

KANDIYOHI COUNTY AND CITY OF WILLMAR ECONOMIC DEVELOPMENT COMMISSION (EDC)  
JOINT OPERATIONS BOARD OF DIRECTORS (OB) MEETING

**MINUTES**

February 14, 2013  
EDC Office, Willmar

Present: Rollie Boll, Robert Carlson, Beverly Dougherty, Robert Enos and Milan Schmiesing  
Excused: Gary Gilman and Rick Nordin  
Ex Officio: Jim Butterfield and Bruce Peterson  
Staff: Steven Renquist, Executive Director and Jean Spaulding, Assistant Director  
Media: Anne Polta, West Central Tribune  
Secretarial: Nancy Birkeland, Legal & Administrative Assistants, Inc. (LAA)

President Bev Dougherty called the meeting to order at approximately 11:00 a.m.

**AGENDA**—The following addition was made under New Business: Holding meetings in other Kandiyohi County locations and the Consent Agenda was changed to add 3c. Approve the resignations of Duane Hultgren and Cecil Meyer from the BRE/R Committee and add 5. Approve the appointments of Jeff Vetsch, Elsie Kashmark and Ranae Rahn to the BRE/R Committee.

IT WAS MOVED BY Milan Schmiesing, SECONDED BY Bob Carlson, to approve the agenda as revised and Consent Agenda as revised.

**CONSENT AGENDA**—

- Approve:
1. Minutes of January 10, 2013 annual board meeting
  2. Financial reports as of January 31, 2013, subject to audit
  3. Resignation of committee members:
    - a. Stan Simon from the Agriculture and Renewable Energy Development (Ag) Committee
    - b. Liz VanDerBill from the Marketing and Public Relations Committee
    - c. Duane Hultgren and Cecil Meyer from the Business Retention and Expansion/Recruitment (BRE/R) Committee
  4. Appointment of Sara Goebel to the Marketing and Public Relations Committee
  5. Appointments of Jeff Vetsch, Elsie Kashmark and Ranae Rahn to the BRE/R Committee
- Accept:
1. Committee minutes:
    - a. Ag 12/20/2012
    - b. BRE/R 1/2/2013
    - c. Finance 12/11/2012
    - d. Marketing and Public Relations 12/17/2012
    - e. Leisure Travel 12/3/2012

[Robert Enos joined the meeting.]

## PROGRESS REPORTS

**Willmar Design Center (WDC).** Dougherty encouraged the board to attend today's soup fundraiser for Habitat for Humanity; Becker Market will open the first Thursday in June; the WDC board is working with the city of Willmar on the downtown plan—a parking assessment is being done now and they are completing agreements for a trail from the south side of the First Street Bridge to Robbins Island and replacing the current trail—the Ella Avenue crossing will be landscaped.

**EDC/MinnWest Technology Campus.** Renquist reported a downtown Willmar landowner has been approached for the Community-Owned Grocery (COG). Dougherty reported COG has 377 members. Renquist reported the former Lakeland Hotel was purchased and will be renovated—the previous developer is looking at other locations in Willmar for workforce housing; Renquist is working with the Mid-Central Research and Outreach Center (MCROC) to facilitate its success and has met with other University of Minnesota departments to encourage having an office at MCROC.

Jean Spaulding reported she staffed a booth last week with MinnWest Technology Campus at the annual Minnesota Veterinary Medical Association Conference; she is helping with an application to the Blandin Foundation for a group of 24 to participate in the Leadership Perspectives course in 2014—the last local group was in 2006; the Minnesota Intelligent Rural Communities grant is ending soon and she will have the Technology Subcommittee meet to focus on local broadband issues; and JOBZ reports will be due soon.

**Willmar Area Multicultural Business Center (WAM-BC).** Spaulding reported WAM-BC received grant dollars for approximately 1½ years of funding; they are working on expanding their board and have very active agendas; WAM-BC is getting known among the Latinos as a resource on how to run a business. The African Development Center assists the Somali population more than WAM-BC.

## UNFINISHED BUSINESS

**Aquatic Invasive Species Task Force funding request.** Renquist reported the task force is still being formed and is not prepared to do a business plan and know what funding it needs. Jim Butterfield reported Kandiyohi County gave the task force \$1,500 and was going to partner with the task force on a grant, but the grant fell through. The task force appears to be a collaboration of various organizations.

**Policies and Procedures Manual.** Spaulding informed the board the manual previously presented was divided into two—a Policies and Procedures Manual and a separate Employee Handbook.

The board reviewed the proposed changes to the Policies and Procedures Manual as noted by redlining and strikeouts in the attached. Under Section I.D.1. Five-Year Goals:

IT WAS MOVED BY Milan Schmiesing, SECONDED BY Rollie Boll, to change Section I.D.1. Five-Year Goals to read: Five-year goals shall be established or reviewed at a planning session of the EDC boards at least every five years.

By consensus, the Sources of Information Used for Development of Policies and Procedures Manual will be moved to the Appendix of the manual.

IT WAS MOVED BY Milan Schmiesing, SECONDED BY Bob Carlson, to accept all other amendments to the Kandiyohi County and City of Willmar Economic Development Commission's Policies and Procedures Manual as proposed.

**Employee Handbook.** Spaulding indicated the EDC has never had an Employee Handbook as the Employment Agreements for the Executive Director and Assistant Director served as the employee handbook—other employees have not been covered. Areas of the handbook questioned last month were the probation period and jury duty.

IT WAS MOVED BY Bob Carlson, SECONDED BY Milan Schmiesing, to adopt a probationary period of 90 days for all new personnel of the Kandiyohi County and City of Willmar Economic Development Commission. MOTION CARRIED.

IT WAS MOVED BY Milan Schmiesing, SECONDED BY Bob Carlson, to delete paragraph 9 of Section IV. G. Sick Leave. MOTION CARRIED.

IT WAS MOVED BY Rollie Boll, SECONDED BY Milan Schmiesing, to change Section IV. I. 2. Jury Duty to read: Employees shall be granted time off, with pay, to serve on a jury pursuant to Minnesota Statutes. When not impaneled for actual service and only on call, the employee shall report to work. Any funds received by the employee for jury duty shall be turned over to the EDC. MOTION CARRIED.

Any further discussion and decisions related to the Employee Handbook was tabled until the next monthly meeting.

There was no other unfinished business.

## NEW BUSINESS

**Other meeting locations.** Renquist informed the board a suggestion was made to have a regular schedule of holding board meetings outside Willmar. The board discussed possibly holding four or five board meetings each year outside of Willmar. It was suggested that staff contact communities to see if there is interest in the EDC meeting in the communities. If there is interest, the community will be asked to make a presentation to the board and the EDC will make a presentation in return. The board directed staff to schedule meetings in other locations for 2013.

## COMMITTEE REPORTS—

**Ag.** Schmiesing reported three applicants were interviewed last night for the Ag Specialist position. Renquist reported the highest ranked individual was contacted and offered the position. Renquist informed the board the EDC co-sponsored an Agricultural Business Resource Seminar with Mid-Minnesota Development Commission on February 7; a local representative was appointed to the Dairy Authority and another local individual was named to the Dairy Authority Advisory Board, but formal notice has not been received.

**BRE/R.** Renquist reported the committee is refining its 2013 goals and objectives; the committee is looking at doing another business survey and expanding it to include more businesses in the county; he continues to work on a natural gas line into Lake Lillian; is working with a North Carolina trailer company on a joint venture in the county; working with the Citizens in Action group in New London; the city of Willmar's parking assessment has been started and it was suggested there be no new housing in downtown Willmar without a corresponding parking spot.

[Jim Butterfield was excused from the meeting.]

**Finance.** Spaulding reported the Finance Committee met this week and discussed local activity in the marketplace. Most Kandiyohi County banks have a representative on the Finance Committee.

**Marketing and Public Relations.** Spaulding reported the committee will meet the end of this month. The committee's focus this year will be the Bring Them Back Home program as a recruitment tool—the committee will be interviewing companies as to their employment needs.

**Day at the Capitol.** Spaulding reported an economic development Day at the Capitol will be held March 6 and is co-sponsored by the Economic Development Association of Minnesota, Minnesota Association of Professional County Economic Developers and National Association of Housing and Redevelopment Officials.

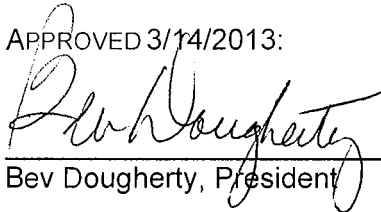
**NEXT MEETING**—The next regular board meeting is **11:00 a.m., Thursday, March 14, 2013**, at the EDC Board Room.

**ADJOURNMENT**—There being no further business, the meeting was adjourned at approximately 12:34 p.m.



\_\_\_\_\_  
Rick Nordin, Secretary

APPROVED 3/14/2013:



\_\_\_\_\_  
Bev Dougherty, President

Kandiyohi County  
& City of Willmar

**Economic Development Commission**



**POLICIES AND  
PROCEDURES MANUAL**

**ADOPTED BY JOINT OPERATIONS BOARD \_\_/\_\_/2013**

**RATIFIED BY JOINT POWERS BOARD \_\_/\_\_/2013**

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**RECEIPT AND ACKNOWLEDGMENT OF  
KANDIYOHI COUNTY AND CITY OF WILLMAR ECONOMIC DEVELOPMENT COMMISSION  
POLICIES AND PROCEDURES MANUAL**

**This Policies and Procedures Manual is an important document intended to help you become acquainted with the Kandiyohi County and City of Willmar Economic Development Commission, (EDC). This Manual will serve as a guide; it is not the final word in all cases. In the case of a conflict, the Bylaws govern. The contents of this Manual may be changed at any time at the discretion of the EDC boards. Please read the following statements and sign below to indicate your receipt and acknowledgment of the Manual.**

**I have received and read a copy of the Manual. I understand the policies, rules and the benefits described in it are subject to change at the sole discretion of the EDC at any time. I understand that this Manual replaces all other previous manuals for the EDC.**

**I understand that should the content be changed in any way, the EDC may require an additional signature from me to indicate that I am aware of and understand any new policies.**

**Printed Name: \_\_\_\_\_**

**Signature \_\_\_\_\_**

**Date \_\_\_\_\_, 2013**



**I.**  
**GENERAL INFORMATION**

4. **INTENT.** The Kandiyohi County and City of Willmar Economic Development Commission (EDC), acting through its Joint Powers Board of Commissioners (EDCJP) and its Joint Operations Board of Directors (EDCOB), recognizes the need for written policies and procedures that will assure continuity of function, both internal and external, and will serve to:

Give direction to officers, board members, committees and staff in carrying out the mission of the organization.

Policies shall be a declaration of intent and an adoption of a course of action by the EDCJP/EDCOB and the institution of policy shall be a function of the boards of commissioners/directors. Commissioners, directors, committees and staff personnel shall implement and execute the requirements of policy.

5. **MISSION STATEMENT.** To be a catalyst for economic growth of the greater Kandiyohi County area.

**C. PURPOSE.**

1. Provide leadership for an effective volunteer network that will act as both liaison and enabler developer between industry and communities within the county.
2. Develop an effective and varied method of marketing the county and communities within.
3. Develop a means to retain existing industry, including an ongoing communication with industries ~~call program~~.
4. Develop a means to assist existing industry to expand and new industry start up.
5. Develop target markets and contact industry outside of the county.
6. Set up long-term economic plan.
7. Facilitate educational opportunities in economic development for board members, volunteers, local community leaders and local industries.
8. Promote and administer the Revolving Loan Fund, the Industrial Initiatives Loan fund, the Entrepreneurs' Loan Guarantee Program and other finance vehicles.

**D. GOALS.**

1. **Five-Year.** Five-year goals shall be established at a planning session of the EDC boards every five years. (see Appendix C)
2. **Annual.** Annual goals shall be established at a planning session each calendar year. (see Appendix D)

## II. BOARDS

A. **EDC JOINT POWERS BOARD MEMBER TERMS AND APPOINTMENTS.** The EDCJP Board of Commissioners shall consist of six members. Each member shall be appointed to serve for three years or until a successor is appointed and qualified. Kandiyohi County and the City of Willmar shall each appoint three elected representatives to serve on the EDC. Any vacancy must be filled for the unexpired term in the manner in which the original appointment was made. A vacancy shall occur when a member is no longer an elected member of the County Board of Commissioners or the Willmar City Council. **In the case of a conflict, the Joint Powers Agreement governs** (see Appendix B).

B. **EDC JOINT OPERATIONS BOARD MEMBER TERMS AND APPOINTMENTS.** The EDCOB shall consist of seven. The EDCOB shall be appointed by the EDC Joint Powers Board of Commissioners and shall include representation from communities throughout the county, education providers, business and consumer groups. The terms of the EDCOB shall be for three years, it being provided however, that in the first year of appointment a sufficient number of members shall be appointed to one- and two-year terms to assure that no more than five members' terms expire in any given year. The EDCOB members shall be limited to three full three-year terms. **In the case of a conflict, the Joint Powers Agreement governs** (see Appendix B).

C. **REMOVAL.** Board members may be removed by the appointing board(s) for inefficiency or neglect of duty, or misconduct in office, a board member may be removed by the governing body of the municipality. The board member must be given a copy of the charges at least 10 days prior to a hearing at which the board member has the opportunity to be heard in person or by counsel. When charges in writing have been preferred against a board member, pending final action thereon the governing body may temporarily suspend the board member. If it is found that those charges have not been substantiated, the board member shall immediately be reinstated to the board. When any board member is removed, a record of the proceedings, together with the charges and findings thereon, shall be filed.

D. **LIABILITY.** Board members shall have no personal liability for corporate obligations of the EDCJP/EDCOB or the methods of enforcement and collection thereof. **In the case of a conflict, the Bylaws govern** (see Appendix E).

E. **CONFLICTS OF INTEREST.** Board members shall avoid real or apparent organizational conflicts of interest. No board member shall be an officer, employee, director, shareholder or member of any corporation, firm or association with which the EDC has entered into any operating or lease agreement. This section shall not apply to the deposit of funds of the agency in any bank in which a board member shall have an interest, if the funds are deposited and protected in accordance with M.S.A. § 118A (see Appendices F and G).

In instances other than those covered by the above paragraph, where a board member has a real or apparent conflict of interest, that board member shall declare the conflict of interest for the record and shall abstain from any vote or discussion of the matter.

F. **CONFIDENTIALITY.** Confidentiality is essential to economic development work. Verbal and/or written information received by board members concerning individuals and/or businesses working with the EDC must be kept confidential unless authorization is obtained from the businesses or individuals to release information for public dissemination.

### III. COMMITTEES

A. **STANDING COMMITTEES.** The following standing committees are set forth by the EDCOB and reviewed annually:

Agriculture and business/Renewable Energy Development  
Business Retention and Expansion/Recruitment  
Finance  
Marketing and Public Relations  
~~Tourism~~  
~~Willmar Area Multicultural Market~~  
~~Willmar Regional Treatment Center Reutilization~~

Each standing committee shall include an EDCOB member, who shall report to the EDCOB. A chairperson shall be appointed annually.

B. **SUBCOMMITTEES AND SPECIAL COMMITTEES.** Subcommittees and special committees may be determined by the boards of directors as they deem fit. Each subcommittee and special committee shall be composed of a chairperson and members who shall report to the EDCJP and/or EDCOB.

C. **MEMBER TERMS AND APPOINTMENTS.** Committee members shall be appointed by the EDCOB to serve for a term of one year or for as long as they agree to serve. The appointment of committee members shall be made to reflect representation of the entire county by population.

D. **REGULAR MEETINGS.** Committee chairpersons shall call regular meetings of the committees at least quarterly or more often as needed. Written notice stating the place, day and hour of the meeting shall be ~~sent mailed~~ to the members at their last known address.

E. **ANNUAL MEETINGS.** Committee chairpersons shall call annual meetings within a reasonable time following January 1 of each year. At this meeting, committees shall set their goals and plan for the calendar year.

F. **QUORUM.** At all committee meetings a majority of the members shall be necessary and sufficient to constitute a quorum for the transaction of business and the act of a majority of the members present at any meeting in which there is a quorum shall be the act of the committee.

G. **REMOVAL.** Committee members may be removed by the appointing board(s) for inefficiency, neglect of duty or misconduct. Members who are absent three meetings in a row may be eliminated from the committee by EDCOB action.

H. **COMPENSATION.** Committee members shall receive no compensation for serving on a committee.

I. **BUDGET PREPARATION.** ~~The~~ An annual budget ~~expenditures~~ for each committee shall be prepared by the chairperson and Executive Director upon ~~receipt of the annual committee budget set by the EDCOB~~ the request of the President or no later than June 1 of each year and submitted to the President for EDCOB for approval.

J. **EXPENSE REIMBURSEMENT.** Committee members can be reimbursed for their expenses per the Expense Reimbursement Guidelines adopted by the EDCOB. (see Appendix H)

**IV.**  
**OTHER POLICIES**

A. **ANNUAL LEVY.** The EDCJP Board will submit a proposed levy amount to the Kandiyohi County Auditor/Treasurer by September 15 of each year.

B. **BUDGET PREPARATION.** An annual budget shall be prepared by the Executive Director with assistance from the President and the Treasurer using the following time lines:

1. Submit single preliminary levy amount to the EDCJP no later than September 1.
2. Final budget approved by EDCOB at its October board meeting.
3. Present final budget to the EDCJP after it is approved by the EDCOB, but no later than the EDCJP's October board meeting.

C. **APPROVAL OF BUDGETED EXPENDITURES.** Budgeted expenditures that do not exceed \$1,000 accumulative in one month may be paid without prior approval of the board, but a list of these bills paid will be presented to the board at each meeting.

D. **REPORTS TO EDCJP.** Oral and/or written reports on EDCOB activities shall be presented to the EDCJP at least monthly.

E. **JOB DESCRIPTIONS.** A current job description shall be on file for every staff member. Job descriptions shall be reviewed annually.

F. **FEDERAL TRADE COMMISSION RED FLAG RULES.** The EDC will comply with the Federal Trade Commission's Red Flag Rules, which require businesses and organizations to implement a written identity theft prevention program. The EDC has identified itself at low risk for identity theft because there is little confidential data retained at the EDC and files containing confidential information are kept within easy sight of employees and are locked in a secure location when the office is unattended. Additionally, the EDC infrequently is requested to supply confidential information nor does it regularly request and retain such information. Also, the EDC is generally familiar with its customers and rarely receives or provides confidential information to those unfamiliar with the organization. The EDC has identified the following items that could contain confidential information, such as names, address, birthdays, social security numbers, federal ID numbers: corporate books, loan program binders and personnel binder. This information is not released without specific written authority of the individual and/or business. The policy of identification protection states that all files containing the confidential information identified above will be locked in a secured location when the office is unattended. The Executive Director and Assistant Director are designated to administer the program and train other employees on the policy. This policy will be reviewed and tested annually. Should a red flag or other identification of theft occur, the staff member involved will make a written documentation of the occurrence and supply the documentation to the designated staff person responsible for responding to Red Flags (the executive in charge of administration). The policies and procedures under this section are required to be modified if any indication of identity theft or other Red Flag Rule violation occurs.

G. **DATA PRIVACY POLICY.** The EDC adopts the Government Data Practices Act, Minnesota Statutes, Chapter 13, as amended.

H. **FINANCIAL POLICIES.** The EDC adopts the most recent Financial Policies of Kandiyohi County (see Appendix I).

I. **CREDIT CARD POLICY.** The EDC adopts the most recent Credit Card Policy of Kandiyohi County (see Appendix J).

J. **POLICY ADOPTION, AMENDMENT OR REPEAL.** Policies may be adopted, amended or repealed by the EDCOB at any regular meeting. The date a policy is adopted, amended or repealed shall be included for each policy.

**VI.  
PROGRAMS**

A. ~~TOURISM FUNDING POLICY~~**REQUESTS AND GUIDELINES.** ~~Tourism~~Funding requests shall be processed by a ~~the Tourism~~Committee and the EDCOB in accordance with the following guidelines adopted by the EDC boards (see Appendix K).

B. **INDUSTRIAL INITIATIVES LOAN PROGRAM OPERATION**

1. **Operation.** The Industrial Initiatives Loan Program should be operated in accordance with the Manual adopted March 10, 1998 and amended December 14, 1999, May 14, 2001 and June 11, 2001 (see Appendix L).
2. **Transfer From Willmar Opportunities, Inc.** The Kandiyohi County Economic Development Partnership, Inc. (KCEDP), at its January 9, 1990 meeting, officially accepted the transfer of the Industrial Initiatives I and II programs as of January 1, 1990.

C. **ENTREPRENEURS' LOAN GUARANTEE PROGRAM OPERATION.**

1. **Operation.** The Entrepreneurs' Loan Guarantee Program should be operated in accordance with the Manual adopted October 14, 2004 (see Appendix M).

D. **REVOLVING LOAN FUND.**

1. **Operation.** The Revolving Loan Fund program should be operated in accordance with the Manual adopted by the Kandiyohi County Economic Development Partnership, Inc. Board November 10, 1998 and adopted by the EDC Joint Operations Board on 5/13/2010 and ratified by the EDC Joint Powers Board on October 28, 2010 (see Appendix N).

E. **BOND POLICY.** The EDC will act as a conduit bond issuer in accordance with the Bond Policy adopted May 10, 2007. (see Appendix O)

## **TOURISM FUNDING GUIDELINES**

- ~~1. Dollars contributed from the EDC tourism budget must be matched dollar-for-dollar by funds from the requesting organization making the application. These funds may be raised through other sponsors, etc. A majority vote of the Tourism Committee supporting issuances of resources is necessary prior to submitting the proposal to the EDC Joint Operations Board (EDCOB) for action.~~
- ~~2. Full financial support may be offered and must be matched the first time the organization applies (based on dollars, requests and budget limitations). The second time an organization applies for the same event, half of the original financial support may be offered and must be matched.~~
- ~~3. Organizations may apply two times per event in a five-year period, except in the case of an emergency, which will be determined by the EDCOB.~~
- ~~4. All organizations and events must be in Kandiyohi County.~~
- ~~5. All events must attract tourists from outside the county to qualify. All approved advertising projects must prominently display the EDC county tourism logo. A proposed advertising draft for print media and radio copy must be submitted and approved by the Tourism Committee prior to production.~~
- ~~6. All applicants must submit a completed application form to the Tourism Committee. If the application is incomplete, the applicant will have 60 days from receipt of the original application to provide complete information. If complete information is not received within 60 days, the application will be denied.~~
- ~~7. All requests must be made in a timely fashion to allow two months for the Tourism Committee's and the EDCOB's decisions.~~
- ~~8. All applications are subject to approval by the Tourism Committee and the EDCOB.~~
- ~~9. A post-event report/evaluation must be provided with a tracking process to determine if the guidelines were followed.~~

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Adopted by EDCOB 1/15/04

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Amended by EDCOB 10/14/04

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Ratified by EDCJP 1/22/04

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Amendment ratified by EDCJP 10/28/04

**KANDIYOHI COUNTY TOURISM FUNDING APPLICATION:**

Name of event/organization \_\_\_\_\_

Sponsor, if different from above \_\_\_\_\_

Location of event \_\_\_\_\_

Date of event \_\_\_\_\_ Length of event \_\_\_\_\_

Chairperson/contact person \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

Please describe your event:

How does your event draw in people from outside Kandiyohi County?

If your event is given "seed money," can it be profitable in future years?  
Please explain:

Amount of Request \$ \_\_\_\_\_ Will the funds be matched? Yes or No (circle one)

For what purpose will the money be used?

Provide a copy of your budget.

Return this form to: \_\_\_\_\_ Executive Director  
\_\_\_\_\_ Kandiyohi County and City of Willmar Economic Development Commission  
\_\_\_\_\_ P.O. Box 1783  
\_\_\_\_\_ Willmar, MN 56201

\_\_\_\_\_  
\_\_\_\_\_ Adopted by EDCOB 1/15/04  
\_\_\_\_\_ Ratified by EDCJP 1/22/04



## SOURCES OF INFORMATION USED FOR DEVELOPMENT OF POLICIES AND PROCEDURES MANUAL

### INTENT

Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.'s Policies and Procedures Manual, which was originally in part from the *Willmar Area Chamber of Commerce Policy Manual (04/04/1991)*

### MISSION STATEMENT

Developed and reviewed annually at the EDCOB's planning session

### PURPOSE

Included as part of the Proposal for the Establishment of the Kandiyohi County Economic Development Partnership, Inc. on July 7, 1988

### GOALS

Five-Year—Developed and reviewed every five years at the EDCOB's five-year planning session

Annual—Developed and reviewed annually at the EDCOB's planning session

### BOARDS

EDC Joint Powers Board Member Terms and Appointments—Joint Powers Agreement, Kandiyohi County and City of Willmar Economic Development Commission

EDC Joint Operations Board Member Terms and Appointments—Joint Powers Agreement, Kandiyohi County and City of Willmar Economic Development Commission

Conflicts of Interest—Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.'s Policies and Procedures Manual, which was originally drafted by Ronald C. Anderson, Attorney at Law, Willmar, Minnesota  
Confidentiality—Developed

### COMMITTEES

Developed by the Kandiyohi County Rural Development Finance Authority  
Expense Reimbursement—Developed

### OTHER POLICIES

Annual Levy—Developed

Budget Preparation—Joint Powers Agreement, Kandiyohi County and City of Willmar Economic Development Commission and developed

Approval of Budgeted Expenditures—Kandiyohi County Economic Development Partnership, Inc. Minutes of March 28, 1989 meeting

Reports to EDCJP—Developed

Job Descriptions—Developed

Federal Trade Commission Red Flag Rules—Developed

Data Privacy Policy—Developed

Financial Policies—Kandiyohi County Financial Policies Adopted April 2010

Credit Card Policy—Kandiyohi County Credit Card Policy adopted 3/03/09

Policy Adoption, Amendment or Repeal—Developed

### PROGRAMS

~~Tourism~~ Funding Requests and Guidelines—Developed

Industrial Initiatives Loan Program Operation—Willmar Opportunities, Inc. and board action  
Entrepreneurs' Loan Guarantee Program Operation—Developed  
Revolving Loan Fund—Kandiyohi County Economic Development Partnership, Inc. and board action  
Bond Policy—Developed

# APPENDIX

The following pages contain copies of the  
original documents for the establishment of the

Kandiyohi County  
& City of Willmar  
**Economic Development Commission**



**A MASTER COPY OF THE POLICIES AND PROCEDURES MANUAL, INCLUDING ORIGINALS OF THE APPENDICES  
WILL BE MAINTAINED AT THE EDC OFFICE**

Appendix

Minnesota Senate Bill, S.F No. 1505, 3<sup>rd</sup> Engrossment: 83<sup>rd</sup> Legislative Session  
(2003-2004), Article 12, Section 30 ..... A

Joint Powers Agreement, Kandiyohi County and City of Willmar Economic Development Commission  
Dated: July 1, 2003 ..... B

**Five-Year Goals (2011-2015) ..... C**

Annual Goals ..... D

**Amended Bylaws**  
**Dated: January 26, 2006**  
**Bylaws**  
~~Dated: April 22, 2004~~ ..... E

Chapter 118A, Section 118A.02. Depositories; investing; sales, proceeds, immunity  
[Relative to section V, paragraph I, Conflicts of Interest] ..... F

Minnesota Statutes, Section 469.113. Conflict of interest  
[Relative to section V, paragraph I, Conflict of Interest] ..... G

Expense Reimbursement Guidelines ..... H  
Adopted March 8, 2012 by EDCOB and ratified April 26, 2012 by EDCJP

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**Adopted: 3-03-09**

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Entrepreneurs’ Loan Guarantee Program Manual  
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**Revised: August 13, 2009 by EDCOB** ..... M

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Kandiyohi County  
& City of Willmar  
**Economic Development Commission**



# **EMPLOYEE HANDBOOK**

**ADOPTED BY JOINT OPERATIONS BOARD 2/\_\_\_\_/ 2013**  
**RATIFIED BY JOINT POWERS BOARD 4/\_\_\_\_/2013**

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**RECEIPT AND ACKNOWLEDGMENT OF  
KANDIYOHI COUNTY AND CITY OF WILLMAR ECONOMIC DEVELOPMENT COMMISSION  
EMPLOYEE HANDBOOK**

**This Employee Handbook is an important document intended to help you become acquainted with the Kandiyohi County and City of Willmar Economic Development Commission (EDC). This Employee Handbook will serve as a guide; it is not the final word in all cases. The contents of this Handbook may be changed at any time at the discretion of the EDC boards. Please read the following statements and sign below to indicate your receipt and acknowledgment of the Handbook.**

**I have received and read a copy of the Employee Handbook. I understand the policies, rules and the benefits described in it are subject to change at the sole discretion of the EDC at any time. I understand that this Handbook replaces all other previous manuals for the EDC.**

**I understand that should the content be changed in any way, the EDC may require an additional signature from me to indicate that I am aware of and understand any new policies.**

**Printed Name:** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_, 2013

# KANDIYOHI COUNTY AND CITY OF WILLMAR ECONOMIC DEVELOPMENT COMMISSION

## EMPLOYEE HANDBOOK

### II. PURPOSE AND INTENT

This handbook is presented as a matter of information only for all Kandiyohi County and City of Willmar Economic Development Commission (EDC) employees. The policies and procedures described in this handbook are not conditions of employment. The language in this handbook is not intended to create a contract (expressed or implied) between the EDC and its employees.

It shall be the responsibility of the EDC's Executive Director to administer the laws and policies set forth by the EDC's Joint Operations Board and Joint Powers Board, or as otherwise set forth in state and federal law. In cases of emergency, the Executive Director shall have the power to act outside the established procedures within the jurisdiction of his/her authority. The EDC's boards reserve the right to modify, revoke, suspend, terminate or change any or all such plans, policies or procedures, in whole or in part, at any time, with or without notice.

In general, all EDC employees are expected to perform their respective duties in a competent and efficient manner. Each employee shall be courteous, tactful and considerate in dealing with the public. It shall be understood that each position within the EDC exists for the purpose of providing services to the public. In so doing, each employee shall respect that responsibility and present a neat and clean appearance in conformance with accepted job standards.

These policies shall not be construed to remove, limit or extend the rights and preferences of veterans as established by Minnesota Statutes 197.45 to 197.46. Nor shall these policies be construed to permit or encourage any action or conduct prohibited by the Minnesota Human Rights Act or any other state or federal law relating to equal employment opportunities and the provisions of these acts shall continue to apply to EDC employment generally. Nor shall these policies be construed to affect the rights and obligations of employees and employers under the provisions of the Public Employment Labor Relations Act of 1971, as amended, or the provisions of any contracts or agreements executed pursuant thereto.

### III. EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the EDC's policy to provide employment opportunities without regard for a person's race, color, religion, sex, age, national origin, ~~creed~~, disabilities, **veteran status**, sexual orientation, marital status, ~~membership or activity in a local commission, or status with regard to public assistance~~ **military status or any other characteristic protected by state or federal law.** The EDC is strongly committed to this policy and believes in the concept and spirit of the law.

The EDC believes in and practices equal opportunity and affirmative action. The Executive Director or their designee serves as the Equal Opportunity Coordinator and has overall responsibility for ensuring compliance with this policy. All employees are responsible for supporting the concept of equal opportunity and affirmative action and assisting the EDC in meeting its objectives.

This policy applies to all areas of employment. All personnel actions and programs, including compensation, benefits, EDC-sponsored training and education will be administered without regard to race, color, religion,

sex, national origin, age, sexual orientation, gender identity, disability, veteran’s status, pregnancy, genetic information or membership in other protected groups.

