

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Ostrow, Zerby

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.455 of the above-entitled ordinance be amended to read as follows:

20.455. 1999 Severance pay for appointed employees. (a) Beginning January 1, 1999, all full-time appointed employees who are not represented through a collective bargaining agreement with the city, including the Executive Director of the Minneapolis Community Development Agency, but excluding those appointees in the council's and mayor's offices, shall enter into an employment contract with the city. The employment contract shall set forth all the terms and conditions of employment, including, except for those employees who are appointed for a term, the condition of employment that the employee is "at will" and may be removed from the appointed position by the appointing authority with or without cause. The employment contract shall provide that if the employee is removed from the employee's position, other than for malfeasance, misfeasance, or nonfeasance in office, the employee shall receive a lump sum payment equal to fifty (50) percent of the employee's annual salary. The payment of this severance pay is pursuant to Minnesota Statutes Section 465.72 and 465.722 and is conditioned upon the employee agreeing to release the city from any and all causes of action or claims the employee may have against the city and complying with all applicable notice, waiver and rescission provisions in federal and state law and is in addition to any contribution to the health care savings plan authorized by section 20.440. Severance payments under this section shall be paid within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. Employees who elect to not execute a general release of causes of action or claims have no right to any severance payment under this section. In no event shall any severance payment exceed the amount allowed under Minnesota law.

(b) Those appointed employees that execute the release described in paragraph (a) and subsequently return to or accept another city position shall receive as severance pay an amount equal to the difference between the annual salary in the position from which the employee was terminated and the annual salary for the position into which the employee is reemployed up to the maximum allowed in paragraph (a).

(c) The provisions of section 20.455 shall apply only to those appointed employees who are appointed city employees on June 30, 2005.

Section 2. That Chapter 20 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 20.456 to read as follows:

20.456. 2005 Severance pay for appointed employees. (a) Beginning, July 1, 2005, all full-time appointed employees who are not represented through a collective bargaining agreement with the city but excluding those appointees in the council's and mayor's offices, shall enter into an employment contract with the city. The employment contract shall set forth all the terms and conditions of employment, including, except for those employees who are appointed for a term, the condition of employment that the employee is "at will" and may be removed from the appointed position by the appointing authority with or without cause. The employment contract shall provide that if the employee is removed from the employee's position, other than for malfeasance, misfeasance, or nonfeasance in office, the employee shall receive a lump sum payment equal to twenty-five (25) percent of the employee's annual salary. The payment of this severance pay is pursuant to Minnesota Statutes Section 465.72 and 465.722 and is conditioned upon the employee agreeing to release the city from any and all causes of action or claims the employee may have against the city and complying with all applicable notice, waiver and rescission provisions in federal and state law and is in addition to any contribution to the health care savings plan authorized by section 20.440. Severance payments under this section shall be paid within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. Employees who elect to not execute a general release of causes of action or claims have no right to any severance payment under this section. In no event shall any severance payment exceed the amount allowed under Minnesota law.

(b) In addition to the severance payment in paragraph (a), the city will pay the full amount of the first six (6) months of COBRA (Consolidated Omnibus Budget Reconciliation Act) payments for health insurance for those appointed employees who are removed, provide the city the general release required in paragraph (a) and do not accept another city position.

(c) Those appointed employees that execute the release described in paragraph (a) and subsequently return to or accept another city position shall receive as severance pay an amount equal to the difference between the annual salary in the position from which the employee was terminated and the annual salary for the position into which the employee is reemployed up to the maximum allowed in paragraph (a).