

Board of Water and Soil Resources

Soil and Water Conservation District Operational Handbook

District Employees

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Summary

Employees hired by a soil and water conservation district, regardless of the source of funds, are district employees. They are hired by and responsible to the board of district supervisors.

District employees are subject to and receive the benefit of the employment policies established by the district board as well as state and federal employment laws. Legal questions regarding hiring and treatment of personnel are very complex. Do not base actions or decisions solely on information here; instead, make use of the websites given to obtain further information or consult an attorney.

The following information can be used as a guide for developing District policies that should be contained within an employee handbook. The information should be adapted to meet the needs of the District and the recommendation of the District's attorney.

Employee Recruitment and Hiring

Once the determination is made to hire, the board must authorize the preparation of a notice of position opening. The notice should include a description of the responsibilities and duties of the position, qualifications necessary to fill the position, and the salary range. In addition, the board should determine the location(s) for the posting of the notice and the length of time the position will be posted. At the same time, the board should determine the process for reviewing applications, interviewing, and selecting the employee. Policies for these decisions should be addressed in the employee handbook.

For positions other than the district manager, the board should include the district manager in the process of establishing, seeking, screening, and interviewing applicants. It may be in the interest of the District to request the involvement of people familiar with the district and/or the program(s) the position will be involved in to assist in the screening and interviewing of applicants.

Official Action to Hire

Action to hire an employee must be taken by the district board at a board meeting prior to the first day of work and recorded in the minutes of the meeting. The minutes should include the person's name, position, starting date, rate of pay, status of benefits, and any unique conditions that may apply to the position.

Delegation of Authority to Hire

The authority to hire personnel may be delegated. Only supervisors may be delegated this authority. Delegation should be to no less than two supervisors. Official action to delegate hiring authority must be recorded in the minutes of the meeting at which the action was taken.

Nepotism

The hiring of relatives of district board members and current district employees should be avoided to prevent a critical response by the public as a conflict of interest. The hiring of relatives of SWCD personnel or of other agencies located in the district office should also be avoided to prevent public criticism.

New Employee Orientation

As soon as possible after starting employment, new employees should be acquainted with the work rules, procedures, and office operations as well as the duties and responsibilities for which the employee is accountable. The following list can be adapted to meet the district's needs for new-employee orientation. Be sure to schedule sufficient time so the new employee has time to ask questions.

1. Explain the district mission and relationship to other agencies and organizations with which the District has frequent contact. Provide a list of agency and program abbreviations and spell out each.
2. Explain the internal and external chain-of-command.
3. Discussion of timekeeping procedures, work hours, and breaks.
4. Explanation of the details of pay (how much, when, and where).
5. Explanation of probation periods, performance evaluations, and salary increases.
6. Complete all necessary forms (W-4, PERA, insurance, etc.) and explain all applicable benefits.
7. Discuss safety procedures and where to report accidents.
8. Provide the employee with a copy of their job description, and a copy of the district employment policy.
9. Discuss the employee's training plan.
10. Provide the employee with a copy of the district's annual report, annual plan, and comprehensive plan.

Compensation and Benefits

An opinion from the Attorney General states ..."it is for the Board of Supervisors of the Soil and Water Conservation District to determine the form and amount of salaries and fringe benefits for its employees" and "the Board may wish to consider the forms and amounts of compensation paid by other local governmental units, such as those paid by the county." (Attorney General Opinion, October 20, 1970.)

The forms and amounts of compensation must be officially adopted by the district board. Compensation may include wages, sick, vacation and holiday leaves, insurance programs, deferred compensation plans, and other benefits allowed by law for public employees. Consult with the county personnel officer or county attorney if there are questions concerning the eligibility of or appropriateness of proposed employee benefits.

The compensation and benefits package should be made part of the district's employee policies or an employee handbook adopted by the district board.

Wages and Pay Equity

Districts are subject to the provisions of Local Government Pay Equity, Chapter 3920, which requires that jobs of equivalent complexity and responsibility be compensated at a comparable level. For information on requirements of pay equity go to the Minnesota Department of Employee Relations, Labor Relations/Compensation at www.mmb.state.mn.us.

Inclusion of pay scales and classification guidelines in the district employee handbook and policies is recommended. Many Districts use the federal pay scale, available from the U.S. Office of Personnel Management (www.opm.gov).

A Classification Plan is intended so that the same salary range will be applied to all positions with substantially similar duties with respect to the type, difficulty, and responsibility of work. Starting salary and classification promotions are generally dependent upon performance, program management, supervisory responsibility, education, experience, and other applicable qualifications. New employees are generally hired at the lowest grade of the appropriate classification.

Bonuses

Public employees are not eligible for bonuses. Public officers or employees are forbidden by statute to receive unauthorized compensation, which includes gifts ([M.S. 609.45](#)). Bonuses are viewed as gifts.

Awards for performance of or beyond assigned work are allowed if formal procedures are adopted by the district board in advance of any awards. Procedures should include the eligible positions, the amount or limits of the award, qualification criteria, and the time period covered by the award.

The district should consult with the county attorney prior to establishing a performance award program.

Public Employee Retirement Association (PERA)

Districts participate in the Public Employees Retirement Association (PERA). All activity regarding this program is conducted directly between each district and the PERA office. All questions and form requests regarding PERA can be found on the PERA website: www.mnpera.org by calling 1-888-892-PERA (7372).

Workers Compensation

The district must carry workers compensation insurance. Contact your insurance carrier or county auditor or personnel office for information. Districts may require the county to provide workers compensation insurance under statute ([M.S. 103C.331](#), subd. 18).