**IV.  
EMPLOYER AUTHORITY**

It is recognized that except as expressly stated herein, the EDC shall retain whatever rights and authority necessary to operate and direct the affairs of the EDC in all its various aspects including, but not limited to, the right to direct the working forces; to plan, direct and control all the operations and services of the EDC, to determine the methods, means, organization and number of personnel by which such operations and services are to be conducted; to assign and transfer employees; to schedule working hours and to assign overtime; to determine whether goods or services should be made or purchased or contracted for; to hire, promote, demote, suspend, discipline, discharge or relieve employees due to lack of work or other legitimate reasons; to make and enforce rules and regulations; and to change or eliminate existing methods, equipment or facilities. It is also recognized that the EDC shall retain the authority and prerogative to:

- operate and manage affairs in all respects in accordance with existing and future laws and regulations or appropriate authorities, including EDC personnel policies and work rules;
- maintain the efficiency of the government operations; and
- take whatever actions may be necessary to carry out the missions of the EDC in emergencies.

**IV.  
PERSONNEL**

**A. DEFINITIONS.**

1. **Executive Director.** The Executive Director administers the day-to-day operations of the EDC.
2. **Assistant Director.** The Assistant Director assists the Executive Director in administering the day-to-day operations of the EDC.
3. **Position** means a group of duties and responsibilities requiring full or part-time employment.
4. **Full-time Employee** means an employee who works at least 40 hours per week on a regular basis.
5. **Regular Part-time Employee** means an employee who works less than 29 hours per week and is regularly scheduled a minimum of 16 hours.
6. **Intermittent Part-time Employee** means an employee who works less than an average of 16 hours per week and whose scheduled number of hours to work vary from week to week, depending on work assignments, availability and client’s need, or an employee who works on a seasonal basis.

7. **Probationary Period** means a one-year working period during which the employee is required to demonstrate his/her fitness for the position.
8. **Transfer** means a change of an employee from one department to another department.
9. **Hourly Rate of Pay** means an employee's annual salary divided by 2080 hours and rounded to the nearest whole cent.
10. **General Work Day** means a work period of time from 8:30 a.m. to 5:00 p.m. that includes two 20 minute rest periods and a one-hour lunch period, Monday through Friday.
11. **Employer** means the Kandiyohi County and City of Willmar EDC.
12. **Immediate Family.** The employee's immediate family is defined as father or father-in-law, grandfather, mother or mother-in-law, grandmother, sister or sister-in-law, brother or brother-in-law, spouse, children of either husband or wife, stepchildren or stepparents, or a member of the employee's own immediate household.
13. **Payroll Period** means a semimonthly schedule with paydays on the 15<sup>th</sup> and last working days of each month.

**B. RECRUITMENT, APPOINTMENT AND VACANCIES.**

1. New positions or vacancies shall be open to all persons who meet with reasonable standards as may be proposed by the EDCJP or EDCOB with respect to experience, character or such other factors that may be held to relate to the ability of the candidates to perform with reasonable efficiency the duties of the position.
2. Whenever possible, vacancies may be filled on a promotional or lateral basis from among the present employees, giving first consideration to qualifications for the job.
3. An employee who is promoted shall serve a one-year probationary period to determine:
  - a. his/her ability to perform the job;
  - b. his/her desire to remain in the position.

During the probationary period, the employee may have the opportunity to revert back to his/her former position. If the employee is unsatisfactory in the new position, notice and reason shall be submitted to the employee in writing.

4. The Executive Director, with the approval of the EDCOB, shall be the appointing authority for positions under his/her authority. Appointments shall be made on a nondiscriminatory basis and determined by ability.

5. The employee's salary at the time of employment shall be set by the EDCOB. The employer may give credit for previous experience.
6. When vacancies occur or when the work load necessitates the creation of a new position, the Executive Director, with the approval of the EDCOB and EDCJP, shall have the authority of placing regular part-time employees on full-time status upon two weeks written notice to the employee.

**C. TRANSFERS.**

1. For reasons such as shortage of funds, the abolishment of a position, or because of changes in the EDC, the Executive Director may order the transfer of a qualified employee from one department to another department for indefinite periods of time.
2. When existing conditions necessitate immediate action to carry out the work of the EDC, the Executive Director shall have the authority to transfer an employee for indefinite periods of time. The practice is strongly encouraged by the EDCOB rather than hiring additional employees.

**D. PROBATION PERIOD.**

1. A one-year probationary period shall be considered an integral part of employment and shall be utilized for observing the employee's work, for assisting the employee to adjust to the new position, and for rejecting any employee whose performance does not meet the required work standards.
2. Any employee with probationary status may be terminated at any time during the probationary period.
3. Vacation and sick leave shall be earned by the new employee during the probationary period.
4. In the event an employee is absent for extended periods of time during their probationary period, it may be necessary to extend the probationary period beyond one year.

**E. HOURS OF WORK.**

1. For full-time employees, the regularly scheduled work week shall be 40 hours/2080 hours yearly.
2. Full-time, regular part-time and intermittent part-time employees shall work as directed by the Executive Director or the EDCOB.
3. During the work day, employees shall be allowed a 20 minute rest period during each four hours worked and a one-hour lunch period.

4. Service to the public may require the establishment of regular shifts other than the normal 8:30 a.m. to 5:00 p.m. day. The Executive Director will give sufficient notice to the employee affected by the establishment of the work day different from the normal work day unless an emergency exists. In cases of emergency such as, but not limited to, fire, flood, snow or breakdown of facilities, no advance notice need be given.
5. It is acknowledged that ~~the Executive Director and the Assistant Director~~ staff will occasionally be called upon to work more hours than the normal work day. It is therefore acknowledged and expected that they may reduce the hours worked on subsequent days at their discretion. This will not affect vacation or sick time.

**F. VACATION TIME.**

1. The Executive Director and Assistant Director's vacation time shall be set out in an Employment Agreement.
2. Full-time employees shall accumulate vacation on the following basis:
  - a. Employees with less than three years full-time employment shall earn vacation at the rate of 3.70 hours per pay period (semi-monthly).
  - b. Employees with more than three years, but less than five years of service, shall earn vacation at the rate of 4.31 hours per pay period.
  - c. Employees with more than five years, but less than seven years of service, shall earn vacation at the rate of 4.92 hours per pay period.
  - d. Employees with more than seven years, but less than ten years of service, shall earn vacation at the rate of 5.54 hours per pay period.
  - e. Employees with more than 10 years, but less than 15 years of service, shall earn vacation at the rate of 6.47 hours per pay period.
  - f. Employees with more than 15 years of service shall earn vacation at the rate of 7.39 hours per pay period.
  - g. Employees with more than 20 years of service shall earn vacation at the rate of 8.0 hours per pay period.

Changes in the rate of accumulation shall be effective on the employee's anniversary date.

3. Regular part-time employees shall accumulate vacation time on a prorated basis of the above vacation rate for full-time employees. The rate of accumulation shall be computed by dividing the number of hours worked per week by 40 hours. For instance, an employee working 32 hours per week shall earn 80% of the full-time rate. Regular part-time employees, when assigned to work 40 hours per week for four weeks or more, shall receive full-time accumulation of vacation time during that time period.

4. Intermittent part-time employees shall not earn vacation time.
5. Accumulated vacation time shall not exceed 264 hours.
6. Employees shall request vacation time from the Executive Director in advance of the leave, however, under no circumstances shall the request include time not earned. Vacation requests shall be considered on a seniority basis until May 1 of each year; after May 1 requests shall be on a first-notice basis. The Executive Director shall avoid concurrent vacation leaves and shall allow vacation at his/her discretion considering the needs and work schedule of the EDC.
7. In the event of an emergency, the Executive Director may cancel vacations or call back employees on vacation leave.
8. Any employee who is separated from EDC employment by layoff, resignation, leave of absence or death shall be paid for the working hours of unused vacation leave accumulated to his/her credit. The payment shall be computed by multiplying the employee's current hourly rate of pay by the number of accumulated vacation hours. Payment of vacation time shall not exceed 252 hours.
9. Employees who do not or cannot report to work because of weather-related conditions shall deduct an equal amount of vacation time or compensatory time.
10. Employees who have accumulated a total of at least 120 vacation hours may cash in 40 hours when using 40 consecutive hours, or 5 consecutive days, for vacation and retain a minimum of 40 hours, once per year.

**G. SICK LEAVE.**

1. The Executive Director and Assistant Director's sick pay shall be set out in an Employment Agreement.
2. Full-time employees shall be granted 3.70 hours of sick leave with pay for each pay period of service. Sick leave not used shall be carried forward from one year to the next year. Sick leave benefits shall accrue only when an employee is on compensated payroll status or approved military leaves.
3. Regular part-time employees shall have sick leave accruals prorated by dividing the number of hours worked by 40 hours, then multiplied by the above sick leave rate. Regular part-time employees, when assigned to work 40 hours per week for four weeks or more, shall receive full-time accumulation of sick leave during that time period.
4. Intermittent part-time employees shall not receive sick leave with pay.
5. The employer may request a doctor's certificate for sick leave absences.
6. Employees using sick leave shall notify the Executive Director or Assistant Director of his/her inability to report to work as soon as practical, but no later than the time



scheduled to work. Employees must provide reason for use of sick leave. Employees must state whether or not the sick leave is for their use, and if not, who it is for, and if it is not for a minor child, employees must explain the circumstances in detail in order to obtain approval.

7. Sick leave shall be used primarily by the employee. Upon prompt notice to the Executive Director or Assistant Director, accrued sick leave may be used when an employee cannot perform work duties due to the following:
  - personal illness, injury or disability;
  - necessity for medical, dental, optical or chiropractic care that cannot be scheduled outside of work hours;
  - isolation to minimize threat or spread of contagious disease;
  - disability of the employee due to pregnancy or childbirth.

Sick leave is authorized for emotional, psychological and mental disorders as diagnosed and verified in writing by a specialist of that field. The verification shall include the nature of the problem and a projected date of return to work. Sick leave may also be used in cases of acute sickness, emergency or accident in the employee's immediate family or household. Sick leave shall not be used for the care of a healthy minor child or infant. The maximum allowed per incident shall be three working days. The Executive Director may at his/her discretion grant leaves in excess of three working days in cases of unusual circumstances or in cases where the employee is ineligible for other forms of leave. If an employee is absent for three days, the EDC can, under the Family Medical Leave Act (FMLA), ask for more information as to the reason for the illness to determine if it is FMLA qualifying. Employees must use FMLA concurrently if eligible under this policy.

8. Employees may be allowed up to three working days with pay, per incident, as funeral leave for a death in the immediate family. Consideration shall be given by the Executive Director to closeness of kin and distance of travel. Vacation hours are to be used for attending funerals of persons other than immediate family.
9. Employees using not more than 25% of their yearly accumulated sick leave during the span of time between first payroll periods of the year to the final payroll period of the year, shall be credited with 16 additional hours of vacation time. Vacation time transfers for regular part-time employees shall be prorated.
10. Upon resignation, employees with 15 years continuous service shall be eligible for severance pay by multiplying the employee's current hourly rate by the number of unused accumulated sick hours, but not to exceed 800 hours, or \$8,500.00, whichever is less. In case of death of the employee, severance pay shall be paid to the legal heirs.
11. Upon resignation, employees with 20 years continuous service shall be eligible for severance pay by multiplying the employee's current hourly rate by the number of unused accumulated sick hours, but not to exceed 800 hours, or \$12,500.00, whichever is less. In case of death of the employee, severance pay shall be paid to the legal heirs.

