

## Chapter 3: Employees

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### Summary

Employees hired by a soil and water conservation district (SWCD), regardless of the source of funds, are employees of the SWCD and are the responsibility of the SWCD board of supervisors (supervisors). Employees are subject to and receive the benefit of employment policies established by the supervisors as well as state and federal employment laws. Legal questions regarding employment should be referred

to your legal counsel, in most cases this is the county attorney of the respective county in which your SWCD is located.

## Employee Handbook

It is strongly recommended that supervisors develop and adopt an employee handbook to support district policies and to provide a clear, uniform, and comprehensive set of expectations and processes for the administration of personnel issues and benefits. The following is a list of items that are recommended for an employee handbook in addition to the topics covered in this chapter.

- Introduction, purpose, and administrative procedures
- District board resolution adopting the handbook and policies contained therein
- Employee signature page to provide acknowledgement of their receipt and review of the handbook
- Definitions
- Employee relations policies
- Employee compensation and benefits structures
- Expected work schedule for each employment class if there are multiple
- Expense reimbursement policy
- Employee development
- Performance evaluations, disciplinary action, and grievance procedures
- Data practices and employment records policies

## Employee Recruitment, Hiring, and Termination

### Lead Staff

The supervisors are responsible for hiring qualified administrative and technical staff to carry out the everyday operations of the SWCD and ensure the SWCD continues to progress and fulfill its mission, goals, and associated plans. Personnel management structures for each SWCD may vary, however it is imperative that a formalized administrative structure is adopted where the supervisors hire or identify a lead staff position to aid in administration and supervision of other SWCD employees and act as the key point of contact for the supervisors as well as the public.

### Recruitment

Once the supervisors have decided to hire, you must authorize an official position opening and subsequent notice to be posted to the SWCD website, and other official communication sources or locations that would attract a qualified candidate. Important items to include in the position opening include location, timeline of the opening, required qualifications of the successful candidate, salary range, benefits package, and duration of employment whether permanent, part-time, or other terms of employment that may exist. Notice that the Federal Fair Labor Standards Act (FLSA) provides for federal minimum wage requirements, overtime compensation, and record-keeping procedures. Minnesota has similar fair labor laws, refer to [MINN. STAT. 177.21 - 177.35 \(2018\)](#).

During or before a position is posted the supervisors should identify a process for hiring the employee to include application screening and who will serve on an interview panel or hiring committee. For positions other than the lead staff to be hired, you should include the lead staff in the process of establishing the open position description, screening, and interviewing potential candidates. The

supervisors can also request the assistance of other professionals familiar with SWCD operations in screening or interviewing applicants.

## [Hiring an Employee](#)

### [Official Action to Hire](#)

Upon hiring a candidate for a position, the supervisors must take action at a board meeting prior to the employee's first day of work and the action must identify: employee by name, the position to be filled, starting salary, benefits eligibility, any employment conditions placed on the employee, and the official start date.

### [Delegation of Hiring Authority](#)

The supervisors may delegate hiring authority to individual supervisors or lead staff. Delegation should be to no fewer than two supervisors and the official action to delegate should be recorded in the minutes of the meeting at which the delegation occurred, and all requirements of the open meeting law must be met if the delegation occurs with a quorum of supervisors present.

### [New Employee Orientation](#)

It is incumbent upon the supervisors and lead staff to ensure newly hired employees are acquainted with workplace procedures, office operations, organizational structure, and the responsibilities of each staff position. A best practice of SWCDs is to adopt an onboarding procedure that outlines which staff person is responsible for providing guidance to a new employee depending on topic.

## [Retention](#)

Employee retention means hiring, training, and keeping qualified staff to carry out the duties of your SWCD. It takes time and accumulated knowledge for employees to grow in their position. Turnover means this process starts over again, which is costly to your SWCD. Resources will be needed to pay for repeated trainings and onboarding. It is also difficult on landowners and other staff to repeatedly develop new relationships with employees who may not be well versed on their issues or roles.

Retention can be difficult due to myriad reasons for staff to leave that are both personal and professional, such as spouse's careers, distance from home, and other employment opportunities. However, there are a few proven ways to increase the tenure of staff at their given place of employment:

- Provide competitive pay and benefits commensurate with professional resource management. Balancing resources is challenging. Use a proven wage scale and do your homework on what the position is worth compared to other positions in the area.
- Provide a flexible work environment to allow your employees to strike a work and home life balance. Employees should be encouraged to use the benefits of the job they're given.
- Provide proper training and support to your employees. If they need training to do their job well or if there is an interest in topics outside their typical job duties that benefit them, and the organization make sure they have the opportunity to obtain it. Develop and use an SWCD training budget for professional growth and certifications.

There is plenty of information found on the internet regarding techniques for employee retention. If you find it difficult to keep employees at your SWCD for various reasons you can look to these resources, or you can potentially use the BWSR Performance Review and Assistance Program (PRAP) to help evaluate the potential reasons for turnover and help provide solutions to correct them.

## Termination and Succession

### *At Will Employment*

Minnesota is an “at will” employment state. An employee may quit for any reason; an employer may terminate employment for any reason as long as that reason is not illegal, such as discrimination based on race, creed, color, sex, national origin, ancestry, religion, age, disability, sexual orientation, or marital status. Consult with your legal counsel for questions on “at-will” employment and exemptions.

### *Notice of Separation*

No notice of separation is required by law, by either the supervisors or the employee for any reason. Courtesy, remaining in good standing, and time to collect benefits may be reasons notice should be given.

### *Payment of Wages and Benefits Due*

A terminated employee's paycheck is to be issued within 24 hours of the employee's demand for wages (see [MINN. STAT. 181.13 \(2018\)](#)). If an employee quits, wages are due within the next pay period that is more than five days after quitting. However, wages must be paid within 20 days of separation (see Minnesota Statutes 181.14). When the discharged or quitting employee was entrusted with money or property during employment, the employer shall have an additional 10 calendar-days after the date of the employee's separation to audit the accounts of the employee before the employee's wages are to be paid.

SWCD policy can determine when any benefits are due, such as vacation, sick leave and severance packages. Limits on leave accrual should be identified in the employee handbook. Benefits are payable within 30 days of when they become due. If owed and not paid by the employer, the employee may file a claim for those benefits in the conciliation court in the county in which the employee worked for the employer (see [MINN. STAT. 181.74 \(2018\)](#)).

### *Reason for Termination*

An employer must give a truthful reason why an employee was terminated, if requested in writing by the employee. Request must be made in writing by the employee within 15 working-days of termination. The employer has 10 working days from receipt of the request to give a truthful reason in writing for the termination.

### *Succession*

Your SWCD should always have a plan in place for replacing employees at each position. In many cases succession is important because roles such as a lead staff position can be difficult and time consuming to replace. Identifying current staff that have the skills to move into a higher-level position is important, and if identified they should be increasingly trained on those duties commensurate with the anticipated schedule of the position to be replaced. It can be difficult for your SWCD as a small entity to develop all the staff to move into higher roles as turnover occurs. In that case simple things like maintaining updated position descriptions and discussing the needs of the district periodically and how those needs will be addressed with newer staff can go a long way to saving time and money when replacing a staff member.

## Compensation and Benefits

### Wages and Pay Equity

SWCDs are subject to the provision of Local Government Pay Equity ([MINN. R. 3920](#)), which requires that jobs of equivalent complexity and responsibility be compensated at a comparable level. You can look for more information from Minnesota Management and Budget at [www.mmb.state.mn.us](http://www.mmb.state.mn.us).

### *Position Classification*

SWCDs have a wide variety of customers and duties that require special knowledge, skills, and abilities. Positions within your district should reflect the scope of work and be labeled accordingly. For example, many districts operate with a district manager who oversees the administrative requirements of day to day operation and supervision of employees, and a district technician who is typically the resource expert and is the point person who deals with customers and projects. There are no requirements that you establish official classifications for each position, but it is encouraged to clearly identify the roles and responsibilities of each employee by giving them an adequate title. Position classifications or titles should also be reviewed periodically to see how workload has shifted and whether or not the classification still fits with the role of your employee. This is typically included as part of the employee's regular personnel evaluation.

### *Wage Scales*

Similar to position classifications, there are no requirements that SWCDs develop a wage scale or step system. The provisions of pay equity law, as mentioned above, only require that employees be compensated at a comparable level to jobs of equivalent complexity and responsibility. You should however set a goal for the district for each position. Some considerations include what neighboring districts compensation levels are for similar positions, and how your compensation levels reflect on your overall budget. If a wage scale or step system is developed for each position, these should be included in your SWCD personnel handbook so employees have a clear expectation of what their salary range will be. It should also be clear how often an employee can expect to review their compensation level and what factors may lead to an adjustment including performance and workload considerations or merit.

### *Personnel Evaluation*

Employees of SWCDs should expect to have their performance evaluated periodically by the supervisors and/or lead staff of the SWCD. This is an opportunity to evaluate goals for the employee or position from the previous review period and set new goals or expectations based on the needs of the district, and award achievement or address shortcomings. Similar to wage information, the process for evaluation should be outlined in the personnel handbook so your employees have a clear expectation of when and how this process will occur. Additionally, for newer employees you may want to include an additional evaluation as a probationary period ends as a logical check-in or termination point.

## Benefits

There are several benefits afforded to employees of SWCDs including vacation days and predictable work schedules. Benefits packages are set almost exclusively at your discretion as supervisors but should be clearly outlined in policy and in your personnel handbook.

### *General Legal Benefits*

Some employment benefits are required under state and federal laws. These benefits include worker's compensation, social security, Medicare, unemployment, etc. and are further described in the next section.

### *Public Employees Retirement Association*

SWCDs participate in the Public Employees Retirement Association (PERA). This is a retirement benefit of public employees across the state including county employees and teachers. All activity and inquiries about this program should be directed to the local PERA office or representative. Or visit the PERA website at [www.mnpera.org](http://www.mnpera.org), or by calling 1-888-892-PERA (7372).

### *Insurance Benefits (Health, Dental, Life, Disability, etc.)*

Many SWCDs offer stipends or additional salary to help cover the cost of many types of insurance for employees. As requirements for providing actual insurance benefits for employees change frequently, insurance benefits policies should be reviewed often with your legal counsel. In general, if you offer any kind of pre-tax insurance benefit to an employee, you have to cover all of your employees. You can also speak with your county administrative department to see if you can be included into a group plan for county employees to help defray some of the direct costs to the SWCD.

### *Holidays*

Holidays are generally days in which the office is closed, but full-time employees are compensated for a full day of work. In some cases, part-time employees may be compensated depending on their employment conditions or at a pro-rated level. Minnesota and the federal government have prescribed public holidays in which public business may not be conducted (except for Columbus Day) and are listed below. As a board you can offer additional holidays as you see fit. These should be clearly outlined in your personnel handbook.

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

### *Paid Time Off*

Paid time off is a major consideration for employers to offer employees, and also a major consideration of prospective employees when choosing a place of employment. In general, public employees are offered vacation and sick leave fringe benefits. It is at your discretion how to structure these benefits. Consulting with your county administrative department is always a good place to start.

### *Personal or Sick Leave*

Personal or sick leave is generally leave that is accrued for the purposes of an employee to use when they are unable to perform work duties due to personal or family illness. It is up to supervisors to

determine which uses are deemed appropriate for sick leave. Your personnel handbook should outline the rates at which sick leave hours are accrued, the purposes for which those hours are eligible, and what happens to accrued sick leave hours upon termination of employment. For extended leave situations you should consult with Minnesota Counties Intergovernmental Trust (MCIT) and your legal counsel regarding implications of the Family Medical Leave Act (FMLA), Minnesota Human Rights Act (MHRA) and the Americans with Disabilities Act (ADA).

#### *Vacation Leave Accrual*

Vacation leave is generally offered to full-time, regular employees at a rate commensurate with their years of service according to an accrual rate structure set by the supervisors and may be offered to part-time employees on a pro-rated scale. In addition to setting accrual rates, you should consider a maximum number of hours that an employee may carry over from year to year, as well as how those hours are calculated into a severance package upon termination of employment. There are no state laws that apply to vacation leave offered by an employer, it is purely the discretion of the supervisors.

#### *Bonuses*

Public employees in Minnesota are not eligible to receive bonuses. [MINN. STAT. 609.45 \(2018\)](#) forbids public officers or employees from receiving unauthorized compensation which includes gifts. Bonuses are considered gifts under the statute. Supervisors may establish a performance award system, but you should discuss any such system with legal counsel prior to adoption.

### **Other Employment Considerations**

#### *Unemployment*

Employees of the SWCD are covered under unemployment compensation laws. Unemployment compensation is administered by the Minnesota Department of Employment and Economic Development (DEED). Visit [www.deed.state.mn.us](http://www.deed.state.mn.us) for more information.

#### *Workers Compensation*

The SWCD must carry worker's compensation insurance. [MINN. STAT. 103C.331, subd. 18 \(2018\)](#) authorizes the SWCD to require the county to provide workers compensation coverage. Contact MCIT for more information.

#### *Social Security*

SWCDs must participate in the social security system. All activity regarding this program is conducted between the SWCD and the Social Security Administration directly. More information can be found on their website at [www.ssa.gov](http://www.ssa.gov).

#### *Occupational Health and Safety Act (OSHA)*

[MINN. STAT. 182 \(2018\)](#), and [MINN. R. 5210 \(2018\)](#) covers the Minnesota Occupational Health and Safety Act. Employers are required to post notices to inform employees of their rights and obligations under OSHA. Further requirements can be obtained from the Minnesota Department of Labor and Industry.

#### *Fair Labor Standards*

SWCD employees are covered under state and federal fair labor standards acts. These statutes cover wage laws and work hours. Further information should be available from your county or through the

state and federal department of labor websites [www.dol.gov/whd](http://www.dol.gov/whd) for federal requirements and [www.doli.state.mn.us](http://www.doli.state.mn.us) for state requirements.

## Personal Conduct

### Professional Behavior

The employees you hire should be expected to represent the values and professionalism of your SWCD. These expectations should be the subject of the first discussions had with a new employee and should be outlined in your employee handbook.

#### *Legal and Ethical*

There are many legal and statutory guidelines which SWCDs must work within. SWCD employees should be diligent with district property and finances, ensure they conduct their business in a safe manner, and respect constituents and customers of the SWCD. Employees should not accept gifts for their work, endorse political candidates, or use district equipment for personal gain. SWCD employees are occasionally entrusted with personal data that should be protected using established SWCD policies and the Minnesota Government Data Practices Act ([MINN. STAT. 13 \(2018\)](http://MINN. STAT. 13 (2018))) and any other information the SWCD has chosen to protect. Employees who are made aware or have witnessed unethical or illegal behavior by other employees should immediately report it to the lead staff or supervisors.

#### *Dress Code*

Many SWCDs do not have a dress standard. However, employees should dress appropriately for their respective position. Remember your employees represent the image of your SWCD and should represent it appropriately. Any policies set by the supervisors should be addressed in the employee handbook.

#### *Smoking*

Minnesota law prohibits smoking indoors in public places, places of employment, public transportation, and public meetings ([MINN. STAT. 144.411 – 144.417 \(2018\)](http://MINN. STAT. 144.411 – 144.417 (2018))). Employees who do smoke should utilize a designated area away from public entry to the office or facilities. Consideration should also be given to whether or not smoking will be allowed in district vehicles.

#### *Conflict*

Conflicts can occur in any workplace. As supervisors, you should set policies and have a structured process for dealing with workplace conflict. You should also work closely with your lead staff and with your legal counsel in instances where workplace conflict may rise to the level of harassment or creation of a hostile work environment as they can increase your liability as a district. MCIT may also provide resources on resolving conflict.

## Sexual Harassment

Sexual harassment is defined as any unwelcome sexual advances either verbal or physical, including instances where submission to the advances is a requirement for employment or favorable treatment, and where rejection of the advances leads to decisions of demerits, termination, or unfavorable treatment. It can also be less direct including overly sexual language or innuendo that causes an employee to perceive their work environment as hostile or unwelcoming. SWCDs should have a strong sexual harassment policy in their employee handbook that prescribes actions in detail should a complaint arise, steps to be taken, and ultimately consequences should an individual not conform to the

policies. You should also contact MCIT about providing training to your board of supervisors and employees periodically.

### [\*\*Use of District Property\*\*](#)

#### [\*Vehicle Policy\*](#)

Vehicles are an important piece of equipment for your employees to conduct regular business of the SWCD. They are also one of the more expensive pieces of equipment you entrust your employees with, therefore you should establish a policy on the proper and safe use of vehicles. Policies governing vehicle use typically include whether or not they can use it for personal use, where the vehicle is stored, maintenance schedules, how repair work is authorized, and the requirements of who may operate the vehicle and what requirements they must meet to be authorized.

#### [\*Technology Policy\*](#)

Technology is another tool your employees must have in order to perform their job well. Technology is also rapidly advancing, and policies should exist to protect your SWCD, employees, and customers from being jeopardized. Since much of the data kept at SWCDs is now in digital form, it is important for SWCDs to have a strong data practices policy, and technology policy to limit who has access to SWCD computer systems and files, and how those systems are accessed by those who are authorized. This policy may also prescribe equipment, hardware and software upgrade schedules. MCIT can provide more information on technology policies that may be useful to your SWCD.

#### [\*Damaged or Missing Equipment Reporting\*](#)

Loss prevention is an important aspect for all businesses. You should have a system for employees to report damaged or missing equipment, whether you rely on the lead staff or you set up an inventory management system, equipment can be costly and the quicker reporting happens the better response you can formulate. Policies may include taking weekly or monthly inventories of equipment of certain types, maintenance schedules, replacement plans, and requirements for who may be liable for the equipment damage. Typically, employees are not personally liable, however it should be determined how the equipment was used and what led to the damage.

### [\*\*Conflicts of Interest\*\*](#)

Public employees and elected officials are prevented by numerous statutes from having an interest of personal or financial gain in the business of the public body for which they are appointed. Supervisors should adopt a policy to address potential conflicts of interest, including following a conflict of interest statement. Examples may be obtained by contacting your county or MCIT.