

# Lac qui Parle-Yellow Bank Watershed District

## Meeting Minutes #647

### January 3, 2024

#### **Call to Order**

The meeting was held in the Commissioners' room, Courthouse, Madison, MN with a virtual ZOOM login option. The meeting was officially called to order by Chairman Andrew Weber at 10:00 a.m. **Managers Present:** Chairman Andrew Weber, Vice-Chairman John Cornell, Secretary David Craigmile, Treasurer Jon Olson, and Publicity Michael Knutson. **Managers absent:** none **Staff present:** Administrator Hastad, Park Manager Ethan Kack, Environmental/Feedlot Specialist Abby VanKempen, Environmental/HHW Specialist Jennifer Schuelke, Ditch Inspector Jared Roiland, Ditch Specialist Cindy Brehmer & Coordinator Eric Stall. **Staff Absent:** None. **Others present:** Cynthia Huse

#### **Approval of the Agenda**

Chairman Weber asked for additions to the agenda. Administrator Hastad asked to add the City of Madison bill. Manager David Craigmile motioned to approve the amended agenda, seconded by Manager John Cornell. Upon roll call vote, motion passed 5-0.

Administrator Hastad reported there were no 1W1P contracts ready for approval this month.

#### **Staff Reports:**

##### **Park Report:** Ethan Kack

- Reservations are starting to come in for the 2024 camping season.
- Discussed having a Venmo account at the gate so customers do not have to have cash. Discussion followed.

Manager Jon Olson motioned to get Venmo capabilities at the park with QR code at the gate customers can scan and pay with direct deposit to the bank, seconded by Manager Mike Knutson. Upon vote, motion passed 5-0.

- The printer is having some problems. Ethan will work with the Administrator to get it straightened out.
- Ethan would like to do his own snow removal at the park, using Kockelman's for heavy snow fall events. The Board was good with this.
- Discussed adding cross country skiing & snowshoeing as winter activities at the park. Ethan would groom trails for this if we get snow. This was approved by the Board.
- The annual fireman's fishing tourney held at Del Clark has been moved back to February 9<sup>th</sup> due to the unsafe ice conditions on the lake.
- Discussed a continuing power outage that happens at the house in the early mornings. Discussion followed. Ethan was instructed to contact Vlamick Electric to try to find an answer. Discussed a backup generator. Ethan was instructed to get a quote on a back-up propane generator.
- Dakota Doors was contacted to install a new door on the shed. Hoping to get this done yet in January.

### **Drainage Inspector Report: Jared Roiland**

- Met with the emergency manager to go over how to track administration costs for our FEMA reporting.
- Discussed contracting with Sando Weed & Brush Control to spray a third of the LQP County ditches in 2024 with the drainage committee in December. The drainage committee was supportive of this plan.
- Trudy, Andrew, & I met with John Witte from the Lake Shore Township and a landowner to discuss a proposed township road ditch clean out in section 17, Lake Shore Township. Andrew will meet with the Lake Shore Township Board at their meeting.
- I have been on site of the JD #4 cleanout west of Dawson where we are doing a cleanout of the ditch, but also requires tree removal to reach the ditch. We are about 2/3 of the way through the first mile.
- Met with a surveyor from the engineering firm that is designing the box culvert on Highway 40 that crosses CD #4 to confirm ditch bottom elevations to determine the culvert bottom elevation.
- WS Ditch #92 FEMA site has been completed so I was on site to take photo's to provide to FEMA for reimbursement.
- The beginning of December was spent still answering ditch assessment questions.
- We received the spreadsheet to track our staff time conducting our FEMA work.
- Reviewed the televising footage of our CD #75 tile system that is South of Dawson. We will have a landowner meeting after we receive quotes for line replacement.
- Ag Tech have six repair portions along CD #42 improvement project to finish prior to final hearing. They are hoping to get that completed yet this week.

### **Ditch Specialist: Cindy Brehmer**

- Spent the majority of November and December taking payments for ditch assessments. There has been \$2,150,192.53 collected from landowners. We have collected approximately 75% and I believe several landowners will pay the assessment off at the end of 2024.
- I have started to post the payments in the ditch system which has taken up a lot of my time. I have to record the payments by 40's.
- I have started the year-end process for ditches that the auditor-treasurer's office needs done so they can move on with their year- end reports.
- Mid-January I will do one more balance run of the ditches before I push them into the tax system where they will show up on the tax statements.
- On December 19<sup>th</sup> I asked the County Board for approval on the CD #4 10-year assessment as the plan was to go out for bonding after the prepays. We ended up getting more prepaid so about \$200,000 was left to pay. It was decided to have the County general fund borrow the money at 6% instead of going out for bonding for only \$200,000 as the fee for bonding would be around \$8,000 alone. County Board approved this request.
- On December 27<sup>th</sup>, I attended the drainage committee meeting.

### **Eric Stahl: Coordinator**

- I have been working on the SSTS annual reporting. Transitioned from SSTS phase II grant to SSTS phase III grant.
- We approved 10 systems for upgrade for a total of \$107,402.75.

### **WCA: Eric Stahl**

- Potentially looking to do four onsite visits for WCA violations and WCA complaints.
- One complaint was followed up on and checked over. This has been ok'd.
- A complaint resulted in an approved project that filled/drainage a stock pond and was ok'd.
- The TEP met on another site violation in section 8, Perry Township and was determined the spoils along the SW portion had been cleared properly along with the spoils to the NE. Elevations were taken from the waters edge and from the bottom of the waterway. The TEP felt the impact to be minimal and would not require much further action, just some removal of tree/brush material that remained.
- Reviewed a proposed berm by a wetland bank for impacts. Landowner was sent a basic application to fill out.

### **Environmental/HHW Specialist: Jennifer Schuelke**

- Working on the annual SCORE report for MPCA due March 1, 2024.
- I have collected 29 bags for the Holiday Lights Collection. We will collect until the end of January.
- Completed my 4<sup>th</sup> quarter HHW Education report and sent that to Kandiyohi County.
- Working on the annual HHW report.
- Working on the annual report for MPCA for the County Transfer Station (formerly Demo Landfill). I'll be submitting two reports, one for the Demo Landfill and one for the Special Item recycling site.
- We reviewed the Special Item collection prices and have decided to keep the rates the same for 2024, so there won't be any price increases for 2024.

### **Environmental Feedlot/Planning & Zoning/SSTS Specialist: Abby VanKempen**

- Issued 84 zoning permits, 38 septic permits, 10 conditional use permits and 4 variance permits in 2023.
- Working on the end of year reporting.
  - SSTS annual reporting – how many tanks were installed, what type of systems, new vs replacement.
  - Shoreland survey that DNR sent out.
  - Shoreland e-link reporting
  - SSTS e-link reporting – reporting how the low income grant dollars were spent and the program dollars spent with staff time reviewing septic permits, investigating septic complaints, tracking non-compliant septic inspections, & inspections for property transfers.
- Working on the year-end reports for feedlots – annual and financial.
- Went on a total of 18 feedlot inspections.
  - 14 compliance inspections, 1 complaint-based inspection, 3 permit request/new feedlot inspections.

### **OTHERS: Cynthia Huse**

Just came to listen in on a meeting and see what the Watershed District does. She is a member of Prairie Eco links and discussed what she does with this group.

### **TREASURER'S REPORT:** Chairman Andrew Weber read the Treasurers' report for Manager Olson.

Jon Olson reported the State Bank of Bellingham CD is up for renewal. Discussion followed. Manager David Craigmile motioned to renew the CD at State Bank of Bellingham if we can get 5% or better interest, seconded by Manager Mike Knutson. Motion passed 5-0

Manager Mike Knutson motioned to accept the Treasurers' report as read, seconded by Manager John Cornel. Upon vote, motion passed 5-0.

- The following warrants were presented for approval:

Number Vendor Details 12/10/2023 to 01/3/204

**General Klein Account:**

6252	Houston Engineering, Inc.	IWIP planning grant work	\$7,743.60
6253	Dom Severtson	IWIP cost-share for No till/Strip till	\$14,400.00
6254	Kevin Doom	IWIP cost-share for No till/Strip Till	\$15,030.00
6255	Clarksean Family LLC	IWIP cost-share for terrace, tile	<u>\$15,709.50</u>
		<b>TOTAL</b>	<b>\$52,883.10</b>

**Park Expense Account:**

1744	Kockelman Construction Inc.	snow removal	\$1,304.05
1745	Vlaminck Electric Inc.	sewer repair	\$8,266.07
1746	Lac qui Parle County Auditor/Treasurer	1963 GMC 2024 renewal	\$21.25
1747	Running's Supply, Inc.	park supplies	\$100.74
1748	Lac qui Parle County Environmental	park cell phone	\$41.23
1749	Midcontinent Communications	park internet	\$59.00
1750	C.A.S. Plumbing & Heating, Inc	quarterly softner rent	\$43.28
1751	Olson Sanitation Inc.	park trash	\$66.69
1752	Canby True Value	paint, brushes, salt etc	\$44.39
1753	Lincoln Pipestone Rural Water	water expense @ park	\$48.89
1754	Lyon-Lincoln Electric Cooperative	park electricity	\$806.50
1755	Cleveland Chevrolet Inc	oil change, tire repair	\$97.71
TRAN	General Acct	January 5, 2024 park payroll	<u>\$712.42</u>
		<b>TOTAL</b>	<b>\$11,612.22</b>

**UPB GENERAL ACCT:**

4672	LQP-YB Liability Acct	Federal withholding	\$1,925.84
4673	LQP-YB Liability Acct	PERA	\$2,833.20
23228-23233	semi-monthly payroll	12-1-23 to 12-15-23	\$9,295.73
23234	David Craigmile	per diem, mileage	\$361.88
23235	Andrew Weber	per diem, mileage	\$434.39
23236	Michael Knutson	per diem, mileage	\$510.06
23237	Jon Olson	per diem, mileage	\$115.43
4674	Rinke Noonan Attorneys @ Law	monthly retainer	\$200.00
4675	KLQP-FM	photo contest radio ad	\$6.00
4676	Quill Corporation	paper for calendars, stapler	\$58.97
4677	Streamline	web-site migration fee	\$500.00
4678	Minnesota Counties Insurance Trust	2024 insurance	\$11,942.00
4679	Scott Croatt	56 nuisance beaver	\$1,120.00
4680	LQP County Auditor/Treasurer	December postage	\$35.79
4681	LQP-YB Liability	State withholding	\$917.00
4682	LQP County Auditor/Treasurer	health insurance	\$12,510.67
4683	City of Madison	shop electric/water/sewer	\$122.24
4684	Minnesota Watershed	2024 watershed dues	\$5,000.00
4685	LQP County Auditor/Treasurer	2 <sup>nd</sup> half 2023 AIS money (should be SWCD)	\$20,580.00
4686	LQP-YB Liability Acct	Federal withholding	\$3,137.76
4687	LQP County Auditor/Treasurer	Dental, EyeMed, Life, LTD, John Hancock	\$2,494.99
4688	LQP-YB Liability Acct	PERA	\$2,357.51
4689	LQP-YB Liability Acct	December sales & use tax	\$24.00
4690	LQP County Auditor/Treasurer	2023 phone bill	\$810.08
4691	LQP Coop Oil Company	gas	<u>\$38.48</u>
		<b>TOTAL</b>	<b>\$77,332.02</b>

**Debit Card**

Department of Ag	Jared pesticide license	<u>\$10.22</u>
	<b>TOTAL</b>	<b>\$10.22</b>

**DITCH ACCT**

1382	T & M Tiling	WS #92 crossing repairs	<u>\$1,975.00</u>
		<b>TOTAL</b>	<b>\$1,975.00</b>

Manager David Craigmile motioned to approve the warrants as presented, seconded by Manager John Cornell. Upon roll call vote, motion passed 5-0.

**SECRETARY REPORT:** Secretary minutes #646 as mailed.

Manager David Craigmile motioned to approve minutes #646 as mailed, seconded by Manager Mike Knutson. Upon vote, motion passed 5-0.

**Administrator Report/Old & New Business:** Trudy Hastad

- Congratulated Mike Knutson on being re-appointed as manager for Yellow Medicine County on the Watershed Board.
- Discussed 2024 rates, legal newspapers, beaver bounty, mileage, meals etc.

Manager Jon Olson motioned to set the following 2024 fee's & rates seconded by Manager David Craigmile. Upon vote, motion passed 5-0.

Mileage – follow federal mileage rates – currently .67/mile

Meals - \$42/day

Beaver bounty - \$25 nuisance beaver

Tree snagging - \$1000 max per tree removal in river, creek, stream

Dam repair cost-share - 50/50 cost share on private dam repairs

Legal papers: Western Guard, Dawson Sentinel, Canby News, & Hendricks Pioneer

Other fees: follow 2024 fee schedule set by the LQP County Board of Commissioners

- Discussed 2024 Board meeting dates. The Board is liking the 10:00 a.m. Wednesday morning meetings and want to continue through April. There is a conflict with the February meeting as there is the AMC Drainage meeting that Trudy, Jared will be speaking at and Cindy will also attend. The Board set the February meeting date to Monday, February 12, 2024 with the meetings through April set at the 1<sup>st</sup> Wednesday of the month starting at 10:00 a.m. The Board will review the meeting schedule again at the April 2024 meeting.
- Reminded the managers to fill out the Minnesota Campaign Finance Board certification of economic interest. They should have received it in the mail.
- Reviewed personnel policy updates:

WHEREAS, it is the intent of the Lac qui Parle-Yellow Bank Watershed District Board to adopt employment policies to apply to District employees in order to assure maximum service and at the same time provide uniform employment rules and regulations which are fair and equitable for all District employees.

BE IT RESOLVED, that the following employment terms, conditions, and definitions constitute the employment policies of the Board and apply to all District employees.

BE IT FURTHER RESOLVED, that each new employee on the first day of his/her employment, shall receive a copy of this policy handbook, and shall have each Article explained to his/her satisfaction. His/her acknowledgement of the existences of these policies will be attested to by the employee's signature on the attached statement, and

BE IT FURTHER RESOLVED, that the effective date of these employment policies is January 3, 2024.

BE IT FURTHER RESOLVED, that the policies found in this manual will be subject to revision as needed.

BE IT FURTHER RESOLVED, THAT THE ATTACHED DOCUMENT BE KNOWN AND CALLED THE "Lac qui Parle-Yellow Bank Watershed District Employee Manual" and that the original document shall be on file in the office of the Lac qui Parle-Yellow Bank Watershed District.

Adopted by the Lac qui Parle-Yellow Bank Watershed District Board of Manager on January 3, 2024 (see attached policy).

Manager Jon Olson motioned to approve the above resolution adopting the "Lac qui Parle-Yellow Bank Watershed District Employee Manual", seconded by Manager David Craigmile. Upon vote, motion passed 5-0.

- Discussed updating the Watershed rules. Requested to have a sub committee to help with the rule revision. Discussion followed. Managers Mike Knutson and David Craigmile volunteered to help with the rules revision and they felt it would be good to have two from the advisory board, possibly Harvey Swenson and Nate Ludvigson. Hastad will contact them and set up a meeting date towards the end of January/early February.

**PERMITS:**

14031 Renew	Donald Blahosky	Lake Shore, 5	ditch cleaning	01/03/2024	JO
14032	Gary Larson	Freeland, 13	seepage lines	01/03/2024	MK
14033	Loran Haas	Florida, 16	seepage lines	01/03/2024	MK
14034	Gary Larson	Freeland, 13	seepage lines	01/03/2024	MK
14035 Renew	Donald Blahosky	Perry, 13	seepage lines	01/03/2024	AW

Permits Denied: Vaala permit for berm for more information

Manager Mike Knutson motioned to approve the permits, seconded by Manager John Cornell. Upon roll call vote, motion passed 5-0.

Meeting adjourned at 11:45 a.m.




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Andrew Weber, Chairman

Attest:

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David Craigmile, Secretary

The next regularly scheduled meeting of the Lac qui Parle-Yellow Bank Watershed District is Monday, January 12, 2024 at 10:00 a.m. in the LQP County Commissioner Room, Courthouse, Madison, MN.



Lac qui Parle-Yellow Bank Watershed District

## PERSONNEL POLICY

UPDATED: January 3, 2024

Previous policy dated 12-6-2016

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## **SECTION 1 – INTRODUCTION**

### **Welcome to the District**

The Lac qui Parle-Yellow Bank Watershed District (District) is a political subdivision of the State of Minnesota established under the Watershed Law. The District is governed by a Board of Managers (Board). The Board is comprised of five members who are appointed by the County Commissioners from their County of residence. (Lac qui Parle – 3, Yellow Medicine – 1, Lincoln – 1) to serve three-year terms. The Board employs a District Administrator and other District staff, and contracts with independent contractors for engineering and legal to assist the District in carrying out its statutory purpose and duties.

The District's general statutory purpose is to conserve the State's natural resources by land use planning, flood control and conservation projects by using sound scientific principles for the protection of the public health and welfare. As a member of the District staff you play an important role in helping the District carry out its statutory purpose and duties.

We look forward to your contributions and success in the job. Our future success as a District and as individuals depends on our mutual respect and cooperation. We want to maintain a reputation as a customer-focused District that strives to achieve excellence in providing services in the Watershed.

### **Handbook Limitations**

The contents of this handbook do not constitute the terms of a contract of employment. Nothing contained in this handbook should be construed as a contract, and employment with the District is on an "AT-WILL" basis.

Employees of the District serve "AT-WILL". The employment relationship may be terminated without cause, at the will of either the employee or the District. The Board reserves discretion to manage the work environment of its employees.

This handbook is to provide you with information regarding your relationship with the District. It is designed to provide general policy and procedural guidelines. The policies and guidelines described here are not conditions of employment, and the language is not intended to create a contract between the District and employee. Where the provisions of the policies and guidelines conflict with an existing individual employment agreement, that agreement will be controlling and govern.

The contents of this handbook are subject to change from time to time without notice by the Board. The Board at any time, without notice, may revoke, modify, change, revise the contents of this handbook and other policies. The most recent revision of this handbook and its contents supersedes any and all previous handbooks and policies.

If you have any questions concerning District policies and procedures, please discuss them with the District Administrator, or in the case of the District Administrator, a member of the Board.

## **SECTION 2 – EQUAL EMPLOYMENT OPPORTUNITY**

The District is committed to the policy that all persons shall have equal access to employment opportunities without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, political affiliation, veteran status, or sexual orientation. This commitment pertains to recruiting, hiring, transfer, promotion, training, discipline, layoffs, separation, compensation, benefits, and all other privileges, terms and conditions of employment for full, part-time, temporary and seasonal employment.

## **SECTION 3 – HIRING PRACTICES AND PROCEDURES**

The District hires individuals who are qualified and trainable for employment and who meet our standards of education, experience, attitude and character. Hiring practices will comply with the Veterans' Preference Act and Minnesota Statutes. Decisions regarding recruitment, selection and placement of employees are made on the basis of job-related criteria and at the sole discretion of the District.

Notice of any vacancy for permanent full or permanent part-time positions in the District shall be advertised in the District Newspapers for a period of two weeks, posted on the District website, and any additional advertising and recruiting efforts deemed necessary. All applicants shall complete a District application. For staff level positions, the Administrator and three board managers may select and interview the top candidates. For the Administrator position the full board of managers shall select and interview the top candidates. The top candidate will be offered employment and given a written job description.

Within the first week of employment, the Administrator shall review the employee's Personnel Policy Manual with the new employee and place the signed acknowledgment form in the employee's personnel file.

## **SECTION 4 – EMPLOYMENT CLASSIFICATIONS**

Written job descriptions will be prepared for all District employment positions. The descriptions will consist of a title, a description of the responsibilities and typical examples of work performed, and other information on the required qualifications and abilities necessary to perform the duties of the position. All employee positions will be classified pursuant to applicable fair labor standards legislation as either Non-Exempt (employees who are entitled to overtime compensation) or Exempt (employees exempt from the overtime compensation provisions of applicable fair labor standards legislation. These employees generally have as their primary duty management, administration, or work of a professional nature.)

For District internal use the following classifications have been established.

**Permanent, full-time** employees who receive wages or a salary from the District on the basis of 52 weeks a year, work in a position defined as 35-40 hours per week, and has completed the six-month's probationary period. Benefits shall include health insurance, life insurance, and PERA.

**Permanent, part-time** employees who receive wages or a salary from the District on the basis of 52 weeks a year, work less than 35 hours per week and has completed the six-

month's probationary period. The benefits listed herein do not apply to permanent part-time employees.

**Temporary employee** an employee hired for a specific period of time or on an intermittent basis with specific duties not to exceed six months. Temporary status will be identified upon hire or if a current employee's status should change. This employee is paid only for hours worked and does not receive benefits or paid holidays.

**Seasonal employee** an employee who works specific seasons during each year and typically returns to employment from year to year. Seasonal employees do not earn benefits.

Temporary and Seasonal employees are not eligible for District employee benefits except those mandated by State or Federal law.

Your period of continuous employment with the District is defined as your "length of service" which will be used as a basis for vacation, personal leave, layoff, call-back, and may apply to other benefits. Your length of service will continue to accumulate unless you resign, are terminated, or have a break of 6 months or more due to layoff.

#### **SECTION 5 - EMPLOYMENT INFORMATION AND RECORDS**

You are responsible for providing the District with current personal contact information (name, address, telephone, fax, e-mail), required tax data (number of dependents, income tax withholding, insurance beneficiaries), and other information which may affect your employee status.

The District will maintain a bulletin board in the office and the break room to communicate employment announcements and other pertinent material for your review.

Your personnel file will include the following information that may be available to the District: Application for employment, employment agreements, wage and salary history, any notices of Commendation, warning, discipline, or termination, any authorization for a deduction from your pay, fringe benefit information, leave records, and District employment history including compensations, positions held, promotions and transfers, attendance records, and performance evaluations. You can review your personnel file upon request.

If you are contacted as a reference for a current or past employee, refer that person to the District Administrator. Only the District Administrator or Board (in case of the District Administrator) is authorized to provide reference checks or make recommendations in response to questions about current or former employees.

#### **SECTION 6 – PROBATIONARY PERIOD/PERFORMANCE APPRAISAL PROCESS**

The first six (6) months of employment shall be regarded as a probationary period. The probationary period is for the purpose of demonstrating the employee's suitability and capability of meeting the requirements of the employee's position. During this time, should the employee be found incompetent, unqualified, or ineffective, the employee may be dismissed by the appointing authority without grievance. All District employees are "at-will," and may be terminated at any time without cause.

Vacation and sick leave benefits shall be earned by the employee during the probationary period. Vacation benefits may not be used during the probation period. Three days of personnel leave may be used as provided under the personnel leave provision.

The District Administrator or Board (in the case of the District Administrator) will conduct a formal written performance appraisal at the end of the calendar year for all employees. Copies of the written appraisal will be provided to the employee with the opportunity for him or her to provide written comments.

The appraisal process is intended to be a two-way discussion between the District Administrator and employee on any issues or concerns related to job performance. At the discretion of the District Administrator or Board, interim performance appraisals may be scheduled (for example six months prior to the end-of-the-year review) to address any potential concerns early and allow employees to take actions to improve upon their performance and success in doing the job.

### **SECTION 7 - WORKING HOURS**

The standard work week shall be 35 hours beginning on Monday and ending on Friday. The District office shall be open at 8:30 a.m. and close at 4:30 p.m. The office is to remain open during the noon hour and employees are to stagger their one-hour lunch period to accommodate the public. Two (2) 15-minute breaks are allowed during each full day of work. Because of the nature of the work, the Board has set a different number of hours for the normal work week for the park manager and park employees. (see park handbook). The District retains the authority to change the normal work hours. Employees are required to work according to the schedule for their assigned position.

Promptness is important, therefore, if any problems should arise for any employee, he/she should contact the District Administrator as soon as possible to inform him/her of the difficulty in getting to or returning to work at their scheduled time.

#### **7.1 Severe Weather**

The District Administrator or Board Chairman is authorized to close the workplace for part or all of the day on those rare occasions when bad weather makes travel extremely hazardous and unsafe. It is the responsibility of the employee to contact the District Administrator to find out whether the workplace has been declared officially closed for all or part of the day. In the event of the official closing of the Lac qui Parle County Courthouse, District employees are not required to deduct time and will receive full pay.

### **SECTION 8 – SALARY & WAGE ADMINISTRATION**

The standard work week is 35 hours, beginning on Monday and ending on Friday. At present, our normal full-time work hours are 8:30 a.m. to 4:30 p.m. Monday through Friday. Certain positions may require different hours, including occasional evening and weekend work. Employees are required to work according to the schedule for their assigned position. Overtime/flex time may occasionally be required to meet deadlines or to accomplish objectives, as authorized by the District Administrator. All District employees are required to attend monthly Board meetings.

#### **8.1 Time Sheets**

A daily diary of activities (for the purpose of billing time to specific projects) and hours worked shall be recorded on the time sheet and turned into the District Administrator for approval and payment. The District Administrators' time sheet shall be approved by the Board Chairman. Park worker time sheets shall be approved by the Park Manager and submitted to the District Administrator for payment.

## **8.2 Pay Periods**

Employees will generally be paid twice monthly for hours worked in the previous pay period up to the payday (1-15<sup>th</sup> paid on the 20<sup>th</sup> and 16-31<sup>st</sup> paid on the 5<sup>th</sup>). Park employee's will be paid monthly (1-31<sup>st</sup> paid on the 5<sup>th</sup>). Pay checks will be direct deposited into the employees designated account.

## **SECTION 9 – OVERTIME HOURS/COMPENSATORY TIME**

It is the District's policy to avoid the necessity for overtime whenever possible. The District Administrator is responsible for the advance planning required to minimize the need for overtime, however, overtime may sometimes be necessary to attend evening meetings, respond to crises, meet emergencies, seasonal, or peak workload requirements. Compensatory time or overtime at the rate of one and one-half (1-1/2) times the base rate shall be paid to non-exempt employees for all hours worked in excess of 40 hours in a standard workweek. For purposes of overtime, holidays, vacation and personal leave days do not count toward the calculation of compensatory time off or overtime. Classified exempt employees under the Fair Labor Standards Act are expected to work a minimum of thirty-five (35) hours per week and work the hours necessary to complete the requirements of the position. However, employees are allowed to, within reason and upon approval of the Administrator, flex their schedule to accommodate the needs of the position (attend meetings outside of regular business hours, respond to crises, meet emergencies, seasonal, or peak workload requirements), however, the expectation is that employees will typically be working during normal business hours.

## **SECTION 10 – HOLIDAYS**

All employees shall receive holiday pay at regular pay rates for the Holidays listed:

- 1.) New Year's Day
- 2.) Martin Luther King Jr. Day
- 3.) President's Day
- 4.) Good Friday
- 5.) Memorial Day
- 6.) Independence Day
- 7.) Juneteenth
- 8.) Labor Day
- 9.) Veterans' Day
- 10.) Thanksgiving Day
- 11.) Friday after Thanksgiving
- 12.) Christmas Eve Day afternoon
- 13.) Christmas Day

The District office will close at 12:00 p.m. on Christmas Eve. When New Year's Day, Independence Day, Veterans' Day, or Christmas Day fall on a Sunday, the following day will be a holiday. When any of these holidays falls on Saturday, the preceding day will be observed as a holiday.

## **SECTION 11 – VACATIONS**

Vacations are for the purpose of the employee's recreation and diversion from the office work. Each employee is encouraged to take at least five (5) consecutive days of vacation a year. Earned vacation shall be granted by the Administrator only at such time as it will least interfere with the efficient operation of the department.





Full time employees shall be granted paid vacations in accordance with the following schedule based on the years of continuous service.

1 day per month	(12) days per year the first 3 years
1 ¼ days per month	(15) days per year the next 7 years
1 ½ days per month	(18) days per year after the 10 <sup>th</sup> year
1 ¾ days per month	(21) days per year after the 15 <sup>th</sup> year
2 days per month	(24) days per year after the 20 <sup>th</sup> year

Employees may carry forward up to 200 hours of vacation time at the end of any calendar year to the next calendar year. Vacation hours in excess of 200 at January 1 will be forfeited. No employee is permitted to waive vacation time for the purpose of receiving double pay.

#### VACATION LEAVE PAYOUTS:

##### 11.1 Payout at Severance

Upon severance of service, employees, or the employee's estate, shall be paid at their last rate of pay for any accrued vacation not to exceed 200 hours. Any days accumulated in excess of the 200 hours shall be lost.

#### SECTION 12 – EARNED SICK & SAFE TIME (ESST)

##### Accrual and usage of ESST for Full Time Employees

For purposes of complying with Minnesota Law, Chapter 53, Section 12, (to be codified as Minn. Stat. 181.9448, subd 1(e),) Earned Sick and Safe Time (ESST), Lac qui Parle-Yellow Bank Watershed District has provided paid vacation leave hours to full-time employees which meet or exceed ESST minimum requirements under the law.