12. Upon resignation, employees with 25 years continuous service shall be eligible for severance pay by multiplying the employee's current hourly rate by the number of unused accumulated sick hours, but not to exceed 800 hours, or \$18,000.00, whichever is less. In case of death of the employee, severance pay shall be paid to the legal heirs.
13. The Executive Director shall be eligible for severance pay per the terms of his/her Employment Agreement.

H. **HOLIDAYS.**

1. Full-time and regular part-time employees shall be entitled to the following holidays with pay. The following days shall be paid holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veteran's Day
President's Day	<del>Columbus Day,</del>
Memorial Day	Thanksgiving Day
Independence Day	Day after Thanksgiving Day
	Christmas Day

Holidays falling on Saturday shall be celebrated on the preceding Friday and holidays falling on Sunday shall be celebrated on the following Monday. The last four hours of the Christmas Eve work day shall also be considered a holiday when Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday.

2. After being employed one full year, two paid personal days shall be allowed for full-time employees at any one time during the year as the workload permits and shall not be accumulated from year to year and must be used before the last payroll period of December. Part-time employees shall earn personal leave on a prorated basis.
3. Intermittent part-time employees are not eligible for holiday pay.

I. **LEAVES.**

1. **Military Leave.** Employees shall be entitled to a maximum of 120 working hours off with pay during the calendar year for reserves, National Guard or military duty as outlined in Minn. Stat. § 192.26. An employee who engages in active service in time of war or other emergency shall be granted a leave of absence without pay according to Minn. Stat. § 192.261.
2. **Jury Duty.** Employees shall be granted time off, without pay, to serve on a jury pursuant to Minnesota Statutes. When not impaneled for actual service and only on call, the employee shall report to work.
3. **Education Leave.** An employee shall be granted leave with pay for educational purposes, if such education is required by the employer, Executive Director or by statute.

4. **Extended Educational Leave.** An employee may be granted an extended educational leave, without pay, for educational purposes at the discretion of the EDCOB, based upon recommendation of the Executive Director. Extended educational leave shall be requested in writing at least 60 days in advance of the requested commencement date. The employee shall state the date on which the leave is to commence and the date on which the leave is to terminate. The employee may request to return to work prior to the termination date, however, it shall be the sole discretion of the EDC to grant such a request.

**J. EMPLOYMENT AGREEMENTS.** The Executive Director and Assistant Director shall enter into an Employment Agreement that shall automatically be renewed from year to year unless modified by agreement of the Executive Director or Assistant Director, respectively, and the EDCJP/EDCOB.

1. **Executive Director.** Components of the Executive Director's Employment Agreement will be as follows:
  - a. **Salary.** An annual salary payable ~~bi-weekly~~ **semi-monthly**.
  - b. **Fringe Benefits.** Single coverage under Kandiyohi County's health insurance program with the option to add family coverage at the employee's expense and contribution to and enrollment in a public employee retirement association (PERA).
  - c. **Travel Reimbursement.** A monthly stipend for mileage expenses. The Executive Director shall keep track of his/her own mileage for his/her personal tax reporting purposes.
  - d. **Vacation.** Provide annual vacation according to the terms of an Employment Agreement.
  - e. **Sick Pay.** Provide sick pay according to the terms of an Employment Agreement.
  - f. **Termination.**
    - (1) Notwithstanding any other provisions of this agreement or any other contract or understanding between the parties, either party may terminate this agreement and any obligation by giving 30 days written notice to either party.
    - (2) The EDCJP/EDCOB may terminate this agreement and any obligation hereunder on an immediate basis for good cause; provided, however, that the Executive Director shall be entitled to a prompt hearing before the EDCJP Board to determine whether "good cause" exists.
  - g. **Activity Reports.** The Executive Director will prepare day-by-day, weekly activity reports and provide the reports in a timely manner to the EDCOB.
  - h. **Annual Performance Appraisal.** An annual performance appraisal of the Executive Director will be completed prior to the date the next year's final

operational budget is submitted to the EDCJP for approval. The EDCOB President and Vice President are responsible for facilitating the performance appraisal.

2. **Assistant Director.** Components of the Assistant Director's Employment Agreement will be as follows:

- a. Salary. An annual salary payable ~~bi-weekly~~ **semi-monthly**.
- b. Fringe Benefits. Single coverage under Kandiyohi County's health insurance program with the option to add family coverage at the employee's expense and contribution to and enrollment in a public employee retirement association (PERA).
- c. Travel Reimbursement. Shall be reimbursed for their actual mileage pursuant to the IRS allowable rate.
- d. Vacation. Provide annual vacation according to the terms of an Employment Agreement.
- e. Sick Pay. Provide sick pay according to the terms of an Employment Agreement.
- f. Termination.
  - (1) Notwithstanding any other provisions of this agreement or any other contract or understanding between the parties, either party may terminate this agreement and any obligation by giving 30 days written notice to either party.
  - (2) The EDCJP/EDCOB may terminate this agreement and any obligation hereunder on an immediate basis for good cause; provided, however, that the Executive Director shall be entitled to a prompt hearing before the boards of directors to determine whether "good cause" exists.
- g. Activity Reports. The Assistant Director will prepare weekly activity reports and provide the reports in a timely manner to the Executive Director.
- h. Annual Performance Appraisal. An annual performance appraisal of the Assistant Director will be completed prior to the date the next year's final operational budget is submitted to the EDCJP for approval. The Executive Director is responsible for facilitating the performance appraisal, which will be reviewed and approved by the EDCOB.

K. **COMPENSATION/JOB CLASSIFICATION.**

- 1. It is the EDC's policy to establish compensation classification and ranges for each position based on job requirements, responsibilities, affordability and what similar economic development agencies in size, region and population pay for comparable positions (market trends). The compensation ranges are reviewed as needed and

adjustments are made based on the EDC's budget and market trends. Any salary so established shall be the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses that may be allowed for conducting official EDC business. Unless approved by the EDCOB or EDCJP, no employee shall receive pay from the EDC in addition to the salary authorized for the position to which (s)he has been appointed.

2. Compensation for intermittent and part-time shall bear the same relationship to a full-time rate for the position as the time actually worked bears to the time required for full-time service.
3. Employees who work in excess of the normal work week will be compensated at one and one-half times the actual work time. The Executive Director and Assistant Director and professional employees that are exempt by the Fair Labor Standards Act shall not be compensated for overtime.
4. All cost-of-living increases shall be effective on January 1 or the last full payroll period in December.
5. Employees promoted to a new classification shall receive a minimum of four percent increases and placement to the next highest salary step in the new salary range. Employees may be placed higher than first step if there is a newly-hired employee who is at the same step and range in a similar position. A new position date shall be established on the date that the employee was promoted. Any salary increase will be as of the date promoted. Anniversary date increases on the pay schedule will be made according to the new position date in the new classification.
6. When a classification is re-graded, employees in that classification are given the salary under the new pay grade which is closest to their present salary. If the salary of the employee falls under the "base" heading of the pay schedule, the employee will not receive a six-month pay adjustment. The next salary adjustment will be on the anniversary date.

L. **REIMBURSEMENT OF TRAVEL AND RELATED EXPENSES POLICY.** It is intended that this policy conform to all Minnesota Statutes, including §§ 471.38, 471.661, 471.96(1) and 471.97 and IRS rules governing expenses incurred by employees in the conduct of EDC business. The Executive Director shall be responsible for reviewing expense reports to assure accuracy.

1. **Approval and Notification of Travel.**

- a. In-State and Local Travel. The Executive Director must approve all in-state and/or local travel for EDC personnel. The Executive Director is responsible for assuring that funds are available to pay for the attendance of all conferences and seminars s/he approves. Out-of-state travel must be approved according to the policy below.
- b. Out-of-State Travel. This applies to all EDC employees and supercedes any other travel policy regarding out-of-state travel. All out-of-state travel requests must be presented to the Executive Director and then the EDCOB for consideration

and approval prior to the planned date(s) of travel. The Executive Director shall consider each request and evaluate the appropriateness of out-of-state travel based on the following guidelines:

- (1) The cost of the conference, institute, training program and related travel must be within the annual travel expense budget approved by the EDCOB. Exceptions may be made with the approval of the EDCOB.
- (2) The conference/training topic and information obtained must be to the benefit of the EDC and Kandiyohi County. Benefits to the EDC/Kandiyohi County may include, but are not limited to, improvements to the operation of the EDC; communication with state and federal offices; cooperation or communication with other local government jurisdictions; meetings requiring the presence of an EDC volunteer or employee; representation of the EDC on national, state or inter-jurisdictional committees; and professional development.

2. **Reimbursement Procedures.** EDC personnel traveling in the conduct of authorized EDC business shall adhere to the following:

- a. Location of Conference. When a conference or seminar is scheduled at several locations, the location in or nearest Kandiyohi County should be selected.
- b. Mileage. When a personal auto is used for official EDC business, mileage will be reimbursed at the IRS allowable rate. Odometer readings must be provided. In the event more than one employee shares the use of an automobile for such travel, only one employee shall be reimbursed at the approved rate. Mileage shall be paid on the most reasonable direct route.
- c. Use of Air Transportation. Any EDC employee traveling on EDC business and utilizing air transportation shall be reimbursed for travel expense by coach airfare rates when such accommodations are available.
- d. Lodging. Lodging will be paid for the single accommodation rate only when it is essential to attending an official economic development meeting or conference. If personnel goes early or stays following the conference for personal reasons, this is not a reimbursable expense. Provide receipts.
- e. Meals. Meals not provided with a conference registration will be reimbursed for out-of-county meetings only at the actual cost or a maximum as follows: breakfast \$6, lunch \$8 and dinner \$12. Employees may aggregate meal expenses on a daily basis up to \$26. Meals will be reimbursed **only** when they are associated with overnight travel trips or are part of a registration fee and are for EDC business. Receipts for all meals must be submitted with the reimbursement request. Expenses for alcoholic beverages are not reimbursable.
- f. Parking or Ground Transportation. Employees using private automobiles shall be reimbursed on an actual expense basis for parking while on official EDC business. Provide receipts.

- g. Taxi/Bus. Payment reimbursement will be authorized for taxi or bus service when on EDC business and no private vehicle is available.
  - h. Car Rental. Employees may only use a rental vehicle at the EDC's expense when authorized or in an emergency situation. When using rental vehicles, the lowest reasonable rate shall be used.
- 3. **Travel Expenses for Spouse, Other Members of Family or Non-EDC Employees.** If an employee's spouse, family member or any non-EDC employee accompanies an EDC employee on a business trip, any portion of the expenses attributable to the spouse, family member or non-EDC employee's travel, meals, lodging, etc., are not reimbursable under any circumstances. If a spouse, family member or non-EDC employee accompanies an employee on a business trip, the reimbursable business expense for transportation and lodging is the single rate cost of accommodations for the employee.
  - 4. **Liability Insurance/Driver's License.** Employees shall not drive vehicles on EDC business without a valid Minnesota driver's license of the appropriate classification. Employees are required to have at least the legal minimum liability limits as set in effect on all vehicles used for EDC purposes or while performing EDC business. The EDC may at any time require proof of such insurance.
  - 5. **Violations.** Any violation of this section shall subject the employee to disciplinary actions, up to and including discharge, as set forth in these policies.

**M. EMPLOYEE INSURANCE.**

- 1. Employees working 30 hours or more per week shall be provided group medical insurance for the employee through Kandiyohi County. The EDC will pay the full premium for single coverage. An employee may at his/her option purchase additional or dependent coverage through payroll deductions. Temporary full-time employees shall not receive health coverage.
- 2. Employees who retire before age 65, or employees who retire at age 65 or older, may continue under the group health coverage by paying the total cost for the monthly coverage in advance. An employee on an approved leave of absence may continue his/her group health coverage by paying the total cost of insurance in advance.

**N. RESIGNATION.**

- 1. An employee may resign in good standing by tendering his/her resignation in writing. Employees are encouraged to give at least 30 calendar days prior to the effective date and at least three weeks is required. Failure to comply with the three-week notice requirement may result in the forfeiting of all accumulated fringe benefits due the employee and normally otherwise paid to the employee as severance pay, except in cases of emergency or unusual circumstances.
- 2. Absence from work for three consecutive days without notification may constitute a resignation.

O. **WORKERS' COMPENSATION.** If you become ill or are injured on the job, you must contact the Executive Director or Assistant Director immediately. Failure to report any accident, illness or injury could result in disciplinary action. The employee shall receive workers' compensation benefits as provided by law as it applies. The employee's regular pay shall be reduced by an equal number of hours. Under no circumstances shall the Executive Director or Assistant Director submit a "First Report of Injury" to the insurance company on his/her own behalf or sign the report on behalf of the EDC.

P. **HARASSMENT.**

1. **Policy.** It is the EDCJP/EDCOB's policy that all employees have a right to work in an environment free from harassment—whether that harassment is based on sex, age, race, national origin, religion, sexual orientation, marital status, disability or membership in other protected groups. The policy prohibits harassment of its employees in any form—by supervisors, coworkers, suppliers or customers.
2. **Sexual Harassment.** Sexual harassment, particularly, is a violation of Title VII of the Civil Rights Act of 1964. It is against our policy for any employee to sexually harass another employee by:
  - a. Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of the employee's employment;
  - b. Making submission to or rejection of such conduct the basis for employment decisions affecting the employee; or
  - c. Creating an intimidating, hostile or offensive working environment by such conduct.

Sexual harassment refers to behavior which is not welcome, which is personally offensive, which fails to respect the rights of others and which interferes with an employee's work performance. Sexual harassment may take many forms including, but not limited to, the following:

- *Verbal:* sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions and threats.
- *Non-verbal:* sexual suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling or obscene gestures; or
- *Physical:* unwanted physical contact, including touching, pinching, brushing against the body, coerced sexual contact and assault.

Other harassing conduct in the workplace, whether physical or verbal, committed by supervisors or others is also prohibited. This includes slurs, jokes or degrading comments concerning sex, age, race, national origin, religion, sexual orientation, marital status, disability or membership in other protected groups; repeated offensive sexual flirtation, advances or propositions; continual or repeated abuse of a sexual nature;



graphic verbal comments about an individual's body; and a display in the workplace of sexually suggestive object or pictures.

3. **Race/National Origin Based Offensive Conduct/Harassment and Bias.** Racial/national origin harassment and/or bias occurs when:
  - a. submission to conduct or communications of a derogatory, harassing or biased nature based on race/national origin is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining or retaining access to public services or public accommodations;
  - b. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on race/national origin by an individual is used as a factor in decisions affecting that individual's employment or access to public services or public accommodations; or
  - c. the conduct or communication of a derogatory, harassing or biased nature based on race/national origin has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or creating an intimidating, hostile or offensive employment or public service/accommodation environment.
4. **Racial/National Origin Violence.** Racial/national origin violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or national origin.
5. **Religion Based Offensive Conduct/Harassment and Religious Bias.** Religious harassment/bias occurs when:
  - a. submission to conduct or communications of a religiously derogatory, harassing or biased nature is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining or retaining public services/accommodations;
  - b. submission to or rejection of conduct or communications of a religiously derogatory, harassing or biased nature by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
  - c. the conduct or communication of a religiously derogatory, harassing or biased nature has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment.
6. **Religious Violence.** Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

7. **Disability Based Offensive Conduct/Harassment and Disability Bias.** Disability based harassment and/or bias occurs when:
  - a. submission to conduct or communications of a derogatory, harassing or biased nature which is based on an individual's disability is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining or retaining public services/accommodations;
  - b. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on an individual's disability, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
  - c. the conduct or communication of a derogatory, harassing or biased nature based on an individual's disability has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment.
  
8. **Age Based Offensive Conduct/Harassment and Age Bias.** Age based harassment and/or bias occurs when:
  - a. submission to conduct or communications of a derogatory, harassing or biased nature which is based on an individual's age is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or ob obtaining or retaining public services/accommodations;
  - b. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on an individual's age, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
  - c. the conduct or communication of a derogatory, harassing or biased nature based on an individual's age has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment.
  
9. **Marital Status Based Offensive Conduct/Harassment and Marital Status Bias.** Marital status means whether a person is single, married, remarried, divorced, separated or a surviving spouse, and in employment cases includes protection against discrimination on the basis of the identity, situation, actions or beliefs of a spouse or former spouse. Marital status based harassment and/or bias occurs when:
  - a. submission to conduct or communications of a derogatory, harassing or biased nature which is based on an individual's marital status is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or ob obtaining or retaining public services/accommodations;

- b. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on an individual's marital status, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
  - c. the conduct or communication of a derogatory, harassing or biased nature based on an individual's marital status has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment.
10. **Status With Regard to Public Assistance Based Offensive Conduct/Harassment and Bias.** Status with regard to public assistance means the condition of being a recipient of federal, state or local assistance, including medical assistance, housing subsidies or general assistance. Public assistance status based harassment and/or bias occurs when:
- a. submission to conduct or communications of a derogatory, harassing or biased nature which is based on an individual's status with regard to public assistance, as defined above, which is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or ob obtaining or retaining public services/accommodations;
  - b. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on an individual's status with regard to public assistance, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
  - c. the conduct or communication of a derogatory, harassing or biased nature based on an individual's status with regard to public assistance has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment.
11. **Sexual Orientation Based Offensive Conduct/Harassment and Bias.** Sexual orientation means having or being perceived as having an emotional, physical or sexual attachment to another person without regard to the sex of that person or being perceived as having an orientation for such an attachment, or having or being perceived as having a self image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include physical or sexual attachment to children by an adult. Sexual orientation based offensive conduct/harassment and/or bias occurs when:
- a. submission to conduct or communications of a derogatory, harassing or biased nature which is based on an individual's sexual orientation, as defined above, is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or ob obtaining or retaining public services/accommodations;
  - b. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on an individual's sexual orientation, by an

individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or

- c. the conduct or communication of a derogatory, harassing or biased nature based on an individual's sexual orientation has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment. See also the section relative to Sexual Harassment.

12. **Sexual Orientation Based Violence.** Sexual orientation violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, that individual's actual or perceived sexual orientation.

13. **Assault.** Assault is:

- a. an act done with intent to cause fear in another of immediate bodily harm or death;
- b. the intentional infliction of or attempt to inflict bodily harm upon another; or
- c. the threat to do bodily harm to another with present ability to carry out the threat.

14. **Applicability.** Offensive conduct, harassment or bias may occur:

- a. between a supervisor and an employee;
- b. between co-employees;
- c. between an employee or supervisor and a member of the public seeking to obtain or use public services/accommodations;
- d. between a commissioner or other elected official and an employee or member of the public receiving or seeking public services/accommodations;
- e. between an agent of the EDC and an employee, supervisor, elected official or member of the public.

15. **Complaint Procedure.** Employees who believe they have been the ~~subject~~ victim of offensive conduct of a sexual nature, sexual harassment or harassment or bias based on race, creed, color, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, or sexual orientation by an employee, agent, official, commissioner or other elected official of the EDC, or any person with knowledge or belief of conduct that may constitute such harassment or bias toward an employee, official or member of the public seeking or receiving services from the EDC, should report the ~~matter~~ alleged conduct immediately to the president of the EDCOB or any member of the EDCOB or EDCJP. All complaints will be handled in a timely and confidential manner. Information regarding the complaint will not be released to third

parties or persons within the EDCJP/EDCOB who are not involved with the investigation. This is to protect the confidentiality of the employee who complains, to encourage the reporting of incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment. An investigation of the complaint will normally include an interview of the persons involved and any named or apparent witnesses. The employees involved in the investigation process are expected to fully cooperate or be subject to disciplinary action. Employees or other persons participating in the investigation will be free of coercion or retaliation. If the investigation reveals harassment, prompt and appropriate disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

Whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination based on all the facts. We also recognize that false accusations of harassment can have serious effects on innocent individuals. We trust that all EDCJP/EDCOB employees will act responsibly to establish and maintain a working environment free of discrimination for all. We encourage employees to raise questions they may have regarding this policy to the board of directors.

Q. **GRIEVANCES.** It shall be the policy of the boards, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. When any employee has a grievance, it should be brought to the attention of the Executive Director, who will review all relevant circumstances with the employee, consider and examine the causes of the grievance, and attempt to resolve it. If the grievance is not dealt with satisfactorily at that level, the grievance may be carried to the board. All grievances shall be submitted in writing.

R. **DISCIPLINE.** An employee shall be subject to corrective disciplinary action for inadequate performance, as well as abuse or disregard of board rules and policies. Corrective disciplinary action may include an oral warning, a written warning which shall be placed in the employee's personnel file, suspension, demotion and dismissal. In most cases a written warning shall precede dismissal to correct inappropriate behavior; however, each case will be based on its own merits by the board.

When the violation calls for suspension and/or dismissal, such action will be taken only for just cause excluding a probationary dismissal. The established grievance procedure is available to those employees who feel that they have been unjustly disciplined.

