Introduced by: Council Member Herman
Date: October 27, 2015
Public Hearing: November 10, 2015
Action: Passed
Vote: 7-0

# *CITY OF BETHEL, ALASKA*

## Ordinance #15-33

### AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 3.64, PERSONNEL RULES AND REGULATIONS, SPECIAL PROVISIONS

**NOW, THEREFORE BE IT ORDAINED**, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

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

**SECTION 2. Amendment.** The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken).

**Chapter 3.64**
**Special Provisions**

**Sections:**


3.64.010 Benefits.
3.64.020 Outside employment.
3.64.030 Unlawful acts prohibited.
3.64.040 Gifts and gratuities.
3.64.050 Employment of immediate family members.
3.64.060 Political activity.
3.64.070 Safety program.
3.64.080 Drug testing.


**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 employees 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. Utility Benefit. Full-time and part-time employees shall receive water, sewer, and garbage services from the city for a fee of seventy-five dollars ($75) per month; provided, however, that employees 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 one thousand five hundred (1,500) gallons per week. Seasonal employees, and employees who reside in multifamily dwellings with shared water and sewer tanks, shall not be eligible for this benefit.

2. 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 (1) 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.

D. The employer shall continue the deferred compensation program to be funded entirely by employee contributions.

**3.64.020 Outside 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 Unlawful acts prohibited.**

A. No employee shall ~~wilfully~~ 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.~~ race, national origin, color, age, creed, religion, sex, sexual orientation, gender identity, political affiliation, marital status, ancestry, disability, or status as a disabled veteran, is strictly 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 immediate family members.**

A. No person may be employed in any position who is an immediate family member of the city manager or human resources director.

B. No person may serve in a supervisory capacity over a member of the employee's immediate family.

C. No person may be hired as a management employee as defined by BMC 3.12.070 who is an immediate family member of a member of the city council.

D. No person may be hired, transferred, or otherwise put into a position to be a direct supervisor or direct report of an immediate family member.

E. If two (2) employees marry or otherwise become related, as defined by immediate family member, neither of the employees will be allowed to hold supervisory authority over the other one (1).

F. The city may, at any time, correct appointments and continued employment prohibited in this section by transfer, layoff, demotion or termination of employment.

1. In doing so, the city manager shall take such corrective action which has the least adverse impact on the employees necessary to cure the prohibited appointment or continued employment, provided such corrective action shall always be in the best interests of the city.

**3.64.060 Political activity.**

A. 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.

B. It is not an incompatible office for a city councilmember to serve simultaneously as a councilmember and in a volunteer public safety position. For purposes of this section a city councilmember serving as a public safety volunteer is not a city employee.

C. It is not a conflict of interest to serve as a councilmember addressing public safety issues and as a public safety volunteer.

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**3.64.070 Safety program.**

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.

**3.64.080 Drug testing.**

Employees of the city required to be tested for alcohol and drugs under any 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.

**SECTION 4. Effective Date.** This ordinance shall become effective upon passage by the City Council.

**ENACTED THIS 10 DAY OF NOVEMBER 2015, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.**

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk