

TITLE 30

PERSONNEL^{*}

Chapters:

30.10	Introduction, Purpose, Authority and Definitions
30.20	Recruitment and Selection of Employees
30.30	General Policies and Practices
30.40	Compensation
30.50	Hours of Work and Overtime
30.60	Employee Benefits
30.70	Drugs and Substance Abuse Policy

^{*} **Editor's note**—By adoption of Res. No. 284 on Jan 16, 1978, the Ketchikan Gateway Borough established and implemented an affirmative action policy for equal employment opportunity, to improve [sic] minority and female employment in all areas of the borough service. Copies of said policy, are on file and available for public inspection in the office of the borough clerk.

Editor's note—Section I of Ord. No. 956 B, adopted May 1, 1995, amended this title to read as herein set out. Formerly, this title consisted of: §30.10.005, 30.10.010, 30.10.011, 30.10.015, 30.10.020, 30.10.025, 30.10.030, 30.10.035, 30.10.040, 30.10.045, 30.10.050, 30.10.055, 30.10.060, 30.10.065, 30.10.070, 30.10.075, 30.10.080, 30.10.085, 30.10.090, 30.10.095, 30.21.005, 30.21.010, 30.21.015, 30.21.020, 30.21.025, 30.21.030, 30.21.035, 30.21.040, 30.30.005, 30.30.010, 30.30.015, 30.30.020, 30.30.025, 30.30.030, 30.30.035, 30.30.040, 30.30.042, 30.30.045, 30.30.050, 30.40.005, 30.40.010, and 30.40.015, which pertained to the personnel system. See Code Comparative Table for derivation thereof.

O.B.A.—Investigation of alleged improprieties of borough employees, 72-11; application of Fair Labor Standards Act to borough and borough employees, 74-14.

Cross references—Administration, Ch. 5; insurance benefits for borough employees, Res. No. 8; participation in state retirement system, Res. No. 85.

State law reference—Public officers and employees, AS 39.

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Chapter 30.20—Recruitment and Selection of Employees

Sections:

30.20.005	Recruitment, position vacancy announcements and applications.
30.20.015	Selection of employees.
30.20.016	Residency.
30.20.017	Nepotism.
30.20.018	Probationary period.

30.20.005. Recruitment, position vacancy announcements and applications.

(a) The borough manager shall recruit qualified applicants for any position vacancies, which recruitment may include, but is not limited to, internal job postings, help-wanted advertisements, or employment agencies. The vacancy may be advertised to the public concurrently with in-house postings. When a qualified regular employee applies for any borough position they shall be afforded the opportunity to be interviewed for the opening. However, the borough will strive to fill any and all vacancies with the most qualified candidates.

(b) Published announcements of position vacancies shall include the title of the position, the application deadline (if any), instructions for obtaining application forms, the place and manner of filing applications, other pertinent information, and any such information as may be required by law. All such announcements shall state that the borough is an equal opportunity employer, and shall be published for a period of not less than seven (7) days prior to the application deadline.

(c) When determined by the borough manager as advantageous to the borough, any position recruitment period may be authorized and advertised to be open until filled. Further, when determined by the borough manager to be advantageous to the borough, an active registry may be developed to help keep frequently vacated positions filled.

(d) All applications for positions shall be made on a form provided, or in the manner required, by the borough manager. Any information submitted on the form, or any other required documents, may be verified and investigated prior to appointment by the appointing authority to the extent necessary to determine the applicant's qualifications for appointment. The applicant shall authorize in writing, any investigation necessary to verify the information provided to by the applicant, including reference checks. The supplying of false or misleading information as part of an application or the omission of any material information from an application for employment may be grounds for rejection of the applicant or later removal of the employee.

(e) In addition to the application requirements outlined in subsection (d) of this section all persons who have been offered positions with the borough shall be required to complete an immigration form and present evidence that they are eligible to be employed in the United States, in accordance with the requirements of federal immigration statutes and regulations. Failure to comply with these requirements, or ineligibility for employment under federal law, shall result in the withdrawal of the offer of employment, and in the case of a person who has become employed, constitutes independent and sufficient grounds for termination of employment.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1172, §1, 2-20-01)

30.20.015. Selection of employees.

(a) The borough manager shall establish procedures for the initial selection or promotion of employees. All selection procedures and rules shall relate to the applicant's or employee's merit, fitness, and ability to perform the duties and responsibilities of the position to which the applicant or employee seeks appointment or promotion. Experience and training may be considered when evaluating an applicant's or employee's fitness for a particular position. Drug testing requirements set forth by any state or federal law will be followed if applicable.

(b) Selection procedures may include examinations which measure the applicant's or employee's job-related ability, knowledge and skills. The appropriate form of each examination shall be determined by the borough manager and may include, but need not be limited to, oral, written, graded, pass-fail tests, resume analysis, employment references, reports of supervisors, performance evaluations and work sampling. Any setting of minimum qualifying scores or standards for any required examinations will be stated prior to announcing and recruiting. All selection procedures shall comply with section 30.30.015 of these policies and other applicable laws.

(c) Depending upon the particular job offered, a physical examination may be required after offer of employment is made. Any physical examination so required must be completed by a qualified health care provider before an applicant is appointed or an employee is promoted to a particular position. Any minimum medical and physical standards which relate to the essential duties and responsibilities of a particular position will be defined in the job description. The standards may differ based on the essential duties and/or responsibilities of each position. No appointment or promotion shall be effective until the applicant or employee demonstrates satisfaction of any required minimum medical or physical standards. Failure to meet the required minimum standards shall result in disqualification for appointment or promotion to the position.

(Ord. No. 956B, §1, 5-1-95)

30.20.016. Residency. Residency within the borough shall not be a condition of initial appointment or selection as an employee. However, all employees shall and as a condition of their continued employment, reside within the corporate boundaries of the borough within three (3) months after the later of October 1, 2005, or their date of hire. The requirements of this section may be waived on the written recommendation of the borough manager approved by motion or resolution of the assembly based on a finding that such waiver is found to enhance the efficiency or effectiveness of the borough work force. Such recommendation shall set forth the justification for the exception and any conditions which apply. (Ord. No. 956B, §1, 5-1-95; Ord. No. 1369, §2, 9-19-05)

30.20.017. Nepotism. No person shall be employed who is under the direct or indirect authority of a supervisor, director or manager who is the spouse of or is related by blood or marriage within and including the second degree of kindred, or is a member of the immediate family of the supervisor, director or manager as defined in section 5.37.020(a)(8). No spouse of or relation by blood within and including the second degree of kindred, or is a member of the immediate family as defined in section 5.37.020(a)(8), of the borough manager or assistant borough manager may be employed without prior approval of the borough assembly. (Ord. No. 956B, §1, 5-1-95; Ord. No. 970, §4, 5-20-96)

30.20.018. Probationary period.

(a) The probationary period shall be considered an integral part of the employee selection and examination process. During the probationary period, the employee's supervisor shall review, examine and monitor the conduct, capacity, efficiency, skill, responsibility, integrity, and effectiveness of the employee to determine whether the employee is fully qualified for employment in the classification and position to which the employee has been appointed.

(b) All employees, except the borough attorney, the borough clerk, and the borough manager appointed to regular positions with the borough, are on probation.

(c) If at any time during the probationary period the probationary employee does not satisfactorily meet the requirements of the job for any reason, the probationary employee may be terminated from that position. At management's option, the supervisor may propose the use of section 30.20.018(h). If retained after six (6) months in the same position, such employees shall thereafter be considered a regular employee.

(d) During the probationary period described in section 30.20.18, the employee is not covered by section 30.30.040 or 30.30.041 of these personnel policies and has no right to appeal a suspension without pay, demotion or removal.

(e) Any employee who is promoted shall be given a reasonable trial period, not to exceed sixty-five (65) days, to become acquainted with the job and to demonstrate ability to fill the job satisfactorily. If, during this trial period, the employee demonstrates unsatisfactory ability for the job or at the employee's request, the employee shall be returned to the employee's former job without loss of benefits. If an employee accepts a position vacated by an employee who has been promoted or transferred, the appointment shall be conditioned upon the successful completion of the promoted or transferred employee's trial period.

(f) A probationary employee is not and shall not be considered to be a temporary employee. Temporary employees are not eligible for group insurance, paid annual leave, paid sick leave, holiday pay, personal days, or pay increases. Up to three (3) months of time served as a temporary employee may be counted toward the employee's six-month probationary period.

(g) Hours of work shall be specified by job title. The number of hours of work may vary for different positions, but shall be uniform for all employees within the same job title.