Taxes

The district must withhold state and federal income taxes for employee wages and applicable expenses. Requests for information or questions should be made directly to the Internal Revenue Service for federal tax withholding (www.irs.gov) and the Minnesota Department of Revenue for state tax withholding (www.taxes.state.mn.us).

Unemployment and Unemployment Laws

Unemployment Compensation

Employees of the district are covered under unemployment compensation laws. Additional information can be found on the Minnesota Department of Employment and Economic Development website at www.deed.state.mn.us.

Social Security

SWCDs participate in the Social Security system. All activity regarding this program is conducted directly between each district and the Social Security Administration. Information can be found on the Social Security Administration website at www.ssa.gov.

Fair Labor Standards

District employees are covered under both state ([M.S. 177](#)) and federal fair labor standards acts. These statutes cover terms of employment such as wages and work hours. Information on the requirements should be available from the county or by contacting the United States Department of Labor, Wage and Hour Division at www.dol.gov/esa/whd for federal requirements and the Minnesota Department of Labor and Industry at www.doli.state.mn.us for state requirements.

Affirmative Action/Equal Employment Opportunity

Affirmative Action emphasizes taking positive actions rather than using a passive attitude of non-discrimination. Affirmative Action uses policies and practices which remove all barriers to employment and advancement opportunities not based strictly on specific job requirements. An Affirmative Action plan can be adopted which reaches the goal of equal opportunity employment.

Equal Employment Opportunity is the policy of non-discrimination, basing personnel decisions solely on individual merit of applicants and employees related to specific job requirements without regard to protected characteristics (see Discrimination).

For more information on Affirmative Action or Equal Employment Opportunity go to the Minnesota Department of Employee Relations website at www.mmb.state.mn.us.

Discrimination

Discrimination is the unfair treatment, intentional or unintentional, based on protected characteristics. Under the Minnesota Human Rights Act ([M.S. 363](#)) employers must not discriminate against the following protected characteristics: race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, age, sexual orientation, familial status, or local human rights commission activity. It is important to note that this is true for services provided as well as employment.

For more information regarding discrimination go to the Minnesota Department of Human Rights website at www.humanrights.state.mn.us.

Sexual Harassment

According to a definition provided by the U.S. Equal Employment Opportunity Commission (EEOC), sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual harassment is illegal under Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act ([M.S. 363](#)).

Some of the things to keep in mind about sexual harassment are:

- The victim as well as the harasser may be a woman or man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Unlawful sexual harassment includes a wide range of behaviors from those that are annoying or offensive to those where individuals offer, threaten to use, or use the power of their position to control, influence, or affect the career, salary, or job of another person.

What constitutes sexual harassment is not always clear. What may be welcome by some may be offensive to others and, therefore, of a harassing nature.

For more information on sexual harassment go to the Minnesota Department of Human Rights website at www.humanrights.state.mn.us or the Minnesota Department of Employee Relations website at www.mmb.state.mn.us.

Expenses

Mileage

Mileage for district employees, when other transportation is not available, is allowed at a rate up to the maximum tax-deductible mileage rate permitted under the federal Internal Revenue Code ([M.S. 103C.315](#), subd. 4). Approval of the mileage rate by the district board is required. Mileage should be itemized on the claim giving the date, number of miles each day, and the amount.

Meals and Lodging

Employees can be reimbursed for necessary meals and lodging related to performance of the job only if these have been approved by the district board. This approval should be recorded in the minutes. Meals should be itemized on the claim, giving the date and amounts per meal.

Conflict of Interest

District employees are subject to statutes that prevent public officials from securing benefits or privileges not available to the general public ([M.S. 609.45](#)). Each district should adopt and follow a conflict of interest statement. Examples of conflict of interest policies may be available from the county or other SWCDs.

Employee Performance

District employees should be provided the opportunity of periodic performance reviews. The reviews may be structured in many ways. Reviews are intended to be used as a method of

communicating the quality and quantity of work being accomplished by the employee in an objective manner. The county personnel office may have resources to assist in employee performance.

The use of annually established objectives or goals assigned to the position based on the district's overall needs is an excellent method of setting expectations and rewarding achievements or setting up a plan for improved performance.

The district manager should be responsible for performance reviews for all other district employees. The district manager should be reviewed by and receive direction from the personnel committee of the district board or the full board.

Employee Handbook

In addition to the items included above, the District may want to develop additional policies to include in the District's employee handbook. The purpose of an employee handbook is to provide a uniform, comprehensive, and efficient set of personnel administration. The following items are suggestions the District may want to consider including in such a handbook.

- Introduction, Purpose, and Administration of the Handbook
- District Board Resolution Adopting the Handbook
- Definitions used within the handbook
- Employee Relations
 - Equal Opportunity and Affirmative Action Policies
 - Sexual Harassment Policy
 - Political Activities
 - Drug-free Workplace
 - Conflict of Interest
 - Standards of Conduct (professional, ethical, internet, etc.)
- Recruitment, Appointment, Orientation, and Probation Policies
- Compensation Plan
 - Pay Equity
 - Classification and Reclassification
 - Salary Ranges and Increases
 - Salary Administration and Paydays
- Hours of Work
- Time Reporting
- Performance Evaluation
- Employment Benefits
 - Holidays
 - Leave Policies (vacation, sick, funeral, leave with and/or without compensation, etc.)
 - Overtime and/or Compensatory Time Policies (may vary based on employment status)
 - Insurance (health, life, disability, etc.)
 - Retirement Benefits
 - Workers Compensation

- Severance Pay
 - Death of an Employee
- Other Benefits as Determined by the District
- Vehicle, Travel, and Reimbursable Expenses Policies
- Employee Development
- Employee Separation
- Disciplinary Action Policy, Grievance Procedures, and Appeals
- Data Practices and Employment Records