy, comfortable and productive working environment, use of tobacco products (e.g. chewing tobacco, smoking, etc.) is prohibited in all city buildings, vehicles and equipment. (Ord.1401, 12-13-2010)~~
- ~~K. Harassment: The harassment of any employee of the city by any other employee or nonemployee is prohibited. The city will not tolerate the harassment of any of its employees and will take immediate, positive steps to stop it when it occurs. The city manager shall establish and administer a detailed policy prohibiting harassment, including specific measures which will be taken when harassment occurs. (Ord. 1339, 6-20-2006)~~

~~L. — Alcohol and Other Drug Use: All employees are strictly prohibited from using, possessing, selling, transferring or being under the influence of drugs or alcohol while working or performing job duties or while on the City’s premises or while operating the City’s vehicles, machinery or equipment. “Drugs” are defined as any controlled substance.~~

~~Any employee found to be in violation of this policy is subject to discipline up to and including termination of employment and, in certain circumstances, to legal prosecution.(Ord. 1135, 2-14-1994) (Ord.1401, 12-13-2010)~~

~~M. — Criminal History and Driving Record Background Checks.~~

~~1. The City of Roseville Police Department is authorized to conduct a criminal history and driving record background investigation on any applicant who is a finalist for a paid or volunteer position with the City of Roseville. All finalist applicants must provide the City of Roseville with written authorization to investigate the applicant’s criminal history and driving record, and provide the results to the City Manager or designee. Any finalist applicant who does not grant the City written authorization to investigate the applicant’s criminal history and driving record will not be considered for the position~~

~~2. Pursuant to Minn. Stat. § 364.05, if the applicant is denied employment based on the findings of the criminal history and driving record background investigation, the City shall inform the applicant in writing of the following:~~

~~a. The grounds and reasons for the denial or disqualification;~~

~~b. The opportunity to request reconsideration of the City’s decision and to provide the City with competent evidence of rehabilitation and present fitness for the position within five days of the notice of denial;~~

~~c. The applicable complaint and grievance procedure as set forth in section Minn. Stat. § 364.06;~~

~~d. The earliest date the person may reapply for a position with the City; and~~

~~e. That all competent evidence of rehabilitation will be considered upon reapplication.~~

~~3. This section shall apply to all positions of the City, including those represented by a bargaining unit, full time, part time and seasonal, and volunteer (as determined appropriate by the City). Paragraph two of this section does not apply to those positions listed as exceptions under Minn. Stat. § 364.09.~~

~~4. The City of Roseville Police Department is authorized to contract with other entities, individuals or corporations to conduct criminal history and driving record background checks. The City’s authority to conduct such background checks is subject to any requirements in state law relating to background checks for specific types of applicants.~~

~~5. The City of Roseville Police Department is authorized to conduct criminal history background checks on license applicants as required by City Code and/or State law. — (Ord. 1295, 9-15-2003)~~

CHAPTER 104
PERSONNEL RULES AND REGULATIONS

SECTION:

104.01: Personnel Rules and Regulations

104.01: PERSONNEL RULES AND REGULATIONS:

- A. Except as limited by state and federal law, the city manager or the city manager's designee, has the authority, powers, and rights necessary for the efficient and effective management of all City business. The city manager or designee may promulgate personnel rules setting forth the rights, duties, and responsibilities of employees. Such rules may from time to time be amended.

**City of Roseville
ORDINANCE NO.**

AN ORDINANCE AMENDING

TITLE 1, CHAPTER 104, PERSONNEL POLICY

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 1, Chapter 104 of the Roseville City Code is repealed in its entirety and amended to read as follows:

**CHAPTER 104
PERSONNEL RULES AND REGULATIONS**

SECTION:

104.01: Personnel Rules and Regulations

104.01: PERSONNEL RULES AND REGULATIONS:

- A. Except as limited by state and federal law, the city manager or the city manager's designee, has the authority, powers, and rights necessary for the efficient and effective management of all City business. The city manager or designee may promulgate personnel rules setting forth the rights, duties, and responsibilities of employees. Such rules may from time to time be amended.

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this 25th day of April, 2022.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

412.651 CITY MANAGER; POWERS AND DUTIES.

Subdivision 1. **Generally.** The city manager shall have the powers and duties set forth in the following subdivisions.

Subd. 2. **Enforcement.** The city manager shall see that statutes relating to the city and the laws, ordinances and resolutions of the city are enforced.

Subd. 3. **Appointment of personnel.** The city manager shall appoint upon the basis of merit and fitness and subject to any applicable civil service provisions and, except as herein provided, remove the clerk, all heads of departments, and all subordinate officers and employees; but the appointment and removal of the attorney shall be subject to the approval of the council.

Subd. 4. **Control.** The city manager shall exercise control over all departments and divisions of the administration created under Optional Plan B or which may be created by the council.

Subd. 5. **Council meetings.** The city manager shall attend all meetings of the council with the right to take part in the discussions but not to vote; but the council may in its discretion exclude the city manager from any meetings at which the manager's removal is considered.

Subd. 6. **Recommend ordinances and resolutions.** The city manager shall recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the affairs of the city.

Subd. 7. **Advise; annual budget.** The city manager shall keep the council fully advised as to the financial condition and needs of the city and the city manager shall prepare and submit to the council the annual budget.

Subd. 8. **Administrative code.** The city manager shall, when directed to do so by the council, prepare and submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time the city manager shall suggest amendments to such code.

Subd. 9. **Additional duties.** The city manager shall perform such other duties as may be prescribed by the statutes relating to Optional Plan B cities or required by ordinance or resolutions adopted by the council.

History: 1949 c 119 s 81; 1973 c 123 art 2 s 1 subd 2; 1986 c 444