S. **ALCOHOL AND DRUG POLICY.**

1. **Purpose.** Alcoholism and other drug dependencies are a significant problem in society and this problem has the potential to cause severe effects in the workplace. Consumption of alcohol at any point during the workday can create a serious work hazard for the employees and the public and may affect employee performance. In an effort to continue to maintain a drug-free workplace and in order to comply with the federal Drug-Free Workplace Act of 1988, the EDC adopts the following policy.
2. **Definitions.**
  - a. Work-related alcohol and other drug abuse is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants,

hallucinogens, marijuana or the use of prescription drugs when resulting behavior or appearance adversely affect work performance.

- b. Adversely affects work performance and under the influence shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses or effort; if the employee's condition threatens the safety of the employee or others; or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the EDC as an employer as determined by the supervisor or others observing the employee.
  - c. Controlled substances means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens or cannabis.
  - d. Mood-altering or alter means changed behavior that may limit an employee's ability to safely and efficiently perform job duties or poses a threat to the safety of the employee or others.
3. **Scope.** This policy is applicable to all EDC employees and shall be enforced by the EDC to the fullest extent possible.
4. **Prohibited Activities.**
- a. Reporting to Work Under the Influence. No employee shall report to work or be on call under the influence of alcohol, marijuana, controlled substances or other drugs that affect the employee's alertness, coordination, reaction, response, judgment, decision making or safety.
  - b. Controlled Substances. During work hours, while on the EDC's premises or wherever the EDC's work is being performed, no employee shall manufacture, distribute, dispense, possess, sell or use any controlled substance, including marijuana, except as medically prescribed and directed, with the following exceptions:
    - (1) when an employee is taking medically authorized drugs or other substances that may affect job performance, as defined in the Definitions above, the employee is under an affirmative duty to notify the appropriate supervisor of the employee's temporary inability or impairment in the ability to perform the job duties.

During the employee's work hours, or while on EDC premises, no employee shall use, possess or transfer alcoholic beverages, with the following exceptions:

      - (a) consumption, possession, sale or purchase of alcohol when authorized by EDC Administration under separate statutory or executive agency authority;

- (b) possession of alcohol while in an employee's personal vehicle on EDC premises in compliance with applicable statutory requirements.

Additionally, employees shall not participate in these activities during rest breaks, lunch breaks or during overtime work.

- c. Disciplinary Action Related to Controlled Substances. Engaging in off-duty sale, purchase, transfer, use or possession of controlled substances may have a negative effect on an employee's ability to perform the job. In such circumstances, the employee may be subject to discipline in employment in addition to any other criminal or other sanctions.
  - d. Notification. The Executive Director or his/her designee shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in the employee's possession at work or on EDC premises.
  - e. Disciplinary Action Related to Alcohol. Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the EDC's business, any employee whose condition or behavior adversely affects the employee's performance shall be subject to possible discipline up to and including discharge or the requirement or satisfactory participation in a drug assistance or rehabilitation program.
5. **Employee Reporting Requirements.** Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all EDC employees, as a condition of employment, will agree to abide by the terms of the policy and will notify the Executive Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Upon receipt of this notice, the EDC will, within 10 days after receiving such notice or actual notice, notify the EDCOB of the conviction.
6. **Non-Discrimination.** The EDC's policy on work-related substance abuse is nondiscriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse that prevents an employee from performing essential functions of the job or creates a direct threat to property or the safety of individuals.
7. **Consequence of Violations.** In addition to possible criminal prosecution, violations of this policy will constitute just cause for discipline, including discharge or the requirement of assessment and satisfactory participation in a drug abuse assistance or rehabilitation program. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.
8. **Drug/Alcohol Testing.**
- a. Probable Cause. Any alcohol and/or drug testing of employees undertaken by the EDC shall be based on probable cause (reasonable suspicion) and will be in accordance with

Minn. Stat. § 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act.

- b. External Applicants. External applicants for positions with the EDC may be required to undergo drug testing. Such testing will be done in accordance with Minn. Stat. § 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act.

**T. FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY.**

1. **Scope.** The Family and Medical Leave Act (FMLA) of 1993, as amended, entitles eligible employees to take up to 26 weeks of unpaid, job-protected leave in a 12-month period for specified family, medial and military-related reasons.

The law was amended by a section of the National Defense Authorization Act (NDAA) for Fiscal Year 2008. The applicable section added two new types of FMLA leave to employees with members serving in the military:

- 26 weeks to care fo injured/ill service members; and
- 12 weeks for a qualifying exigency.

The law was amended again on October 28, 2009 (under the NDAA for Fiscal Year 2012) to clarify and expand the leave permitted for employees with family members who serve (or served) in the military.

The law contains provisions for employer coverage; employee eligibility for the law's benefits, entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and protection for employees who request or take FMLA leave. The law also requires employers to keep certain records.

2. **Eligibility.** If an employee has worked for the EDC for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the leave, the employee is entitled up to 12 work weeks of family and/or medical leave within a 12-month period; or generally entitled up to 26 weeks for military caregiver leave.
3. **Qualifying Reasons.** A covered employee must grant an eligible employee up to a total of 12 (or 26) work weeks of unpaid leave during any 12-month period for one or more of the following reasons:
  - the birth and care of a newborn child of the employee (up to 12 weeks);
  - placement with the employee of a son or daughter for adoption or foster care (up to 12 weeks);
  - to care for an immediate family member (spouse, child or parent) with a serious health condition (up to 12 weeks);
  - to take medical leave when the employee is unable to work because of a serious health condition (up to 12 weeks);
  - to handle qualifying exigencies (up to 12 weeks);
  - to care for a family member who is a covered service member (up to 26 weeks).



Eligible employees may take up to 12 weeks for birth/placement, to care for their own serious health condition, to care for a family member with a serious health condition or for qualifying exigencies. To be entitled to take FMLA for birth/placement or to care for a family member, a legal or biological relationship is not needed.

As long as the employee stood, will stand, or is standing *in loco parentis* to the child or family member. To stand in loco parentis, an individual would need to take on the day-to-day responsibilities of caring for a child or providing financial support.

Employees may take a total combined leave of 26 weeks for qualifying reasons during the caregiver leave year—basically, when the two leave years overlap. For example, if an employee were to take 12 weeks of leave for the birth of a child, then (s)he went on leave to care for a covered service member, a new leave year would begin.

Service members care leave must run on a measured forward basis, no matter what leave year is identified for the other reasons for leave.

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

A covered service member includes veterans who are undergoing medical treatment, recuperation or therapy and who were members of the Armed Forces (including the National Guard or Reserves) at any time during the five-year period preceding the date on which the treatment, recuperation or therapy began.

The serious illness or injury is one incurred by the member in the line of duty on active duty that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating. A serious illness or injury can result from the aggravation of a pre-existing condition due to active duty, as well as the manifestation of a condition that requires treatment, recuperation or therapy within five years after the individual leaves the military.

For the purpose of the 26 weeks of leave, an employee must be the spouse, son, daughter or next-of-kin of a covered service member. "Next-of-kin" is the nearest blood relative of the individual.

Next-of-kin includes the following:

- those who had legal custody
- siblings
- grandparents
- aunts/uncles
- first cousins

The service member may specifically designate in writing another blood relative as his or her nearest blood relative. However, when no such designation is made, all next-of-kin may take leave to provide care to the service member.

5. **Qualifying Exigency.** Qualifying exigencies are situations that require a rather immediate response as exigencies make urgent demands. Qualifying exigencies include the following:

- short-notice deployment (seven days)
- military events and related activities
- childcare and school activities
- financial and legal arrangements
- rest and recuperation (five days)
- post-deployment activities (90 days)
- other agreed upon by the employer and employee

Time for child care allows employees to arrange for an alternative childcare or to provide childcare on an urgent, immediate need basis, but not on a routine, regular or everyday basis.

6. **Substitution of Other Paid Leave.** An eligible employee will be required to use accrued paid leave concurrently within the 12 weeks of leave to which the employee may be entitled under this policy. However, the EDC will not provide paid leave in any situation that it does not normally provide such leave for the purpose requested.

7. **Employment Restoration.**

- a. Any eligible employee who takes a leave for a purpose authorized by this policy is entitled upon return from such leave to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent position with no adjustments to seniority dates (classification and date of hire), equivalent employment benefits, pay and other terms and conditions of employment.
- b. Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the EDC may refuse to reinstate certain highly-paid “key” employees after using FMLA leave during which health benefits are maintained. In order to do so the EDC must:
- (1) notify the employee of his/her status as a “key” employee in response to the employee’s notice of intent to take FMLA leave;
  - (2) notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision;
  - (3) offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
  - (4) In the event of a layoff during the employee’s leave, the employee shall be treated as a regular employee of record during the leave and shall be afforded all of the rights as governed by EDC policies governing matters involved with a layoff.

8. **Basic Conditions of Leave.**

- a. The EDC will require medical certification from a healthcare provider to support a request for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent.
  - (1) For the employee's personal medical leave, the certification must state that the employee is unable to perform the functions of the employee's position because of a serious health condition, the date of onset and the healthcare provider's appropriate medical facts concerning the condition. Appropriate medical facts are those facts that are directly relevant to those factors and do not include medical information that involves matters irrelevant to the leave.
  - (2) For leave to care for a seriously ill child, spouse or parent, the certification must state that the employee is needed to provide care for a family member and an estimate of the amount of time needed, including healthcare provider's statement if there is a need of an intermittent or reduced work schedule. At its discretion, the EDC may require a second medical opinion and periodic recertification at its own expense. If the first and second medical opinions differ, the EDC, at its own expense, may require the opinion of a third healthcare provider, approved by both the EDC and the employee. If the employee unreasonably, in the opinion of the EDC, refuses to agree to a third healthcare provider, the EDC may designate the provider. This third opinion is binding on the EDC and the employee for purposes of this policy.
- b. If medically necessary for a serious health condition of the employee or the employee's spouse, child or parent, leave may be taken on an intermittent or reduced work schedule. If leave is required on this basis, however, the EDC may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided the position has equivalent hourly pay and benefits.

9. **Notification and Reporting Requirements.** When the need for leave can be planned, such as the birth or placement of a child, or scheduled medical treatment, the employee must provide 30 days' prior notice and make efforts to schedule the leave to minimize disruption to the EDC. In cases of illness, the employee may be required to report biweekly on leave status and intention to return to work. If the need for the leave was not foreseeable, the employee must provide certification within 15 working days of the request for leave or as soon as reasonably possible under the circumstances. In this case, the EDC may require the use of paid leave until proper documentation is received and the EDC determines eligibility for unpaid leave status under this policy. If the employee has documented time off for a Family Medical Leave of Absence qualifying event prior to the formal request, the EDC may include the previous time taken as part of the 12 weeks available through this policy.