- Employees may choose to cross-designate up to 48 hours per calendar year of their paid vacation hours as ESST. When designating paid vacation as ESST, the hours will be deducted simultaneously from the employee's vacation leave and ESST banks.
- Once an employee has used their yearly 48 hours of ESST (or up to a maximum of 80 hours if an employee has any ESST carry over from prior years), none of their remaining paid vacation they subsequently accrue or use in that year will be designated as ESST. Accordingly, the provision of Minn. Stat 181.9445-181.9448 or the ESST policy do not apply to paid vacation leave taken after an employee has used their yearly ESST entitlement.
- Any unused ESST can be carried over to the next calendar year, not to exceed 80 hours.
- ESST will begin accruing immediately upon hire, but cannot be used until the new employee has worked a total of 80 hours during the year. ESST will be accrued at a rate of 1 hour earned for every 30 hours worked, up to a maximum of 48 hours during each 12-month calendar year. "Hours worked" includes regular time and overtime, but does not include hours such as holiday, vacation, or sick leave hours.
- ESST may be utilized in 15-minute increments and will be paid at the employee's regular rate of pay.



## **12.1 Eligible Uses of ESST (all employees)**

Eligible uses of ESST for illness includes mental or physical illness, injury or other health conditions; medical diagnosis, care, or treatment of a physical illness or injury; preventive medical or health care; care of a family member with mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis care, or treatment and, care of a family member who needs preventive medical health care.

Eligible uses for safety include absence due to domestic abuse, sexual assault, stalking of the employee or the employee's family member if the absence is to seek medical attention; obtain services from a victim services organization; obtain psychological or other counseling; seek relocation or take steps to secure housing and, seek legal advice or take legal action.

Eligible uses for closures include closure of employee's place of business due to weather or other public emergency or to care for a family member whose school or care facility has been closed for the same reasons.

Eligible uses for a public emergency include an employee's inability to work or telework because an employee is:

- a. Prohibited from working by employer due to health concerns related to transmission of a communicable illness related to a public emergency; or
- b. Seeking or awaiting the results of diagnostic test for medical diagnosis of communicable disease related to a public health emergency.

And, when the absence has been determined by health authorities with jurisdiction that presence of employee, or family members of employee, in the community would jeopardize health of others because of exposure of employee or their family member to a communicable disease.

If the need for ESST leave is foreseeable, the employee is required to notify the District Administrator up to 7 days in advance. If the need for ESST leave is unforeseeable, the employee is required to notify the District Administrator as soon as practicable. The Employer may require reasonable documentation regarding the need for ESST when an employee uses more than 3 days consecutively. If the reason for the absence qualifies for Family Medical Leave (FMLA), ESST will run concurrently with FMLA.

Definition of Family Member under ESST, and only under ESST, includes an employee's: spouse or registered domestic partner; child, foster child, adult child, legal ward, child for whom employee is legal guardian, or child to whom employee stands or stood in loco parentis; sibling, step sibling, or foster sibling; biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when employee was a minor child; grandchild, foster grandchild, or step grandchild; grandparent or step grandparent; a child of a sibling of the employee; a child-in-law or sibling in-law; any of the listed members of a spouse or registered domestic partner; any other individual related by blood or whose close association with the employee is equivalent of a family relationship, and, up to one individual annually designated by the employee at the time of open enrollment for an effective date of January 1<sup>st</sup>.

### **SECTION 13 – SICK LEAVE**

One day (7 hours) of sick leave shall be credited to a permanent full-time employee for each month of employment of major fraction thereof.

Upon severance of employment, except for dismissal for cause, all permanent and permanent part-time employees of record on January 1, 1998 or hired thereafter shall be entitled to sick leave severance. In no event shall sick leave severance pay for any employee exceed \$2,500. Payment in all cases shall be made, at the option of the employee or the employee's estate, either at the time of severance or in January of the year following severance. In no event shall sick leave be converted to vacation leave.

Sick leave shall be used for the sickness or injury of an employee or the employee's family being spouse, children, parents and grandchildren. It may be used for the employees, or the employee's immediate family, being spouse, children, parents, and grandchildren, dental or ocular appointments, physical examinations, or other sickness prevention measures.

In the event of death in the family of an employee (spouse, mother, father, son, daughter, son-in-law, daughter-in-law, brother, sister, grandchildren, grandparents, or the spouse's mother, father, son, daughter, brother, or sister or any step family member), the employee may be granted up to three (3) days leave paid plus up to three (3) days sick leave. Not more than two (2) days sick leave may be taken in the event of the death of any other relative either by birth or marriage. One half day sick leave may be used to attend the funeral of a fellow employee or a former employee at the discretion of the Administrator.

Claiming sick leave when physically fit, except as spelled out in this policy, may be cause for disciplinary action, including demotion or dismissal. Where there is a question as to the use or abuse of the sick leave privilege, a doctor's report may be required to prove eligibility.

### **SECTION 14 – TRANSFER OF SICK/VACATION TIME**

The Lac qui Parle-Yellow Bank Watershed District recognizes that occasions arise when employees have, due to catastrophic illnesses, depleted their sick leave and vacation time benefits. Such a catastrophic illness would include an illness or accident which is life threatening or causing long-term ongoing problems. This policy allows the transfer of vacation and/or sick leave as a means of providing support and assistance to a co-worker during the time of their catastrophic illness.

The following shall be the guidelines for this policy:

- 1) Lac qui Parle -Yellow Bank Watershed Board of Managers shall be given notice each time a transfer is to be utilized.
- 2) The transfer of vacation and/or sick leave is entirely voluntary.
- 3) The employee receiving the transfer shall be in complete agreement with the transfer.
- 4) The donations of sick leave or vacation time shall be kept anonymous.
- 5) The employee transferring time will complete and sign an authorization for transfer of vacation and/or sick leave. Once the transfer is processed it is irrevocable.
- 6) An employee may transfer up to 20 percent of their accrued vacation time and 20 percent of their accrued sick leave time per individual co-worker.
- 7) The District Administrator must authorize the transfer of time.

## **SECTION 15 – PERSONAL LEAVE**

All employees, including those on probation, shall be entitled to take three (3) days of accumulated sick leave as personal leave days during each calendar year, with the approval of the Administrator. Upon the use of the personal leave days, all absences shall be deducted from vacation days unless otherwise provided for within the personnel policy.

## **SECTION 16 – LEAVE OF ABSENCE**

The District Administrator may, with the concurrence of the Lac qui Parle-Yellow Bank Watershed Board, approve the absence of an employee without pay not to exceed 90 consecutive calendar days if he/she has been employed by the County at least one (1) full year and worked at least 1,250 hours within the previous 12-month period. Where appropriate, the Watershed Board will grant an official leave of absence in order to preserve the employee's status as a public employee and his/her benefit rights under applicable retirement programs but no vacation or sick leave will be earned.

Employees taking a medical leave under provisions of the Family and Medical Leave Act of 1993 as amended, (FMLA) are entitled to receive health benefits while they are on unpaid leave under the same terms and conditions as when they were on the job for up to twelve (12) weeks. The 12-week leave shall be within a 12-month period measured forward from the date an employee's first FMLA leave begins. The employer may recover health care premiums paid for maintaining coverage during leave if an employee elects not to return to the department for any reason other than the continuance, recurrence, or onset of a serious health condition, or for circumstances beyond the employee's control.

It is the policy of the Watershed District in regards to employees utilizing leave under the Family and Medical Leave Act to allow employees to substitute a portion or all of their accrued vacation and/or sick hours for unpaid leave. All leave taken after using any vacation and sick hours will be unpaid leave. No vacation, sick, or other applicable time will accrue during said unpaid leave. Arrangements must be made in advance for having premiums deducted from payrolls prior to commencing leave or making personal payments to the District during leave.

Employees taking leave for other reasons not associated with the Family and Medical Leave Act of 1993 would need to pay their own health insurance.

Unauthorized leaves of absences are not allowed.

**16.1 Medical Leave:** Following exhaustion of all personal, sick, vacation and FMLA leaves, an employee in a permanent position requesting additional medical leave of absence without pay must submit a written request to the District Administrator at the earliest possible date.

- a. The Administrator with the advice and counsel of the Watershed Board of Managers shall be responsible for approving requests for medical leave of absence for up to a maximum of one (1) year.

- b. The Administrator may require the employee to submit a physician's written statement citing that the employee is unable to work due to a personal, physical or mental illness or injury or treatment of chemical dependency, and the projected date of return to work.
- c. At any time during the leave, the Administrator may request a physicians' statement updating the employee's condition and projected date of return to work.
- d. Effects on Benefits and Leaves:
  - i. Health and life insurance coverage may be continued for a maximum twelve (12) consecutive months if the employee makes full premium payments to the LQP County Auditor-Treasure's Office one month in advance of premium due date (i.e. March premium to be paid January 25).
  - ii. Pension benefits shall discontinue during an unpaid leave of absence.
  - iii. Sick leave shall not accrue during an unpaid leave of absence.
  - iv. Vacation leave shall not accrue during an unpaid leave of absence.
  - v. Holidays shall not be paid during an unpaid leave of absence.

**16.2 Time Off for School Conferences** – In accordance with Minnesota Law, unpaid time off, up to a maximum of 16 hours annually, is available to all employees for attendance at school conferences and classroom activities which cannot be scheduled during non-working hours.

**16.3 Time off to Vote** - Employees are encouraged to vote and permitted the necessary time off. A reasonable period of time will be allowed at the beginning or end of the work period for purposes of voting, if polls will not be open for a reasonable period of time before or after working hours.

**16.4 Jury Duty** – Lac qui Parle-Yellow Bank Watershed District will compensate employees at full salary, less jury pay, for time spent on jury duty, up to six weeks per year.

**16.5 Military Leave** - Employees required to attend mandatory "summer training" in the National Guard or Reserves may take an approved leave according to Minn. Statute 192.26. Also, any employee called to service in time of war or other emergency shall be entitled to leave of absence without pay according to Minn. Statute 192.261.

## **SECTION 17 – RESIGNATION NOTICE**

Employees wishing to resign in good standing, shall give written notice to the District Administrator and the District Administrator wishing to resign shall give written notice to the Watershed Board Chairman not less than two weeks before resignation shall be effective. Unauthorized absence of an employee for three consecutive work days may be considered by the department as a resignation by such employee.

## **SECTION 18 – HEALTH INSURANCE**

Employees regularly scheduled for a minimum of 35 hours per week qualify for employer-provided health insurance benefits.

In the event of retirement or severance from employment, other than a dismissal, an employee may continue their current coverage under the Watershed's insurance through Lac qui Parle County's group health insurance policy at their sole cost and expense. Said coverage may continue until he or she becomes eligible for a different group policy or reaches the age of 65 at which time health insurance

coverage under the Watershed's insurance through Lac qui Parle County's group policy shall automatically terminate. To qualify for continued health insurance coverage, the employee must be a permanent full-time employee with 30 years of continuous service, or a permanent full-time employee who has reached the age of 55 years and has been a permanent full-time employee for the preceding 10 years, or otherwise qualified under Minnesota Statute 471.61 or other related statutes.

An employee who elects continued coverage under the County's group, health insurance plan shall be required to pay the premiums to the Lac qui Parle County Auditor-Treasurer Office in advance of premium due dates. Failure to make the required payment in a timely fashion will result in termination of coverage and future eligibility.

In the event that there are any changes to the Watershed's insurance through Lac qui Parle County's policy as offered to its current employees, the employee will be notified of any such changes.

Notwithstanding the foregoing and pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) and as amended from time to time, Watershed employees and their covered dependents are entitled to continue health care coverage upon the occurrence of certain qualifying events that would otherwise terminate their group health care coverage through Lac qui Parle County's policy. Some qualifying events are: (1) death of the covered employee; (2) terminate of employment for reasons other than gross misconduct or the reduction in hours; (3) divorce or legal separation; (4) employee's entitlement to Medicare; (5) dependent child ceasing to be a dependent under plan requirements; (6) covered retirees in chapter 11 bankruptcy reorganization. The offered coverage must be the same as they were receiving before the event and may continue beyond employment with Lac qui Parle-Yellow Bank Watershed District depending on the nature of the event and pursuant to provisions of the COBRA law.

In cases where two benefits-eligible employees are married to each other, they may choose to jointly elect a health insurance option, whereby the employer contribution will be the equivalent of twice the current employer contribution made to the highest cost single health insurance option, plus the standard employer "VEBA/H.S.A. contribution applicable for the employees' selected insurance plan. Contribution dollars will be applied to pay the family premium for the employees' selected plan option, and if the premium is fully paid, any leftover dollars will be contributed to the employees' VEBA and/or H.S.A. account.

#### **SECTION 19 – WORKER'S COMPENSATION**

Employees are covered by Worker's Compensation insurance for injuries received while at work. If an employee is injured while at work, report the incident immediately to the Administrator who may direct you to seek proper treatment. The employee must complete a written report of the incident and give it to the Administrator as soon as possible but no later than twenty-four (24) hours following the occurrence of the incident. The Administrator will investigate the incident and transmit the report to (Minnesota Counties Insurance Trust (MCIT) and the LQP County AWAIR Safety Officer.

To insure the safety of you, co-workers, clients, and visitors, you are urged to be on the alert for and to report any hazardous conditions such as slippery floors, defective equipment or other hazards.

## **SECTION 20 – DISCIPLINE AND DISCHARGE**

Lac qui Parle-Yellow Bank Watershed District affirms its responsibility to ensure high quality service delivery, effective operations, fair and respectful interpersonal interactions, professional conduct, and safe working conditions. Lac qui Parle-Yellow Bank Watershed's discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Administration of discipline and discharge procedures, including dismissal or termination from employment, is handled by the District Administrator under the guidance of the Lac qui Parle-Yellow Bank Board of Managers. The Lac qui Parle-Yellow Bank Board Chairman is responsible for disciplinary action involving the District Administrator in consultation with the Lac qui Parle-Yellow Bank Watershed Board of Managers.

The following is a non-exhaustive list of conduct and/or behaviors that may result in disciplinary action, up to and including termination of employment:

1. Lack of ability to competently and efficiently perform the duties of the position or classification held by the employee with or without a reasonable accommodation.
2. Failure to produce the quality of work and/or the quantity of work the position or classification requires.
3. Inappropriate treatment of other employees or other persons.
4. Acceptance of a fee, gift or other item of value in the course of the employee's work which might reasonably be construed as evidence of, or has the appearance of favoritism, coercion, unfair advantage or collusion.
5. Violation of Lac qui Parle-Yellow Bank's rules, regulations, or policy.
6. Insubordination or refusal to comply with employer's instructions.
7. Failure to observe safety rules or regulations or engaging in unsafe work practices.
8. Careless, negligent, or willful conduct which causes loss, defacing, or damage of Watershed property.
9. Misappropriation and/or mismanagement of Watershed funds.
10. Theft of Watershed property or theft of personal property from the workplace.
11. Deliberate or careless conduct endangering the safety of self or other employees, including the provocation or instigation of violence.
12. Possession of illegal weapons while on duty.
13. Intentional falsification of personnel records, payroll reports/timecards, or other Watershed records.
14. Falsifying, unauthorized destroying, or inappropriately modifying Watershed reports or records.
15. Violating the data privacy rights of any employee, client or member of the public.
16. Consuming, possessing, or being under the influence of alcohol, illicit drugs, controlled substances, or cannabinoid products while on Watershed/County property or during working hours.
17. Violating a criminal or traffic law which has potential for having a negative impact on the employee's ability to do the job, or otherwise threatens the safety of co-workers or members of the public.

18. Failure to notify the Administrator within one business day if employee is the subject of a misdemeanor, gross misdemeanor, or felony arrest, charge, and/or conviction, or is incarcerated for any reason.
19. Unauthorized absence from work.
20. Excessive unexcused absences, reporting to work late, or leaving work before the end of the scheduled shift, or extended break periods.
21. Conduct or performance on the job that tends to lower discipline, morale or causes disrespect among Watershed employees, or that adversely affects the rendering of prompt, courteous, and efficient service by the Watershed and its employees to the public.
22. Sexual, racial, sexual orientation, ethnic or other harassment of the public or any Watershed employee.
23. Engaging in threatening or intimidating conduct toward others.
24. Engaging in retaliation in the workplace.
25. Breaching standards of conduct applicable to the employee's profession.
26. Falsifying information, willful deception, or misrepresentation on an employment application or regarding information provided during the interviewing, testing, recruitment, and selection process.
27. Engaging in deception, fraud or misrepresentation in the employment application, examination and/or selections process by omitting information or furnishing false, misleading or fraudulent information, certificate or license.
28. Engaging in a conflict of interest. Before engaging in any other employment of activity that might be or appears to be a conflict of interest, the employee shall obtain prior approval from the department head. A Conflict of interest exists when the employee's outside employment or activity is inconsistent, incompatible, or in conflict with Watershed employment.
29. Engaging in prohibited political activity.

Outlined below are the steps of the Watershed's progressive discipline. The Watershed District reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the organization.

1. **Documented Verbal Warning (or Reprimand):** A formal action documented by the Administrator regarding the employee's behavior to change, cease, or begin. It is generally given for a first occurrence of a policy violation or engagement in misconduct, or related to an infraction of lesser significance. Verbal warnings are documented and placed in the employee's personnel file. In the case of the Administrator, the action will be documented by the Chairman of the Watershed Board.
2. **Written Warning (or Reprimand):** A formal action by the employer providing official notice of the employee's action or behavior to change, cease, or begin, or that the employee has violated a policy or engaged in misconduct. It gives the factual basis for the warning (or reprimand), directives for correcting the action or behavior, and the consequences of future violations of a condition or other rule. Written warnings shall be maintained in the employee's personnel file.
3. **Suspension:** Loss of work and wages for a specific number of hours or days, depending on the severity of the offense. Notice of suspension is provided to the employee in writing. The notice gives the factual basis for the suspension, directives for correcting the action or behavior, the consequences for future violations of a condition or other rule, and a notice

may be appealed via the established grievance process. The notice of suspension shall be maintained in the employee's personnel file.

4. **Termination:** The most serious step in the progressive discipline procedure is to terminate the employer/employee relationship.

A. **Notice of Intent:**

If the Administrator, in consultation with the Lac qui Parle-Yellow Bank Watershed Board of Managers, believes that there is just cause to discharge an employee, the Administrator shall notify the employee, in writing, of the Administrator's intent to do so. The Board Chairman, in consultation with the Lac qui Parle-Yellow Bank Watershed Board of Managers would provide notice for the Administrator. The written notice of intent to discharge shall contain the following.

- 1.) a brief description of the basis for the discharge;
- 2.) notice that the employee is entitled to a pre-termination hearing with the Lac qui Parle -Yellow Bank Watershed Board of Managers; and
- 3.) a statement that the employee is being placed on a five-day administrative leave, without pay, during which the employee may request a pre-termination hearing with the Lac qui Parle-Yellow Bank Board of Managers.

B. **Pre-Termination Hearing:**

The purpose of a pre-termination hearing is to allow the employee to supply the employer with information and/or argument against the proposed termination.

C. **Effective Date of Discharge:**

The discharge shall be effective only after:

- 1.) A pre-termination hearing has been held and the discharge decision upheld;
- 2.) The right to a pre-termination hearing has been waived; or
- 3.) The five-day administrative leave period has expired with no meaningful action by the employee.

D. **Final Notice:**

If the Watershed upholds the discharge, the Watershed Administrator shall notify the employee, in writing, of the discharge. If the discharge is not upheld, the Administrator may modify or vacate the disciplinary action and shall notify the employee of such decision. In case of the Administrator, the Board Chair would notify the Administrator.

The Lac qui Parle-Yellow Bank Watershed District may also consider the option of Demotion or Transfer as an alternative step in the disciplinary process. An employee may be transferred, reassigned, and /or demoted to a different position or assignment for which the employee is qualified. This action may be taken when other attempts to correct or modify the behavior have been determined ineffective or inappropriate based on the facts and circumstances of the case and when the Administrator has determined that a demotion or transfer is the best solution to address the issue.

In addition to the requirements set forth above, a veteran who has been suspended without pay, demoted for disciplinary reasons, or discharged, may have additional rights.

The Watershed District may elect to administer disciplinary action in a progressive manner. However, the Watershed District reserves the right in all situations to decide the appropriate level and type of disciplinary action to be applied, based on the specific facts and circumstances involved. It is recognized that certain circumstances warrant deviation from the suggested order of progressive discipline, and that in certain situations progressive discipline is not appropriate in response to the offense.



Disciplinary action involving removal of a qualified veteran who has completed the initial probationary period shall include the appropriate notice of rights regarding a hearing. Qualified veterans considered for removal shall be afforded all applicable rights in accordance with Minnesota law.

No discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the Watershed District takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding appropriate disciplinary action.

## **SECTION 21– PERFORMANCE EVALUATIONS**

Lac qui Parle-Yellow Bank Watershed District is committed to assisting all employees toward obtaining a continual goal of professional growth. Performance evaluations provide information to employees concerning their success in accomplishing the responsibilities of their jobs. To meet this objective, open and ongoing communication is needed between supervisors and staff members.

Therefore, periodic performance evaluations will be conducted. As a new employee, these evaluations may be held frequently during the probationary period and continue through the first year of employment. Should you become an employee with increased years of service with the Watershed District, performance evaluations will normally occur at least once a year. Watershed employee performance evaluations will be conducted by the Administrator and the Chairman of the Board will conduct the Administrator evaluation. A written summary of the evaluation will be signed by both parties and included in the personnel file. If you should not agree with the evaluation conducted, you may prepare a written response to that evaluation. This response will also be signed by you and included in your personnel file.

The performance evaluation process is intended to provide you with constructive feedback about your job performance. It will provide an opportunity to discuss achievements and problems/concerns from your point of view and the Administrator's point of view. This helps determine the appropriateness of your job assignment, suitability for continued employment, as well as staff development, training needs, etc.

You are encouraged to be an active participant in this process that is designed to be a long-term benefit to you and the Lac qui Parle-Yellow Bank Watershed District.

## **SECTION 22 – MEETINGS AND EXPENSES**

Lac qui Parle-Yellow Bank employees are encouraged to attend their annual association convention, training seminars, and various meetings related to the work of their department.

With properly submitted receipts, the Watershed District shall pay for the following expenses:

- 1.) Actual cost for lodging – employee to use discretion when choice is given.
- 2.) Cost of meals, including tips up to a maximum of 15%, not to exceed a rate determined by the Watershed Board.
- 3.) Meals not covered by the registration fee.
- 4.) Registration fees for authorized meetings.
- 5.) Parking fees.

- 6.) Mileage – Employees shall use the Watershed truck, when available, when engaged in Watershed work. If the Watershed truck is not available, employees required by the employer to use their personal cars while engaged in Watershed work shall be entitled to reimbursement at the rate established by the Lac qui Parle-Yellow Bank Board of Managers.

Days from work when serving as an officer of the respective state associations or as a committee member for the association with all the expenses paid by the association are not to be considered vacation, sick leave or unauthorized absences. While in attendance in such capacity, the employee is to receive regular pay from the Watershed District.

Service on non-Watershed and non-association activities involving time away from work must be approved by the Administrator before the appointment is accepted.

State association fees will be paid by the Watershed District, with prior approval by the District Administrator.

### **SECTION 23 – GRIEVANCE PROCEDURE**

Any grievance or dispute which may arise regarding District personnel policies or working conditions shall be settled in the following manner:

- 1) The grievant shall submit in writing the specific nature of the grievance to the Administrator with a copy sent to the chairperson of the District grievance committee. Within five days of filing the written grievance, the Administrator and grievant shall meet and attempt to resolve the grievance. The Administrator and the grievant shall then sign, no later than the end of said five-day period, a statement and send the same to the chairperson of the grievance committee indicating the grievance has or has not been resolved.
- 2) If the grievance has not been resolved between the Administrator and grievant within said five-day period, each party to the dispute shall respond to the grievance committee in writing within three days of filing the statement that the grievance has not been resolved setting forth specifically each party's position.
- 3) The grievance committee shall then review the written statements and meet jointly with the parties within five days of receiving the statement, and attempt to resolve the dispute.
- 4) In the event the grievance committee is unable to resolve the dispute, the grievance committee chairperson shall, within five days following the meeting with both parties, send a written statement to the Chairperson of the Managers of the District indicating that a grievance has been filed, that the grievance committee was unable to resolve the dispute and attach thereto the written response and the minutes and commendations of the grievance committee (if any).
- 5) Upon receipt of the documents set forth in Step 4 by the Managers of the District, the Managers shall review all documents and at the Managers discretion, meet with the parties. The managers shall then make written findings of fact along with recommendations to the Administrator and grievant.
- 6) In the event the District' recommendations are not successful in resolving the dispute the same shall then be submitted to the Commissioner of Mediation Services for "Grievance Arbitration" pursuant to M.S.179A.21, et. Seq. which shall be binding upon the parties.

The grievance committee shall consist of four (4) members as follows: One (1) Manager, two (2) Advisory Board members and one (1) District Administrator and they shall elect their own chairperson biannually. Members of the grievance committee shall serve for two-year terms beginning the 1<sup>st</sup> of April. Vacancies

shall be filled by the group whose representative has vacated the position. If a grievance comes from the department of one of the committee members, this shall constitute a vacancy and an alternate shall be chosen by the group he/she represents for the duration of said grievance.

The Personnel Board of Appeals will be appointed in accordance with Minnesota Statutes 375.65-375.68. The Personnel Board of Appeals is to structure itself by electing a chair and vice-chair, and the Board is charged with developing and establishing rules of procedure for matters brought before it. The rules and procedures set forth the methods and timetables for appeals to the Board.

## **SECTION 24 – SEXUAL HARASSMENT**

It is the policy of the Lac qui Parle-Yellow Bank Watershed District that sexual harassment will not be condoned or tolerated. In fulfilling one's duties as a manager, it is essential to assure that the work environment is free from sexual harassment. "Sexual harassment" is defined as any unwelcome sexual advances either verbal or physical where: submission to the advances is a term or condition for employment; submission or rejection of advances is used in making decisions on employee evaluations (promotions, terminations) and assignments; or such conduct interferes with an individual's work performance and creates an intimidating and hostile work environment. The victim of sexual harassment or the harasser may be either sex.

After receiving a report of sexual harassment, the board shall order an investigation of the complaint, gather information, and take the appropriate action. It is the policy of the Lac qui Parle-Yellow Bank Watershed District to conduct inquiries and/or investigate allegations of employee misconduct or other policy violations. The investigation procedures hereinafter described have been adopted in an effort to provide a uniform and simple procedure for determining the facts in any given situation.

### **Initiation of Investigation**

The initial decision as to whether an investigation is warranted shall generally be a matter of the sound discretion of any manager of the Lac qui Parle-Yellow Bank Administrator. However, investigations for the purpose of gathering and preserving the facts will normally be conducted in the following situations:

- Allegations of discrimination due to sex, race, religion, or other impermissible basis.
- Allegations of a violation or violations of Lac qui Parle-Yellow Bank Watershed District policies.

### **Investigation Procedures**

The following procedures may be routinely expected to occur during an investigation; however, the Lac qui Parle-Yellow Bank Watershed District retains the right, in its sole discretion, to deviate from said procedures.

**NOTICE: IF THE SUBJECT OF AN INVESTIGATION REFUSES TO COOPERATE WITH THE INVESTIGATION, THE EMPLOYER WILL COMPLETE THE INVESTIGATION AND DETERMINE APPROPRIATE ACTION WITHOUT BENEFIT OF THE SUBJECT'S VERSION OF THE FACTS.**

- Whenever possible, investigations will begin the same day the conduct is reported or discovered.
- Investigations will normally be conducted by a manager or the District Administrator. Investigators will be impartial and objective. To this end, the investigator should not be personally involved as a victim, witness, or subject of the allegations contained in the complaint, grievance, or report of harassment.

- The investigation will normally begin via an interview of the person making the complaint, grievance, or harassment report. In no case shall the complainant be required to face the person who is a subject of the allegations.
- After interviewing the person making the complaint, grievance, or harassment report, the investigator will determine whether any interim or temporary action is necessary (i.e. transfer of personnel to separate complainant from the person who is the subject of the complaint, suspension of the person who is the subject of the complaint with or without pay pending further investigation, actions to protect health and safety of complainant and other employees.)
- The investigator will normally interview the subject of the complaint, grievance, or report of harassment.
- The investigator will normally interview all witnesses named by person making, and the subject of, a complaint grievance, or harassment report, if said witnesses are employees of the Lac qui Parle-Yellow Bank Watershed District, non-employee witnesses may be interviewed if and when available.
- After conducting all interviews, the investigator will analyze the results of the investigation and re-interview or take further investigatory actions as deemed necessary by the investigator.
- After completion of the investigation process, the investigator will determine appropriate action and make a recommendation as to such action at the next available meeting of the board of managers.
- After receiving the approval of the board of managers as to appropriate action, the investigator will meet separately with both the complainant and the subject of the complaint, grievance, or harassment report and communicate the decision regarding appropriate action.
- The investigator will follow up as required (i.e. notify appropriate personnel of actions to be taken to effectuate the decision regarding appropriate actions, forwarding report of investigation to the Lac qui Parle-Yellow Bank Watershed District.

#### DISTRICT ACTION

- a. The District will take such action as appropriate based on the results of the investigation. In the event that the investigation established that a violation of this policy has occurred, disciplinary action may be taken.
- b. Consistent with the requirement of the Minnesota Government Data Practices Act, Minnesota Statutes 13.01 et.seq., the results of the District's investigation will be made available to the complainant.

#### REPRISAL

The District will discipline or take appropriate action against any employee, manager or agent, who retaliates against any person who reports alleged harassment, bias or violence under this policy or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment, bias or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **SECTION 25 – CONFLICT OF INTEREST**

Lac qui Parle-Yellow Bank Watershed employees may experience a conflict of interest when their employment, position, or influence with the District could potentially affect or benefit them as private individuals.

Some conflict of interest examples are:

- When an employee has the power to make or influence a decision in the course of District employment that may personally affect or advantage him/her.
- When an employee uses County time, facilities, equipment, confidential information, or supplies, or the prestige or influence of District office or employment for private gain or advantage.
- When an employee receives or accepts any money or other thing of value from anyone other than the District for the performance of an act which the employee would be required or expected to perform in the regular course or hours of District employment or as part of his/her duties as an employee.
- When a business employing or owned by a District employee is subject to the direct or indirect control, inspection, review, audit, or enforcement by the employee in the course of his/her District employment.
- When an employee commits an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the employee.

If an employee foresees or discovers that a conflict of interest may exist, it is the employee's duty to report it to the District Administrator. If the District Administrator or Watershed manager determines that a conflict of interest exists, the work or matter shall be assigned to another Board manager who does not have a conflict of interest. If it is not possible to assign the work or matter to a Board manager, all interested persons shall be notified of the conflict and the employee may proceed.

## **SECTION 26 – DRUG-FREE WORKPLACE POLICY**

For the health, safety and welfare of all District employees and the public and in compliance with the Federal Drug-Free Workplace Act of 1988, Lac qui Parle-Yellow Bank Watershed District intends to maintain a drug-free workplace.

All employees are prohibited from using, possessing, selling, or transferring drugs or alcohol while working or while on the District/County premises or while operating Watershed/County vehicles, machinery, or equipment. Any employee found in violation of this policy is subject to the provisions of the Drug and Alcohol Testing Procedures and other applicable provisions of the District's Personnel Policy, including provisions related to discipline.

### **DEFINITIONS**

"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, cannabinoid products, or the use of prescription drugs when the resulting behavior or appearance adversely affects work performance.

"Drugs" are defined as any controlled substance. Prescription drugs being administered under a physician's order are exempt from the above statement prohibiting use of drugs in the workplace as long as they are being used for the purpose and in the manner prescribed, not given or sold to others and do not impair the ability of the employee to safely perform job duties.

"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 District as an employer as determined by the supervisor or manager or others observing the employee.

"Controlled Substances" means those substances whose distribution is controlled by ordinance, regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens and cannabis.

"Mood-altering" or "Alter" means changed behavior that may limit an employee's ability to safely and efficiently perform the job duties or poses a threat to the safety of the employee or others.

#### **SCOPE**

This policy is applicable to all employees regardless of status and shall be enforced by the District to the fullest extent possible.

The District requires all District employees to comply with this policy, which also includes the employee's notification to the District Administrator of any criminal drug statute arrest or conviction no later than five (5) days after such arrest or conviction.

#### **Employee Assistance Program:**

The District has a formal employee assistance program to assist employees in addressing issues such as alcohol or drug abuse. Employees who may be abusing drugs or alcohol are encouraged to seek professional assessment from the employee assistance program before the problem affects employment status. Participation in this program is voluntary or may be required by the Administrator or Board Chair. Data relating to participation in the program is private data as to the participating employee.

#### **Non-Discrimination:**

The District's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363A, disability does not include any condition resulting from alcohol or drug abuse that prevents an employee from performing essential functions of the job or creates a direct threat to property or the safety of any person.

#### **Consequence of Violations:**

In addition to possible criminal prosecution violations of this policy constitutes just cause for discipline, including discharge or the requirement of 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.

#### **Prohibitions:**

- a. No employee shall report to work under the influence of alcohol, any controlled substance, or other drug that may affect the employee's alertness, coordination, reaction, response, judgment, decision-making or safety.
- b. No employee shall operate, use or drive any equipment, machinery or vehicles belonging to the Watershed/County while under the influence of alcohol, a controlled substance, or other mood-altering drugs. Each employee is under an affirmative duty to immediately notify the District Administrator if the employee is not in appropriate mental or physical condition to operate, use, or drive Watershed/County equipment. This prohibition shall also apply to employees operating, using or driving their own equipment, machinery or vehicles while performing District business.
- c. During work hours, while on the District/County premises, or wherever and whenever the District's work is being performed, no employee shall manufacture, distribute, dispense, possess, sell, or use any controlled substance. This prohibition does not apply to employees possessing and using as directed legally prescribed controlled substances prescribed by a licensed provider.

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

- d. 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 addition to any other criminal or other sanctions.
- e. 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 District Administrator or Board Chair of the employee's temporary inability or impairment in the ability to perform the job duties.
- f. District Administrator or Board Chair 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 District/County premises. When applicable, the District Administrator or Board Chair shall also notify the appropriate licensing board.
- g. Employees are advised that in any situation subsequent to the intake of drugs or alcohol where the employee will be conducting the District's business, any employee whose condition or behavior causes reasonable suspicion may be required to undergo drug and alcohol testing.

#### Data Disclosure

Disclosure of data regarding employee alcohol and other drug use in the workplace must be consistent with the law. Questions in this area should be directed to the Watershed Attorney's Office.

#### Drug/alcohol testing

Any alcohol and drug testing undertaken by the District shall be in accordance with Minnesota Statutes 181.950-957, the Minnesota Drug and Alcohol Testing in the Workplace Act. The Watershed District drug and alcohol testing policies must be in written form and must be reviewed by the Watershed Board of

Managers, and the Watershed Attorney and the applicable exclusive representative(s) prior to implementation.

### **SECTION 27 – ELECTRONIC COMMUNICATION POLICY**

Our electronic communication systems are provided as tools to accomplish our work. Proper use of Lac qui Parle-Yellow Bank Watershed's and Lac qui Parle Counties electronic equipment and resources is the responsibility of each employee. The use of District/County phones, any voice mail system, desktop and laptop computers, and internet systems, electronic files, data bases, copiers, or cellular phones and/or any other peripheral equipment is to be used for business purposes. Inappropriate or misuse of any electronic communications resources may lead to discipline, up to and including termination and/or criminal prosecution.

Lac qui Parle-Yellow Bank Watershed District and/or Lac qui Parle County may exercise its right to inspect, retrieve, store, or appropriate information stored, processed or communicated by or through its electronic equipment without advance notice to any employee or user. When using Lac qui Parle-Yellow Bank Watershed District and/or Lac qui Parle County electronic resources, this policy should be considered notice that you have no right to expect privacy related to any information created, stored or copied through these communication systems. A good rule of thumb is to not use your electronic communication equipment for any purpose that could not be displayed publicly or that is not work related.

In order to maintain security of our electronic communications systems, you shall not divulge user names, modem dial-up numbers, or security protocols to anyone outside the Watershed District. You, as a user, shall not divulge your password to anyone other than appropriate management or the information system staff. You shall not permit non-employees to use these resources.

All use of our electronic communication resources shall be in compliance with all other Watershed policies. Your access as a user shall be subject to such additional rules, limitations and conditions as may be established by management and/or Lac qui Parle County.

#### **Telephone**

We know that family emergencies and lesser "crises" will occur occasionally. It is expected that personal calls will be kept to a minimum or limited to break times. You may use our business and cell phones for personal business for local, credit card calls, and reimburse the Watershed for any calls made. It is expected that these calls will be brief and not occur with any frequency. Telephone and cell phone bills will be monitored. Should the District Administrator find that personal calls have been made and charges assessed to the Watershed District, you will reimburse the District for such costs. The Administrator will insure actual costs are reimbursed.

#### **Computers/e-mail**

Use of e-mail and Internet access is expected to be job-related. Personal use will occur only when the equipment is not in use or needed for business purposes. You are not to forward e-mail chain letters, use newsgroups or chat rooms, or subscribe to news groups or list services without permission from the Watershed Board of Managers. If you are receiving any such e-mail, you are required to respond to that sender requesting stoppage of such practice. This notice will also be monitored. Lac qui Parle-Yellow Bank Watershed and/or Lac qui Parle County reserves the right to reduce or eliminate such personal uses on a case-by-case basis, or take disciplinary action.



### Unacceptable Use

Any questions regarding acceptable or unacceptable software and usage should be directed to the Lac qui Parle County's IT Department.

Unacceptable use of electronic communications includes, and is not limited to:

- 1.) Any purpose that impairs the quality or productivity of your work.
- 2.) Installation of hardware, software or downloading of Internet files without appropriate virus scan and permission of Lac qui Parle-Yellow Bank Watershed and/or Lac qui Parle County. Use of service providers, e-mail applications, web browsers or any user name or password that has not been supplied to the employee by Lac qui Parle-Yellow Bank Watershed District/and or Lac qui Parle County. Entering into a financial or contractual obligation on behalf of the Watershed District, promoting a political or private cause, transferring of business files or accessing materials or information of another person or organization without permission of management.
- 3.) Any accessing, uploading, downloading, transmitting, receiving or distributing pornographic, obscene, abusive or sexually explicit, harassing or discriminatory materials or language.
- 4.) Violation of any local, state or federal law or engaging in any type of illegal activities including violation of any copyright, trademark or intellectual property laws, use of pirated or otherwise unlawful software, or gambling. Access and/or retrieval of materials related to controlled substances, products or paraphernalia or any type of violence, vandalism or illegal activity is also unacceptable use of the Watershed District and/or Lac qui Parle County's electronic communications.

### Disclaimer

While Lac qui Parle-Yellow Bank Watershed District has adopted and shall enforce this policy to the extent practicable, it does not have the resources or technical capability to guarantee complete compliance by all users at all times. Therefore, Lac qui Parle-Yellow Bank Watershed District expressly disclaims liability for the misuse of its computers, equipment or Internet access, which violates this policy or any law. Liability resulting from financial obligations resulting from use of these communication resources, damage to property used to access these resources, damage, injuries or improper communications resulting from contact or information received is disclaimed by Lac qui Parle-Yellow Bank Watershed District.

### SECTION 28 – MODIFICATION

The information, policies, and benefits described herein are subject to change. The Board reserves the right to amend, supplement, modify, suspend, interpret, or cancel, in whole or in part, any of the published or unpublished personnel policies or practices of Lac qui Parle-Yellow Bank Watershed District without advance notice, in its sole discretion, without having to give cause or justification or consideration to any employee.

Adopted by: Lac qui Parle-Yellow Bank Watershed Board of Managers on January 3, 2024.

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Andrew Weber, Chairperson

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Trudy Hastad, District Administrator



**LAC QUI PARLE-YELLOW BANK WATERSHED DISTRICT  
DEBIT CARD POLICY**

ADOPTED: December 2018

**1. Policy Statement**

It is the policy of Lac qui Parle-Yellow Bank Watershed District to provide an effective and efficient tool for the Administrator and selected Watershed employees to requisition, purchase and pay for goods and services used within the scope of their employment. This policy applies to all users approved by the Lac qui Parle-Yellow Bank Board of Managers to do Lac qui Parle-Yellow Bank Watershed business using a debit card issued in the Watershed's name.

This policy ensures internal controls for authorized debit, ensures that Lac qui Parle-Yellow Bank Watershed bears no legal liability from inappropriate use, provides a convenient debit method, minimizes the number of debit cards issued and empowers employees to increase productivity, flexibility and efficiency.

**2. Statutory Authority**

Authority to Establish – Minnesota Statute 103D.325, Subd. 4. Credit card use

The managers may authorize the use of a credit card by any watershed district officer or employee otherwise authorized to make a purchase on behalf of the watershed district. If a watershed district officer or employee makes a purchase by credit card that is not approved by the managers, the officer or employee is personally liable for the amount of the purchase. A purchase by credit card must otherwise comply with all statutes, rules, or watershed district policy applicable to watershed district purchases.

**3. Authorization**

- Requests for a Watershed debit card will be submitted to the Administrator for Watershed Board consideration. Watershed Board approval is necessary for any employee to obtain a Watershed issued debit card.
- The Administrator will process the approved request, distribute the card(s) and maintain a debit card inventory list.
- The Administrator may, at any time and without notice to the employee, cancel debit card use authorization for any of his/her employees. The Board of Managers reserves the right to cancel any individual cardholder privileges at any time. The Administrator is authorized to cancel individual cardholders upon resignation or termination from Lac qui Parle-Yellow Bank Watershed District employment.

- On an annual basis, or as needed/requested, the Administrator will conduct a physical inventory of all Watershed issued debit cards and report to the Board of Managers. Each cardholder will be required to physically produce their debit card.

#### **4. Watershed Issued Debit Card Daily Spending**

<b><u>Cardholder</u></b>	<b><u>Daily Spending</u></b>
Administrator	\$3000
Manager's & Staff	\$1000

The Watershed Board of Managers will approve all account limits. Any purchase exceeding the cardholder limit will not be allowed on the Watershed issued debit card.

#### **5. Uses of a Watershed Issued Debit Card**

**Watershed issued debit cards are to be used only for conducting officially approved Watershed business. Under no circumstances are they to be used for personal reasons.**

1. Eligible – The debit card **may** be used for:
  - a. Guarantee rooms for conferences and/or meeting attendance.
  - b. Purchase lodging during overnight stays while attending authorized meetings or training sessions.
  - c. Purchase supplies and/or materials when purchase of the items by debit card is more time and cost efficient than if purchased by a Watershed warrant.
2. Ineligible – The debit card **may not** be used for:
  - a. Personal purchases. Absolutely no personal use of the card is allowed.
  - b. Daily meal allowance and/or gratuities.
  - c. Gasoline for any personal vehicle.
  - d. Back ordered items billed but not received.
  - e. Cash advances.
  - f. Alcoholic beverages.
  - g. Violation of any Watershed policy concerning debit card use.

#### **6. Procedure for Use of Watershed Issued Debit Card**

- Each cardholder is responsible to obtain an itemized proof of receipt for debit card use. This documentation must be submitted to the Watershed office as soon as possible. If no documentation is produced within 30 days of the original purchase, the cardholder must immediately reimburse the Watershed for the purchase amount or make arrangement with the Board of Managers.

## **7. Lost or Stolen Watershed Issued Debit Cards**

If a Watershed issued debit card is lost or stolen, it is the responsibility of the card holder to notify the Administrator immediately. Fraudulent charges must be reported to the card issuer within 60 days.

## **8. Penalty for misuse of Watershed Issued Debit Card**

Any deviation from this policy may be grounds for discipline up to and including termination of employment from Lac qui Parle-Yellow Bank Watershed District and criminal charges for violations of state statutes.

Approval Date: 12/04/2018



# Lac qui Parle-Yellow Bank Watershed Public Data Request Policy

## POLICY STATEMENT

This policy is in effect for all persons or entities that come to the Lac qui Parle-Yellow Bank Watershed District (LQPYBWD) to review files and all those who request information from LQPYBWD via mail, facsimile, e-mail, over the telephone or in person. All requests to inspect or obtain copies of LQPYBWD data are to be in writing to ensure that the LQPYBWD's response is timely and complete. The LQPYBWD will provide this information as required by M.S. 13.03.

## BACKGROUND

The LQPYBWD will attempt to fill all reasonable requests for information from its files and computerized data bases (subject to the restrictions of the Minnesota Government Data Practices Act, copyright laws, decisions of the Office of the Attorney General, and the availability of staff time). When appropriate, fees will be charged to recover the costs incurred in providing such information.

## IMPLEMENTATION

The LQPYBWD's files are open to the public unless classified by statutes, or temporary classifications pursuant to M.S. 13.06, or federal law, as non-public or protected non-public, or with respect to data on individuals, as private or confidential. The LQPYBWD will keep its records containing government data in such an arrangement and condition as to make them reasonably accessible for inspection. Persons wishing to inspect files are asked to schedule an appointment at least two business days in advance with the LQPYBWD'S designee. This two business days lead time may need to be extended for cases in which a file needs to be reviewed for confidential information, or in the event the district's designee is unavailable. Appointments are to be scheduled during LQPYBWD'S business hours on Monday thru Friday between 8:30 and 4:30 p.m. File reviews will be scheduled as soon as possible, depending upon the availability of the appointments and the status of the file. The staff will provide general assistance; however the person requesting information remains responsible for searching through the file to find the desired information.





## DESIGNATED AUTHORITY

The LQPYBWD Administrator is designated as the responsible authority of management of data practices of the LQPYBWD.

## FEEES

Pursuant to M.S. 13.03, Subd. 3, if copies of information/documents are requested from files or electronically maintained information, the LQPYBWD will charge searching, retrieving, compiling and copying costs. Clients will be charged in quarter-hour increments. No charge will be assessed if files are inspected and no copies are requested.

Clients may indicate what they would like to have copied by tabbing the pages desired with the supplies provided by the LQPYBWD. Individual pages identified by the requester will be copied and charges, in addition to the searching, retrieving, compiling, and postal charges. A double-sided sheet is considered two pages. Clients may pick up their copies at the LQPYBWD office once they are completed, or make arrangements with the LQPYBWD to have the copies mailed.

The LQPYBWD will make arrangements with a vendor when clients request reproduction of agency photographs and slides, large maps, plan sheets, diskettes, videotapes, or other media (since those documents are not allowed to leave the building). The prices will vary depending on the services desired by the client. Quotes may be obtained from the LQPYBWD file manager.

The client shall pay all charges for copying and services provided by the LQPYBWD in advance of receiving the requested information.

When a request for data involves any person's receipt of copies of LQPYBWD data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the LQPYBWD may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies, with the fee charged to relate to the actual development costs of the information. The LQPYBWD will provide sufficient documentation to explain and justify the fee being charged.

Upon the request of any person who is denied access to data, the LQPYBWD will certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.



## EXHAUSTION OF ADMINISTRATIVE REMEDIES

These policies will be administered consistently with Minnesota law. In the event that a requester believes that these policies or implementations are contrary to Minnesota law, the requester may register an objection in writing with the Executive Director who will provide a prompt ruling.

## SUBMITTING YOUR DATA REQUEST

Direct your requests and all inquiries regarding data requests or the availability of data from the LQPYBWD to:

Lac qui Parle-Yellow Bank Watershed District  
% Administrator  
Courthouse, 600 6<sup>th</sup> Street, Suite #7  
Madison, MN 56256

Phone: 320-598-3117  
Fax: 320-598-3125  
Trudy.hastad@lqpc.com