(h) After written evaluation and upon written mutual agreement among the employee, the employee's supervisor and the manager, the probationary period of a new employee may be extended for up to one additional period not to exceed ninety (90) work days. Upon successful completion of the extended probationary period, the employee shall thereafter be considered a regular employee.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1095, §§1—3, 4-5-99)

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Chapter 30.30—General Personnel Policies and Practices

Sections:

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30.30.015	Affirmative action.
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30.30.005. Equal employment opportunity.

(a) It is the borough's policy to treat all applicants and employees fairly and to recruit, hire, train, promote, lay off, discipline, remove or conduct any other personnel actions without regard to the applicant's or employee's race, color, religion, creed, national origin, age, disability, sex, marital or veteran status, or the citizenship status of a person otherwise authorized under federal law to work in the United States, or on any other basis that is prohibited by federal, state or local law. (Ord. No. 956B, §1, 5-1-95)

30.30.015. Affirmative action.

(a) It is the policy of the borough to provide equal employment opportunities for all persons from all segments of the population without discrimination as to race, color, religion, creed, national origin, sex, age, marital or veteran status, citizenship status of a person otherwise authorized under federal law to work in the United States, or disability. The borough policy shall be consistent with all federal and state laws and regulations.

- (b) The responsibility for implementation and administration of the borough's affirmative action policy shall rest with the borough manager. The manager may delegate responsibility for developing and implementing an affirmative action program.
- (c) All management and staff throughout the borough are responsible for supporting the borough's equal employment opportunity policy.
- (d) The borough manager is responsible for the evaluation, coordination, implementation, monitoring, and administration of the affirmative action program. The manager is also responsible for administration of the personnel policies and practices for compliance with EEO laws and regulations.
- (e) All managerial and supervisory staff are responsible for supporting the borough's affirmative action commitment as reflected in their annual goals and job descriptions. Department heads are responsible for ensuring that employees placed through affirmative action, and all other employees, are not harassed in any way.
- (f) The borough will continue to exercise positive action to fulfill its commitment to affirmative action and equal employment opportunity through its personnel policies, procedures and related programs.
- (g) The borough will conduct periodic internal audits of personnel policies and practices to ensure that all personnel actions such as referrals, placements, transfers, promotions, demotions, layoffs, discipline, and terminations at all levels within the borough are nondiscriminating and consistent with the borough's equal employment opportunity policy and any applicable laws and regulations.

(Ord. No. 956B, §1, 5-1-95)

30.30.016. Performance evaluations.

- (a) During the probationary period, a probationary employee's supervisor shall continually evaluate, as appropriate, the employee's performance. The probationary employee may be terminated from that position for any reason.
- (b) The performance of personnel who are on probationary status will be evaluated at the end of the probationary period. If the evaluation is late, it shall not delay the transition from probationary to regular employee status. Evaluations of personnel who have reached regular status shall be done by the anniversary date. Should an evaluation not be completed by the employee's anniversary date, the employee, shall receive an automatic step increase on their anniversary date. For an employee that has reached the top of their pay grade, the employee shall receive an automatic one and half per cent (1.5) percent bonus payment. The original copy of the evaluation shall be incorporated into the confidential personnel file of the employee evaluated.
- (c) Performance evaluations shall be in writing in the format on file in the borough manager's office. The evaluation will be performed by the employee's direct supervisor, and reviewed by the employee, department head and borough manager. Any party reviewing the evaluation may make comments relating to the review. If the annual performance evaluation falls during a period of leave, the performance evaluation may be postponed until the employee has returned to work.
- (d) Prior to completion of the probationary period, the department head shall furnish the borough manager with a written evaluation of the employee based on ability or performance. If the employee's ability and performance are unsatisfactory, the employee may be terminated at or before the end of the probationary period. The date of hire or promotion constitutes an employee's performance anniversary

date. The performance of each regular employee shall thereafter be reviewed in writing at least annually, on the employee's anniversary date, by the department head and borough manager.
(Ord. No. 956B, §1, 5-1-95; Ord. No. 1095, §§4-6, 4-5-99)

30.30.017 Reserved.

Editor's note—Ord. No. 1095, §6, adopted April 5, 1999, repealed §30.30.017., which pertained to promotions and derived from Ord. No. 956B, §1, adopted May 1, 1995.

30.30.018 Reserved.

Editor's note—Ord. No. 1095, §6, adopted April 5, 1999, repealed §30.30.018., which pertained to transfers and derived from Ord. No. 956B, §1, adopted May 1, 1995.

30.30.020. Layoffs.

- (a) Employees may be laid off whenever the borough assembly eliminates the position through the budget process or the borough manager determines that a shortage of work or funds, the abolishment of a position, or other changes in the borough's organization necessitate a reduction in the number of employees is in the best interests of the borough.
- (b) When there is more than one employee in a classification, employees within a classification shall be selected for layoff based on hire date so long as the employee is qualified for the position. The least senior employee shall be laid off first. For the purpose of this section, seniority shall be based on date of hire. Two positions are in the same classification if:
- (1) They have the same position title and job description or they are substantially similar in duties and skills to the extent that an individual who is qualified for one position would always be qualified for the other position;
 - (2) The positions at issue are both non-represented; and
 - (3) The pay scale for the two positions has less than a ten (10) percent differential in pay.
- (c) A layoff is not a disciplinary action and is not subject to grievance procedures except regarding a dispute as to whether two positions are within the same classification.
- (d) If any non-represented employee is laid off, the employer shall give the affected employee notice in writing thirty (30) days in advance.
- (e) Employees who are laid off are eligible for re-hire. For a period of one (1) year following layoff, a laid off employee will be afforded the opportunity to apply for any position for which he/she is qualified and will, if qualifications are at least equal, be given preferential hire to the vacancy. If within that one (1) year period a position becomes vacant which is the same or substantially the same as the one from which the individual was laid off, he/she will be offered the position before any recruitment. A laid off employee who is re-employed in the same job description will not be required to serve a new probationary period. All layoff return rights expire one (1) year after the effective date of the layoff.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1255, §1, 3-17-03)

30.30.021. Outside work.

- (a) Employees must notify the borough manager before accepting outside employment or becoming self-employed. A conflict of interest shall be deemed to exist where a reasonable and prudent person would believe that such employment would conflict with the best interest of the borough. Such notification shall be in writing.

(b) The borough manager shall notify the employee in writing if such outside employment or self-employment will detract from the employee's performance or create a conflict of interest or the appearance of a conflict of interest. A conflict of interest, or the appearance of a conflict of interest, shall be deemed to exist where a reasonable and prudent person would believe that such employment would conflict with the best interests of the borough.

(Ord. No. 956B, §1, 5-1-95)

30.30.022. Solicitations.

(a) In order to maintain an orderly work environment, avoid intrusion upon employees at their work and preserve security throughout the borough's offices and departments as to funds, supplies and records, individuals not employed by the borough may not at any time solicit, petition, or distribute literature in nonpublic access work areas, except for bona fide borough purposes or nonprofit activities with the prior authorization of the borough manager.

(b) Employees may not solicit for any purpose other than borough related business during working time. Working time includes both the soliciting and the solicited employee's working time. Solicitation between employees will be permitted during nonworking times such as before or after work or during authorized meal or break periods.

(Ord. No. 956B, §1, 5-1-95)

30.30.023—30.30.025. Reserved.

Editor's note—Ord. No. 1014, §2, adopted Feb. 3, 1997, repealed §§30.30.023—30.30.025 in their entirety. Former §§30.30.023—30.30.025 pertained to political activities, conflicts of interest, and use of borough-owned equipment and vehicles and derived from Ord. No. 956B, §1, adopted May 1, 1995.

30.30.026. Dress and appearance. The borough manager may issue guidelines regarding acceptable attire for each department or for particular positions. In some instances for certain positions, uniforms may be required. Employees shall dress appropriately for their job position and particular duties. (Ord. No. 956B, §1, 5-1-95)

30.30.027. Personal conduct.

(a) All employees during working hours shall conduct themselves in a manner that reflects positively on the borough. All employees shall make every effort to perform their duties as efficiently as possible to assure efficient allocation of public resources.

(b) Racially and sexually offensive materials and talk at the work place or in borough facilities or vehicles is strictly prohibited.

(Ord. No. 956B, §1, 5-1-95)

30.30.028. Duty to deal courteously.

(a) It is the duty of each borough employee to deal courteously with the public and other employees. Favorable impressions created by courteous public relations develop citizen goodwill and support for the employee, the department and the borough as a whole. Any disposition or demeanor indicating an attitude of discourteousness toward the public or other employees will be cause for disciplinary action in accordance with section 30.30.040.

(b) When greeting the public, it is the responsibility of each borough employee to provide necessary introduction information including some or all of the following: employee's name, department employed by, and a salutation indicating a desire to be of assistance.

