ORDINANCE #202

AN ORDINANCE OF THE CITY COUNCIL OF BETHEL, ALASKA, PROVIDING FOR THE ADOPTION OF A SET OF PERSONNEL RULES AND REGULATIONS FOR EMPLOYEES OF THE CITY OF BETHEL.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, THAT:

Title 3 of the Bethel Municipal Code entitled "Personnel Rules and Regulations," is hereby adopted in its entirety and is constituted as a set of personnel rules and regulations for employees of the City of Bethel.

INTRODUCED: **May 20, 1992**

PUBLIC HEARING: **June 9, 1992**

This Ordinance becomes effective: July 1, 1992

PASSED AND APPROVED THIS 9th DAY OF June, 1992.

James H. Feaster III

James H. Feaster III, Mayor

ATTEST:

Jane Elam

Jane Elam, City Clerk

AMENDMENT #1
TO
ORDINANCE #202

AN ORDINANCE OF THE CITY OF BETHEL, ALASKA, AMENDING THE PERSONNEL RULES & REGULATIONS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, THAT THE CITY OF BETHEL PERSONNEL RULES & REGULATIONS ARE AMENDED AS FOLLOWS:

Section 1. Definitions. "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.

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.

Section 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.

Section 4. Annual Step Increase. 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 10 during the calendar year.

INTRODUCED: June 23, 1992

PUBLIC HEARING: July 14, 1992

PASSED AND APPROVED THIS 14th **DAY OF** July, **1992.**

James H. Feaster III

James H. Feaster III, Mayor

ATTEST:

Jane Elam

Jane Elam, City Clerk

AMENDMENT #2
TO
ORDINANCE #202

AN ORDINANCE OF THE CITY OF BETHEL, ALASKA, AMENDING THE PERSONNEL RULES & REGULATIONS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, THAT THE CITY OF BETHEL PERSONNEL RULES & REGULATIONS ARE AMENDED AS FOLLOWS:

Section 1. Definitions. "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 3.103 and disputes which relate to the contents of a performance evaluation, among others.

Section 2. Definitions. "Grievant" means an individual employee or group of employees who have successfully completed the probationary period in accordance with Rule 7.

Section 3. Definitions. "Status" describes an employee who has attained a regular appointment.

Section 4. 3.031 General Policy

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 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 3.011(C) of these rules.

Section 5. 3.074 Status Upon Completion of Probation

A. 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.

Section 6. 3.101 Grievance Procedure.

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 15 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; ie. 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.

3.102 Grievance Hearing.

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 Council members, 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 Council Member; the City Manager shall pick any replacement administration member.

The grievance hearing shall be convened, at a mutually agreed upon place and time, within 14 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 7 calendar days shall be added to the time limit.

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.

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.

The grievance provisions contained in this section shall not apply to employees who have not successfully completed a probationary period in accordance with Rule 7 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 Rule 7.4c.

3.103 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 Rule 7 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 and the name of the hearing officer who will be used at the hearing if a hearing is requested. If the employee is unavailable, the notice shall be given by mail.

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 5:00 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.

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.

Section 7. 3.166 Unlawful Acts Prohibited

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, and disability except where physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, is prohibited or except in Section 3.011 (C) of these rules.

This amendment becomes effective upon passage.

INTRODUCED: July 14, 1992

PUBLIC HEARING: July 28, 1992

PASSED AND APPROVED THIS 28th DAY OF July, 1992.

James H. Feaster III

James H. Feaster III, Mayor

ATTEST:

Jane Elam

Jane Elam, City Clerk

AMENDMENT #3
TO
ORDINANCE #202

AN ORDINANCE OF THE CITY OF BETHEL, ALASKA, AMENDING THE PERSONNEL RULES & REGULATIONS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, THAT THE CITY OF BETHEL PERSONNEL RULES & REGULATIONS ARE AMENDED AS FOLLOWS:

Section 1. 3.152 ANNUAL LEAVE ACCRUAL.

D. Annual Cash Out Upon Termination. Accrued and unused annual leave shall be paid to a terminated employee within 10 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 (6) months. Employees may not be kept on leave status to "run out" their annual leave after termination.

Section 2. This amendment becomes effective upon passage.

INTRODUCED: August 11, 1992

PUBLIC HEARING: August 25, 1992

PASSED AND APPROVED THIS 25th DAY OF August, 1992.

James H. Feaster, III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk