

Municipal Elected Officials Institute

The City As An Employer

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Recruiting/Hiring/Employment Decisions

- Non-Discrimination
 - Race
 - Gender/Pregnancy
 - Age
 - National Origin
 - Color
 - Religion
 - Disability
 - Genetics

Recruiting/Hiring/Employment Decisions

- Non-Discrimination (cont'd)
 - Political affiliation
 - Reserve Status
 - Tobacco Use

Recruiting/Hiring/Employment Decisions

- Background check (SLED); Fair Credit Reporting Act; Sex Offender Registry
- I-9
- Residency Requirement
- Contracts
- Tests
 - Physical – after tentative decision to hire
 - Drug Test – policy

Wages

- Fair Labor Standards Act (FLSA)
 - Exclusions/Exemptions
 - Record Keeping
 - Overtime
 - Minimum Wage

Wages

- State Wage Payment Act
 - Notice – wages, fringe benefits, deductions, payday, hours of work
 - Pay what is owed
 - Garnishment

Fringe Benefits

- Mandatory
 - State Retirement
 - Worker's Compensation
 - Unemployment Compensation
 - Reservist's Pay

Fringe Benefits

- Optional & Conditional (no law requires)
 - Vacation & Sick Leave (forfeiture)
 - PTO option
 - Holiday Pay
 - Jury Duty (cap)
 - Funeral/Bereavement

Working Conditions

- Leaves of Absence
- OSHA
- Unions
- Free Speech/Whistleblowing
 - Employees at Council meetings

Working Conditions

- Handbooks (do *not* adopt by ordinance)
 - Disclaimer (UNDERLINED, ALL CAPS) on page 1
 - “Will,” “must,” “shall”
 - Minimum contents
- Political Activity – Candidacy

Working Conditions

- Anti-Harassment Policy
 - Policy
 - Prohibit *all* harassment
 - No retaliation
 - Procedure for reporting. Include alternative to chain-of-command

Working Conditions

- Workplace Privacy Policy
 - Computer Use Policy
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Discipline

- Forms of Discipline – do not promise “progressive”
 - Oral
 - Written
 - Suspension
 - Loss of leave
 - Discharge
- Signing Reprimands – require

Termination

- No Surprise Rule
- Termination Conference/Resignation
- Grievance Procedure Act
 - Not required to have grievance procedure but if you do, it must comply with the Act

Unemployment Compensation

- Tax basis vs. Reimbursable
 - Misconduct vs. Incompetence
 - Privilege
 - Witnesses
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References

- Neutral References for all employees
 - Shield law not a safety net
- CDL Drug Tests
- Freedom of Information Act (FOIA)