(Ord. No. 956B, §1, 5-1-95)

30.30.029. Antiharassment policy.

(a) Harassment or any derogatory conduct based on a person's race, color, religion, creed, national origin, age, disability or sex, where such conduct or harassment has the effect or purpose of interfering with the person's work performance or creates an intimidating, hostile or offensive work environment, is not tolerated or condoned by the borough.

In this regard, the equal employment opportunity commission guidelines have defined "sexual harassment" as:

A[un]welcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

(b) Persons who think that they are being harassed in any of the above-described ways are encouraged to confront the person or persons responsible for the offensive conduct. If the harassment continues, it is encouraged to immediately raise concerns and/or complaints regarding the incidents of harassment with their immediate supervisor. Because of the nature of the complaint and for purposes of this policy only, complaints may be brought to the attention of the immediate supervisor or if the person is uncomfortable with the immediate supervisor, with another supervisor in the borough or, if desired, directly to the borough manager. The supervisor will immediately inform the department head and the borough manager.

(c) All harassment complaints will be handled in the strictest of confidence and will be thoroughly and immediately investigated by the borough manager. Such investigation will necessarily include the interviewing of any and all witnesses, including, but not limited to, the complainant and the person complained about. If harassment has in fact occurred, appropriate disciplinary action will result, the level of which will depend upon the nature and scope of harassment involved.

(d) The borough will make every effort, including, but not limited to, employee training, to provide a work environment free of any harassment.

(Ord. No. 956B, §1, 5-1-95)

30.30.030. Licensed employees. An employee who works in a position for which a valid State of Alaska driver's license, or any other license or certification is required shall notify his or her department head immediately if that license or certification is suspended, revoked, expired, or withheld for any reason. Reasonable accommodation may be made to allow continuation of employment if it is in the best interests of the borough as such is determined by the borough manager. If reasonable accommodation cannot be made, the employee may either be suspended without pay pending reinstatement of the license, certification or entitlement, or may be terminated. Any such suspension without pay or removal of a regular employee shall follow the procedures applicable to such action.

(Ord. No. 956B, §1, 5-1-95)

30.30.031. Safety.

(a) All employees shall coordinate and cooperate with other employees and the borough in an attempt to create and maintain a safe work environment including proper care of all safety equipment. Employees shall observe all safety practices governing their work. Employees may offer safety suggestions that contribute to a safer work environment. Employees shall apply the principles of accident prevention in their daily work and shall use proper safety devices and protective equipment as required by their supervisors, department head, or the borough manager.

(b) The borough will develop safety manuals to help ensure employee safety. All employees are expected to learn and comply with the safety manual applicable to their respective position.

(c) Employees shall report any suspected or actual on-the-job injury or occupational illness regardless of degree of severity to their immediate supervisors. Employees shall also report any accidents causing damage to public or private property or equipment, occurring before, during or after working hours and involving borough equipment or property, to their immediate supervisors. Such reports shall be made as soon as possible, but in any case no later than twenty-four (24) hours following such accident or the actual or suspected injury or occupational illness. Employees shall compile any accident reports requested by their supervisors. In the case of a motor vehicle accident involving borough property or equipment or involving an employee while engaged in the performance of the employee's duties, the city police department or state troopers shall also be immediately notified. Employees involved in the accident shall request that a written report be prepared by the appropriate agency.

(d) The borough manager shall be notified of any actual or suspected on-the-job accidents, occupational illnesses, or injuries as soon as practicable, but no later than one (1) working day following the filing of any accident report.

(Ord. No. 956B, §1, 5-1-95)

30.30.032. Personal addresses. All employees, including those on leave without pay status, are required to keep the borough manager informed of their current mailing addresses and home telephone contacts. (Ord. No. 956B, §1, 5-1-95)

30.30.033. Borough identification cards. All borough employees shall be issued identification cards as necessary in the performance of their duties. Any misuse of such identification card is prohibited and subject to disciplinary action. (Ord. No. 956B, §1, 5-1-95)

30.30.034. Training.

(a) Training for employees shall be encouraged. Departmental or borough-wide training programs may be developed to meet borough-wide personnel needs or prepare employees for promotions, when it is determined such programs will improve the efficiency or effectiveness of the services rendered by borough employees.

(b) Employees may request time off or borough financial support or both to attend conferences or training meetings sponsored by institutions or professional organizations. The subject matter to be presented must relate directly to the employee's position or provide beneficial information to be shared in the employee's department or will result in enhanced performance by the employee. The above will not exclude the employee from taking vacation time to attend any conference or training of his/her choice.

(c) The employee's department head and the borough manager must approve the employee's participation in the conference or meeting which is paid for by the borough or approved for time off.

- (d) The borough will pay for the following if attendance and payment is approved:
- (1) Tuition or registration fees;
 - (2) Travel costs;
 - (3) Lodging; and
 - (4) Meal costs.
 - (5) Employees may receive a travel advance or pay expenses themselves and request reimbursement for all travel expenses. When submitting for reimbursement or verifying advances, the employee shall submit copies of all charges incurred. The employee shall also submit a written statement along with the request stating the benefit of the training to the borough.
- (e) Time off for attendance and travel during normal working hours will be paid at the normal or regular rate of pay.
- (f) Employees shall not be compensated for any time spent at training sessions held outside of the employee's regular working hours unless required by Fair Labor Standards Act or other statute.
(Ord. No. 956B, §1, 5-1-95; Ord. No. 1084, §2, 1-18-99)

30.30.035. Attendance and tardiness.

- (a) An employee shall be in attendance during the regular work hours designated by the borough manager or the employee's department head. Employees shall report to and return to work at their scheduled time.
- (b) Any employee unable to report to work for any reason other than personal illness or injury or any other reason authorized by this title must obtain prior authorization for the absence from the employee's immediate supervisor.
- (c) Any employee absent due to personal illness or injury or any other reason authorized by this title shall report the absence as soon as possible. If the absence continues beyond the first working day, the employee shall notify the employee's supervisor of each day's successive absence before the start of the employee's regular shift if possible, unless other arrangements are made by the employee with the department head.
- (d) Any employee absent without prior authorization or notice in accordance with departmental policy shall be deemed to have forfeited any sick pay or other paid leave, shall be considered on leave without pay, and may be disciplined.
- (e) Employees may be disciplined up to and including termination for excessive tardiness or absenteeism in accordance with procedures set out in section 30.30.40. The supervisor shall determine what constitutes excessive absenteeism or tardiness and shall recommend to the borough manager the manner in which employees should be disciplined for excessive absenteeism or tardiness. These determinations may differ according to the needs of each department or the duties and responsibilities of each position, but shall be uniform for all employees within the same job description.
(Ord. No. 956B, §1, 5-1-95)

30.30.036. Work scheduling.

(a) Unless otherwise specified by job description, the borough manager may establish work hours and schedules for employees based upon the best interests of the borough and the particular needs of each department.

(b) The job descriptions shall assign employees to one (1) of two (2) general work schedules set forth below:

- (1) Schedule A. The normal workweek shall be forty (40) hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., with a one-hour lunch period. To meet the needs of the public, an emergency or other unusual circumstances, the borough manager, or a department head with the approval of the borough manager, may designate other hours of work.

When an employee is required to work in excess of forty (40) hours in any one (1) week, such time shall be paid for at the rate of time and one-half (1-1/2). All claims by employees for overtime shall be submitted to the department head. Overtime work done by employees should be performed only with prior written authorization of the department head or borough manager. Records of overtime work and payments shall be kept and maintained by the finance department and shall be public records. Unauthorized overtime will be paid, but, if determined by the department head or the borough manager to be unnecessary, may be subject to disciplinary action. Compensation time is not available and all hours of work in excess of forty (40) hours will be paid at a rate of time and one-half (1-1/2).

Regular department of transportation services employees shall work the same number of hours per subject month as other schedule A employees. Their work schedule may, however, differ from the other schedule A employees, and said work schedules shall be determined by the director of transportation services or his designee, and the borough manager.

- (2) Schedule B. Professional or supervisory employees, or those who are assigned a work program which cannot be restricted to a schedule of specific hours, shall work the hours necessary to perform their duties without overtime compensation or compensatory leave.

(c) A department may experiment with innovative or variable workweeks in order to meet the varying needs of the department. However, any variance from one of the two work schedules authorized by this section shall be only upon the written approval of the department head and the borough manager.

(d) Each department head shall ensure that his/her department maintains proper attendance, records and that the finance department and the borough manager are notified of all pertinent leave, pay and all such other personnel actions.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1228, §1, 9-3-02; Ord. No. 1369, §3, 9-19-05)

30.30.037. Resignations. An employee may voluntarily resign by giving the department head written notice of the effective date of resignation as far in advance as possible, but in all cases at least fourteen (14) calendar days before the effective date of resignation. In the case of professional personnel or department heads, a thirty-day notice must be given unless this requirements is waived by the borough manager. The written notice shall state the reasons the employee is resigning. The

department head shall forward the resignation notice to the borough manager with a written summary of the employee's current work performance and any additional information regarding the employee's reasons for resignation. An employee's failure to comply with this section may be grounds for denying reemployment with the borough. The borough manager may waive the fourteen-day written notice requirements and permit shorter written notice period. (Ord. No. 956B, §1, 5-1-95)

30.30.038. Work location. Borough employees shall report to a regular work location designated by the borough manager or designee. All regular work locations to which borough employees report for work shall be controlled by the borough, whether as a borough-owned or borough-leased facility. Where a borough employee performs services which require movement from location to location, the regular work location shall be that designated site to which the employee routinely reports at the beginning of a shift. The provisions of this section may be waived only to the extent and upon the terms authorized by the borough manager in writing and approved by the assembly by motion or resolution. (Ord. No. 1369, §4, 9-19-05)

30.30.040. Discipline, removal, and appeal.

(a) In the event that a regular employee fails to comply with any of these personnel policies that employee will be subject to disciplinary action up to and including termination.

(b) Whenever a regular employee's work performance falls to a level unacceptable to the employee's supervisor such employee shall be informed in writing by his or her supervisor of the unacceptable behavior or performance and what must be done to correct the situation. This initial notice shall be considered a warning. This notice shall be signed by both the employee and supervisor and will be placed in the employee's personnel file. The employee's signature on this notice acknowledges the contents of the notice only. Regular employees may appeal such disciplinary action of these personnel policies as provided in section 30.30.041 or their respective union contracts.

Depending upon the seriousness of the specific incident and documentation of the regular employee's past performance and conduct, a specific incident may justify more severe disciplinary action in the first incident, and supervisors may utilize the other disciplinary action specified in this section, up to and including removal. The appropriate appointing authority shall follow all procedures applicable to such disciplinary action.

(c) A regular employee who has received a first written notice will be given one (1) month for improvement unless otherwise specified in the notice, before further disciplinary action is taken. At the end of said period, the supervisor will provide a written follow up of the situation, stating improvements did occur to acceptable performance or state what additional corrections need to be made. If additional corrections need to be made, this will be considered a second written warning.

A regular employee who has received a second written notice will be given two (2) weeks for improvement unless otherwise written in the second notice. At the end of said period, the supervisor will provide a written follow up of the situation, stating improvements did occur to acceptable performance levels, or that the employee will be disciplined including demotion, transfer, leave without pay or termination.

(d) A regular employee may be placed on disciplinary probation, suspended without pay, demoted, or removed by such employee's appointing authority, if the written warning or special evaluation has not resulted in the expected improvement, or the seriousness of a specific incident or whole pattern of the regular employee's past performance and conduct justifies the imposition of more severe disciplinary action in the first instance.

(e) Before a regular employee is to be demoted, removed, or suspended without pay, such employee shall be given a written notice of the contemplated personnel action. The written notice shall state the personnel action contemplated, describe the reason(s) for such action, advise the employee that he or she may appeal such contemplated personnel action as provided in section 30.30.041 of these personnel policies.

In situations where the regular employee's continued presence on the job prior to the effective date of the contemplated personnel action poses a significant and immediate threat to public health or safety, a co-worker, or borough property, such employee may be suspended with pay prior to the effective date of the contemplated personnel action.

- (1) When a regular employee is placed on disciplinary probation, such employee shall be given a written statement of the action taken, and the reason(s) justifying the action. The written notice of the contemplated action shall be served on the employee as provided in subsection (e) of this section. A copy of this written notice and any responding materials provided by the employee shall be placed in the employee's personnel file. After the appropriate appointing authority has discussed the contemplated action and the reason(s) for such action with the employee, the appointing authority shall determine whether there is a cause to suspend the employee and if so, may take such action. A written statement of the cause(s) for such suspension without pay shall be served on the employee as provided in section 30.30.040(e) at the time the employee is placed on suspension without pay or within two (2) days thereafter. A copy of this written statement shall be placed in the employee's personnel file. The employee may appeal such suspension without pay pursuant to section 30.30.040(e).
- (2) A regular employee during a period of suspension without pay may not use any earned but unused annual leave or floating holiday. The regular employee may not use earned but unused sick leave. Regular employee's group medical and life insurance coverage as provided under the terms of such insurance policies, shall remain in force during any period of suspension.

(f) The borough manager may remove a regular employee, if previous disciplinary actions have not resulted in the expected improvement. The borough manager may also remove a regular employee based on the seriousness of a specific incident or when the whole documentation of a permanent employee's past performance and conduct justifies the imposition of more severe disciplinary action in the first instance. When a regular employee is to be removed, the borough manager shall follow the procedure set forth in section 30.30.040(e). Reasons for removal may include, but are not limited to: dishonestly (including falsification of the employment application), continuing unsatisfactory performance or neglect of assigned duties, negligence, incompetency or inefficiency, intoxication, insubordination (including disobedience of the employer's rules, instructions or orders), insolence or disrespect, fighting, excessive absenteeism, theft, property destruction, unsafe conduct, conviction of a felony, or failure to comply with these personnel policies.

(Ord. No. 956B, §1, 5-1-95)

30.30.041. Grievance procedure.

(a) A grievance is defined as an alleged breach of these policies. Time limits set forth in the following steps may only be extended by mutual written consent of the parties hereto. After a timely written grievance has been submitted, the employee's department head may give written consent to extension of the time limits, set forth below in subsection (c) of this section (Step I—Department

head). Any other extensions of time for grievance procedures must be agreed to in writing by the borough manager.

(b) Grievances should be resolved, if possible, quickly, informally and at the lowest level of supervision. The employee shall discuss it with the employee's immediate supervisor and attempt to resolve it informally. If it cannot be resolved informally, the following procedure shall be followed.

(c) Step I—Department head. The employee shall set forth the grievance in writing and submit such written grievance to the employee's department head for receipt within fourteen (14) calendar days after the employee knew or should have known that he or she had a grievance, whichever is earlier. The written grievance, shall contain a description of the alleged problem, the section of the policies involved, the date it occurred, and the corrective action desired. A meeting between the department head and the employee shall be held within ten (10) calendar days after the grievance is received, and the department head shall respond in writing within ten (10) calendar days of the meeting.

(d) Step II—Borough manager. If not satisfied with the reply, the employee may within ten (10) calendar days of receipt of the reply present the written grievance to the borough manager or designee who shall meet with the employee within ten (10) calendar days after presentation for the purpose of resolving the grievance. The borough manager or designee shall respond in writing to the grievance within ten (10) calendar days after the step II meeting.

(e) Option 1; Step III—Ad hoc resolution committee. If not settled, the employee may submit in writing the grievance to an ad hoc resolution committee composed of four (4) members, two (2) appointed by the borough manager and two (2) selected by the grievant. Selection would be made from within the borough.

(f) The ad hoc resolution committee function is to interpret the policies. The ad hoc resolution committee shall consider only the particular issues presented in writing by the borough manager and/or the employee. The ad hoc resolution committee shall have no authority or power to add to, delete from, disregard, or alter any of the provisions of the policies, but shall be authorized only to interpret the existing provisions of the policies as they may apply to the specific facts of the issue in dispute. They shall not decide on the merit or wisdom of any action or failure to act, but only on the contractual obligation inherent in the policies. If the ad hoc resolution committee should find that the manager was not prohibited by the policies from taking, or not taking, the action grieved, they shall have no authority to change or restrict the manager's action or inaction or to substitute their own judgment for that of the manager. Unless a specific provision of the policies expressly grants the employee a right, privilege, or benefit claimed by him/her, the ad hoc resolution committee shall not award any such right, privilege, or benefit to the employee. The decision of the ad hoc resolution committee shall be final and binding and shall be in writing and forwarded to both parties.

(g) Either party may present testimony and witnesses and may be represented by counsel. Formal rules of procedure shall not apply.

(h) If an employee fails to process a grievance at any step within the time limits set forth above and the procedure is not waived by mutual written agreement, the grievance shall be deemed waived and such failure shall constitute a bar to any future actions thereon. If the employer fails to answer a grievance at any step within the time limits set forth above and the procedure is not waived by mutual written agreement, the grievance shall be granted on a nonprecedent-setting basis.

(Ord. No. 956B, §1, 5-1-95)

30.30.042. Personnel files.

(a) Employee personnel files shall include but are not limited to confidential documents such as the employee's performance evaluations and disciplinary action reports.

(b) Access to these files by other than the borough manager, legal counsel, administrative assistant, administrative secretary, and the employee's department head shall not be allowed without the prior approval of both the borough manager and the employee. The confidential documents referred to in this paragraph are declared to be private and protected by Article I, Sections 14 and 22 of the Constitution of the State of Alaska, Article I, Section 10 of the Constitution of the United States of America, and the Fourteenth Amendment to the Constitution of the United States of America.

(Ord. No. 956B, §1, 5-1-95)

30.30.043. Discipline and removal of executive level employees.

(a) An executive level employee may be placed on disciplinary probation, suspended without pay, demoted, or terminated by the manager. If such employee is terminated by the manager they shall be given two weeks notice and, in addition, shall receive two weeks pay as severance pay.

(b) In situations where the manager does not desire the employee's continued presence on the job during the two weeks notice period, the manager may direct that the employee be terminated effective immediately and the employee provided with four weeks pay as severance pay.

In situations where the regular employee's continued presence on the job prior to the effective date of the contemplated personnel action poses a significant and immediate threat to public health or safety, a co-worker, or borough property, such employee may be suspended with pay prior to the effective date of the contemplated personnel action.

(Ord. No. 1205, §10, 3-18-02)

Editor's note—Ord. No. 1205, §10, adopted March 18, 2002, amended the Code by adding provisions designated as §30.30.042. Inasmuch as there already exist provisions so designated, §10 of said Ord. No. 1205 has been codified as §30.30.043 at the discretion of the editor. See the Code Comparative Table.

TITLE 30 PERSONNEL

Chapter 30.40—Compensation

Sections:

- 30.40.005 Job descriptions.
- 30.40.010 Administration of pay plan.
- 30.40.015 Official travel.
- 30.40.020 Reserved.

30.40.005. Job descriptions. Each job description shall include, but need not be limited to the following information: The job title, a general statement of the duties and responsibilities of the position indicating those which are essential, a brief description of the job conditions and any entry level education, work experience, and other relevant skills that must be possessed by any person to be considered for the position, and the pay plan to which the position is assigned. The job description for a position that is filled on a temporary or part-time basis may be the job description that would have been applicable had the position been filled on a regular or full-time basis. Job descriptions are to be considered descriptive guidelines only and not as including all of the duties of the position allocated to a job. To the extent possible, job descriptions are to be kept current so that they reflect actual duties, responsibilities and minimum qualifications of all positions. These descriptions shall conform to ADA requirements regarding essential and nonessential functions and physical qualifications. Copies of current job descriptions are to be made available in the borough clerk's and borough manager's office. (Ord. No. 956B, §1, 5-1-95)

30.40.010. Administration of pay plan.

- (a) The official pay plan shall consist of that schedule adopted by the assembly by resolution, plus the schedules included in all current collective bargaining agreements approved by the assembly.
- (1) Each position in the classification plan will be assigned an appropriate grade in the compensation plan.
 - (2) Reserved.
- (b) In recommending to which grade classes shall be assigned, the borough manager shall give appropriate consideration to the following:
- (1) Maintenance of equitable relationships between classes based on their relative duties and responsibilities;
 - (2) The level of prevailing rates for comparable work in private and public employment; and
 - (3) Available cost of living information.
- (c) The compensation schedule will contain rates for hourly, monthly, and annual full-time salaries. The differential between each grade is approximately one and one-half (1.5) per cent and the differential between each step is also approximately one and one-half (1.5) per cent.

- (d) The grade for each class represents the range of pay ranges for full-time regular employees, and reimbursement of an employee for expenses incurred in operating their private motor vehicle for the convenience of the borough shall not be deemed to be a part of total compensation.
- (e) The pay plan is to be used as a guide for recruiting and selecting applicants for employment, determining lines of promotion or demotion, developing employee training programs, determining the pay rate for various types of work, determining personnel costs and departmental budgets, and as a uniform way of referring to positions in the borough that is understood by all borough employees and the general public.
- (f) The borough manager is responsible for maintaining the pay plan to ensure that it reflects the current duties, responsibilities, and qualifications of each job description. When new positions are created, it is the borough manager's duty to review the duties, responsibilities and qualifications of the positions. Whenever there are material changes in the duties, responsibilities, or qualifications of a position, the borough manager shall review the changes and shall make recommendations to the assembly of any necessary and appropriate changes in the pay rate. The borough manager shall also periodically review the entire pay plan and make any appropriate and necessary changes in job descriptions or recommend any other appropriate changes to the pay plan.
- (g) Whenever a new position is created or the duties of an existing position materially change, the appropriate department head shall provide to the borough manager a written comprehensive, job description describing in detail the duties, responsibilities and qualifications of the affected position indicating those which are essential. The borough manager shall investigate the suggested or actual duties, responsibilities and qualifications, and take whatever action may be appropriate or necessary to accurately maintain a job description and the pay plan.
- (h) The pay range assigned a non-union position shall be based upon other pay rates, the requisite duties, responsibilities, and entry level qualifications of the position, the rates of pay for similar work in the public and private sector, cost of living data, suggestions from department heads, borough financial policies and position, and any other relevant and nondiscriminatory considerations.
- (i) When a position is reassigned from one pay range to a higher or lower pay range, the method of filling the position shall be in accordance with this title of these personnel policies. However, whenever the reassignment affects an incumbent employee, such employee may be appointed to the reassigned position upon the recommendation of the department head after approval by the borough manager. Such an appointment shall not be considered a demotion. Furthermore, whenever the new pay range is the result of the incumbent employee's diligent and appropriate assumption of difficult and additional duties and responsibilities, so that the position warrants a higher pay range, the department head may recommend to the borough manager that such employee be appointed to the reassigned position without a probationary period. The borough manager shall consider the department head's recommendation and make the final decision regarding how such a position shall be filled and at what level of compensation to place the employee on the reassigned pay range.
- (j) The pay plan is intended to provide appropriate and equitable compensation for all positions, taking into consideration those factors listed in subsection (f) of this section. The borough manager from time to time shall comprehensively study all factors affecting the level of pay rates and recommend appropriate adjustment in the pay plan.
- (k) Upon the recommendation of the borough manager, the borough assembly may approve the raising or lowering of ranges in the pay grade plan when it is in the best interests of the borough.

(l) When recruiting and selecting applicants for employment the borough manager is authorized to assign an initial salary level at any point within the assigned pay range based on the employee's experience, qualifications and education. An initial salary level outside the assigned pay range must be approved by the borough assembly.

(m) Merit salary increases for regular positions in the borough shall be as prescribed by the applicable collective bargaining agreement or, in the case of non-union employees, by resolution.

(n) No performance increase may place an employee at a higher salary level than the top of the assigned by pay range for the position, unless specifically approved by the borough assembly.

(o) Upon satisfactory completion of the probationary period, an employee not subject to the provisions of a collective bargaining agreement may at that time be granted a salary increase by the borough manager of one (1) to two (2) steps within the prescribed pay grade which is subject thereafter to a performance compensation adjustment.

(p) Employees placed in an acting position for five (5) days or more shall receive a temporary adjustment in salary of eight (8) per cent commencing on the fifth day.

After the thirtieth (30th) day in an acting capacity, the employee shall receive the salary equal to the first step of the salary range for the person they are acting on behalf of or the eight (8) per cent provided above, whichever is greater. For an employee acting in the position of the borough attorney, the borough clerk or the borough manager for more than thirty (30) days, the salary shall be set by motion adopted by the assembly.

(q) Each year as part of the budget process the borough manager shall submit to the assembly any proposed changes to the salary schedule which shall include, but not be limited to cost of living increases.

(r) The pay period shall end on the last day of each month. Employees shall be paid semimonthly by the fifth and twentieth day of each month. If payday falls on a holiday or weekend, employees shall be paid the preceding business day.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1007, §1, 12-2-96; Ord. No. 1387, §1, 3-6-06)

30.40.015. Official travel.

(a) Employees of the borough, while traveling on official business and away from the borough, shall be allowed actual receipted expenses for transportation, lodging and meal expenses in accordance with administratively adopted guidelines. Elected officials will receive per diem payments at the rate of forty dollars (\$40) per day for their official travel and are exempt from keeping receipts for expenditures of less than twenty-five dollars (\$25).

(b) In performance of official duties, no reimbursement shall be allowed for more than the lowest tourism class fare for the most direct route unless (1) tourist class accommodations were not available, (2) waiting for tourist class accommodations would cause a delay harmful to the borough, or (3) the borough manager finds that travel by tourist class accommodations is not in the best interests of the borough and authorizes other accommodations.

(c) Employees who are required by job description or by written requirement of the borough manager to use their personal vehicle on a regular and continuing basis shall be reimbursed at the following rate:

- (1) All vehicle use on borough business shall be reported on a monthly mileage log, whether it is a borough or a personal vehicle.

In the case of personal vehicle use, the employees will be reimbursed the following month based on the following schedule:

Reimbursement will be based on the I.R.S. rate, not to exceed eighty-five dollars (\$85).

- (2) Incremental cost of vehicle liability insurance incurred as a result of use of one (1) personal vehicle per employee for borough business.
- (3) Actual expenses incurred for monthly parking at a lot, space, or garage designated and approved by the borough manager.
- (4) Employees who, with prior written authorization, must use their personal vehicles on borough business on an occasional or an intermittent basis shall be reimbursed for such use at the rate equal to I.R.S. allowed rate, not to exceed eighty-five dollars (\$85), for documented mileage driven on borough business, provided a written request for reimbursement is made not later than thirty (30) business days after the date the personal vehicle is used on borough business.
- (5) Reimbursement will be made upon approval by the borough manager of vouchers submitted on the form specified by the manager.
- (6) Travel advances and preregistration for budgeted or authorized business meetings, conferences, seminars, training or educational sessions may be authorized by the borough manager.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1084, §3, 1-18-99; Ord. 1311, §1, 6-7-04; Ord. No. 1341, §1, 3-7-05)

30.40.020. Reserved.

Editor's note—Ord. No. 1014, §2, adopted Feb. 3, 1997, repealed §30.40.020, which pertained to gifts and gratuities and derived from Ord. No. 956B, §1, adopted May 1, 1995.

TITLE 30
PERSONNEL

Chapter 30.50—Hours of Work and Overtime

Sections:

30.50.005 Hours of work.
30.50.010 Overtime

30.50.005. Hours of work.

(a) For payroll and accounting purposes, the workweek for all employees begins with the start of the first shift after 12:01 a.m. Monday and ends at the conclusion of the last shift that started before midnight on Sunday.

(b) Work schedules shall be established by the department head. Employees are expected to work all of the hours and days assigned. Regular work schedule changes for all departments shall be posted at least one (1) week in advance by the department head or designee. Any work schedule may be modified whenever such modifications are in the best interests of the borough.

(c) Flexible (“Flex”) schedules may be allowed by a department head. Any “flex” schedule arrangements or designation of shifts must be in writing. A copy of every memorandum designating shifts or flex schedules must be provided to the finance director and to the director of human resources.
(Ord. No. 956B, '1, 5-1-95; Ord. 1212, §1, 5-6-02; Ord. No. 1228, §1, 9-3-02)

30.50.010. Overtime.

(a) Nonexempt employees will be paid only for the time actually worked. The regular workweek for all full-time nonexempt employees, except ferry workers and airport police, is forty (40) working hours. On some occasions overtime work is required.

(b) All overtime work by nonexempt employees shall be authorized by the appropriate department head. All nonexempt employees shall be paid one and one-half (1½) times their regular rate of pay for authorized overtime hours worked in excess of forty (40) working hours in one (1) workweek.

(c) Exempt employees are not eligible to receive overtime pay for any hours worked in excess of forty (40) hours in one (1) workweek as they receive a salary which is considered to be adequate compensation for all hours actually worked during the workweek.

(d) At least annually, the borough manager shall update a list of all exempt and nonexempt positions within the borough.

(Ord. No. 956B, '1, 5-1-95; Ord. No. 1212, §2, 5-6-02; Ord. No. 1237, §1, 10-21-02; Ord. No. 1340, '1, 2-22-05)

TITLE 30
PERSONNEL

Chapter 30.60—Employee Benefits

Sections:

30.60.005	Holidays.
30.60.010	Floating holidays.
30.60.015	Reserved.
30.60.016	Paid time off benefits.
30.60.020	Reserved.
30.60.021	Unexpected absences.
30.60.022	Disability leave.
30.60.023	Family leave.
30.60.025	Jury duty and witness leave.
30.60.026	Bereavement leave.
30.60.027	Leave for volunteer services.
30.60.028	Leave without pay.
30.60.029	Military leaves of absence.
30.60.030	Leave cancellation.
30.60.031	Health benefits.
30.60.032	Deductions.
30.60.035	Retirement.
30.60.040	Re-employment of PERS retirees.

30.60.005. Holidays.

(a) The following are paid borough holidays:

New Year's Day, January first;

President's Day, third Monday of February;

Memorial Day, last Monday of May;

Independence Day, July fourth;

Labor Day, first Monday of September;

Alaska Day, October eighteenth;

Veterans' Day, November eleventh;

Thanksgiving Day, fourth Thursday of November;

Christmas Day, December twenty-fifth.

(b) When a borough holiday falls on a Saturday, the preceding Friday shall be declared a holiday. When a borough holiday falls on a Sunday, the following Monday shall be declared a holiday.

(c) In addition to the holidays provided for in subsections (a) and (b) of this section, the borough will also recognize as a paid holiday any other day designated as a borough holiday by ordinance.

(d) Regular full-time employees who do not work on a holiday shall receive eight (8) hours holiday pay at their regular rate of pay, provided they were compensated for the last scheduled workday before and the first scheduled workday after the holiday. Regular part-time employees who do not work on a holiday shall receive prorated holiday pay provided they were compensated for the last scheduled workday before and the first scheduled workday after the holiday. The borough manager shall prorate holiday pay for regular part-time employees in direct proportion to the number of hours worked as a part-time employee. Temporary employees do not receive holiday pay. Employees who are on suspension without pay or leave without pay are not entitled to receive holiday pay.

(e) Nonexempt employees who are required to work on a holiday shall be paid at the rate of one and one-half (1 1/2) times the employee's regular rate of pay. Nonexempt employees who work on a holiday shall also receive the holiday pay they would have been paid under subsection (a) of this section. Temporary employees who work on a holiday shall be paid for all hours actually worked at their regular rate of pay. An unexcused absence from scheduled work on a holiday will result in loss of holiday pay for the holiday.

(f) If a holiday falls during the time a full-time or part-time employee is using PTO, the employee shall be paid for the holiday and the holiday absence shall not be charged against the employee's accumulated PTO benefits.

(g) If a holiday falls during a period the employee is on approved PTO, the employee shall receive holiday pay and the absence shall not be charged against the employee's accumulated PTO.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1364, §1, 8-1-05)

30.60.010. Floating holidays.

(a) In addition to the holidays granted in section 30.60.005, all regular employees who have completed the probationary period of employment shall receive one (1) floating holiday to be taken at a time approved by the employee's department head in writing. If that floating holiday is not taken during the employee's first year of employment, it shall be forfeited.

(b) All regular full-time employees who have completed twelve (12) months of employment shall receive two (2) floating holidays on the employee's anniversary date each year of employment. These holidays are to be taken at a time approved by the employee's department head in writing. Any floating holidays not actually taken by the employee within twelve (12) months of receipt shall be forfeited.

(c) Floating holidays shall be scheduled by the employee's department head based upon staffing and workload requirements. Employees may request in writing that their floating holidays be scheduled at a particular time and the department head may give consideration to such requests as are consistent with the department's workload and staffing requirements. An employee's department head may change previously approved floating holiday schedules whenever necessary to meet the needs of the department.

(d) An employee may not receive pay for any unused floating holidays unless canceled or changed by the borough manager or department head.

(e) Employees who are on suspension without pay are not entitled to take a floating holiday during such suspension.

(Ord. No. 956B, §1, 5-1-95)

30.60.015. Reserved.

Editor's note—Ord. No. 1066, §1, adopted July 6, 1998, repealed §30.60.015, which pertained to vacation benefits and derived from Ord. No. 956B, §1, adopted May 1, 1995 and Ord. No. 1056, §3, adopted Jan. 5, 1998.

30.60.016. Paid time off benefits.

- (a) Paid time off (PTO) benefits are hours credited per pay period to employees based on years of service to be used to continue pay when away from work for vacation, sickness, immediate family illness or emergency, and/or doctor and dentist appointments.
- (b) Regular full-time or part-time employees, subject to the limitations of the KGB Code, shall accrue from the date of hire as probationary employees PTO benefits according to the following schedule:

<u>Years of Continuous Service</u>	<u>PTO Accrued Per Year</u>
1st and 2nd year	22 days (176 hours)
3rd , 4th and 5th years	28 days (224 hours)
6th through 10th years	31 days (248 hours)
11th through 15th years	34 days (272 hours)
16th year and over	36 days (288 hours)

- (c) PTO may be taken during an initial probationary period only for the purpose of sickness or immediate family emergency, provided the employee has accrued such time.
- (d) PTO shall be the amount which the employee would have earned had the employee worked during the time off at the employee's current regular rate of pay. Part-time employees shall receive prorated PTO benefits. Temporary employees do not earn PTO benefits.
- (e) Except for illness or an emergency, a PTO request must be submitted in advance in writing and approved by the employee's supervisor or department director. PTO will, so far as possible, consistent with operational requirements of the borough, be granted at times most desired by the employee. An employee's department head may change or cancel previously approved PTO whenever necessary to meet the operating needs of the department. Reimbursements for nonrefundable tickets purchased for PTO that has been canceled shall be made.
- (f) PTO shall be payable on the first day of a bona fide illness or disability of the employee or of the employee's immediate family residing in his or her household. The employee shall be required to notify the borough as soon as possible prior to the beginning of the employee's shift. Failure to do so may result in the loss of pay for that day and disciplinary action.
- (g) The borough may require reasonable proof (such as a doctor's certificate) of illness or disability if more than two (2) days are used, or when fraud is suspected. Abuse of PTO shall be grounds for discipline except that blatant abuse may subject an employee to discharge.
- (h) An employee shall be allowed to use PTO for medical or dental appointments. The employee must notify his or her supervisor as far in advance as possible, but in any event not less than three (3) working days, except in an urgent situation.