10. **Status of Employee Benefits During Leave of Absence.** Employees who are granted an approved leave of absence under this policy may continue their health insurance coverage by arranging to pay their portion of the premium contributions during the period of unpaid absence. If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the EDC may recover from the employee the cost of any premiums paid to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control, i.e.:
  - a. the continuation, recurrence or onset of a serious health condition that entitles the employee to leave to care for a child, parent or spouse with a serious health condition; or if the employee is unable to perform the functions of the position due to this/her own serious health condition; or
  - b. other conditions beyond the employee's control that prevent the employee from returning to work as determined by the EDC. Sick leave and vacation leave accruals will not accumulate during any unpaid leave of absence; accrued amounts of leave shall remain on the record at the inception of the leave of absence and shall continue upon the return of the employee.
11. **Cancellation of Leave of Absence.** The EDC may cancel a leave of absence at any time the employee utilizes the leave for purposes other than stated when the leave was granted. An employee may cancel an approved leave of absence and return to work with approval of the Executive Director or Assistant Director.
12. **Problem Resolution.** It is the EDC's policy not to discharge or discriminate against any employee exercising their rights under the federal FMLA or applicable state statutes. If an employee thinks (s)he has been treated in violation of this policy or the law, the employee should contact the Executive Director or Assistant Director or president of the EDCOB.
13. **Procedures.**
  - a. The employee must provide a signed, dated, written request for a Family and Medical Leave of Absence and submit it to the Executive Director. If possible, the request should be submitted 30 days in advance of the effective date of the leave.
  - b. The Executive Director shall determine eligibility.

**U. DRESS AND PERSONAL APPEARANCE.**

1. Employees are expected to maintain an appropriate appearance that is businesslike, neat and clean.
  - a. Apparel. Generally, employees should wear appropriate, clean, pressed business attire.

- b. Hair. Hair should be clean, combed and neatly trimmed or arranged. This pertains to sideburns, moustaches and beards. Shaggy, unkempt hair is not permissible.
  - c. Personal hygiene. Good personal hygiene habits must be maintained.
2. The Executive Director or Assistant Director will enforce this policy and address any violation on an individual basis. Employees who are sent home due to lack of adherence to this policy, will do so on their own time and repeated violations of this policy will be cause for disciplinary action.

**V. CELL PHONE POLICY.**

1. The Executive Director and the Assistant Director are each provided a 600 minute per month plan and if usage exceeds the 600 minute per month plan due to personal usage, the personal minutes will be reimbursed to the EDC.
2. SCORE will be provided a 200 minute per month plan and if usage exceeds the 200 minute per month plan due to personal usage, the personal minutes will be reimbursed to the EDC.
3. Other employees may be provided a 200 minute per month plan at the discretion of the Executive Director and if usage exceeds the 200 minute per month plan due to personal usage, the personal minutes will be reimbursed to the EDC.

**W. COMPUTER AND ELECTRONIC COMMUNICATIONS USE.** The EDC strives to provide accurate and timely information and access to internet, email and all other electronic methods of communication have been provided to employees for the benefit of the public. Using these methods of communication should be done so in a professional manner and in accordance with the laws regarding public information, data practices and per EDC policy.

Please note that any time, any use of fraudulent, harassing, obscene, pornographic or discriminatory messages, sites or other forms of electronic communication are strictly prohibited and may result in disciplinary action, up to and including termination.

No messages with derogatory or inflammatory remarks about an individual's or group's sex, age, race, color, national origin, religion, disability, veteran's status, pregnancy or membership in other protected groups will be tolerated.

To ensure that all EDC employees are responsible, productive computer and network users, who are protecting the EDC's public image, the EDC adopts and adheres to Kandiyohi County's established policies and guidelines for computer, network, email, password and other electronic communication use (see copy on file).

By using EDC-owned equipment, software and data, as well as using EDC e-mail addresses or representing themselves as an EDC employee through the means of electronic communications, each employee signifies that (s)he understands the policies and guidelines provided to them and agrees to abide by all parts of the policies. Further, each employee who uses EDC-owned equipment or EDC email addresses understands and agrees that violations of the policies and guidelines may result in disciplinary action, up to and including termination of employment.

X. **CONFLICTS OF INTEREST.** Board members and employees shall avoid real or apparent organizational conflicts of interest. No board member or employee shall be an officer, employee, director, shareholder or member of any corporation, firm or association with which the EDC has entered into any operating or lease agreement. This section shall not apply to the deposit of funds of the agency in any bank in which a board member or employee shall have an interest, if the funds are deposited and protected in accordance with M.S.A. § 118A. (see Appendices H and I).

In instances other than those covered by the above paragraph, where a board member or employee has a real or apparent conflict of interest, that board member or employee shall declare the conflict of interest for the record and shall abstain from any vote or discussion of the matter.

1. **Outside Employment.** The EDC does not encourage outside employment. However, employees may be permitted to engage in such employment subject to the above conflict of interest policy and the following restrictions:
  - a. The outside employment shall not interfere with the employee's regular EDC duties;
  - b. Outside work is secondary to EDC employment;
  - c. Outside employment shall not require the use of EDC equipment, facilities, material or supplies.
  - d. Outside employment shall not be for any contractor, person or company that has a contract or agreement with the EDC.
  
2. **Acceptance of Gifts.** EDC employees, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source. The acceptance of the following shall not be a violation of this section:
  - a. Gifts of nominal value.
  - b. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause.
  - c. Payment of reimbursement expenses for travel or meals in accordance with the EDC's travel and meal policy.
  - d. Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the EDC.
  
3. **Use of Confidential Information.** Employees shall not use confidential information to further the employee's private interest and shall not accept outside employment or involvement in a business or activity that may require the employee to disclose or use confidential information.

4. **Use of Property.** Employees shall not use or allow the use of EDC time, supplies or EDC owned or leased property and equipment for the employee's private interest or any other use not related to the business of the EDC, except as provided by law.
5. **Volunteer Organizations.** The EDC encourages its employees to become active members of the community by participating in volunteer organizations, such as fire departments, rescue squads, ambulance squads, service clubs and other nonprofit organizations that contribute to the overall good and quality of life in Kandiyohi County.
6. **Review of Potential Conflicts of Interest.** When an employee believes there is a potential for a conflict of interest, it is the employee's duty to have the situation reviewed. A conflict of interest shall be deemed to exist when a review of the situation by the employee and the EDC's Executive Director or Assistant Director results in a determination that any one of the following conditions are present:
  - a. The use for private gain or advantage of EDC time, facilities, equipment, supplies, prestige or influence of the EDC employment.
  - b. Receipt by the employee of any money or other things of value, except as allowed by paragraph 2 above, from anyone other than the EDC for the performance of an act which the employee would be required or expected to perform in the regular course of business of EDC employment or as part of his or her duties as an employee.
  - c. Employment by a business that is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee or by the EDC.
  - d. The performance of an act in other than the employee's official capacity that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee or by the EDC.
7. **Resolution of Conflict of Interest.**
  - a. If the employee or the employee's supervisor determines that conflict of interest exists or that there is a potential conflict of interest, EDC policy must be followed and the employee must cease all activities in violation thereof.
  - b. If the employee believes that there is an unfair determination of a conflict of interest, the grievance policy may be followed.

Y. **CONFIDENTIALITY.** Confidentiality is essential to economic development work. Verbal and/or written information received by board members and employees concerning individuals and/or businesses working with the EDC must be kept confidential unless authorization is obtained from the businesses or individuals to release information for public dissemination.

## SOURCES OF INFORMATION USED FOR DEVELOPMENT OF POLICIES AND PROCEDURES MANUAL

### PURPOSE AND INTENT

Kandiyohi County Employee Handbook 7/3/2012

### PERSONNEL

Definitions paragraphs 1-11 and 13—Kandiyohi County Employee Handbook 7/3/2012

Recruitment, Appointment and Vacancies—as to 1, second paragraph, Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.'s Policies and Procedures Manual, which was originally in part from Hutchinson—Willmar Regional Technical College Policy; first paragraph of 1 and 2-6 Kandiyohi County Employee Handbook 7/3/2012

Transfers—Kandiyohi County Employee Handbook 7/3/2012

Probation Period—Kandiyohi County Employee Handbook 7/3/2012

Hours of Work paragraphs 1-4—Kandiyohi County Employee Handbook 7/3/2012; paragraph 5 Developed

Vacation Time—Kandiyohi County Employee Handbook 7/3/2012

Sick Leave—Kandiyohi County Employee Handbook 7/3/2012

Holidays—Developed

Leaves—Kandiyohi County Employee Handbook 7/3/2012

Employment Agreements—Developed

Compensation—Kandiyohi County Employee Handbook 7/3/2012

Reimbursement of Travel and Related Expenses Policy—Kandiyohi County Employee Handbook 7/3/2012

Employee Insurance—Kandiyohi County Employee Handbook 7/3/2012

Resignation—Kandiyohi County Employee Handbook 7/3/2012

Workers' Compensation—Kandiyohi County Employee Handbook 7/3/2012

Harassment—Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.'s Policies and Procedures Manual, which was originally from West Central Administrative Services, Inc., Willmar, Minnesota (3/98) and paragraphs 3-14—Kandiyohi County Employee Handbook 7/3/2012

Complaint Procedure—Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.'s Policies and Procedures Manual, which was originally in part from the *Kandiyohi County Employee Handbook* (4/15/92)

Grievances—Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.'s Policies and Procedures Manual, which was originally in part from the *Kandiyohi County Employee Handbook* (4/15/92)

Discipline—Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.'s Policies and Procedures Manual, which was originally in part from the Rice Memorial Hospital *Personnel Policies Handbook* 1993 (03/93)

Alcohol and Drug Policy—Kandiyohi County Employee Handbook 7/3/2012

Family and Medical Leave of Absence Policy—Kandiyohi County Employee Handbook 7/3/2012

Dress and Personal Appearance—Kandiyohi County Employee Handbook 7/3/2012

Cell Phone Policy—Developed

Computer and Electronic Communications Use—Kandiyohi County Employee Handbook 7/3/2012

Financial Policies—Kandiyohi County Financial Policies Adopted April 2010

Credit Card Policy—Kandiyohi County Credit Card Policy adopted 3/03/09



Conflicts of Interest—Kandiyohi County Rural Development Finance Authority and Kandiyohi County Economic Development Partnership, Inc.’s Policies and Procedures Manual, which was originally drafted by Ronald C. Anderson, Attorney at Law, Willmar, Minnesota

**Outside Employment**

Acceptance of Gifts—Kandiyohi County Employee Handbook 7/3/2012

Use of Confidential Information—Kandiyohi County Employee Handbook 7/3/2012

Use of Property—Kandiyohi County Employee Handbook 7/3/2012

Volunteer Organizations—Kandiyohi County Employee Handbook 7/3/2012

Review of Potential Conflicts of Interest—Kandiyohi County Employee Handbook 7/3/2012

Resolution of Conflict of Interest—Kandiyohi County Employee Handbook 7/3/2012

Confidentiality—Developed