

Introduced by: Councilmember
Thor Williams
Date: July 26, 2005
Public Hearing: August 9, 2005
Public Hearing: August 23, 2005
October 11, 2005
Action: Passed
Vote: Unanimous

CITY OF BETHEL, ALASKA

ORDINANCE #05-15

**AN ORDINANCE AMENDING TITLE 3 OF THE BETHEL MUNICIPAL CODE
REGARDING EMPLOYEES NOT OTHERWISE COVERED UNDER A COLLECTIVE
BARGAINING AGREEMENT**

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Bethel Municipal Code.

SECTION 2. Amendment. Title 3 of the Bethel Municipal Code is amended as follows (new language is underlined and old language is stricken out):

Title 3

PERSONNEL RULES AND REGULATIONS

Chapters:

- 3.04 Definitions**
- 3.08 General Provisions**
- 3.12 Administration and Maintenance of the Classification Plans**
- 3.16 Recruitment**
- ~~**3.20 Examination**~~
- ~~**3.24 Certification and Selection of Candidates**~~
- ~~**3.28 Probationary Periods**~~
- 3.32 Employee Performance**
- 3.36 Disciplinary Actions**
- ~~**3.40 Grievances**~~
- 3.44 Separation**
- 3.48 Pay**
- 3.52 Hours of Work**
- 3.56 Holidays**

3.60 Leave

3.64 Special Provisions

3.68 Productivity and Employee Incentive Programs

Chapter 3.04

DEFINITIONS

Sections:

3.04.010 Definitions.

3.04.010 Definitions.

As used in city of Bethel personnel rules:

~~A. "Anniversary date" means the day of the month following appointment as a regular employee. Anniversary date of a promoted employee shall become the date of promotion. Anniversary date of a demoted employee shall become the date held before the demotion. The anniversary date will be advanced by the number of calendar days that total leave without pay exceeds 10 days during the employee's anniversary year.~~

~~AB. "Appointment" means those methods by which a person is designated to fill a specific vacant position.~~

~~B. "At Will" means an employment relationship that can be terminated by either the employee or the employer at any time for any reason or no reason, with or without notice.~~

~~C. "Candidate" means a person who has been included on a list as being available for certification.~~

~~D. "Certification" means the referral of names the personnel office at the request of department heads for selection to a position in the city service.~~

~~CE. "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same test of fitness and the same range of compensation apply to each position in the group.~~

~~F. "Class title" means the official title used for all personnel, payroll and budget documents. Working titles may be used for all other purposes.~~

~~DG. "Classification" means the process of obtaining adequate position descriptions, gathering necessary additional information, making comparison with other position descriptions and with class specifications, etc., and finally, of taking official action by allocating a position to a particular pay range.~~

~~EH. "Classification plan" means the orderly arrangement into classes of all positions in the city service, and a listing of class title, class codes and pay ranges assigned to each class.~~

~~I. "Demotion" means the change of an employee from a position in one class to a position in another class with a lower pay range.~~

~~FJ.~~ "Department" means a city department as authorized by municipal ordinance. Authorized departments are administration, finance, fire, police, public works, and community services.

~~GK.~~ "Department head" means the highest supervisory position of a city department.

~~HL.~~ "Discipline" means a procedure or action taken to correct deficient performance; or punishment for not following set policies and procedures; or an action taken against an employee to maintain order and control.

~~IM.~~ "Employee" means any person in the employ of the city who is not within the collective bargaining unit subject to these personnel rules and whose activities are directed by the city.

~~JN.~~ "Examination" means objective evaluation of skills, experience, education and other characteristics demonstrating the ability of a person to perform the duties required of a position.

~~O.~~ "Grievance" means ~~any dispute involving the interpretation, application or alleged violation of any section of these personnel rules, except for disputes which are expressly exempted from the grievance procedure, such as disputes which are subject to the pre-disciplinary hearing procedure set forth in Section 3.40.030 and disputes which relate to the contents of a performance evaluation, among others.~~

~~P.~~ "Grievant" means ~~an individual employee or group of employees who have successfully completed the probationary period in accordance with Chapter 3.28, except for those who serve at the pleasure of the city council or the city manager.~~

~~KQ.~~ "Immediate family" means the employee's spouse, children, mother, father, mother-in-law, father-in-law, brothers or sisters. It also includes other family members who reside permanently with the employee.

~~R.~~ "Just cause" means ~~that sufficient justification exists for the proposed action against an employee. "Just cause" applies to behavior by an employee which is detrimental to the discipline, public image or efficiency of the city as an employer. As so defined, proof of any one of the following shall constitute "just cause":~~

- ~~1. Incompetency;~~
- ~~2. Inefficiency;~~
- ~~3. Lack of any of the qualifications required by Section 3.12.040 of this title;~~
- ~~4. Insubordination;~~
- ~~5. Excessive absenteeism or tardiness;~~
- ~~6. Harassment of other employees or the public;~~
- ~~7. Violation of a written city policy, procedure or regulation, which was known or reasonably should have been known to the employee;~~

~~—8. Violation of an oral directive which was known or reasonably should have been known to the employee;~~

~~9. Conviction of a crime involving moral turpitude;~~

~~—10. Substance abuse on the job; or~~

~~—11. Any other conduct commonly recognized by reasonable persons as justification for serious discipline, including dismissal.~~

~~S. "Layoff" means removal from active work status of an employee for reasons beyond his control that do not reflect discredit on his services, and where certain reemployment or other rights exist.~~

~~L.F. "Manager" means the city manager or his/her designee.~~

~~M.U. "Personnel office" means that office designated by the city manager to take care of and be responsible for personnel matters within the city job service.~~

~~N.V. "Position" means the duties and responsibilities assigned to an employee requiring full-time or part-time employment.~~

~~O.W. "Promotion" means a change in status of an employee from a position of one class to a position of another class having a higher salary range.~~

~~X. "Reappointment" means rehire of an employee in a different class series than he previously occupied or rehire of an employee more than one year after the date of his last separation.~~

~~Y. "Re-employment" means appointment of an employee due to recall from layoff within one year to the same classification as the position from which that employee was laid off, to a lower position in the same class series as that position, or to a position at the same or lower range in which that employee had previously earned status.~~

~~—Z. "Re-employment list" means a list of employees with status who have been laid off and who have made written request for re-employment within one year from date of layoff.~~

~~AA. "Regular appointment" means the status of an employee after he has satisfactorily completed his current probationary period in accordance with this chapter.~~

~~PBB. "Rehire" means an appointment into a position in the same class of positions from which the employee separated in good standing, or into a position in a parallel class, provided the reappointment takes place within one year from date of last separation.~~

~~QCC. "Reinstatement" means replacement of an employee into a position in the same class occupied previously or a parallel class when there has been no break in service, for one of the following reasons:~~

~~1. Timely return from military leave or as otherwise required by law;~~

~~2. Return to a position the employee held when suspended, demoted or dismissed, after successful appeal;~~

~~23.~~ Return of an employee from authorized injury leave or leave without pay.

~~RDD.~~ "Relative" means any person who is related by marriage or blood to an applicant or employee.

~~EE.~~ "Seniority" means the period starting from the last date when the employee is hired. Seniority shall be terminated and the employee's service shall be broken under the following conditions:

- ~~1.~~ Resignation or retirement;
- ~~2.~~ Discharge;
- ~~3.~~ Layoff in excess of one year;
- ~~4.~~ Failure to return from leave of absence or vacation on agreed date unless approval has been obtained from the employer.

~~SFF.~~ "Separation" means cessation of the work relationship between the city and an employee for any reason including death, dismissal, layoff, resignation and retirement.

~~GG.~~ "Status" means an employee who has attained a regular appointment.

~~HH.~~ "Suggestion program" means an incentive award program, administered by the city manager, which encourages input on methods of work improvement and may award such input through formal recognition.

~~IH.~~ "Suspension" means an enforced unpaid leave for disciplinary reasons or pending investigation of charges made against an employee.

~~UJJ.~~ "Temporary employee" means an employee appointed on a temporary or interim basis to a position and subject to the provisions of these rules.

~~KK.~~ "Transfer" means a lateral movement from one position to another position in the same or a parallel class at the same range, without any break in service.

~~LL.~~ "Workday" means a scheduled daily work period in a scheduled work week.

Chapter 3.08

GENERAL PROVISIONS

Sections:

- 3.08.010 Statement of purpose.**
- 3.08.020 Scope of coverage and amendment of rules.**
- 3.08.030 Authority and responsibilities of the city manager.**
- 3.08.040 Personnel records and general personnel files.**
- 3.08.050 Administrative action chain.**

3.08.010 Statement of purpose.

A. The purpose of these rules is to implement and give effect to the intent and requirements of the city to establish and operate a system of personnel administration based on approved merit principles and professional methods of governing the recruitment, selection, employment, transfer, removal, discipline and welfare of employees and other incidents of city employment.

B. It is the general intent of these rules to establish policies which will serve as a guide to administrative action concerning the various personnel activities and transactions. Employee relations bulletins ~~may~~will be issued periodically to amplify the rules by more detailed procedures.

C. It is the specific intent of these rules to assist in accomplishment of the following objectives:

1. To recruit, select and advance employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

2. To assist in the accomplishment of ~~affirmative action and equal employment opportunity~~ objectives of the city;

3. To assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, religious creed, marital status or disability, or any other status protected under local, state or federal laws, ~~and with proper regard for their privacy and constitutional rights as citizens; provided, however that in instances of initial hiring of new city employees the fact that an applicant is an Alaska Native or other minority group shall be one factor considered in favor of the applicant by the city in making employment decisions. When the proportion of Alaska Natives or other minority groups employed by the city in positions not requiring specialized training is approximately equivalent to the proportion of Alaska Natives or other minority groups in the Bethel labor force the fact that an applicant is an Alaska Native or other minority group shall no longer be considered by the city in making employment decisions. When the proportion of~~

~~the Alaska Natives or other minority groups employed by the city in positions requiring specialized training is approximately equivalent to the proportion of qualified Alaska Natives or other minority groups in the Bethel labor force the fact that an applicant is an Alaska Native or other minority group shall no longer be considered by the city in making employment decisions;~~

~~4. To provide security of tenure for city employees subject to need for work done, availability of funds, and continued effective performance and acceptable personal conduct of the employees;~~

~~45. To provide to employees definite assignment of duties, responsibilities and authority; sound practical training, supervision and periodic evaluation; benefits; appropriate compensation and recognition for continued good and exceptional service;~~

~~56. To encourage efficient operation and production of all city employees through enlightened human relations and personnel administration on the part of all supervisors, toward the end of optimal service to the public;~~

~~67. To inform employees of their rights, benefits and responsibilities.~~

3.08.020 Scope of coverage and amendment of rules.

A. Department Policy. Upon coordination with the city manager, department heads may establish written department policies which do not conflict with the provisions of these personnel rules. The department policies may be more strict than these personnel rules, but must not violate state or federal labor laws. A copy of these department policies and the personnel rules shall be available to all affected employees.

B. Grant Programs. When an employee is employed under the provisions of a special grant program the provisions of that grant which conflict with these personnel rules shall apply.

C. Amendment. Employees and department heads are encouraged to submit recommended additions or modifications to the ~~personnel office or city manager~~ at any time. The ~~administration city manager~~ may submit additions or modifications of the personnel rules to the city council for its consideration at any time.

~~D. Chapters 3.08, 3.12, 3.16, 3.24, 3.28, 3.32, 3.36 and 3.40, Sections 3.44.010 and 3.44.020 and Chapter 3.52 do not apply to employees of the city who are appointed by, and serve at the pleasure of, either the city manager or the city council.~~

3.08.030 Authority and responsibilities of the city manager.

The city manager shall have overall authority and responsibility for labor relations and personnel administration concerning city service. The city manager

is designated as the personnel director and the director of the personnel office. In addition to the responsibilities specified elsewhere in these rules, the city manager shall:

A. Advise the officials of the city on all matters pertaining to the administration of personnel and ensure that personnel rules and related contractual obligations are observed by all concerned. In this capacity, the city manager has final responsibility for interpretation and enforcement of the rules;

B. Maintain or direct the maintenance of an up-to-date personnel records system;

C. Prepare or direct the preparation of reports on personnel as may be required to prescribe forms required to accomplish all employee relations activities;

D. Advise and assist all supervisors in the interpretation and application of all employee relations matters;

E. Develop and maintain classification and pay plans;

F. Direct the operation of recruitment, employment and promotion programs and assure equal employment opportunity in these areas;

G. Conduct long-range manpower planning to project future requirements of personnel, with emphasis on professional, supervisory and managerial positions;

H. Review and implement the personnel aspects of all organizational plans and modifications;

I. Promote and develop programs for improving employee effectiveness, such as training, health, counseling, welfare and productivity improvement programs;

J. Develop and maintain a manpower information system;

K. Maintain a position control system based on the budget as approved by the city council;

L. Direct the labor relations functions of the city.

3.08.040 Personnel records and general personnel files.

The personnel office shall provide for the establishment and maintenance of the following records:

A. Personnel Records. Personnel records are those documents which reflect an individual's status during the period of ~~his~~ his/her employment and take two forms:

1. Central Personnel File. The central personnel file is the official personnel record for an individual employee and includes, but is not limited to, employment applications, ~~reports of medical condition,~~ prior employment, work performance, disciplinary actions other than oral reprimands, personnel action forms and tax withholding and benefits information.

2. Medical Personnel File. The medical personnel file is maintained separate from the central personnel file. The file includes, but is not limited to, confidential information concerning the physical or mental condition of an employee pertaining to requests for accommodation, medical leaves, workplace surveillance tests, physicals, workers' compensation injuries and illnesses and other employment related medical information maintained by the city.

~~2. Departmental Personnel File. A department head may establish and maintain an unofficial management file for individual employees for use in providing direction and supervision to the employee. These files shall be open to the employee at all times for their review. These files shall not contain official personnel information but will be used to file such things as department time card copies, department personnel action copies, and management information between the employee and department head, etc. The police department may need to maintain official personnel files on departmental employees. These files shall be open to employee review and shall only contain personnel information particular to police department internal operations.~~

B. Access to Personnel Files.

1. Employees shall have access to their own personnel files in a reasonable period of time following notice to the City Manager and shall be provided with a copy of their personnel or medical files or any parts thereof within a reasonable period of time following the request, during normal office hours. A personnel file may be inspected by the employee's department head and the city manager or his designee. Except as otherwise provided in this section, a personnel file shall be inspected by others only following presentation of written consent by the employee to whom that file pertains. A document contained in a personnel file, however, shall not be confidential unless it is protected from disclosure by a provision of this code.

~~2. Review of any personnel files shall be conducted in the presence of the City Manager, or his/her designee, personnel officer. No document shall be removed from a personnel file without prior written approval from the city manager and notice to the employee. The personnel office shall record a written note on a personnel file for every person who reviews it.~~

~~C. Use of Personnel Files. Personnel files shall not be used as private dossiers for employees. Employees shall have an opportunity to comment upon each document placed in their personnel files.~~

~~D. All records maintained by the personnel office, shall be confidential to the extent that they include an analysis, evaluation or critique of an employee's performance, their disclosure may reveal personal information about an employee or his dependents, such as telephone numbers and addresses, or otherwise constitute an unwarranted invasion of privacy.~~

3.08.050 Administrative action chain.

All employees shall observe and recognize the established administrative table of organization when addressing employee matters. Employees are to commence addressing their concerns at the supervisory level and gradually ascend until their concerns are satisfied. The administrative action chain is the employees immediate supervisor, the department head and finally the city manager.

Chapter 3.12

ADMINISTRATION AND MAINTENANCE OF THE CLASSIFICATION PLANS

Sections:

- 3.12.010 Purpose.**
- 3.12.020 Establish, Change or Abolish Job Classification ~~The classification plans.~~**
- 3.12.030 ~~Adoption and maintenance of classification plans~~ Class Specifications.**
- 3.12.040 Job Titles ~~Class specifications.~~**
- 3.12.050 ~~Job Allocation and reallocation of position~~ titles.**
- 3.12.060 Review of allocations ~~Allocation and reallocation of positions.~~**
- ~~3.12.070 Review of allocations.~~**
- ~~3.12.080 Establishment of positions.~~**
- 3.12.0790 Classification plan.**

3.12.010 Purpose.

The city shall establish classification plans for its employees who are not within the collective bargaining unit. ~~Classification plans will maintain traditional occupational relationships and career ladders.~~ The purpose of these classification plans is two-fold: to assist in determining the ~~most effective means of work assignment and the position placement~~ within the organization and to relate the position to the pay plan to ensure internal equity in pay administration.

~~Specific plans shall be maintained for:~~

- ~~—A. Regular full time employees;~~
- ~~—B. Regular part time employees;~~
- ~~—C. Seasonal employees;~~
- ~~—D. Temporary employees.~~

3.12.020 ~~The classification plans.~~

—Establish, Change or Abolish Job Classification

The city manager with the approval of the city council shall have authority to establish, decide, determine and designate all occupational classifications the city has to offer employees who are not within the collective bargaining unit, including the right to establish new classifications, reclassify, change, consolidate

or abolish existing classifications at any time, and to determine job content, duties and responsibilities.

The city manager with approval of the city council may establish new classifications and rates for classifications. The rate shall be effective as of the first date employees were assigned to the classification.

~~A. The classification plans provide a grouping into classes of all positions sufficiently alike in duties and responsibilities to be called by the same descriptive title, to be assigned the same pay range and to require substantially the same qualifications on the part of applicants or incumbents.~~

~~—B. Employees shall be compensated on the basis of the classification pay plan as approved by the city council.~~

~~3.12.030 Adoption and maintenance of classification plans.~~

~~—A. The classification plans shall be set forth by separate ordinance.~~

~~—B. Revisions~~

~~—1. Revisions to a classification plan which affect all of the classes set forth in the plan require approval of the city council and shall become effective on the date specified by the council.~~

~~—2. Revisions, including reclassification actions and the creation of new or abolition of existing classes, which affect individual classes or series shall become effective upon approval by the city council.~~

3.12.0340 Class specifications.

—A. Job Descriptions. Job descriptions are only descriptive guidelines and not inclusive of each and every duty of a position. The city manager shall provide and maintain a written job description for each class of positions which shall include:

1. an appropriate title;
2. a general statement of duties and responsibilities;
3. distinguishing features of work;
4. examples of duties;
5. a listing of minimum qualifications that conforms with subsection C.

Subsection C of this section is incorporated into all job descriptions, regardless of whether or not the job description explicitly incorporates subsection C.

~~Job Descriptions. The personnel office, with advice and assistance of department heads, shall provide and maintain a written job description for each of the positions. Each description shall include:~~

- ~~—1. An appropriate title;~~
- ~~—2. A general statement of duties and responsibilities;~~
- ~~—3. Distinguishing features of work;~~
- ~~—4. Examples of duties;~~
- ~~—5. A listing of minimum qualifications that must be met by the applicant for his application to be accepted for consideration.~~

~~—Job descriptions shall be considered only as descriptive guidelines and not as inclusive of all duties to be found in positions allocated to a particular class. To the extent possible, job descriptions shall be kept up to date so that positions existing at any time will be covered by current, published job descriptions.~~

B. Duties of Employees. An employee may be required to perform the duties described in the job description for the employee's class as well as any other duties which the employee has the skills and qualifications to perform. Nothing in this section prohibits the City Manager or City Council, as appropriate, from requiring the employee to perform duties which are not detailed in the employee's job description. However, the City Manager or City Council, as appropriate, shall not act unreasonably in requiring an employee to perform duties other than those described in the employee's job description.

~~Any employee may be required by a department head to perform any of the duties described in his job description, any other duties which are of similar kind and quality, and any duties of lower classes in the same occupational series or in other series which have similar characteristics.~~

C. Qualifications Statements. The qualifications statements in each job description establish requirements that must be met by an individual before consideration for appointment or promotion to a position. Common alternative combinations of education, training or experience are specified in the job description. Even if such combinations are listed in a job description, however, the City Manager or City Council, as appropriate may determine that other combinations qualify the person for the job, regardless of whether or not the job description explicitly states that other combinations may qualify the person for the job. Personal traits including, but not necessarily limited to, loyalty, honesty, industry, and willingness to cooperate with others shall be qualifications required for each position, even though such traits may not be explicitly stated in a job description.

~~1. The qualifications statements in each job description establish requirements that must be met by an individual before consideration for appointment or promotion to a position. Common alternative combinations of~~

education, training or experience are specified in the job description. However, other combinations may be qualifying, if deemed equivalent, by the city manager and the department head.

—2. Personal suitability qualifications commonly required by any employee occupying a position in any class, such as good character, loyalty, honesty, demeanor, industry, amenability to supervision, and willingness to cooperate with associates shall be qualifications required for each position, even though such traits may not be specifically mentioned in the descriptions.

3.12.0450 Job titles.

A. Official Job Titles. Each position shall have an official job title which is specified in the classification plan and is used to identify each individual position. The official job title shall be used to designate positions in all budget estimates, payroll documents, and personnel records and reports.

B. Working Job Titles. For all purposes other than those described in subsection A of this section, any suitable working job title may be used to describe an official job title.

C. Position Levels. The job titles are generally indicative of the work of the position and of the level of its importance and responsibility. Where Roman numerals are affixed at the end of a title to indicate level within an occupation subseries, the higher numbers represent the higher levels.

A. Official Job Titles:

—1. Each of the titles specified in the classification plans shall be used as the official title to identify each individual position.

—2. The position title shall be used to designate positions or employees in all budget estimates, payrolls, personnel records, reports and other official title to identify each individual position.

—B. Working Titles. For the purposes of external relations, or other purposes not relating to personnel administration, any suitable working title may be used, provided that such title is not similar to, or may be confused with, any standard title other than the one by which the position involved is officially designated.

—C. Position Levels. The job titles are generally indicative of the work of the position and of the level of its importance and responsibility. Where Roman numerals are affixed at the end of a title to indicate level within an occupation subseries, the higher numbers represent the higher levels. The Roman numerals affixed to titles in one subseries have no relation to those in titles of another subseries, and different titles with the same Roman numeral may properly be at different grade levels.

3.12.0560 Allocation and reallocation of positions.

The city manager shall have authority to allocate and reallocate positions with the approval of the city council. ~~The city manager shall recommend to the city council, with advice and assistance of department heads, allocation of new positions and reallocations of existing positions he finds appropriate by comparison with position descriptions, and consideration of other factors affecting classification such as organizational location of positions and relationships to other positions. The department head's recommendations will accompany that of the city manager.~~

~~—A. Classification Actions. Classification actions are of the following types:~~

~~—1. Reclassifications are reallocations of positions from one level to another as a result of changed duties, responsibilities, and/or authority of a position either through direct reassignment by management or through structured development as in flex staffing.~~

~~—2. Range changes are an adjustment affecting positions in a class and result from reasons such as amendment of pay plan, necessity to provide for internal equity or continuing recruitment difficulty where it is necessary to maintain the competitive posture of the city in attracting and retaining well qualified persons.~~

~~—B. Organization Changes. The department head, with approval of the manager, may establish, abolish or change organizational units within the department in the interests of economy and efficiency in accordance with sound administrative practice and principles. Any personnel action resulting may be requested only after appropriate allocation or reallocation action has been approved by the city manager and the city council. Reorganizations requiring ordinance changes or budget changes will be submitted to the city council for approval.~~

~~—C. There exist four separate types of positions: regular full time, regular part-time, temporary, and seasonal. Requests to change the allocation of a position from one of the four types defined in Section 3.24.050 to another, shall be accomplished by the deletion of the position in the old type and creation of a position in the new type. An employee who occupies a position which is deleted in accordance with this section shall have the benefit of the re-employment preference and displacement rights as provided in Sections 3.24.040 and 3.44.020B.~~

3.12.0670 Review of allocations.

A. Periodic Review. The City Manager shall provide for a systematic and periodic review of classes of positions if the City Manager determines, in his/her sole discretion, that duties, responsibilities, and authority have changed substantially, or other conditions, including but not limited to an employee

request for review, warrant such a review. The City Manager shall allow the employee to provide input into such a review.

~~A. Periodic Review. The city manager shall provide for a systematic and periodic review of positions for the purpose of reallocating positions when duties and responsibilities and authority have changed substantially, or when current allocations are found to be in error.~~

~~—B. Employee Requests. Employees shall have the right to the consideration of requests they may have regarding the application of the classification and pay plans to their position. The employee shall make his request through his department head, who shall forward the request with his comments and recommendations concerning the appropriate allocation to the personnel office for a review. The employee and the department head will be advised in writing on the disposition of the request.~~

~~3.12.080 Establishment of positions.~~

~~—A. Established Positions. No person may be appointed, reappointed, reinstated, rehired, transferred, demoted or promoted except to an established position for which a classification, position control number, salary range and minimum qualifications have been assigned. A position shall be established:~~

~~—1. By city council approval of the new position in the budget and subsequent allocation of that position by the manager;~~

~~—2. By the city manager for a period not to exceed thirty days pursuant to written certification by the department head that such a position is necessary and that funds are available and a finding by the personnel office that a classification already exists to which such a position may be allocated.~~

~~—B. Allocation and Reallocation Requests. Department heads shall submit requests for allocation and reallocation actions to the city manager. This request shall be accompanied by a position description which shall set forth duties, responsibilities and other essential information and also an organization chart which shall clearly identify the affected position and its relationship to other positions.~~

~~—C. Official Position Description. The position description and department request for action as a cover sheet, with the approved class, range, position control number and effective date, shall constitute the official position description. Copies of all position descriptions shall be retained in the personnel office and department concerned. A copy shall be given to the incumbent of the position.~~

~~—D. Allocation or Reallocation Action. Receipt by the department of the official position description shall constitute allocation or reallocation action, and officially~~

~~establishes the position. Recruitment action may then be initiated in accordance with Chapter 3.16.~~

3.12.0790 Classification plan.

Management Employees	
Range	Position
Contract	City manager City clerk Parks & recreation director (per agreement with UAF) Staff attorney
IV	None
III	Finance director Fire chief Police chief Port director Public works director Public Workers Operations Manager Human Resources Manager
II	Assistant finance director
I	City clerk City planner Executive Assistant to City Manager Senior Services Director Grants manager

Union, Confidential, Seasonal, Part-Time and Temporary Employees	
Range	Position
13	None
12	None
11	None
10	Parks and recreation director (part time in addition to UAF agreement) Police lieutenant Senior center coordinator Senior fire captain
9	Police investigator Police sergeant (2 positions) Property maintenance and projects manager
8	Adult daycare coordinator Computer support technician Firefighter/EMT (4 positions) Foreman fleet maintenance

	<p>Foreman-property maintenance Foreman-streets and boardwalks Police officer (7 positions) Police officer/drug investigator Police officer/school liaison Utility foreman Utility maintenance foreman</p>
7	<p>Accounting clerk-accounts receivable/sales tax Animal control/code enforcement officer Boiler specialist Communications officer/supervisor heavy equipment mechanic Mechanic II/oiler Motor vehicle clerk</p>
6	<p>Accounting clerk-accounts payable/payroll Accounts payable clerk Activities coordinator/driver (2 positions) Communications officer (5 positions) Customer service supervisor Executive assistant to the city manager Grader operator Mechanic I/oiler Pumphouse operator Pumphouse operator trainee Purchasing agent Utility maintenance worker</p>
5	<p>Administrative assistant to the city manager Administrative assistant-police Customer service representative finance Evacuation truck driver (3 positions) Honeybucket driver Intern/temporary help administration Landfill manager Landfill technician Office manager, planning and public works Operator/driver Part-time administrative assistant Port attendant (5-month seasonal position) (4 positions) Port attendant (seasonal winter) Program specialist parks and recreation</p>

	Property maintenance worker Recreation specialist parks and recreation Relief driver sewer (3 positions) Relief driver water (3 positions) Solid waste driver Water truck driver (4 positions)
4	Administrative assistant port Customer service representative public works Evidence custodian NTS secretary/receptionist (3 hours/week) Oiler Translation clerk/accounting clerk
3	Cook-NTS Program aide parks and recreation Recreation aide parks and recreation
2	NTS driver/program aide (30 hours/week)
1	None
Grant	Program assistant driver (Title V 20 Hr/Wk) Program assistant activities (Title V 20 Hr/Wk) Program assistant janitor (Title V 20 Hr/Wk) Program assistant activities (Title V 20 Hr/Wk)

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Chapter 3.16

RECRUITMENT

Sections:

3.16.010 General policy.

3.16.020 ~~Request for R~~recruitment.

3.16.030 ~~Types of announcements.~~Types of Appointments

3.16.040 ~~Announcement deadline.~~ Selection of Current Employees

3.16.010 General policy.

A. The personnel office shall recruit all candidates for employment.

B. The most qualified applicant shall be appointed to a position without discrimination based on race, national origin, color, age, religious creed, sex, political affiliation, marital status, physical handicap or other statuses protected by law. ~~criteria prohibited by law, except when the age, sex or physical requirements of the position constitute a bona fide occupational qualification necessary to proper and efficient performance, or except in furtherance of the affirmative action purpose expressed in Section 3.08.010(C)(3) of these rules.~~

~~C. Position vacancies shall be filled by promotion from within the city service whenever practicable and in the best interest of the service on the basis of most qualified. This policy is observed so that employees and the public will regard city service as a career, efficiency and ability will be recognized, and turnover of personnel will be minimized. Applicants for promotions must meet minimum qualifications for the vacant positions as described in the recruitment announcement.~~

~~D. Qualified persons with a disability and veterans shall be encouraged to apply for city employment, but such a condition shall not entitle any person to an appointment.~~

3.16.020 ~~Request for R~~recruitment.

~~The City Manager, or City Council where appropriate, may utilize any recruitment and referral source deemed appropriate to obtain the highest caliber employees to fill positions not within the collective bargaining unit. The City Manager, or City Council where appropriate, may utilize such notice, appraisals or examinations he or she finds appropriate for effective recruitment of employees not within the collective bargaining unit. The City Manager or Department heads shall notify the personnel office as far in advance as possible of the need to fill a vacated or a new position. Upon receipt of request, the personnel office shall approve the method for filling the position as set forth in Section 3.16.030.~~

3.16.030 Types of appointments.

A. Provisional Appointment. The City Manager, or City Council where appropriate, may fill a vacancy by means of a provisional appointment. A provisional appointment is temporary and shall expire when a regular appointment has been made, or it shall expire 6 weeks from the date of such appointment.

B. Regular Appointment. A regular appointment is an appointment to a regular position. Regular appointment shall not apply to temporary positions.

C. Substitute Appointment. A substitute appointment is one that is made to a position which is going to be vacant for longer than 60 calendar days because of an authorized leave of absence where the incumbent has reinstatement rights.

D. Acting Appointment.

An acting appointment is made when a qualified employee may be required to serve temporarily in a vacant higher level position in which no qualified applicant is available for its filling, when an announcement of position is delayed, the employee who has a regular appointment for this position is on approved leave of absence. This type of appointment gives the acting employee no advantage in competition for regular filling of this position. However, time in acting appointment may be counted toward experience for the class of position concerned. An employee who obtains an acting appointment shall not always be required to perform all of the duties and responsibilities assigned to the incumbent who holds a regular appointment to the position. The duties and responsibilities that are actually assigned to the employee who has obtained the acting appointment shall be determined by the City Manager, or City Council where appropriate.

An acting appointment of expected duration of at least five (5) working days requires that the acting employee be offered the lowest rate of pay for the position that s/he or she is acting in, or the next highest step, for the acting position range, that is above his/her current pay level, whichever is higher.

3.16.040 Selection of current employees.

A. Reinstatement and Re-Employment.

1. As Required by State or Federal Law. A city employee may be entitled to reinstatement or reemployment as required by applicable law.

3.16.030 Types of announcements.

~~—A. Contents and Distribution. When necessary to recruit for a position vacancy, the personnel office shall circulate a recruitment announcement. The announcement shall specify the title and salary range of the class or position, the minimum qualifications required, the final date on which applications will be accepted, the type of examination and other pertinent information and requirements. Every reasonable effort shall be made to attract qualified persons to compete in the examination. Copies may also be sent to public officials, educational institutions, professional and vocational societies, newspapers and other individuals or organizations and media consistent with obtaining qualified applicants.~~

~~—B. Recruitment Announcement Shall be Circulated.~~

~~—1. Open competitive: both within the city work force and publicly.~~

~~—C. The personnel office in consultation with the city manager or department head shall issue an appropriate recruitment announcement based upon the city manager's or department head's determination that the best qualified persons are likely to be available in that group and in accordance with the following procedures:~~

~~—1. Open competitive announcement: Open competitive announcements will be published for no less than ten working days. Applications may be received from any persons who wish to apply, including city employees who shall receive preference~~

~~based on qualifications. Applicants for positions may either send resumes or city applications. Facsimile transmissions are allowed.~~

~~—D. Continuing Announcement. Open examinations may be announced on a continuing basis at the discretion of the city manager, without a designated closing date for receipt of application, under two conditions:~~

~~—1. When experience shows that vacancies occur frequently enough in a particular class that candidates should be available immediately on an ongoing basis to avoid interference with city services.~~

~~—An announcement designated under this provision will indicate to applicants that they will be considered for future vacancies based on their initial application. Applications so received may be retained in a special continuing file. Only those applications already received and on file with recruitment and examination as of the date applicants are to be certified will be considered for the filling of the vacancy. A continuing announcement under this provision will apply to all vacancies that occur within the designated class until such time as the class is withdrawn from continuous recruiting.~~

~~—2. When it is anticipated the designated ten working days for publishing an open competitive announcement may not be adequate for generating qualified applicants a continuing open competitive announcement designated under this provision will indicate that the period for application will be open until further notice. When an appropriate number of qualified applications have been received by the requisitioning department, a notice closing the announcement shall be published providing an additional twenty four hour period for final receipt of applications. Applications received after the twenty four hour notice deadline will not be considered for the examination announcement concerned. This procedure must be completed for each vacancy requirement for which it is considered necessary to extend the period for application.~~

~~**3.16.040 Announcement deadline.**~~

~~—Deadline for receipt of applications by the personnel office for any examination announcement will be close of business of the announced closing date. Applications received after that time shall not be considered for the announcement concerned.~~

~~Chapter 3.20~~

~~EXAMINATION~~

~~Sections:~~

~~3.20.010 Types of examinations.~~

~~3.20.020 Minimum qualifications for filing.~~

~~3.20.030 Filing of applications.~~

~~3.20.040 Examinations.~~

~~3.20.050 Disqualification of applicants.~~

~~3.20.060 Re-examinations.~~

~~3.20.010 Types of examinations.~~

~~—Open Competitive. Open competitive examinations shall be open to all applicants.~~

~~3.20.020 Minimum qualifications for filing.~~

~~—A. Minimum Qualifications Requirement. Examinations shall be open only to applicants whose application clearly indicates that they meet the advertised standards or requirements with regard to education, experience, age, physical condition and such other factors as may be held to relate to the ability of the applicant to perform with reasonable efficiency the duties of the position.~~

~~—B. Minimum Age for Employment. The minimum ages for city employment shall be in accordance with the minimum ages prescribed by state law. The general rule is that persons sixteen and seventeen may be employed only in nonhazardous occupations; they may not work more than eight hours a day, six days a week, or forty hours a week.)~~

~~3.20.030 Filing of applications.~~

~~—Applications shall be filed with the personnel office on or prior to the closing date specified in the announcement and shall constitute an integral part of every examination. The department head of the advertised position may require information as to education, training and experience of the applicant and such other information as he may deem pertinent and may require any applicant for examination to submit documented proof of the possession of any license, certificate, degree or other qualification claimed or required and may refuse credit for such qualifications in the absence of proof.~~

~~3.20.040 Examinations.~~

~~—A. Character. Examinations shall be practical and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall measure the relative capacity and fitness of persons examined to perform the duties of the class of positions to which they seek to be appointed or promoted. All applicants for the position shall be administered the same examination.~~

~~—The examination used to determine the fitness and relative ability of the applicant shall consist of one or more of the following:~~

- ~~—1. A written test;~~
- ~~—2. A performance test;~~
- ~~—3. An evaluation of education, training and experience as shown on the application or by other information submitted;~~
- ~~—4. An oral examination;~~
- ~~—5. An interview designed to determine general fitness for the position;~~
- ~~—B. Conduct. Examinations shall be conducted either by or under the control of the city manager or his designee, and all examiners and monitors used in the conducting of examinations shall be provided with such instructions as may be required for fair and impartial administration.~~
- ~~—C. Method of Ranking. In any examination the minimum ranking or standing through which eligibility on a list may be earned shall be determined by the department head with the assistance of the personnel office. Final ranking shall be based upon a weighted average of the various parts of the total examination. Applicants for the same class of position shall be accorded uniform and equal treatment in all phases of the ranking procedure. A minimum passing score may apply to the rating of any part of the examination. Candidates may be required to attain at least a minimum passing score on each part of the examination in order to receive a passing grade or to be rated on the remaining parts of the examination.~~
- ~~—D. Ranking Education and Experience. When the ranking of education and experience forms a part or all of the examination, the personnel office and the department head shall determine a procedure for the evaluation of the education and experience qualifications of the applicants. The formula used in appraisal shall give due regard to recency and quality of the education and experience.~~
- ~~—E. Oral Examinations. When an oral examination forms a part or all of the examination for a position, the department head with the assistance of the personnel office shall appoint an oral examination board. This board shall consist of three or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel, of whom at least one shall be technically familiar with the character of the work in the position for which the applicants will be examined. Qualified employees of the city as well as other qualified individuals may be appointed to serve as members of oral examination boards. Any member of the examination board shall not be an immediate relative of a person to be examined. As a general rule, all applicants for the same class of positions who qualify for oral examination shall be rated by the same board. Alternate boards or members may be used when determined necessary by the department head and the personnel office.~~
- ~~—F. Notice of Results. A person who has applied for a position shall be notified if his name has been included on an eligibility list established after an examination has been completed and shall be entitled to information regarding his qualifications and eligibility for the position.~~

~~3.20.050 Disqualification of applicants.~~

~~—The personnel office may refuse to examine an applicant, or after examination may refuse to place his name on an eligible list, or may remove his name from an eligible list, or may refuse to certify any person on an eligible list who:~~

- ~~—A. Has failed to submit his application correctly or within the prescribed limit;~~
- ~~—B. Is found to lack any of the minimum qualifications in the recruitment announcement or examination for the position;~~
- ~~—C. Has applied for promotional examination and whose last performance evaluation was not average or above;~~
- ~~—D. Has a pattern of continuing disciplinary action, or more than two oral reprimands, from the city within a twelve month period preceding application;~~
- ~~—E. Is addicted to use of a controlled substance or excessive use of intoxicating liquors, unless the applicant is under medical supervision, and/or successfully participating in a recognized treatment or rehabilitation program;~~
- ~~—F. Has been convicted of any infamous crime involving moral turpitude within the last ten years, and such disqualification does not violate federal, state or city laws;~~
- ~~—G. Has withheld information of material fact or made a false statement of material fact in regard to his application;~~
- ~~—H. Has used or attempted to use bribery to secure an advantage in the examination or appointment;~~
- ~~—I. Has directly or indirectly obtained information regarding examinations to which he is not entitled; or~~
- ~~—J. Is disqualified under other sections of these rules.~~

~~3.20.060 Re-examinations.~~

~~—A candidate who has failed any part of any examination may be scheduled to retake that portion of the examination, provided a position in said class is open for recruitment at the time of re-examination. The test may not be retaken more than three times within one year except for shorthand and typing tests which may be given at the discretion of the personnel office.~~

Chapter 3.24

CERTIFICATION AND SELECTION OF CANDIDATES

Sections:

- ~~3.24.010 Certification and selection of candidates.~~
- ~~3.24.020 Certification of candidates.~~
- ~~3.24.030 Selection of new employees.~~
- ~~3.24.040 Preference guide for selection.~~
- ~~3.24.050 Types of positions.~~
- ~~3.24.060 Types of appointments.~~
- ~~3.24.070 Selection of current employees.~~

~~3.24.010 Certification and selection of candidates.~~

~~—To fill a vacancy on the basis of an examination, the department head shall submit a request for filling a vacancy to the personnel office. This requisition shall indicate the number and identity of positions to be filled and the title of the job to which they have been allocated, and include all other pertinent information deemed necessary. The department head shall make such request as far in advance as possible of the date the employee is to begin work.~~

~~3.24.020 Certification of candidates.~~

~~—A. Upon request, the personnel office may deliver to the city manager or department head the names of all candidates who may be eligible for examination for the particular vacancy. Upon request by the department head, the personnel office may certify additional candidates. If the list of candidates established as a result of the open-competitive advertisement for a vacancy is exhausted, the city manager or department head and personnel office may choose to re-advertise or advertise on a continuous basis.~~

~~—B. If a re-employment list exists for a position for which a request has been received, the personnel office shall submit a list of persons available for re-hire to the department head.~~

~~3.24.030 Selection of new employees.~~

~~—The desired selection by the city manager or department head shall be reported to the personnel office. Department heads must have developed and use a fair and impartial ranking system to select personnel for vacant positions. All tests and evaluation procedures to rank prospective employees must be approved by the personnel office. At the same time, the department head must indicate the reason for non-selection of the other names listed on the certification list and forward it to the personnel office. No offers of employment, transfer or promotion either oral or written will be made by anyone but the city manager or department head or the personnel office.~~

~~3.24.040 Preference guide for selection.~~

~~—Individuals in the following categories shall be entitled to priority in filling vacant positions according to the descending order of priorities listed below:~~

- ~~—A. Current city employees;~~
- ~~—B. Reinstatement of veteran returned timely from military leave;~~
- ~~—C. Reinstatement from demotions, suspensions or dismissals, successfully appealed;~~
- ~~—D. Transfer or demotion in lieu of layoff;~~
- ~~—E. Re-employment from lay-off, within one year;~~
- ~~—F. Demotion for disciplinary reasons, into same or parallel classification;~~
- ~~—G. Transfer for reasons other than layoff.~~

~~3.24.050 Types of positions.~~

~~—A position is employment in the city service wherein a group of current duties and responsibilities has been assigned or delegated by the department head, requiring full-time or part-time employment of one person. Employees are appointed to a particular type of position; those holding that type are called by that name; for example, regular full-time employee, regular part-time employee, temporary employee, seasonal employee. The different types of positions are:~~

- ~~—A. Regular full-time position means one established for providing essential city services on a full-time, ongoing basis into the indefinite future. Regular full-time positions are those allocated to working thirty hours or more each week.~~
- ~~—B. Regular part-time position means the same as regular full-time except that work involved will total less than thirty hours a week. Such work may be of an irregular nature such as short shifts at various times and on various days of the week.~~
- ~~—C. Temporary position means one established to provide essential city services not to exceed six months in duration. Such positions may be filled on a full-time or part-time basis. Generally these positions are filled by personnel outside of the city job service.~~
- ~~—D. Seasonal position means one established to provide essential city services on a seasonal basis. These positions may be either full-time seasonal, or part-time seasonal. Examples of such positions may be summer and winter recreation employees or employees of the municipal dock. Returning seasonal employees have rehire privileges for hire the following season.~~

~~3.24.0560 Types of appointments.~~

~~—A. Probationary Appointment. All appointments to positions in city service, including rehires and promotions (Section 3.24.070B or 3.24.030), shall be on a probationary basis except for certain kinds of reemployments, demotions and transfers (Section 3.28.030), as determined by the department head and personnel office, and all temporary appointments.~~

~~AB. Provisional Appointment. The City may fill a vacancy by means of a provisional appointment. A provisional appointment is temporary and shall expire when a regular appointment has been made, or it shall expire 6 weeks from the date of such appointment.~~

~~When a department head finds it essential to fill a vacancy and the personnel office is unable to provide a list of persons certified for examination, the city manager may authorize the department head to fill the vacancy by means of a provisional appointment. A provisional appointment is temporary and shall expire when a list has been prepared and a probationary appointment has been made, or it shall expire six weeks from the date of such appointment.~~

~~C. Regular Appointment. A regular appointment is the action taken by the department head, using prescribed procedures, to designate an employee to a regular position vacancy after having completed probationary status (does not include temporary appointments).~~

~~D. Substitute Appointment. A substitute appointment is one that is made to a position which is going to be vacant for longer than sixty calendar days because of an authorized leave of absence where the incumbent has reinstatement rights. A candidate selected for substitute appointment must have been selected by utilizing the normal recruitment and selection rules (Chapters 3.16, 3.20 and 3.24). Upon reinstatement of an incumbent, the substitute employee may be transferred or demoted to any vacant position for which he is qualified, at the discretion of the department head; otherwise, he shall go into layoff status for the position in which he was substitute employee. After completion of the substitute appointment the substitute employee will be given an exit evaluation by the position supervisor. The evaluation will become part of the substitute employee's record and may be used in a selection process for the employee at a later date.~~

~~E. Acting Appointment.~~

~~1. An acting appointment is made when a qualified employee may be required to serve temporarily in and accept responsibility for work in a vacant higher level position in which no qualified applicant is available for its filling, when an announcement of position is delayed, or for some other reason it is not feasible to make a probationary appointment. This type of appointment gives the acting employee no advantage in competition for regular filling of this position. However, time in acting appointment may be counted toward experience for the class of position concerned. Employees filling an acting assignment shall not be asked or allowed to do jobs or tasks that they are not adequately trained or licensed to do, or may cause them injury because of a lack of training.~~

~~2. An acting appointment of expected duration of at least five working days requires that the acting employee be offered the lowest rate of pay for the position that he is acting in, or the next highest step, for the acting position range, that is above his current pay level, whichever is higher.~~

~~3.24.070 Selection of current employees.~~

~~A. Reinstatement and Re-Employment.~~

~~1. Return from Military Leave. A city employee who returns from military leave timely shall be reappointed in accordance with United States Code Annotated Title 50, War and National Defense Military Selective Service Act of 1967, Section 459, Separation from Service (a), (b), (c), (f) and (g). If his return is in accordance with the~~

~~Act, he is entitled to reinstatement into the position he had when he left on military leave, or into one as nearly similar as possible.~~

~~—2. Re-Employment After Layoff. An employee with regular status who has been laid off may be re-employed within one year from the effective date of his layoff. The personnel office shall approve re-employment if the candidate qualifies. A re-employed employee shall have his service time adjusted to his original date of employment less the time off the payroll, to establish his adjusted service date.~~

~~—3. Reinstatement as a Result of Successful Appeal.~~

~~—a. An employee with status who has been dismissed, demoted or suspended for insufficient reasons, as determined through grievance hearing or predisciplinary hearing, may be reinstated to his former position or to a position of like status and pay, with or without loss of pay or benefits for the period of his separation as specified by the grievance or hearing board.~~

~~—b. During the grievance or hearing procedure the department head may order reinstatement with or without back pay or benefits, with concurrence of the city manager. Such reinstatement order, as approved by the city manager, will contain the terms and conditions necessary to implement the reinstatement.~~

~~—B. Promotion. Promotions shall be made on the basis of the most qualified and will require all applicants to be minimally qualified. A promotion is the filling of a vacancy by the advancement of an employee from a position having a lower salary grade. Vacancies in city service shall be filled by promotion whenever practicable and in the best interest of the service. Promotions shall be based upon merit and shall be made in accordance with the procedures established in these rules. Major factors in determining promotions are:~~

~~—1. Establishing that employees meet the minimum qualifications of recruitment announcements;~~

~~—2. Results of competitive examinations when applicable;~~

~~—3. Personnel evaluation report;~~

~~—4. Promise of continued development;~~

~~—5. Education, experience and training;~~

~~—6. Length of service.~~

~~—C. Transfer. A transfer is the lateral movement from one position to another position without any break in service. The transfer may be within a department, or from one department to another. An employee in a temporary position may not be transferred to a regular position.~~

~~—1. Within a Department. Transfer of a qualified employee within a department from one position to another at the same position salary level may be made without advertising or examination at the discretion of the department head.~~

~~—2. Between Departments. At the joint request of department heads and with prior approval of the city manager, a qualified employee may be transferred from one position to another between two departments. An employee who is to transfer must meet the minimum qualifications for the position he is to transfer to.~~

~~—3. Employee Request. An employee who desires a transfer within a department for personal reasons shall send his written request through normal department channels to the department head, who will make the decision. A regular employee may request~~

~~transfer from one department to another for personal reasons. He shall send his written request to the personnel office with a copy to each effected department head. If transfer is approved by the personnel office, the employee's name will be added for consideration of the receiving department head in hiring the transferee.~~

~~—4. Employee Application for Transfer or Promotion to Fill an Announced Vacancy. An employee who applies for a transfer, promotion, examination or inclusion as an eligible candidate for a position shall submit a written request for such personnel action through his department head to the personnel office. Transfers or promotions shall be completed with the mutual agreement of the department heads concerned and shall normally be effective within two weeks upon acceptance.~~

~~—7. Employee Notice of Transfer. Upon approval of the personnel office, and before completion of any transfer, the employee shall be notified in writing of any change in status including pay step, anniversary date, length of service date and requirement for serving a probationary period.~~

~~—D. Demotion. The movement of an employee to a position in a lower salary grade is a demotion.~~

~~—1. Reasons:~~

~~—a. For lack of work or for cause: an employee may be demoted for lack of work in his class, or for cause, and in case of the latter, only pursuant to just cause as defined. An employee may appeal his demotion for cause in accordance with Section 3.40.010.~~

~~—b. Employee request: if, for personal or other reasons, an employee requests in writing that he be assigned to a position in a lower salary class, the department head for that vacant position may make such a demotion with prior approval of the personnel office in writing. In such cases, the demotion will be deemed to have been made on a voluntary basis. Such demotion requires that the employee be qualified for the position to which demotion is requested. The personnel office or the department head may require a written examination or other evidence of the employee's qualifications.~~

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~~Chapter 3.28~~

~~PROBATIONARY PERIODS~~

~~Sections:~~

~~3.28.010 Purpose.~~

~~3.28.020 Probation Duration of probation.~~

~~3.28.030 Probation Former and current employees.~~

~~3.28.040 Status upon completion of probation.~~

~~3.28.010 Purpose.~~

~~Regular status in the city service is acquired by successfully completing a probationary period. This probation is the final step in the examination process in which the individual demonstrates his ability and fitness while management determines whether an employee is suitable. The probationary period for most positions is six months. Department heads may request up to an additional three month's probation for a particular employee. Fire and police departments may have special conditions that will require a longer probationary period. These departments may request a probationary extension to total one year. All requests for extension must be approved by the city manager.~~

~~3.28.020 Probation Duration of probation.~~

~~A. Except as otherwise provided in Section 3.28.030, every appointment to a position in the city service shall be subject to a probation period as provided in this section.~~

~~B. Except as provided in subsections C and D of this section, appointment to a position shall include a probationary period as follows:~~

~~City employees~~

~~Regular employees: 6 calendar months~~

~~Part time employees: 520 hours of cumulative service~~

~~C. Probation does not apply to an appointment to a temporary position since a person so appointed serves at the pleasure of the appointing authority and is subject to summary removal for any reason or for no reason.~~

~~D. The department head may consider service rendered in a temporary position in connection with an assessment of a person's qualifications to apply for a position. The department head may consider service rendered in a temporary position as probationary service for an appointment directly to a regular position that is the same as the temporary position.)~~

~~3.28.030 Probation Former and current employees.~~

~~A. Re-Employed Employees. Re-employed employees shall be subject to a probationary period only to the extent of completing any incomplete probationary period, except that employees reemployed to a position in a different department shall be subject to the probationary period in the different department at the option of the department head with the approval of the city manager. Prior city service in a position~~

~~in the same classification, in the same department, shall be credited toward completion of the current probationary period if the break in city service does not exceed one year.~~

~~—B. Promoted Employees.~~

~~—1. An employee promoted to a position in the same job classification prior to completion of his probationary period shall complete his probationary period in the lower position by service in the higher. For example if a person has completed three months in the lower position he shall serve three months in the higher position to complete his probation. This employee shall be considered as having completed regular status in the lower position, and be assigned regular status in the higher position, after successful completion of the applicable probationary period following his promotion.~~

~~—2. An employee promoted to a position in a higher job classification prior to completion of his probationary period shall complete the full probation in the promoted position. An employee promoted to a position in a higher job classification after completion of a probationary period shall complete the full probationary period in the promoted position. An employee who has already successfully completed a probationary period in any position will not lose the following benefits during a transfer:~~

- ~~—a. Leave benefits;~~
- ~~—b. Utility benefits;~~
- ~~—c. Health/medical benefits;~~
- ~~—d. Retirement benefits;~~
- ~~—e. Other normally earned city employee benefits.~~

~~—C. Transferred Employees. When a regular employee transfers to a position in the same classification within a department, no probationary period shall be served. When a regular employee transfers to a position in the same classification in another department, or transfers to another classification in another department, the receiving department head concerned shall make the decision whether a probationary period will be served, subject to approval of the city manager. The employee concerned shall be notified in writing of the requirement to serve a probationary period, before the transfer. Any employee who has already successfully completed a probationary period in any position will not lose the following benefits during a transfer:~~

- ~~—1. Leave benefits;~~
- ~~—2. Utility benefits;~~
- ~~—3. Health/medical benefits;~~
- ~~—4. Retirement benefits;~~
- ~~—5. Other normally earned city employee benefits.~~

~~—D. Demoted Employees. When an employee is demoted to a position in a class where he previously held regular status, no probationary period shall be served, except in the case of demotion for disciplinary reasons. When an employee is demoted to a position in which he did not hold regular status, the department head shall decide whether a probationary period will be served, subject to approval of the city manager. The employee concerned shall be notified of the decision, in writing, before the demotion.~~

~~—E. Acting Appointment. No probationary period will be required when serving in an acting status. Time served in an acting appointment shall not count toward completion~~

of probation but may be counted toward experience required in minimum qualifications for the position.

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~~3.28.040 Status upon completion of probation.~~

~~—A. Regular Appointment. Regular appointment to a position in the city service shall be made only upon satisfactory completion of the probationary period. It shall be the responsibility of the department head to provide the personnel office a statement, in writing, to the effect that the services of each employee appointed for a probationary period have or have not been performed satisfactorily during such a period and that the employee is or is not recommended to be retained in the services. Unless action is taken by the department head to separate or demote the employee or to request extension of the probationary period prior to the end of the probationary period, the appointment shall become regular on the first working day following completion of the probationary period.~~

~~—B. Extension of Probationary Period. The probationary period of an employee may be extended for a period of time not to exceed three months (six months for the police and fire department) at the option of the department head and with prior approval of the city manager. Notice of such extension and reasons for it shall be given in writing to the employee, with a copy to the city manager, prior to the end of the established probationary period. Such an extension does not affect or change the anniversary date for the employee.~~

~~—C. Separation During the Probationary Period:~~

~~—1. If at any time during the probationary period, the department head determines that the services of a new or rehired employee have been unsatisfactory, the employee may be separated from his position without right of hearing or appeal. Written notice of such dismissal shall be given to the employee prior to taking action. A department head may give the dismissed employee a reason for the dismissal, upon request for such:~~

~~—2. When it becomes clear that an employee serving a promotional probationary period is not performing adequately, he shall be so informed in writing with a copy to the personnel office, and consideration will be given to demoting him to a position in his previous classification, or in any other available position for which he is qualified or, lacking an open position, his name will be entered on the appropriate layoff list. Promoted employees, unable to successfully complete the probationary period, shall be given the right to return to the previous position in which they had attained regular status.~~

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Chapter 3.32

EMPLOYEE PERFORMANCE APPRAISAL

Sections:

3.32.010 Performance appraisal.

~~**3.32.020 Programs to improve efficiency of employees.**~~

3.32.010 Performance appraisal. The City Manager, or City Council where appropriate, shall prepare and provide a written performance appraisal to employees who are not within the collective bargaining unit. Such employees shall be allowed to place their own comments on any performance appraisal. Performance appraisals for such employees shall be maintained as part of the City's permanent personnel records.

~~—A. The personnel office shall, in cooperation with department heads and others, develop and adopt a system of appraising the performance of employees in the city service. Performance evaluation is used for the following purposes:~~

~~—1. To provide a basis for informed decision on such matters as promotion, work assignments, training, recognition and awards and termination of employment;~~

~~—2. To keep employees advised of what is expected of them and how well they are meeting these expectations;~~

~~—3. To stimulate improved work performance and commitment to department goals;~~

~~—4. To provide a basis for meeting employee needs for growth and development;~~

~~—5. To enable management to make better use of its personnel resources;~~

~~—6. To foster an effective working partnership between supervisor and employee;~~

~~—7. To determine the effectiveness of placement and promotion actions.~~

~~—B. Preparation. A performance evaluation report shall be prepared for all employees as set forth below. Each department head, with assistance of the personnel office, shall develop and use performance standards suited to the requirements of his department. Standards of performance established as a basis for personnel evaluation shall have reference to the quality and quantity of work, the manner in which service is rendered and such characteristics as will measure the value of the employee to the city. Employees shall be informed of such standards.~~

~~—C. Nature, Form and Frequency of Reports. The personnel office shall prescribe the nature, form and frequency of performance evaluation reports, shall investigate the accuracy of challenged performance evaluation reports and shall, when justified, take any necessary action required to ensure that the evaluation report accurately reflects the facts. The personnel office shall provide for uniform application of evaluation standards. Performance evaluation reports shall be made at the third month of the probationary period, before completion of each probation period, annually before anniversary dates, upon promotion, demotion or transfer, and for every separation of employees who have worked at least ninety days regardless of the reason. Performance~~

~~evaluation reports may also be completed at any other time at the discretion of a department head.~~

~~—D. Review of Performance Evaluation with Employee. The department head shall prepare the performance evaluation report and discuss it privately with the employee to whom it pertains. Employees may comment on the content of the performance evaluation report; such written comments shall be attached to the report and become a part of it.~~

~~—E. Distribution of Reports. Upon completion of department review, the department head shall furnish the employee with a copy of the performance evaluation report. The original shall be filed in the employee's central personnel file.~~

~~—F. Grievance of an Evaluation. The substance of a performance evaluation report shall not be the subject of a grievance.~~

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~~3.32.020 Programs to improve efficiency of employees.~~

~~—A. The city manager shall cooperate with department heads in developing and promoting programs for employee training, retraining, safety, morale, work motivation, health, counseling and welfare.~~

~~—B. The city manager shall plan, promote, and implement, with the assistance of department heads, a career development program designed to meet the continually changing staffing requirements of the following elements: identifying key managerial, professional, technical and administrative positions in which the need for replacements can be reasonably anticipated; assessing available manpower to determine whether or not highly competent replacements are available or persons of considerable potential are available; determining what is required to develop that potential into high competence; and marshalling the resources of management and personnel management to carry out the steps necessary to develop the competence in potential replacements so that, ultimately, there will be a constant supply available of highly competent manpower prepared to meet the needs of the city.~~

Chapter 3.36

DISCIPLINARY ACTIONS

Sections:

- 3.36.010 General policy.**
- 3.36.020 Forms of discipline.**
- 3.36.030 Disciplinary reporting.**

3.36.010 General policy.

~~A. The city manager, or City Council where appropriate, will handle~~ ~~will advise and assist department heads in the handling of all disciplinary matters.~~ ~~The city manager or City Council where appropriate, shall approve all disciplinary actions, concerning suspension, transfers, demotion or dismissal prior to the completion of the action, unless, in the judgment of the department head, immediate disciplinary action is required. The basis for taking immediate action shall be limited to reasons of just cause or immediate danger to health, safety and welfare of city employees or the public. In such instance, the department head shall have the authority to suspend the employee without pay pending investigation and approval of the final determination by the city manager.~~

~~B. Prior consultation with the city manager on all disciplinary actions is desirable and, time permitting, encouraged in order to provide for continuity and consistency in the application of disciplinary matters.~~

3.36.020 Forms of discipline.

~~Employment for all employees excluded from the collective bargaining unit is at will. The city manager may take disciplinary action when s/he believes that an employee has not adhered to the city's standards, rules or policies, or that performance requires improvement or is unsatisfactory. Such action may include oral reprimand, written reprimand, suspension with pay, suspension without pay, demotion, or discharge. The city manager may apply the discipline s/he considers appropriate under all of the facts and circumstances, up to and including immediate termination without prior corrective action or notice. Progressive discipline shall be followed when practicable. Department heads and supervisors should always be aware of the continuing need for informal counseling. When informal counseling fails to correct a situation, or when the severity of the inappropriate conduct warrants and it is in the best interest of the city, the city manager may permit any of the following forms of discipline to be imposed at anytime so long as such discipline is supported by just cause:~~

- ~~A. Oral reprimand;~~
- ~~B. Written reprimand;~~
- ~~C. Suspension without pay;~~
- ~~D. Demotion;~~
- ~~E. Dismissal;~~

3.36.030 Disciplinary reporting.

A. Disciplinary Action Reports. All disciplinary actions except oral reprimands shall be documented on a personnel action report form. A record of the date, time and subject of any oral reprimand shall be maintained in the departmental personnel files for a twelve-month period. ~~The disciplinary report shall clearly and concisely set forth the supervisor's reasons for disciplinary action. The employee shall be given an opportunity to review the disciplinary report with his department head. If the employee disagrees with the facts or conclusions contained in the report, he shall be permitted to submit, within four calendar days after reviewing the report with his department head, a statement of disagreement. The statement shall clearly and concisely set forth the employee's reasons for disagreeing with the report. One copy of the employee's statement shall be appended to the report and shall become a part of it. If the employee has no comment or has not responded within the required time frame, it shall be so noted and the report shall be forwarded to the personnel office for inclusion in the central personnel file.~~

B. The City Manager may, ~~The department head may,~~ if appropriate, complete periodic reviews of the employee's progress in correcting the cause of the original discipline. Such reports shall be made a part of the employee's central personnel file. Disciplinary action reports which concern employees who have separated from city service shall remain a part of the file.

Chapter 3.40

GRIEVANCES

Sections:

~~3.40.010 Grievance procedure.~~

~~3.40.020 Grievance hearing.~~

~~3.40.030 Pre-disciplinary hearing.~~

~~3.40.010 Grievance procedure.~~

~~—A grievance shall be processed in accordance with the procedures and within the time limits stated in Sections 3.40.010 — 3.40.020.~~

~~—A. Step 1 — Informal Discussion. The grievant shall discuss the grievance with the department head. If the grievance cannot be resolved informally through discussion, with the department head, it shall then be reduced to writing as a formal grievance, and the written grievance shall be submitted to the department head. The written grievance must be submitted within fifteen calendar days of the date that the grievant knows or has reason to know of the conduct or actions upon which the grievance is based. Failure to notify the city within the specified time limits identified in the procedure shall constitute a bar to further action on the alleged grievance. The time limits set forth in this procedure may be extended in writing by mutual agreement of the parties.~~

~~—The written grievance must describe the actions or omissions that are alleged to constitute improper conduct by the city and must indicate the rule or rules that have allegedly been misapplied, misinterpreted or violated by the city. The written grievance must also include a description of what the grievant would like to see as an outcome to the situation; i.e. back pay, reinstatement, apology from management, etc.~~

~~—B. Step 2 — Department Head. Upon receipt of a written grievance, a department head shall, within seven calendar days, respond in writing. Upon receipt of the department head's response, the grievant shall have seven calendar days to appeal the decision in writing to the city manager. If the department head fails to respond to the employee's grievance within the seven days, such failure to respond will serve to declare the grievance as settled based upon the grievant's claim. If the grievant fails to appeal the department head's decision within the seven days, such failure to respond will serve to declare the grievance as settled based upon the department head's decision.~~

~~—C. Step 3 — City Manager. Within seven calendar days of receipt of a written appeal from the decision of the department head, the city manager or his designee shall review the matter and respond in writing to the grievant's grievance. Upon receipt of the manager's decision, the grievant shall have seven calendar days in which to submit a written request for a grievance hearing to the personnel office. If the grievant fails to file a written request for a grievance hearing within the seven days, such failure will serve to declare the grievance as settled based upon the manager's decision. If the city manager fails to respond to the grievance appeal within the seven calendar days, such failure will serve to declare the grievance as settled based upon the grievant's claim.~~

~~**3.40.020 Grievance hearing.**~~

~~—A. If a timely request for grievance hearing is received, a three member grievance hearing board shall be convened by the personnel office. This hearing board shall consist of two city councilmembers, selected by the mayor, and a member of city management (either the city manager or his designee). The grievant shall have the right to remove one member of the board, one time. The grievant must give a reason for the removal of the one board member. The mayor shall pick any replacement councilmember; the city manager shall pick any replacement administration member.~~

~~—B. The grievance hearing shall be convened, at a mutually agreed upon place and time, within fourteen calendar days of the date a request for hearing was received by the personnel office. If the grievant chooses to exercise his right to remove one member of the board, as specified above, an additional seven calendar days shall be added to the time limit.~~

~~—C. The grievance hearing board shall pick a chairman to chair the hearings. Hearings shall be conducted according to generally accepted standard and procedures for grievance arbitration, and shall be recorded for future reference. The grievant shall have the right to make it a public hearing or not. The hearing board shall have no authority to add to, alter, delete or modify any statute, regulation, ordinance or labor agreement, except for reissuance of back pay during a suspension. The hearing board shall not make any award involving payment to a party for events, actions or omissions preceding the events, actions or omission recited in the complaint. The decision of the grievance hearing board shall be final and binding on all parties and shall only be subject to appeal in the Superior Court. Either party may make application to the Superior Court to enforce a decision of the hearing board.~~

~~—D. In the application of this section, "grievant" shall include any duly authorized representative of the grievant. Nothing in this section shall be construed to prevent settlement of a grievance by mutual agreement of the parties at any time.~~

~~—E. The grievance provisions contained in this section shall not apply to employees who have not successfully completed a probationary period in accordance with Chapter 3.28 at the time of the alleged action or omissions. Probationary employees may be subject to discipline without grievance appeal and may be terminated in accordance with Section 3.28.040C.~~

~~**3.40.030 Pre-disciplinary hearing.**~~

~~—A dismissal, demotion with reduction in pay or suspension without pay of an employee who has satisfactorily completed the probationary period in accordance with Chapter 3.28 shall be accomplished and reviewed only in accordance with the procedures stated in this section.~~

~~—A. Before a department head may dismiss, demote with a reduction in pay or suspend without pay an employee, the employee shall receive written notice of intent to discipline containing a reasonably specific statement of the basis for the intended discipline. Depending on the circumstances of the occurrence, in the judgment of the department head, immediate suspension without pay may be required on the basis of just cause, or immediate danger to health, safety and welfare of city employees or the~~

public. Also contained in the written notice of intent to discipline will be an explanation of the employee's entitlement to ask for a hearing at which such intended discipline may be reviewed. If the employee is unavailable, the notice shall be given by mail.

~~—B. The employee may request a hearing only by submitting a written request to his department head, on a form to be provided by the personnel office, no later than five p.m. on the seventh calendar day following the day on which he received the notice of intent to discipline or the date of mailing such notice. The employee may request either a pre disciplinary hearing or a post disciplinary grievance hearing. Failure of the employee to timely submit written notice of his selection on the designated form shall constitute a waiver of the employee's right to both a predisciplinary hearing and a post-disciplinary grievance hearing.~~

~~—C. The city manager shall schedule a pre disciplinary hearing no later than the fifteenth calendar day after the notice of intent to discipline is provided to the employee. The city manager shall designate an impartial individual experienced in dispute resolution to serve as a hearing officer at the pre disciplinary hearing. The city manager shall not designate as a hearing officer, any city employee unless otherwise agreed upon by the parties. The pre disciplinary hearing shall be held only if the employee submits a timely written request as provided above. If for any reason the employee objects to the hearing officer designated by the city manager, he must so indicate in writing no later than five p.m. on the seventh calendar day following the day on which he received the notice of intent to discipline or the date of mailing such notice and select, at that time, an alternative hearing officer who is available to conduct the hearing within fifteen days of the notice of intent to discipline from a list maintained by the city manager.~~

~~—D. Existing pay status shall not be provided beyond the fifteenth day if the employee or his representative requests and is granted an extension of the hearing date for any reason.~~

~~—If the city requests and is granted an extension of the hearing date for any reason, the employee shall be continued in pay status.~~

~~—E. The hearing officer may exercise independent judgment as to the weight of the evidence and on legal issues raised by the parties. The employer shall prove the existence of just cause to discipline the employee by a preponderance of the evidence presented.~~

~~—F. The hearing officer shall issue a written decision no later than two working days after the close of the hearing. The decision shall include reasonably specific findings of fact, conclusions of law, and a clear and precise statement of the reason for the decision.~~

~~—G. The hearing officer is limited to either upholding or denying the discipline based upon the existence of just cause to support it, and is not authorized to provide any other remedy.~~

~~—H. If the hearing officer denies the existence of just cause to support the discipline, the department head, in consultation with the city manager, may then impose a lesser form of discipline for the conduct at issue at the hearing. If the lesser form of discipline is to be either suspension or demotion the hearing officer shall retain jurisdiction to review and rule on that discipline. The employee may receive such review only by~~

~~submitting a written request within seven calendar days of notice or date of mailing of such notice of the lesser discipline. The hearing officer shall issue a written decision within two working days of receipt of the petition for review based solely on the evidence submitted by the parties at the prior hearing.~~

~~I. Section 3.40.020 shall not apply to an employee entitled to the procedures stated in this section unless the employee requests a grievance hearing in writing as provided in subsection B of this section. As a result of a grievance hearing on discharge grievances under Section 3.40.020, the hearing board may reinstate the employee only if the city fails to prove just cause to support the discipline. For discharge grievances, reinstatement shall be the exclusive remedy; the grievance hearing board shall not award back pay.~~

~~K. The affected employee may appeal the hearing officer's pre-disciplinary decision by filing a written notice of appeal with the Alaska Superior Court. The Superior Court shall have no jurisdiction to hear the appeal unless the employee files the notice of appeal within thirty days after the employee's receipt of the hearing officer's decision. The Superior Court shall limit its review to whether or not substantial evidence in the record supports the decision and to legal issues necessarily decided by the hearing officer.~~

Chapter 3.44

SEPARATION

Sections:

- 3.44.010 Resignations.
- 3.44.020 Layoffs.
- 3.44.030 Terminal leave.
- 3.44.040 Medical separation.
- 3.44.050 Retirement.

3.44.010 Resignations.

~~A. Resigning. — A. —~~ Notice of Resignation. Employees may terminate their employment voluntarily at any time, subject to the notice requirements of any applicable written employment agreement. Letters of resignation, if any, shall be addressed to the city manager, or city council where appropriate. All employees are requested to take into consideration the needs of the City in terms of providing notice regarding resignation.

~~An employee who desires to terminate shall give at least two week's written notice to his immediate supervisor. The period of notice may be reduced or waived by the personnel office upon recommendation of the department head. A notice of resignation shall become part of the personnel file.~~

~~B. Withdrawal of Resignation. An employee may withdraw his— his/her resignation only prior to the effective date stated in the applicable notice of resignation with the written approval of the city manager, or city council where appropriatedepartment head.~~

~~C. Failure to Give Adequate Notice. Failure to give adequate notice shall be noted on the employee's separation documents and shall preclude preferential consideration for future employment.~~

~~CD. Effective Date of Termination. The effective date of termination pursuant to a notice of resignation shall be the last day on which the employee works.~~

3.44.020 Layoffs.

~~A. —~~ The city manager may find it necessary to reduce the number of City employees because of a decrease in funding, change in provision of services, or other reasons, and lay offs may result.

~~Reason for Layoff. Layoffs may be necessary due to the following:~~

- ~~1. Elimination of a position in the work force;~~
- ~~2. End of a substitute appointment upon return of the incumbent when the substitute's transfer to another position has not been achieved;~~
- ~~3. Failure of an employee to successfully complete the probationary period following promotion when the city manager determines that there is no other position available to which that employee may be demoted.~~

~~B. Layoff Procedure. No employee shall be laid off except upon at least two week's advance notice. An employee who is subject to layoff due to a reduction in force, as~~

~~provided in this section, shall have the right to displace another employee only in accordance with the following conditions:~~

~~—1. Such displacement may occur only in the same department as the position subject to layoff;~~

~~—2. The employee subject to layoff must have more seniority than the employee to be displaced;~~

~~—3. The employee subject to layoff must meet the qualifications for the position occupied by the employee to be displaced, as determined by the city manager;~~

~~—4. The displaced employee must hold a position in the same department as the employee subject to layoff;~~

~~—5. The displaced employee must hold a lower position in the same department as the employee subject to layoff and that position must be one in which the employee subject to layoff has previously earned status; and~~

~~—6. The displaced employee must be the least senior employee meeting the conditions above.~~

~~—The city manager shall offer an employee subject to layoff another vacant position at the same or lower pay range within the department or any other department which may be available, if the employee meets the minimum qualifications for that position as determined by the city manager and department head.~~

~~—C. Eligibility for Re-Employment. A layoff of more than one year shall constitute a break in service for the purpose of a person's entitlement to preferential re-employment rights under Section 3.24.040. Acceptance of an appointment, other than a temporary or provisional appointment, to a position subject to this chapter constitutes satisfaction of an employee's re-employment rights.~~

3.44.030 Terminal leave.

The value of an employee's accumulated annual leave shall be paid to ~~him~~ him/her without undue delay along with ~~his~~ his/her final paycheck following separation. There is no provision for terminal leave. The employee's final paycheck shall be available at the ~~personnel office~~ within the prescribed state time limits. Upon termination the employee will also be ~~asked~~ required to complete any ~~the~~ necessary termination paperwork ~~as required by the city.~~

3.44.040 Medical separation.

An employee who is unable to return to work following approved medical leave without pay may be separated in good standing from city employment. Depending on the type of injury or illness, and whether it happened on or off the job, the employee may be able to take part in either the long-term disability program with the city health benefit plan or the long-term disability plan under the retirement system. Employees are responsible to make themselves aware of the particular requirements in both long-term disability plans and should contact the personnel officer if further information is required, beyond what is provided in the plan documents.

3.44.050 Retirement.

A. The city is a member of the State of Alaska Public Employees Retirement System. All new employees hired after June 1, 1991 are required to be part of this plan if they meet the minimum requirements of the state system.

B. To apply for retirement, the completed PERS form must be received in the PERS office in the month before retirement benefits become payable. Benefits are not paid retroactively, unless payment was delayed by the PERS office. After receipt of an application for retirement, PERS will then return forms that must be completed by the employee and the city.

Chapter 3.48

PAY

Sections:

3.48.010 Pay plan.

~~3.48.020 Pay ranges.~~

~~3.48.030 Basis of pay rates.~~

~~3.48.040 Entrance pay rates.~~

3.48.0250 Advancements within a pay range.

~~3.48.060 Employee incentive committee.~~

~~3.48.070 Length of service.~~

~~3.48.080 Special types of appointments.~~

~~3.48.0390 Overtime~~

~~3.48.100 Shift differential.~~

3.48.04110 Effective date of changes in payroll actions.

3.48.05120 Total remuneration.

3.48.010. Pay Rates

A. Wage Schedule. All employees shall be paid commensurate with the pay range to which his/her position has been assigned.

B. Starting Rate on Initial Employment. Original appointment to any position shall be made at the entrance rate, and advancement from the entrance rate to the maximum rate within a pay range shall be by successive step. The City Manager, or city council where appropriate, may approve initial compensation at a rate higher than the minimum rate in the range for the position when the needs of the service make such action necessary, provided that any such exception is based on the applicant's experience and ability over and above the qualification requirements specified for the class, or a critical shortage of applicants exists. The basis for the request shall be in writing and approval for such shall be in writing prior to appointment.

C. Reinstatement and Re-employment of Employees.

1. Reinstatement As Required By Law. Employment rights of employees shall be governed by applicable law.

3.48.020. Advancements Within a Pay Range

A. Annual Step Increase. Employees shall have their performance reviewed annually. Their salaries may be advanced after an annual performance review to the next higher step within the range based upon their performance. Such advancement may be made annually until the employee has reached the maximum rate of the pay range for his/her position. Dates for such review and advancements shall be the employee's anniversary date and annually thereafter as adjusted by the number of calendar days that total leave without pay exceeds thirty (30) during the calendar year.

Annual step increases shall be within the City Manager's, or where appropriate the city council's, sole and exclusive discretion, and shall be based on merit. A step increase must be earned and is not granted automatically. In determining whether or not to grant an annual step increase, the City Manager, or city council where appropriate, shall give consideration to the objective evaluation of an employee's work performance, recorded on a performance evaluation report.

3.48.030. Overtime

Employees who are not exempt from FLSA and are not within the collective bargaining unit shall be paid at one and one-half times their regular rate of pay for all hours actually worked in excess of forty (40) hours in one (1) week.

3.48.040. Effective Date of Changes in Payroll Actions

Nothing in this Title shall prohibit retroactive pay approved by the City Council or required because of administrative oversight or error as determined by the City Manager.

Personnel action implementing any change in status or pay shall be effective upon approval of the City Manager provided such changes are received by the Payroll Office at least ten (10) working days prior to the effective date.

3.48.050. Total Remuneration

The pay rate determined for a position under this Chapter shall represent the total remuneration for the employee, not including reimbursement for expenses approved by the City Manager. Except as provided in this Chapter, an employee shall not receive remuneration from any person other than the City for performance of his or her ordinary duties or any other additional duties which may be imposed upon him or her, or which he or she may undertake or volunteer to perform.

3.48.010 Pay plan:

~~—A. Definition. The term "pay plan" includes pay schedules, means by which pay is adjusted, such as probationary and promotional increases, demotional decreases and differential payments as set forth in these rules:~~

~~—B. Policy. The policy of the city is to pay salaries and wages consistent with prevailing practices and pay in the Bethel area and municipal governments generally. Due consideration shall be given to the differentials in cost of living and work conditions involved and other benefits provided by the employer.~~

~~—C. Amendments. Amendments to any pay plan may be recommended to the city council by the city manager and shall become effective upon city council approval or a date specified by the council. The personnel office will conduct wage surveys to determine the prevailing rates for positions. Surveys shall include fringe benefit data where feasible. Recommendations for range changes, reclassifications and amendments to the pay plan will be made to the city manager, based upon results of such surveys.~~

~~—D. Responsibility. The city manager is responsible for development, maintenance and administration of uniform and equitable pay plans based upon the classification plan for all positions in the city service.~~

~~**3.48.020 Pay ranges.**~~

~~—A pay range is a level of pay that is assigned to a position which determines the pay of employees in that position. It comprises a series of steps through which an employee may progress by probationary and/or longevity increases. Kelly Shift employees of the fire department shall work under the Kelly Shift pay plan and the Fair Labor Standards Act rules governing it's application.~~

~~—Pay ranges are assigned to positions, based upon the following factors:~~

~~—A. Duties and responsibilities of position;~~

~~—B. Internal equity maintenance of pay ranges of positions in appropriate relations to one another;~~

~~—C. Prevailing rates for comparable work in both public and private employment;~~

~~—D. General pay relationships among job families;~~

~~—E. Pay relationships between supervisors and employees;~~

~~—F. Employee recruitment and retention problems;~~

~~—G. Economic trends and forecasts;~~

~~—H. Salary survey data, including comparative fringe benefits;~~

~~—I. Availability of funds.~~

~~**3.48.030 Basis of pay rates.**~~

~~—Pay rates are based on full time employment at normal working hours for each position. Kelly Shift pay rates for Kelly Shift employees of the fire department shall be based on full-time employment at twenty four hours per shift, per person.~~

~~**3.48.040 Entrance pay rates.**~~

~~—A. Starting Rate on Initial Employment. Original appointment to any position shall be made at the entrance rate, and advancement from the entrance rate to the maximum rate within a pay range shall be by successive step. Upon recommendation of the department head, the city manager may approve initial compensation at a rate higher than the minimum rate in the range for the position when the needs of the service make such action necessary, provided that any such exception is based on the applicant's experience and ability over, and above the qualification requirements specified for the class, or a critical shortage of applicants exists. The basis for the request shall be in writing and approval for such shall be in writing prior to appointment.~~

~~—B. Reinstatement and Re-Employment of Employees.~~

~~—1. Reinstatement of Veterans. A veteran, reinstated under Chapter 3.24, shall be entitled "to be restored to such position" (as he had when he left the city on military leave, other than a temporary position) "or to a position of like seniority, status and pay" as set forth in the United States Code Annotated, Title 50, War and National Defense Military Selective Service Act of 1967, Section 459 Separation from Service (a),~~

~~(b), (c), (f) and (g). A veteran shall be reinstated to the same position or one as nearly like it as is available, at the same step he had when separated. His anniversary date shall be the date of reinstatement adjusted by the number of months and days served toward the next step before leaving for military service. A probationary period shall not be required unless one was not completed in last previous employment, in which case only the incomplete portion need be served upon reinstatement. No probationary pay increase shall be granted unless one was not received in last previous employment.~~

~~—2. Re-employment of Laid Off Employees. When a laid off employee is re-employed, under Chapter 3.24 he is entitled to the same pay or step he had when laid off. His length of service shall be adjusted by the number of months and/or days laid off. A probationary period shall be required only if requested by the department head and approved in advance by the city manager, unless one was not completed in last previous employment, in which case the incomplete portion need be served in new employment.~~

~~—3. Reinstatement as Result of Successful Appeal. An employee reinstated as a result of successful appeal is entitled to all rights previously established, including the same pay or step, and the same anniversary date and/or length of service, unless otherwise directed by the body hearing the grievance appeal. A probationary period shall not be required and a probationary increase shall not be awarded unless one was not completed in employment just previous to the appeal, in which case only the incomplete portion need be served in the new employment.~~

~~—C. Rehire. A former employee may be rehired at the same pay rate or step he had before separation or any lower pay rate or step in the range determined by the department head, when rehired under Chapter 3.24. When rehired in the same position, a parallel or a lower position classification, when approved in advance by the city manager, the employee may be paid at the rate that best reflects prior creditable city service. Consideration shall be given to experience and education acquired since leaving city employment. The employee must serve a probationary period, but shall not be entitled to a probationary increase unless he did not receive one in previous employment or unless he is hired at the first step. Former employees who are not eligible for rehire may be reappointed as new employees. The anniversary date shall be the date of rehire. Length of service date shall be that as established in Section 3.48.070.~~

~~—D. Rate of Pay on Promotion.~~

~~—1 Normal Promotion. Unless otherwise provided in this subsection, an employee who is promoted to a pay range which is higher than the one which he currently holds, the new range shall be the A step or that step providing for at least a one step incremental increase, considering those factors outlined in subsection A of this section.~~

~~—2. Upward Reclassification. In any case where a position is reclassified upwards, the pay step of the employee occupying the position shall be that step in the new range providing for a one step incremental increase. Length of service date remains unchanged, and no probationary period shall be required. The anniversary date of a promoted employee shall become the date of promotion.~~

~~—3. Upward Range Change. In the case of an upward range change, the pay step of the employee in the new range shall be at the same step in the new range as held in~~

the old range. Length of service date remains unchanged, and no probationary period is served.

~~—4. Promotion Following Demotion in Lieu of Layoff.~~

~~—a. If an employee is promoted back to his former pay range within one year following a demotion in lieu of layoff pursuant to Section 3.44.020B, he shall be placed at that step in the higher pay range which equates with his rate of pay prior to the demotion in lieu of layoff.~~

~~—b. If an employee is promoted within one year to a pay range lower than that which applied to him before a demotion in lieu of layoff pursuant to Section 3.44.020B, he shall be placed either at that step in the new pay range which equates with his rate of pay prior to the demotion in lieu of layoff or to the highest step in that new pay range, whichever is lower.~~

~~—E. Starting Rate on Lateral Transfer. When an employee is assigned to a new position at the same classification level and department for which he is qualified and which has the same salary grade, he shall be transferred at the rate he was receiving, and no probationary period shall be served. His date of next increase shall remain the same as in his former position.~~

~~—1. Transfer to a Parallel Class or to Another Department. When employees are transferred to a position in a parallel classification, or transferred from one department to another, to a position in the same or a parallel classification their anniversary date and length of service date are not changed. Employees so transferred may be required to serve a probationary period in accordance with this chapter, but will not be eligible for a probationary increase.~~

~~—2. Lateral Reclassification. When a position is reclassified at the same salary level, the incumbent shall have no change in status.~~

~~—F. Demotion.~~

~~—1. Pay Step in Range for Lower Class. When an employee is demoted, his pay step in the range for the lower classification shall be that step which is determined by the department head and approved in advance by the city manager. Factors shall include: reason for demotion, past and current performance evaluations, cooperation with the department head and other employees; previous experience in the lower or a parallel classification; budgeted funds available; and length of service.~~

~~—a. Demotion for Disciplinary Reasons. An employee demoted for disciplinary reasons normally shall be placed in Step A of the lower range unless re-adjusted by the department head and city manager.~~

~~—b. Demotion In Lieu of Layoff. Employees demoted in lieu of layoff shall be placed in Step D in the range for the lower class or the step equal to his present step, whichever is lower.~~

~~—c. Demotion During Promotional Probationary Period. An employee demoted during a promotional probationary period shall be placed in the previous range and step which he held before promotion.~~

~~—2. Anniversary Date. Anniversary date of a demoted employee shall become the date held before the demotion.~~

~~—3. Length of Service Date. Length of service date of a demoted employee shall remain unchanged.~~

~~—4. Probationary Period.~~

~~—a. When employees are demoted to a position in a classification where they previously had regular status, no probationary period shall be served. Employees who are demoted for disciplinary reasons shall serve a probationary period but shall not receive a probationary pay increase.~~

~~—b. When employees are demoted to a position in a classification where they did not previously hold regular status, the department head shall decide whether a probationary period will be served, without a probationary increase, subject to approval of the city manager. The employee shall be notified of the decision, in writing, before the demotion is accomplished.~~

~~—5. Demotion into Different Class Series. An employee demoted under (Section 3.24.070) into a lower level position where duties are significantly different shall be paid at the step in the range of the lower classification of positions that best reflects the earned step based on creditable city service, or at such other step as approved in advance by the city manager. His anniversary date and his length of service date shall remain unchanged. When the department head determines that a new probationary period is required, and if approved by the city manager, the employee may be awarded a probationary increase if earned. When a new probationary period is not required, none shall be served, no probationary increase shall be awarded. In both cases length of service date remains unchanged.~~

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~~3.48.050 Advancements within a pay range.~~

~~—A. On Completion of Probation. Upon satisfactory completion of the probationary period after initial appointment, the entrance salary of the employee may be advanced one increment to the next higher step in the salary range for the class to which his position is allocated. The probationary period may be extended and probationary increase withheld with prior approval of the city manager in accordance with Chapter 3.28. Exceptions are:~~

~~—1. Where these rules specify elsewhere that no probationary increase shall result, even though a probationary period must be served;~~

~~—2. Where employees are promoted, appointed or reappointed at the maximum step;~~

~~—3. When employees are part time, they shall be paid at the hourly rate in the step assigned for the actual number of hours worked in each period. Appointment shall be in probationary status, and a probationary pay increase shall be awarded, if earned, when an employee has completed six months of continuous service. A step increase shall be awarded if earned, after one year of continuous service. Part time employees shall be entitled to all fringe benefits, including health plan, insurance, and retirement as specified in the plan documents.~~

~~—B. After Completion of Probation.~~

~~—1. Annual Step Increase.~~

~~—a. Employees shall have their performance reviewed annually, and their salaries may be advanced to the next higher rates within the range as recommended by the department head and approved by the city manager, based upon their performance. A step increase must be earned and is not granted automatically. Such advancement may be made annually until the employee has reached the maximum rate of the salary~~

range for his position. Dates for such review and advancements shall be the employee's anniversary date (see definition) and annually thereafter as adjusted by the number of calendar days that total leave without pay exceeds ten during the calendar year.

~~—b. Step increases shall be based upon objective evaluation of an employee's work performance, recorded on a performance evaluation report. When the overall report shows an average or higher rating, and when it is shown that the employee has demonstrated satisfactory performance of a progressively greater value to the city, a step increase may be approved. When the department head determines that an employee has not demonstrated at least average performance of a progressively greater value to the city during his past anniversary year, he may defer the step increase for a stipulated time during which certain specific improvements must be made, or deny the increase. Notice of such deferral and reasons shall be given to the employee in writing on the performance evaluation report. The deferred step increase may be approved at any time during the deferral period that the department head determines that the employee has demonstrated satisfactory improvement. The anniversary date shall not be changed because of step increase deferral.~~

~~3.48.060 Employee incentive committee.~~

~~—A. Purpose.~~

~~—1. Department heads may recommend employees for a special award at any time in recognition of (a) outstanding service; (b) special acts or accomplishments; or (c) achievements in additional education or specialized training which enable the individual to perform his assignment more effectively and upon which the city benefits. The granting of an award under this rule shall have no effect on the normal anniversary date. An employee shall be eligible to win this award one time per year.~~

~~—2. Request for awards shall be made in writing by the department head through the personnel office to an eight member employee incentive committee for review and recommendation to the city manager detailing the reasons for the request on a form prescribed by the committee. Employees shall not be eligible for such awards while serving a probationary period.~~

~~—3. The employee incentive committee shall be an eight member committee appointed by the city manager on a yearly basis. All departments within the city should have representation on the committee.~~

~~—B. Standards for Special Recognition Awards.~~

~~—1. Outstanding Service. In the case of outstanding service, the request will state how the candidate's work performance exceeds the normal requirements of his position or how his service is superior in comparison with that of others in the same range and type of work and will establish that the outstanding service has been consistently performed for at least three months prior to the date of recommendation. The recommendation must show that the individual's service is outstanding in two or more of the basic tasks outlined in his position description or in assigned tasks.~~

~~—2. Cost Savings Award. In the case of acts or accomplishments, the request will describe in detail the employee's efforts in planning, scheduling, or materially changing in some way, city operations so as to make city operations more efficient.~~

~~—3. Special Acts or Accomplishments. In the case of special acts or accomplishments, the request will describe the meritorious personal efforts (including acts of heroism) directly or indirectly relating to the candidate's employment, which contribute to efficiency, economy or other improvement in city operations, or which are otherwise in the public interest or reflect favorably upon the city government.~~

~~—4. Education or Specialized Training:~~

~~—a. In the case of achievement in additional education or specialized training, the recommendation will describe the achievement and identify the training organization, give the dates and length of course and subjects covered, and will be accompanied by a copy of the certificate, diploma or license received and specific examples of the improvement in performance of work assignments.~~

~~—b. To qualify for merit award consideration the education and training being recognized must have been completed after the candidate joined the city. The achievement (degree, license, certificate, etc.) must not have been a mandatory prerequisite for the candidate's employment in his present position. The achievement or training must be demonstratively of value to the city beyond the qualifications for the employee's current position.~~

~~—C. Amount of Award. A special recognition award shall not be a monetary award but shall be given in time off with pay. The award shall not exceed five working days for the employee, with the precise amount to be awarded in any particular case to be determined by the employee incentive committee and approved by the city manager. Such leave time will not effect the annual leave or sick leave balance for the employee.~~

~~**3.48.070 Length of service.**~~

~~—A. "Length of service" means the number of days of all service rendered by an individual during employment with the city, regardless of the position(s) occupied as measured in accordance with this section.~~

~~—B. The length of service for a person who is a city employee and who has remained continuously employed by the city shall be measured from the date of that employee's initial appointment to city employment for leave accrual rate and service awards, excluding:~~

~~—1. All leave without pay in excess of ten days during each calendar year;~~

~~—2. Every day between the employee's separation date(s) and re-employment date(s) with the city;~~

~~—3. Time spent by the employee in a temporary position unless that employee moved directly from such temporary position to a regular position without a break in service.~~

~~**3.48.080 Special types of appointments.**~~

~~—A. Substitute Appointments. Substitute employees shall serve a probationary period. They are eligible for all increases, the same as regular employees and are entitled to all fringe benefits.~~

~~—B. Temporary Appointments. Employees serving in temporary positions shall not be entitled to fringe benefits.~~

~~—C. Acting Appointments. An acting appointment shall be paid either at Step A or that step in the range of the higher class which provides a step increase above the current~~

step, provided the employee is able to carry on the duties of the position. Employees who are eligible for overtime in their regular position shall also be eligible for overtime in an acting appointment. No employee shall be permanently appointed to the acting employee's vacated position.

~~3.48.090 Overtime.~~

~~—A. Policy. It is recognized that overtime duty is an occasional necessity and should be worked if assigned. Department heads are responsible for seeing that no abuse of overtime occurs. All overtime work must have the prior approval of the department head except in emergencies that preclude such prior approval. The department head shall review the record and certify overtime approved for payment.~~

~~—B. Pay Rates for Overtime.~~

~~—1. Regular Overtime. Employees shall be paid at one and one half times their regular rate of pay for all hours actually worked in excess of forty hours in one week. Employees shall also receive regular overtime pay if their normal shift has been completed, and they are "called out" to perform additional work. This "call out pay" shall have a two hour minimum. For employees of the fire and police departments, which have chosen the Fair Labor Standards Act 213(b)(20) exemption, those employees shall be paid regular overtime according to the FLSA standards. Call out pay shall remain as specified above.~~

~~—2. Stand-By Pay. In cases where it is found necessary to have employees remain available for work in a "stand by" status after regularly scheduled hours, on scheduled days off, or holidays, they shall receive two hours' pay at the straight time rate for each day of such duty. When such an employee is called out for work, the stand-by pay shall be credited toward the minimum call-out payment.~~

~~3.48.100 Shift differential.~~

~~—A. All employees, except Kelly Shift employees of the fire department, while assigned to a shift which begins between two p.m. and eight p.m. shall be paid an additional amount which equals to 2.5% above their regular rate for all hours worked.~~

~~—B. All employees, except Kelly Shift employees of the fire department, while assigned to a shift which begins between eight p.m. and four a.m. shall be paid an additional amount which equals five percent above their regular rate for all hours worked.~~

~~—C. Shift differential shall only be paid for those regular shift hours and not any additional hours worked outside the shift; i.e. overtime and call-outs.~~

~~—D. Department heads and supervisors are responsible for providing the payroll office with the information needed to correctly process the time cards.~~

~~3.48.110 Effective date of changes in payroll actions.~~

~~—A. Nothing in this section shall prohibit retroactive pay approved by the city council or required because of administrative oversight or error as determined by the city manager.~~

~~—B. Personnel actions implementing any change in status or pay shall be effective upon approval of the city manager provided such changes are received by the payroll office at least ten working days prior to the effective date.~~

~~**3.48.120 Total remuneration.**~~

~~—The pay rate determined for a position under this chapter shall represent the total remuneration for the employee, not including reimbursement for expenses approved by the department head. Except as provided in this chapter, an employee shall not receive any form of compensation from the city. An employee shall not receive remuneration from any person other than the city for performance of his ordinary duties or any other additional duties which may be imposed upon him or which he may undertake or volunteer to perform as an employee.)~~

Chapter 3.52

HOURS OF WORK

Sections:

~~3.52.010 HRegular hours of work.~~

~~3.52.020 Shifts.~~

~~3.52.030 Temporary schedules.~~

~~3.52.040 Lunch period.~~

~~3.52.050 Changes of permanent schedules.~~

~~3.52.010 HRegular hours of work.~~

~~Employees not within the collective bargaining unit positions who are exempt from the FLSA are expected to work during the whole of the work day that their department is regularly open for business, and they are expected to work as many hours as is necessary to perform their jobs. Regular working hours of general-scheduled city employees shall consist of a five-day week, eight hours a day, forty hours a week. The standard work week shall consist of the period from midnight Sunday to the following midnight Sunday. The standard work day shall consist of the period midnight to midnight.~~

~~3.52.020 Shifts.~~

~~The following three types of regular shifts are authorized:~~

~~A. Established Shift. A regular shift (examples, eight a.m. to five p.m., seven thirty a.m. to four thirty p.m., seven a.m. to five p.m.) that applies to all employees of a department, division, section of work unit.~~

~~B. Flex Time. A designated period (e.g., seven a.m. to six p.m.) during which employees may select eight hour periods, with the approval of their department head.~~

~~C. Kelly Shift. A rotating, twenty four hour, three shift cycle used by the fire department in providing round the clock coverage.~~

~~3.52.030 Temporary schedules.~~

~~Temporary shifting of employees' working hours to meet routine needs may be implemented as necessary if approved by the department head. Changes of shifts which envision changes of thirty minutes or less at starting time may be approved by the department head for periods less than one week. Changes for more than one week must provide at least one week's advance notice to employees except in emergency situations, or when the employees waive the need for notice.~~

~~3.52.040 Lunch period.~~

~~Department heads may authorize either one hour or one-half hour unpaid lunch periods to meet operational staffing requirements. Such periods will normally be taken at midshift.~~

~~3.52.050 Changes of permanent schedules.~~

~~All changes of permanent working schedules shall provide those employees affected, at least one week's notice of the change, or time permitting, two week's notice except in emergency situations or when the employees waive the need for notice.~~

Chapter 3.56

HOLIDAYS

Sections:

3.56.010 Recognized holidays with pay.

3.56.020 Holiday falling on a Saturday or Sunday.

3.56.030 Computation of holiday pay.

~~**3.56.040 Forfeiture of holiday pay.**~~

3.56.0450 Pay for regular full-time employees who work on a holiday.

~~**3.56.060 Holidays for Kelly Shift employees.**~~

3.56.010 Recognized holidays with pay.

The following days will be recognized as holidays with pay for all employees in regular full-time and regular part-time positions. ~~Fire fighters' pay in lieu of holidays shall be as stated below:~~

~~New Year's Day and New Year's Eve (half day)~~

Washington's Birthday (third Monday in February)

Memorial Day (last Monday in May)

Independence Day

Labor Day

Alaska Day

Veteran's Day

Thanksgiving Day

Day After Thanksgiving Day

Chief Eddie Hoffman's Day

½ Day on Christmas Eve

~~Christmas Day and Christmas Eve (half day)~~

Employee's Birthday

~~Personal leave Day~~

Employees may choose to take their birthday leave at anytime during the calendar year, except on another recognized city holiday, with prior approval of the city manager~~department head~~.

3.56.020 Holiday falling on a Saturday or Sunday.

When a recognized holiday falls on a Saturday, the preceding Friday shall be recognized as the holiday with respect to overtime computation. When a recognized holiday falls on a Sunday, the Monday following shall be recognized as the holiday. ~~When a regular full-time employee's regularly scheduled time off falls on a recognized holiday, the department head shall allow, if scheduling permits, that employee to take another day off during the week in lieu of the holiday. If the employee is unable to take the time off he shall be compensated with eight hours of regular pay in addition to holiday pay.~~

3.56.030 Computation of holiday pay.

A. Regular Full-Time Employees. Regular full-time employees who are not within the bargaining unit and who are not exempt from FLSA shall receive their regular straight time rate of pay for recognized holidays. Employees who are exempt from FLSA shall receive their regular salary in a workweek in which they perform services for the city, regardless of whether or not a holiday occurs during such week.

B. Regular Part-Time Employees. Regular part-time employees who are not within the bargaining unit and who are not exempt from FLSA shall receive pay for recognized holidays which occur in their standard work period measured by the applicable straight time hourly rate multiplied by the average number of hours worked by the employee during the prior four weeks. Employees who are exempt from FLSA shall receive their regular salary in a workweek in which they perform services for the city, regardless of whether or not a holiday occurs during such week.

C. Holiday During Annual or Sick Leave. A recognized holiday occurring during an employee's annual or sick leave shall not be counted as a day of annual or sick leave.

~~3.56.040 Forfeiture of holiday pay.~~

~~—Employees shall forfeit their right to payment for any holiday if they are on leave without pay for the entire shift on the last regular work day preceding such holiday or on the next regular work day following such holiday.~~

3.56.0450 Pay for regular full-time employees who work on a holiday.

Regular full-time employees who are not exempt from FLSA and who are required to work a full shift because of an emergency or performance of essential public services shall be entitled to eight hours pay in addition to their normal holiday pay. Employees who are exempt from FLSA shall be paid their regular salary in a workweek in which they perform services for the city, regardless of whether or not a holiday occurs during such week and regardless of whether or not they perform services on such holiday. A regular full-time employee who is "called out" to work part of a shift on a recognized holiday shall be paid as per the call out pay provision (Section 3.48.090(B)(1)).

~~3.56.060 Holidays for Kelly Shift employees.~~

~~—A. "Kelly Shift employees" are those employees who are assigned to work a regularly scheduled shift of twenty four hours per day at the fire department, calculated in the manner described in fire department shift procedures.~~

~~—B. Holidays shall be compensated in the following manner. An employee shall be paid the following pay period for those holidays preceding. Holiday pay shall be equal to the employee's Kelly Shift straight time rate of compensation multiplied by the number of holiday hours prior. Each full-day holiday is twenty four hours; each half day holiday is twelve hours; birthday and personal days are twenty four hours.~~

~~—C. In the event the city declares any additional holiday other than those listed above, firefighter employees shall be eligible for such additional holidays as described in subsection B, above.~~

~~1. If an employee is on leave of absence without pay on the last regular work day preceding or the next regular work day following a holiday, such employee shall forfeit his right to payment for that holiday.~~

~~2. Payment for forty-hour employees who work on a scheduled holiday shall be in accordance with Section 3.56.050.~~

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Chapter 3.60

LEAVE

Sections:

- 3.60.010 Policy.**
- 3.60.020 Annual leave accrual.**
- 3.60.030 Annual leave cash-in and donation.**
- 3.60.040 Regular use of annual leave.**
- 3.60.050 Sick leave.**
- 3.60.060 Injury leave.**
- 3.60.070 Court leave.**
- 3.60.080 Uniformed service~~Military training~~ leave.**
- 3.60.090 Funeral leave.**
- 3.60.100 Emergency leave.**
- 3.60.110 Leave without pay.**
- 3.60.120 Unauthorized absences.**
- 3.60.130 Family/Medical~~Maternity/paternity~~ leave.**

3.60.010 Policy.

~~Annual leave, sick leave, and other additional leaves as are provided to city employees in accordance with this Chapter and applicable law. specified are provided to the city employees. Employees in regular full-time positions and regular part-time positions shall be entitled to leave accrual benefits. Temporary and seasonal employees shall not accrue leave. All leave shall be earned and used on an hour for hour basis. Employees shall not accrue leave while serving a probationary period except as provided in Section 3.28.030B.~~

3.60.020 Annual leave accrual.

A. Rate.

1. Regular, full-time employees shall accrue annual leave at the following rates:

12 hours per month = 0 thru 2 years service
14 hours per month = 2 years + 1 day thru 5 years service
16 hours per month = 5 years + 1 day thru 10 years service
18 hours per month = 10 years + 1 day thru 15 years of service
20 hours per month = 15 years + 1 day thru 20 years service
22 hours per month = 20 + years of service

2. Regular, part-time employees shall accrue annual leave at the following rates:

6 hours per month = 0 thru 2 years service
8 hours per month = 2 years + 1 day thru 5 years service
10 hours per month = 5 years + 1 day thru 10 years service
12 hours per month = 10 years + 1 day thru 15 years service
14 hours per month = 15 years + 1 day thru 20 years service

16 hours per month = 20+ years service

~~3. Kelly Shift employees of the fire department shall accrue leave at the following rates:~~

- ~~18 hours per month = 0 thru 2 years service~~
- ~~20 hours per month = 2 years + 1 day thru 5 years service~~
- ~~22 hours per month = 5 years + 1 day thru 10 years service~~
- ~~25 hours per month = 10 years + 1 day thru 15 years service~~
- ~~28 hours per month = 15 years + 1 day thru 20 years service~~
- ~~32 hours per month = 20 + years service~~

B. Annual Leave Accrual. Leave accrues during the period of time an employee is on paid leave. Such additional accrual shall be canceled if the employee fails to resume duty on completion of ~~his~~ his/her authorized leave. Leave does not accrue during periods of injury leave or leave without pay.

C. Annual Leave Accrual Limits. Accrued and unused leave may be carried over from one year to the next for the purpose of accumulating an annual leave account or reserve; however, on December thirty-first of any year an employee may not have more than four hundred hours' leave to ~~his~~ his/her credit (~~five hundred seventy-six hours in the case of Kelly Shift employees of the fire department~~).

D. Annual Cash Out Upon Termination. Accrued and unused annual leave shall be paid to a terminated employee within the time periods required under state law, within ten working days of the effective date of termination. Accrued annual leave will be paid upon termination only to those persons who have been continuously employed by the city for a minimum of six months. Employees may not be kept on leave status to "run out" their annual leave after termination.

3.60.030 Annual Leave Cash-Out and Donation

A. Emergency Cash-Out. Cash-out in lieu of accrued annual leave may be obtained under emergency conditions outlined in writing and approved by the City Manager, provided the employee retains at least 80 hours of annual leave in his or her annual leave account following cash payment. "Emergency" is defined as a critical situation over which the employee has no control.

B. Donation of Leave. Requests for permission to donate annual leave to a fellow employee shall be approved only for serious medical problems, hardship or some truly exceptional emergency. Each employee may donate any amount of annual leave, up to forty (40) hours, with the prior approval of the City Manager.

C. Advance Leave Pay. The Finance Director's office shall provide for advance leave pay when the request is submitted in writing two (2) weeks in advance of the scheduled leave period and is approved by the City Manager.

3.60.040. Regular Use of Annual Leave

A. Employees shall be allowed to use any amount of accrued leave at the time they desire that will not be detrimental to department operations, as determined by the City Manager. Leave shall be used on an hour for hour basis.

B. At least forty (40) hours of leave must be taken each year by December 31, with the exception that this limitation shall not apply to new employees until the second December 31 following their date of hire.

3.60.050 Sick Leave

A. Sick Leave Accrual. Sick leave shall accrue at the rate of eight (8) hours per month of service.

B. Sick Leave Accrual Limits. Sick leave can be accumulated up to a maximum of 720 hours.

C. Use.

1. Use of Sick Leave. An employee eligible for sick leave with pay may use such sick leave for absence due to illness, injury, exposure to contagious disease that requires quarantine, or due to illness or death in the employee's immediate family requiring the employee's personal attendance. Doctor, dental, and appointments with other licensed health care providers shall be included as cause for sick leave. An employee who wishes to use sick leave must inform the city manager in advance of taking the leave, or as soon as possible after the employee or an immediate family member become ill. Failure to inform the city manager of the need to use sick leave may be grounds for discipline, up to and including, dismissal. Compensation for sick leave shall be paid when leave is used. Advance compensation for sick leave shall not be paid unless approved in advance by the City Manager.

2. Licensed Health Care Provider's Certificate. When an employee's absence is for more than three (3) consecutive working days, he or she shall provide certification from the employee's or immediate family member's licensed health care provider indicating the reason for the absence. The city manager may require a licensed health care provider's certificate at any time before approving sick leave with pay; such certification shall be provided in advance of taking sick leave, unless the health care provider certifies that such advance notice was not possible. A certificate shall be transmitted to the Personnel Office for entry into the employee's records.

E. Sick Leave Use Upon Termination.

1. Employees with eleven (11) years plus one (1) day or more of continuous employment with the City of Bethel, shall be paid all accumulated sick leave up to a maximum of 720 hours at the employee's regular rate of pay when the employee is terminated. Sick leave shall not be paid upon termination to employees with eleven (11) years of less of continuous employment with the City.

2. Employees returning to work from an unauthorized leave shall not be rehired.

3.60.060. Injury Leave

A. Employees injured on the job are entitled to compensation and benefits in accordance with the Alaska Workers Compensation Act. An employee shall make a complete report of the injury to the Alaska Department of Labor through the Personnel Office. The employee shall cooperate with the Personnel Office to prepare and submit all forms and information related to the employee that the Personnel Office or the City's workers' compensation insurance carrier may request.

B. Employees may not use annual leave while on injury leave.

C. In the event that an employee is unable to return to work, he or she will be eligible for benefits provided for in the City's long term disability program, if any. While participating in such program, the employee shall not accrue sick and/or annual leave benefits. The employee may, however, participate in the City's group insurance programs provided he or she meets the responsibilities under the COBRA Act and the City's insurance program.

3.60.070. Court Leave

A. Employees called for jury duty shall be treated as being on approved leave without loss of longevity, leave or pay. Service in court when subpoenaed as a witness shall be treated the same as jury duty. Fees paid by the court, other than those for an employee's appearance at any time outside the employee's regularly scheduled shift, for travel, parking and subsistence allowances, shall be returned to the City.

B. An employee shall provide the city manager with a copy of a notice to call for jury duty immediately upon receipt by the employee. When excused or released from jury duty for the day, the employee shall return to work immediately, allowing for delay for the period of time reasonably necessary to travel to and from home to change into work clothing.

3.60.080. Uniformed Service Leave

Uniformed service leave shall be granted as required by law.

3.60.090. Funeral Leave

Each full-time employee shall be eligible for one (1) working day of leave for each funeral of a member of his or her immediate family attended. Such leave shall not be deducted from the employee's leave account.

3.60.100. Emergency Leave

The City Manager may approve paid emergency leave to employees not to exceed forty (40) hours at any one time when critical illness or death has occurred in the employee's immediate family.

3.60.110. Leave Without Pay

A. An employee may receive up to three months leave without pay if the City Manager approves it. Such leave shall only be granted after an employee has exhausted annual leave and any other available leave that will cover the intended purpose of the leave without pay. The granting of such leave is within the sole and exclusive discretion of the City Manager. It shall not be granted if the employee's absence will hamper provision of City services or operations.

B. An employee shall request leave without pay provided for in this section in writing at least three (3) months before the employee's leave would commence. The request shall be made to the City Manager. The time frame for requesting leave without pay under this section may be waived by the City Manager, in his or her sole discretion.

C. During the employee's leave without pay, the vacant position may be filled by a substitute appointment, temporary promotion, temporary re-assignment or temporary employee. Upon expiration of the approved leave, the employee shall be reinstated to the same position he or she previously filled.

Sick leave and annual leave benefits shall not accrue during an absence of leave without pay provided under this section, nor will the City make any contributions during that period for retirement, health, dental, or life insurance benefits. However, the employee may elect to continue health or dental insurance during the period of leave without pay provided under this section if the employee deposits with the City the amounts necessary to cover the total cost of premiums.

3.60.120. Unauthorized Absences

An employee who plans to take leave shall notify the City in advance of the leave as provided for in this Chapter. If an employee will be absent from work for any reason and has not previously notified the City in accordance with the notification provisions of this Chapter, the employee shall notify the city manager at least ten minutes prior to the start of the employee's shift. Any unauthorized absence is grounds for discipline, up to and including dismissal.

3.60.130. Family and/or Medical Leave of Absence

A. Policy. The following conditions apply to instances when an employee requests time off for family and medical leave of absences for a limited period with job protection and no loss of accumulated service provided the employee returns to work. It is the intent of the City to grant family and medical leave consistent with both the Federal Family and Medical Leave Act of 1993 ("FMLA") and the provisions of AS 23.10.500-23.10.550, whichever provides greater rights. Provided, however, that if an

employee qualifies under only one of the Acts, the employee shall be entitled to receive only the benefits of the Act under which the employee qualifies.

B. Definition of Family and Medical Leave. A family and/or medical leave of absence shall be defined as an approved absence available to eligible employees for up to eighteen (18) weeks of unpaid leave per year under particular circumstances that are critical to the life of a family. Leave may be taken: upon the birth of the employee's child; upon the placement of a child with the employee for adoption or foster care; when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the functions of his or her position because of a serious health condition. If a parent or child of two employees has a serious health condition, the City is not required to grant family leave to both employees simultaneously.

C. Scope of Family and Medical Leave. The provisions of this policy shall apply to all family and medical leaves of absence except to the extent that such leaves are covered under other paid employment benefits plans or policies for any part of the eighteen (18) weeks of leave to which the employee may be entitled under this policy. In other words, if an employee is entitled to paid leave under another benefit plan or policy, the employee must take the paid leave first. Subject to the provisions of Section G(1) of this Article, the City may require an employee to pay all or part of the costs of maintaining health insurance coverage during a period of unpaid leave.

D. Eligibility for Family and Medical Leave. To be eligible for leave under AS 23.10.500-.550, an employee must have been employed for at least 35 hours a week for six consecutive months or at least 17.5 hours a week for twelve consecutive months preceding the commencement of the leave. To be eligible for leave under FMLA, an employee must have been employed for 1250 hours in any twelve (12) month period.

E. Basic Regulations and Conditions of Family and Medical Leave.

1. The City will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. In its discretion, the City may require a second medical opinion and periodic recertifications at its own expense. If the first and second opinions differ, the City, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the City and the employee.

2. If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, however, the City may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

3. Spouses who are both employed by the City are entitled to a total of eighteen (18) weeks of leave (rather than eighteen (18) weeks each) for the birth or adoption of a child or for the care of a sick parent.

F. Notification and Reporting Requirements for Family and Medical Leave. When the need for leave is foreseeable, such as the birth or adoption of a child or planned medical treatment, the employee must provide reasonable prior notice and make efforts to schedule leave so as not to disrupt City operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work.

G. Status of Employee Benefits During Family and Medical Leave of Absence.

1. During the first twelve (12) weeks of family leave, the City must maintain the employee's coverage under any group health plan on the same conditions and at the same level as coverage would have been provided if the employee had been continuously employed during the entire leave period. However, the City may require an employee to pay all or part of the costs of maintaining health insurance coverage during any additional periods of unpaid leave. If an employee fails to return to work after family leave entitlement has been exhausted, or expires, the City may recover allowable premiums from the employee unless the reason he/she is not returning is because:

- a. of medical conditions which entitle the employee to family leave;
- b. other circumstances beyond the employees control as identified in 29 CFR 825.213.

2. Any employee who is granted an approved leave of absence under this policy is advised to provide for the retention of his or her group insurance coverages by arranging to pay the premium contributions during the period of unpaid absence.

3. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the City may recover from the

employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

H. Procedures of Requesting Family and Medical Leave.

1. Completion of Request for Family and Medical Leave of Absence Form: A request for Family and Medical Leave of Absence form must be originated in duplicate by the employee. This form should be completed in detail, signed by the employee, submitted to the personnel office for proper approvals, and forwarded to the City Manager. If possible, the form should be submitted thirty (30) days in advance of the effective date of the leave.

2. All requests for family and medical leaves of absence due to illness will include the following information attached to a completed Request for Family and Medical Leave of Absence: sufficient medical certification stating (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, for purposes of leave to care for a child, spouse, or parent, the certificate should give an estimate of the amount of time that the employee is needed to provide such care. For purposes of leave for an employee's illness, the certificate must state that the employee is unable to perform the functions of his or her position. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.

I. Employee Status After Leave. An eligible employee who takes family leave for the intended purpose of family leave, shall be entitled on return from such leave:

1. to be restored to the position of employment held by the employee when the leave commenced; or

2. to be restored to an equivalent position with equivalent employment benefits, pay and other conditions of employment.

J. Intermittent Leave or a Reduced Work Schedule. An employee may take family medical leave or medical leave intermittently if necessary. When the need for intermittent leave is foreseeable, the employee must give notice to the City thirty (30) days in advance of the time the leave is to begin. If the employee cannot give thirty (30) days notice, he/she must give notice as soon as practicable. When an employee takes intermittent leave for family or medical leave purposes, the City may require the employee to show that the intermittent leave was medically necessary. The employee can be required to produce a health care provider certification showing that the intermittent absences are a part of, or may result from, the treatment the employee is receiving for a serious health condition. The City has the right to require the employee to recertify the medical necessity of the leave, which ordinarily will not be required more frequently than every thirty (30) days. However, if the City receives information that casts doubt on the validity of the certification, the City may require recertification on a more frequent basis. If the City for some reason suspects that the employee's doctor has misdiagnosed the condition or is fraudulently certifying the need for leave,

the City has the right to have a doctor of its choosing examine the employee. The City will pay for the second examination and it will not be performed by a doctor who is employed on a regular basis.

by the City. The City will not contact the employee's doctor to verify the legitimacy of the certification. If the opinion of the doctor selected by the City differs from that of the employee's doctor, the City may require a third examination, at its expense, to be performed by a doctor designated or approved jointly by the City and the employee. The City may transfer an employee who must take intermittent leave to a position that better accommodates intermittent absences. The position must provide the employee with equivalent pay and benefits, but the position need not have equivalent duties.

~~**3.60.030 Annual leave cash-in and donation.**~~

~~—A. Emergency Cash In. Cash in lieu of accrued annual leave may be obtained under emergency conditions outlined in writing and approved by the city manager, provided the employee retains at least eighty hours (one hundred twelve hours in the case of shift employees of the fire department) of annual leave in his annual leave account following cash payment. "Emergency" is defined as critical situation over which the employee has no control.~~

~~—B. Donation of Leave. Requests for permission to donate annual leave to a fellow employee shall be approved only in the most serious cases such as probable early death, lingering or incurable illness, or some truly exceptional emergency as might result from a disaster such as loss of a house and all belongings due to fire. Each employee may donate any amount of annual leave, up to forty hours, with the prior approval of the city manager.~~

~~—C. Advance Leave Pay. The finance director's office shall provide for advance leave pay when the request is submitted in writing two weeks in advance of the scheduled leave period and is approved by the department head.)~~

~~**3.60.040 Regular use of annual leave.**~~

~~—A. Employees shall be allowed to use any amount of accrued leave at the time they desire that will not be detrimental to department operations, as determined by the department head. Leave shall be used on an hour for hour basis. Department heads shall establish a vacation leave schedule in January and shall give consideration to length of city service in determining such schedules.~~

~~—B. At least forty hours of leave (fifty six hours in the case of Kelly Shift employees of the fire department) must be taken each year by December thirty first, with the exception that this limitation shall not apply to new employees until the second December thirty first following their date of hire. It is the responsibility of the department head to ensure that work is conducted and leaves scheduled so that employees shall have the opportunity to use their leave at a time that most nearly meets their desires.~~

~~**3.60.050 Sick leave.**~~

~~—A. Purpose. Accumulation of sick leave is allowed primarily for the purpose of providing an employee with an economic cushion to be used in the event of a major illness or lengthy absence for some medical reason.~~

~~—B. Sick Leave Accumulation. Sick leave shall accrue at the rate of eight hours per month of service (twenty four hours per month for Kelly Shift employees of the fire department).~~

~~—C. Sick Leave Accrual Limits. Sick leave can be accumulated up to a maximum of seven hundred twenty hours (nine hundred seventy nine hours for Kelly Shift employees of the fire department).~~

~~—D. Use.~~

~~—1. Use of Sick Leave. An employee eligible for sick leave with pay may use such sick leave for absence due to illness, injury, exposure to contagious disease that requires quarantine, or due to illness or death in the employee's immediate family requiring the employee's personal attendance. Doctor or dental appointments shall be included as cause for sick leave. An employee who is absent shall inform his immediate supervisor of the fact and reason therefore as soon as possible, and failure to do so within a reasonable time may be cause for disciplinary action. Compensation for sick leave shall be paid when leave is used. Advance compensation for sick leave shall not be paid unless approved in advance by the city manager.~~

~~—2. Doctor's Certificate. When an employee's absence is for more than three consecutive working days, he shall be required to provide certification from his physician indicating the reason for the absence. The department head may require a doctor's certificate at any time before approving sick leave with pay; such certificate shall be transmitted to the personnel office for entry into the employee's records.~~

~~—E. Sick Leave Use Upon Termination.~~

~~—1. Employees hired prior to July 1, 1992, after five years or more of employment with the city, shall be paid all accumulated sick leave up to the maximum of seven hundred twenty hours (nine hundred seventy nine hours for Kelly Shift employees of the fire department) at the employee's regular rate of pay when the employee is terminated.~~

~~—2. Sick leave shall not be paid upon termination, to employees hired or rehired after June 30, 1992. Employees returning to work from an authorized leave shall not be considered as rehired.~~

~~**3.60.060 Injury leave.**~~

~~—A. Employees injured on the job are entitled to the weekly compensation benefits provided by the Workers Compensation Act. Employees shall receive their full salary for a period of seven calendar days from the date of injury. Any workers' compensation payments received by the employee for said period shall be assigned to the city. After seven days the injured employee will receive the allowed salary from the Workers Compensation program. Medical payments and injury awards shall be the property of the employee. All benefits received by an employee while on injury leave shall continue in force until a determination is made as to whether an employee will be able to return to his normal work schedule.~~

~~—B. The city shall require bi-monthly medical reports during the injury leave. In the event the physician permits the employee to return to work in a limited status, the employee shall be compensated as allowed by the Workers Compensation program.~~

~~—C. The city's responsibilities under this section shall terminate upon the occurrence of any of the following:~~

~~—1. As of the date on which the employee is declared by a physician to be permanently disabled or on which a retirement plan commences to make disability or retirement payments to the employee;~~

~~—2. As of the date on which the employee returns to work with an unrestricted medical release or on which he first engages in any occupation for wage or profit; or~~

~~—3. At the end of one year following the date of the original injury.~~

~~—D. An employee shall be eligible for injury leave only upon satisfaction of the following conditions:~~

~~—1. The employee shall make a complete report of the injury to the Alaska Department of Labor through his department head.~~

~~—2. The employee shall cooperate with the personnel office to prepare and submit all forms and information related to the employee that the personnel office may request;~~

~~—3. The employee shall cooperate fully with the city's workers compensation insurance carrier so long as the employee's worker's compensation claim has not been contested; and~~

~~—4. The employee does not use annual leave at anytime.~~

~~—E. In the event that an employee is unable to return to work, he will be eligible for benefits provided for in the city's long term disability program, or the Workers Compensation Long Term Disability program if any. While participating in such program, the employee shall not accrue sick and/or annual leave benefits. The employee may, however, participate in the city's group insurance programs provided he meets the responsibilities under the COBRA Act and the city's insurance program.~~

~~**3.60.070 Court leave.**~~

~~—A. Employees called for jury duty shall be treated as being on approved leave without loss of longevity, leave or pay. Service in court when subpoenaed as a witness shall be treated the same as jury duty. Fees paid by the court, other than those for an employee's appearance at anytime outside the employee's regularly scheduled shift, for travel, parking and subsistence allowances, shall be returned to the city.~~

~~—B. An employee shall provide his department head with a copy of a notice of call for jury duty immediately upon receipt by the employee. When excused or released from jury duty for the day, the employee shall return to work immediately, allowing for delay for the period of time reasonably necessary to travel to and from home to change into work clothing.~~

~~**3.60.080 Military training leave.**~~

~~—Any regular employee who is a member of the national guard or organized military reserves of the United States and who is ordered to attend any period of military training shall accrue and be allowed up to one hundred twenty hours (one hundred seventy three hours for Kelly Shift employees of the fire department) leave per calendar year for such purpose. While on military leave employees shall not receive their regular pay but shall be paid the difference between their military pay and their regular city pay. The intent is that an employee on military training leave shall not~~

suffer any loss of wages. Military training leave shall not be deducted from annual leave accrued. Employees who have supplementary time during transit when orders require them to be at an appointed place and time, may commence transit so as to have at their appointed place of duty in a timely manner as ordered and subsequent return. Employees ordered to attend additional periods of military training may take annual leave or leave without pay for such training.

~~3.60.090 Funeral leave.~~

~~—Each regular, full time employee shall be eligible for one working day of leave for each funeral of a member of his immediate family attended. Such leave shall not be deducted from the employee's leave account.~~

~~3.60.100 Emergency leave.~~

~~—A department head may grant paid emergency leave to full time, regular employees not to exceed forty hours (seventy two hours for Kelly Shift members of the fire department) at any one time when critical illness or death has occurred in the employee's immediate family.~~

~~3.60.110 Leave without pay.~~

~~—A. Family and Medical Leave. Employees shall be entitled to receive unpaid family and medical leave as allowed by applicable state law or federal law and regulations. In the case of any conflict between state law and federal law, the city shall follow the requirement of state law.~~

~~—B. Other Leave Without Pay. Department heads, with the approval of the city manager and the personnel officer, may grant leave without pay to any regular employee for a period not to exceed one year (including all periods of unpaid family and medical leave). Such leave shall only be considered when the employee submits a written request setting forth the reasons for the proposed absence. Such reasons may include, but will not be limited to the following:~~

~~—1. Educational Leave Without Pay. Available if such education will benefit the city. Employee must have used all annual leave.~~

~~—2. Personal Leave without Pay. Available for no more than three months at a time. Employee must have used all annual leave and must have stated an important reason to support his leave application.~~

~~—C. Return to Work. An employee's return to work following family and medical leave without pay will be governed by the requirements of applicable state and federal law. An employee's return to work following other leave without pay will be as follows:~~

~~—1. If the leave without pay was for three months or less, the employee shall be reinstated to the same position previously filled.~~

~~—2. If the leave without pay was for more than three months the employee may be reinstated either to the same position vacated or to any vacant position in the same classification for which the employee is qualified, however, if there is no position available the employee will be placed on layoff status, or offered a position in a lower classification at the sole discretion of the city.~~

~~—D. Benefits during Leave Without Pay.~~

~~—1. Family and Medical Leave. Benefits shall be provided to employees entitled to family and medical leave to the extent required by applicable state or federal law. In the case of any conflict between state law and federal law, the city shall follow the requirements of state law.~~

~~—2. Other Leave Without Pay. Sick leave and annual leave benefits shall not accrue during an absence of leave without pay. Nor will the city make any contributions during that period for retirement, hospitalization, or life insurance benefits. However, the employee may participate in group insurance programs during the period of extended leave without pay provided the city employee deposits with the city the amounts necessary to cover the total costs of premiums, and otherwise complies with any conditions for continuation of coverage.~~

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~~**3.60.120 Unauthorized absences.**~~

~~—Any employee who is absent from work shall notify his department head as soon as possible. Unauthorized or unreported absences shall be reported as absence without pay and may be cause for disciplinary action which may include an involuntary termination.~~

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~~**3.60.130 Maternity/paternity leave.**~~

~~—An employee shall be entitled to maternity or paternity leave to the extent required and under the conditions imposed by applicable state or federal law. In the case of any conflict between state law and federal law, the city shall follow the requirements of state law.~~

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Chapter 3.64

SPECIAL PROVISIONS

Sections:

- 3.64.010 Benefits.
- ~~3.64.020 Educational and training assistance.~~
- ~~3.64.030 Moving expenses.~~
- 3.64.0240 Outside employment.
- ~~3.64.050 Certification of employment.~~
- 3.64.0360 Unlawful acts prohibited.
- 3.64.0470 Gifts and gratuities.
- 3.64.0580 Employment of relatives.
- 3.64.0690 Political activity.
- 3.64.070100 Safety program.
- 3.64.080110 Drug testing.

Section 3.64.010. Benefits

A. Insurance Benefits

The City will provide full-time employees who are normally scheduled to work thirty (30) or more hours a week with group medical, dental, vision, life and long term disability insurance benefits in accordance with the terms of the applicable plan documents; provided, however that employee subject to written employment agreements may have different benefits specified. Seasonal employees and part time employees shall not be eligible for health, dental, long term disability and life insurance benefits.

B. Other Benefits.

1. a. Utility Benefit. Full-time and part-time employees shall receive water, sewer, and garbage services from the City for a fee of \$75 per month; provided, however that employee subject to written employment agreements may have different benefits specified. Water and sewer services shall be provided on the established delivery schedule, up to a maximum of twice a week. The maximum amount of water that shall be provided is 1,500 gallons per week. Seasonal employees, and employees who reside in multi-family dwellings with shared water and sewer tanks, shall not be eligible for this benefit.

b. Suspension. All employees must complete an application to receive the utility benefits. It must then be approved by the City Manager. Any employee who fails to notify the Utility Service Department to disconnect services within one week after they change residences may be denied the utility benefit in the future.

c. Deposit. Employees are not required to pay the established deposit for utility services. When the employee no longer works for the City, the employee shall not receive the benefits provided for in this section.

2. The Employer shall continue the deferred compensation program to be funded entirely by Employee contributions.

3.64.020. Out-side Employment

A. No employee shall be employed by or engage in work for an employer other than the City, including but not limited to self-employment, during the employee's work hours.

B. Any employee intending to do business with the City shall notify the City Manager in writing of the proposal to do business at the time of his or her application or proposal to the City. The City Manager may recommend for or against the application, but in no case shall the City Manager authorize an employee to do business with the City if doing so would constitute a conflict of interest.

3.64.030. Un-lawful Acts Prohibited

A. No employee shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made, or in any manner commit or attempt to commit any fraud with respect to reports, paperwork, or other duties that are required of the employee under this Title, City rules, policies or procedures, or federal, state, or local laws.

B. No person seeking appointment to, or promotion in, the city service shall either directly or indirectly give, promise, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

C. No employee of the City, examiner or other person shall defeat, deceive or obstruct any person in his or her right to examinations, eligibility certification or appointment under these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the city service.

D. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspects of personnel administration because of political or religious opinions or affiliations or because of race, color, creed, sex, religion, national origin or ancestry, age and disability except where physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, is prohibited.

3.64.040. Gifts and Gratuities

It is the responsibility of each city employee to remain free from indebtedness or favors which could tend to create a conflict of interest on the part of such employee. If an employee is tendered or offered a gift or gratuity under circumstances which could reasonably be construed to create the appearance of a conflict of interest, the employee shall immediately report such offer to the City Manager. Any employee who knowingly accepts any gift or gratuity without the prior approval of the City Manager in violation of this section may be subject to discipline.

3.64.050. Employment of Relatives

No person may be employed in a position in any department who is a relative of the City Manager, the Department Head, or a member of the city council. No person may be employed in a position supervised by a relative. No person may be employed in a position in any department who is a relative of another employee in the department, without the written, advance approval of the City Manager.

The City Manager may, at any time, re-evaluate the effect of having relatives working in the same Department on the performance of either relative and the operation of the department involved. This re-evaluation may result in the transfer or termination of one of the affected parties.

3.64.060. Political Activity

An employee who is elected as a member of the Bethel City Council or to a state or national elected political office, shall immediately resign from City employment. In this section, "elected" means the status of a candidate upon certification of a local election or at the time the candidate is sworn into a state or national office following an election.

3.64.010 – Benefits.

~~—A. Insurance Benefits.~~

~~—1. Regular full-time and part-time employees shall participate in insurance and medical benefit programs as established by the city manager. Such benefits shall continue to be in effect during absences due to paid leave, up to three months of medical leave and approved leave without pay when the employee pays the insurance premium.~~

~~—2. The personnel office shall provide for distribution of information and applications to all employees eligible to participate in insurance benefits and provide for payroll deductions to meet the expense of employee contributions, when applicable.~~

~~—B. Utility Benefit. Regular full-time and part-time employees, who work more than fifteen hours per week, shall be provided as a benefit of their employment a reduction in the utility rates otherwise applicable to customers of the public utilities operated by the city in an amount to be determined by the city council. The city manager shall develop policies and procedures for implementation and use of this benefit. If allowed by the city council or the policies and procedures adopted by the city manager, seasonal employees shall be able to participate in the utility benefit during their full-~~

~~time employment with the city. After leaving their position for the season or the completion of the temporary service, the benefit will expire.~~

~~**3.64.020 Educational and training assistance.**~~

~~—The city offers, as part of its employee development program, educational and training assistance payment for certain college courses and other training opportunities of benefit to the organization. Guidelines for participation and administration of educational and tuition assistance shall be established through the city manager's policies and procedures.~~

~~**3.64.030 Moving expenses.**~~

~~—Whenever a professionally or technically qualified person changes his place of residence for the purpose of accepting employment with the city, such person may be reimbursed for actual and necessary expenses in accordance with written provisions as established by the city council and city manager.~~

~~**3.64.040 Outside employment.**~~

~~—A. No employee shall engage in other employment other than that assigned by the city, whether public, or self-employment, during assigned work hours. Any outside employment must be done while the employee is on leave or outside regularly assigned work hours.~~

~~—B. Any employee intending to do business with the city shall notify the city manager in writing of the proposal to do business, at the time of his application or proposal to the city. The city manager may recommend for or against the application according to the concept of conflict of interest.~~

~~**3.64.050 Certification of employment.**~~

~~—No disbursing or auditing officer of the city shall make or approve or take any part in making or approving any payment for personal services to any person holding a position in the city service unless the city manager or his authorized agent has certified that the persons named therein have been appointed and employed in accordance with the provisions of the classification and pay plan and these rules.~~

~~**3.64.060 Unlawful acts prohibited.**~~

~~—A. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment held or made, or in any manner commit or attempt to commit any fraud preventing the impartial execution of any personnel provisions or the rules and regulations.~~

~~—B. No person seeking appointment to, or promotion in, the city service shall either directly or indirectly give, promise, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.~~

~~—C. No employee of the city, examiner or other person shall defeat, deceive or obstruct any person in his right to examinations, eligibility certification or appointment~~

~~under these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the city service.~~

~~—D. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspects of personnel administration because of political or religious opinions or affiliations or because of race, color, creed sex, religion, national origin or ancestry, age and disability except where physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, is prohibited except as allowed in Section 3.08.010(C)(3).~~

~~**3.64.070 Gifts and gratuities.**~~

~~—It is the responsibility of each city employee to remain free from indebtedness or favors which could tend to create a conflict of interest on the part of such employee. If an employee is tendered or offered a gift or gratuity under circumstances which could reasonably be construed to create the appearance of a conflict of interest, he shall immediately report such offer to his supervisor who shall in turn inform the department head and the city manager. Any employee who knowingly accepts any gift or gratuity without the prior approval of the city manager in violation of this section may be subject to discipline.~~

~~**3.64.080 Employment of relatives.**~~

~~—A. Policy. An applicant who is otherwise qualified may not be denied employment with the city based on the fact that the applicant's relative(s) is/are employed by the city unless the city manager determines that appointment to the position applied for would not be in the best interest of the city.~~

~~—B. Standards:~~

~~—1. No person may be employed in a position in any department who is a relative of the department head, or the head of a division of the department. No person may be employed in a position supervised by a relative. No person may be employed in a position in any department who is a relative of any other employee in the department, without the written, advance approval of the department head and the city manager.~~

~~—2. The city manager may, at any time, re-evaluate the effects of a family relationship on the performance of an employee and the operation of the departments involved. He shall make this re-evaluation if requested by a department head or if an affected employee is promoted or transferred. This re-evaluation may result in the transfer or termination of one of the affected parties.~~

~~**3.64.090 Political activity.**~~

~~—An employee who is elected as a member of the city council or to a state or national elected political office, shall immediately resign from city employment. In this section, "elected" means the status of a candidate upon certification of a local election or at the time the candidate is sworn into a state or national office following an election. In this~~

~~section. "state or national elected political office" shall not include any school board or advisory school board of the Lower Kuskokwim School District.~~

3.64.070. Safety Rules

A. Safety rules, policies and procedures of the City, which the City may modify from time to time, are incorporated by reference and made part of this Chapter. All employees must at all times comply with such safety rules, policies and procedures. Any employee who is injured on the job must make an immediate report to the personnel office, no matter how slight the injury. Failure of employees to follow safety rules, including the immediate reporting of injuries, may result in discipline, up to and including dismissal.

B. The City shall provide all devices, apparel or equipment necessary for an employee's safety in accordance with applicable laws. Additionally, the City shall provide special tools, equipment, clothing and uniforms it deems necessary to accomplish work assignments. All items provided to employees in accordance with this section are property of the City and shall be returned in good working order upon separation from City service.

~~3.64.100 Safety program:~~

~~All employees are responsible for following federal and state occupational safety and health regulations and city law and policy regarding the same.~~

~~3.64.080110 Drug testing.~~

~~A. Employees of the city required to be tested for alcohol and drugs under by the Omnibus Transportation Employee Testing Act of 1991, or any other applicable federal or state law or regulation shall be tested by the city as required by law or regulation or in accordance with any written drug testing policy adopted by the city and approved by the city council.~~

~~B. Other city employees shall be tested for alcohol or drugs only as required by a written drug testing policy adopted by the city and approved by the city council or as agreed to in any collective bargaining agreement approved by the city council and a union representing city employees.~~

Chapter 3.68

PRODUCTIVITY AND EMPLOYEE INCENTIVE PROGRAMS

Sections:

3.68.010 Policy.

3.68.020 Programs.

3.68.030 Publications.

3.68.010 Policy.

It is the policy of the city to pursue vigorously in every phase of its service to the community improved productivity which will provide a fair return on the use of tax dollars and ensure maintenance and use of the assets of the city. To this aim, the city manager shall implement programs which will continue to provide productivity improvements and, through motivational programs, will encourage all employees to work for these goals and through incentive programs will recognize contributions by employees for improvements in productivity.

3.68.020 Programs.

In addition to an employee suggestion awards program and special merit awards, other programs may be established by the city which assist in implementing the policy and aims of productivity. Such programs shall include, but not be limited to, career development and training, management by objectives, productivity incentive bonuses, lost time accident improvement and others. All such programs which require funding shall be submitted to the city manager for approval.

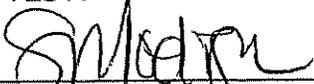
3.68.030 Publications.

The city shall issue such publications, posters and procedures as are necessary to implement these programs to provide details to all employees describing the productivity standards programs. All such programs which require funding shall be submitted to the city manager and city council in the normal manner for approval.

SECTION 3. Effective Date. This ordinance shall become effective immediately.

ENACTED THIS 11th DAY OF OCTOBER, 2005, BY A UNANIMOUS VOTE IN FAVOR.

ATTEST:



Sandra Modigh, City Clerk



Hugh Dymant, Mayor