(i) An employee may not accumulate more than seven hundred twenty (720) hours of accrued PTO credits as of the end of any calendar year without written approval of the borough manager. Employees who have accrued more than seven hundred twenty (720) hours shall be paid for unused PTO at the rate of one hundred (100) percent of the value of the PTO in excess of the seven hundred twenty (720) hours, provided a minimum of eighty (80) hours are taken as vacation during that calendar year. If less than eighty (80) hours are taken, sufficient hours shall be deducted without compensation to total the eighty (80) hours, prior to any payment for PTO in excess of seven hundred twenty (720) hours.

(j) After the completion of an employee's probationary period, an employee shall be paid upon termination for one hundred (100) percent of the value for all PTO accrued (up to the maximum) but not used. Employees will not be paid for accrued PTO if terminated during the probationary period.

(k) Employees may, at their sole discretion, volunteer to transfer PTO to another borough employee. All transfers of such time must be in writing, signed by the employee wishing to make the transfer, and presented to the finance department. All transferred hours will be computed as a cash value transfer in such a way as to be revenue neutral to the borough.

(l) An employee who is entitled to receive compensation benefits under the Alaska Workers' Compensation Act or other similar legislation shall continue to earn PTO benefits, and the borough shall continue to pay its portion of such employee's group medical and life insurance premiums during the period the employee is unable to return to work, until his or her accrued PTO benefits are exhausted. If, at the exhaustion of such benefits, the employee is still unable to return to work, the employee shall cease to earn the PTO benefits, and the borough will not continue to pay its portion of the employee's group medical and life insurance premiums, provided, however, that the employee, at his or her sole option, may elect to continue such insurance coverage at the employee's cost as provided under the terms of such insurance policies and any applicable state or federal laws. An employee who is injured on the job and eligible for said benefits shall suffer no loss of pay for the day of injury, and shall be entitled to use PTO benefits for the difference between the worker's compensation benefit and the employee's regular pay. Except as specifically provided in this section, PTO benefits may not be used for any absences when the employee is entitled to receive compensation benefits under the Alaska Worker's Compensation Act or similar legislation.

(Ord. No. 1066, §3, 7-6-98; Ord. No. 1228, §1, 9-3-02; Ord. No. 1364, §2, 8-1-05)

30.60.020. Reserved.

Editor's note—Ord. No. 1066, §2, adopted July 6, 1998, repealed §30.60.020, which pertained to sick leave benefits and derived from Ord. No. 956B, §1, adopted May 1, 1995 and Ord. No. 1056, §4, adopted Jan. 5, 1998.

30.60.021. Unexpected absences. In case of emergencies or situations requiring unexpected absence or tardiness, the borough manager or department head shall be notified as soon as possible to minimize problems created by employee's absence. (Ord. No. 956B, §1, 5-1-95)

30.60.022. Disability leave. Employees may use PTO and be granted leave without pay for actual periods of temporary disability of employees and recovery therefrom. The stage at which leave should be allowed, and the period for recovery, shall be determined based upon the recommendation of the employee's physician. (Ord. No. 956B, §1, 5-1-95; Ord. No. 1364, §3, 8-1-05)

30.60.023. Family leave.

(a) In addition to the provisions of section 30.60.016, eligible employees may be granted family leave as provided in AS 39.20.500—550.

(b) Family leave not otherwise covered by this policy shall be provided in accordance with state and/or federal law.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1056, §5, 1-5-98; Ord. No. 1364, §4, 8-1-05)

30.60.025. Jury duty and witness leave. Employees who are called to serve jury duty, or who are subpoenaed to testify in court on a matter related to their employment or volunteer activities on behalf of the borough or is subpoenaed to serve as a witness for the federal government, the State of Alaska or a political subdivision thereof, shall be compensated by the borough for the difference between their jury duty or witness pay and their normal straight-time pay. If the employee is temporarily or permanently excused from jury or witness duty, the employee shall promptly return to work. (Ord. No. 956B, §1, 5-1-95)

30.60.026. Bereavement leave. Up to five (5) days for funeral leave (up to ten (10) days if the funeral is outside of southeastern Alaska) may be allowed for a death in a regular employee's immediate family, to be charged to accumulated PTO, and with prior approval of the borough manager. (Ord. No. 956B, §1, 5-1-95; Ord. No. 1364, §5, 8-1-05)

30.60.027. Leave for volunteer services. Employees who are members of volunteer fire departments or search and rescue operations may be allowed to respond to emergency situations without loss of pay at the supervisor's discretion. Such leave may be granted only if the employee's absence does not impair borough operations and is to be limited to the duration as necessary to respond to the emergency with the employee returning to work as soon as the emergency situation has been brought under control and the volunteer's presence is not required. (Ord. No. 1038, §1, 7-7-97)

30.60.028. Leave without pay.

(a) Leave without pay may be granted by the borough manager in order to allow a regular employee to take time off from work without pay for personal or family reasons or to take time off beyond the medically certified period of temporary disability. The foregoing reasons for granting a leave without pay shall not be considered all inclusive and the borough manager shall have the discretion to grant leave without pay for other reasons so long as any leave without pay that is granted is consistent with the best interests of the borough. Only regular full or part-time employees may be granted leave without pay.

(b) Leave without pay must be requested by the employee in writing as soon as the need for such leave is known. All written requests shall state the reasons the leave is being requested and the amount of leave time requested. Written requests shall be submitted to the employee's department head, who shall review and refer the written request to the borough manager, with the department head's recommendation as to approval. A written reply granting or denying the request shall be given by the borough manager within thirty (30) days except in case of an emergency.

(c) Leave without pay may be granted for any period not to exceed one hundred twenty (120) calendar days without loss of accrued benefits. Leave without pay may be extended by the borough manager for an additional period so long as the request for the extension is made in writing and the extension is in the best interests of the borough.

(d) Failure of an employee to return from any leave without pay on or before the designated date without prior notice may be considered cause for termination and the denial of reemployment with the borough.

(e) Holiday pay and PTO are not earned while an employee is on extended leave without pay. The borough will not continue to pay its portion of the employee's group medical and life insurance premiums while the employee is on a leave without pay, for fourteen (14) or more calendar days. The employee, at his or her option, may elect to continue such insurance coverage as provided under the terms of such insurance policies at their expense. If the employee has elected not to continue insurance coverage and returns to employment, that employee has to reapply to determine insurability.

(f) Employees who are placed on leave without pay status for medical or disability reasons must use all accrued PTO prior to commencing the leave without pay. Any employee returning from leave without pay due to medical or disability reasons shall be required to provide a written release to return to work from a qualified health care provider whenever requested by the employee's immediate supervisor or department head.

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1364, §6, 8-1-05)

30.60.029. Military leaves of absence. Leave required in order for an employee to maintain status in the National Guard or a military reserve of the United States shall be granted without pay and without loss of benefits accrued to the date such leave commences. Regular full-time employees on such leave shall be compensated by the borough for the difference between their military pay and their regular pay up to a maximum of two (2) weeks. A copy of the order issued by appropriate authority for military training shall accompany requests for special military leave. Upon return to duty, the employee shall furnish the borough evidence of the amount of National Guard or reserve pay received during the period of special military leave. (Ord. No. 956B, §1, 5-1-95)

30.60.030. Leave cancellation. All leaves of absence shall be subject to the cancellation by the department head at any time upon written notice to the employee and the borough manager specifying a reasonable date of termination of leave. The borough manager, upon prior notice to the employee and the department head, may cancel an approved leave of absence at any time the borough manager determines that the employee is using the leave for purposes other than those specified at the time of approval. (Ord. No. 956B, §1, 5-1-95)

30.60.031. Health benefits. The borough will provide regular full-time employees with a life, medical, dental, vision and hospitalization insurance plan as approved by the assembly by resolution. (Ord. No. 956B, §1, 5-1-95; Ord. No. 1056, §6, 1-5-98)

30.60.032. Deductions. Deductions shall be made from employee paychecks in accordance with federal and state law, borough code and resolutions, court orders and collective bargaining agreements. Compensation may be withheld in accordance with a recognized deferred compensation plan or credit union upon written request of the employee and approval by the borough manager. (Ord. No. 956B, §1, 5-1-95)

30.60.035. Retirement. Except as provided in section 30.60.040 of the KGB Code, all regular full-time employees shall be included, as appropriate, under the borough's participation in the Alaska Public Employees Retirement System (PERS).

(Ord. No. 956B, §1, 5-1-95; Ord. No. 1219, §1, 6-17-02; Ord. No. 1364, §7, 8-1-05)

30.60.040. Re-employment of PERS retirees.

(a) Persons who are in a PERS retiree status who are subsequently re-hired by the Borough as part time or full time employees, and who wish to forgo re-enrollment in PERS and opt out of participation pursuant to AS 39.35.150(b), must comply with this section. If a re-hired PERS retiree does not opt out of participation pursuant to AS 39.35.150(b) and this section the employee must re-enroll in, and begin making contributions to PERS. Employees to which this section applies are in one of three categories:

- (1) PERS retirees rehired prior to November 3, 2004;
- (2) PERS retirees rehired on or after November 3, 2004 but before July 1, 2005; and
- (3) PERS retirees rehired on or after July 1, 2005.

The requirements for each are set out in this section.

(b) For PERS retirees rehired prior to November 3, 2004, the employee:

- (1) Must have opted out of PERS under AS 39.35.150(b), as in effect on their date of hire;
- (2) Must be covered by the Borough employee health plan;
- (3) May continue to receive PERS retiree medical coverage secondary to the Borough health plan up until December 31, 2006; and
- (4) May continue Borough employment in the same position until December 31, 2006. At that time, further re-employment will be subject to the provisions of subsection (c) of this section.

(c) For PERS retirees re-hired on or after November 3, 2004, but prior to July 1, 2005, the employee;

- (1) Must have opted out of PERS under AS 39.35.150(b), as in effect on the date of hire;
- (2) Must be covered by the Borough employee health plan;
- (3) Will cease to receive retirement benefits while re-employed and must re-enroll and begin making contributions to PERS if they elect to continue working after July 1, 2005. Such contributions will be governed by the applicable provisions of PERS; and
- (4) May either terminate and continue receiving retirement benefits under PERS; or terminate employment for at least 30 days, continue to receive PERS retirement benefits, and apply for a position for which a waiver is eligible, subject to the provisions of subsection (d) of this section.

(d) For PERS retirees re-hired after July 1, 2005, the employee

- (1) Must have been separated from employment for at least 30 days;
- (2) Must be an applicant for a position for which the Assembly has, by resolution, declared a shortage of qualified candidates;
- (3) Must be qualified for the particular job class;
- (4) The position must have been subject to a recruitment for at least 15 days, which recruitment resulted in fewer than five qualified, eligible, and available applicants, including the retired member;

- (5) The position must have been subject to an additional recruitment period for a total of at least 30 days from initial recruitment, and the additional recruitment, when combined with the initial recruitment resulted in fewer than five qualified, eligible, and available applicants, including the retired member;
 - (6) Must meet any additional State statutory requirements to opt out of PERS under AS 39.35.150(b), as in effect on the date of hire; and
 - (7) Must be covered by the Borough employee health plan.
- (e) For purposes of this Section, a period of re-employment or re-hire is considered to end on the first to occur of either when the person stops working, or the waiver under AS 39.35.150(b) is repealed. At that time, continued re-employment shall be subject to the terms of AS 39.35 then in effect.
- (f) For re-employed PERS retirees the Borough shall make contributions to the PERS on behalf of the employee as provided for in AS 39.35.270(b).
(Ord. No. 1364, §8, 8-1-05)

TITLE 30 PERSONNEL

Chapter 30.70—Drugs and Substance Abuse Policy

Sections:

- 30.70.005 Introduction.
- 30.70.010 Purpose and effect.
- 30.70.015 Policy responsibility.
- 30.70.020 Substance abuse.
- 30.70.021 Fitness for duty.
- 30.70.022 Possession and confiscation.
- 30.70.023 Enforcement and discipline.
- 30.70.025 Reporting violations.
- 30.70.027 Rehabilitation.
- 30.70.028 Privacy.
- 30.70.030 Policy commitment, notice and training.

30.70.005. Introduction. The use and abuse of alcohol, drugs, and other chemical substances can impact the general health, welfare and safety of the workplace and the community. In recognition of this potential problem and in compliance with federal, state, and local requirements, efforts to help prevent drug and alcohol abuse in the workplace must be made by public employers by taking necessary action, alerting employees to the dangers and responsibilities related to this problem, and providing assistance to employees when requested and appropriate. This policy statement on drugs and substance abuse has been developed to assist the borough and its employees in responding to this issue in the workplace. (Ord. No. 956B, '1, 5-1-95)

30.70.010. Purpose and effect. It is the policy and intent of the borough to maintain a safe and healthy working environment for all of its employees, to ensure effective and safe service to its citizens and the public, to protect the borough and its employees from liability, to safeguard borough property and other assets, and to comply with all applicable laws and regulations regarding substance abuse, including the abuse of alcohol and drugs.

The borough is committed to a drug-free workplace and recognizes its obligation to ensure that its services meet high standards of public safety and reliability. Therefore, the manufacture, distribution, dispensation, possession, or use of any controlled substance, a drug not medically authorized, or other substances which would impair job performance or pose a hazard to the safety of the employee or the employee's working environment, the public, or to other employees, or the possession or use of alcohol at the workplace and in violation of this policy, is strictly prohibited.

This policy applies to all borough employees. Employees may be subject to disciplinary action or completion of an approved rehabilitation program in accordance with the provisions of this policy for violations of the prohibitions herein.

It is imperative that employees be aware of the seriousness of drug and substance abuse in the workplace, as defined in this policy, and of the potential penalties and disciplinary action resulting from such abuse. All employees with any type of drug or substance abuse problem are encouraged to receive any and all assistance and treatment as needed. All employees must strictly comply with the guidelines and rules established by this policy. In addition to this policy, all borough employees

working on borough-owned ferries must comply with all U.S. Coast Guard drug and substances abuse regulations. (Ord. No. 956B, '1, 5-1-95)

30.70.015. Policy responsibility.

(a) All department heads and supervisory employees of the borough are responsible for taking immediate action consistent with this policy and its applicable procedures.

(b) Because of the major public service, health, safety, and disciplinary problems created by drug and substance abuse in the workplace, all borough employees must abide by the terms of this section as a condition of employment. All employees are required to notify the borough manager of their criminal drug statute convictions for violations occurring in the workplace no later than five (5) days after such conviction. Employees are also encouraged to seek appropriate medical or other assistance with drug or substance abuse problems to ensure the public's safety and effective service. Upon request, the borough manager and department heads will provide information regarding available rehabilitation or assistance programs. Regardless of any drug, substance or alcohol dependency or condition, each employee is expected to maintain his/her job performance at a satisfactory or better level. It is therefore the duty of each individual employee to comply with this section. Employees violating this section are subject to discipline, including possible dismissal or completion of a borough approved rehabilitation program.

(c) The borough manager is responsible for taking the necessary steps to ensure that all employees, contractors, suppliers, and others who may be performing work or providing services on borough property, or on behalf of the borough, comply with this section and all applicable laws and regulations. This includes instituting and maintaining this section designed to achieve a drug-free workplace and complying with all applicable laws and regulations, such as developing and implementing a drug and alcohol awareness information program to its employees. The manager is also responsible for the training of management personnel in the implementation of this section and its procedures, and to emphasize to its employees the importance of this section and program.

(Ord. No. 956B, '1, 5-1-95)

30.70.020. Substance abuse.

(a) The use of alcohol at the workplace is prohibited. Employees shall not work or perform any borough business or duties while under any influence of alcohol.

(b) The manufacture, distribution, dispensation, possession, or use of a controlled substance, drug not medically authorized, or other substance which could impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees is prohibited at the workplace. Employees shall not work or perform any borough business while under the influence of any drug, including prescription drugs or over-the-counter drugs, that could impair work performance. Employees must report the use of prescription drugs which could impair job performance to their supervisor and provide proper written medical authorization to work and perform duties from a licensed practitioner, physician or dentist. Failure to report the use of prescription drugs and other over-the-counter drugs that could impair job performance, or failure to provide proper evidence of medical authorization, can result in disciplinary action, including possible termination.

(Ord. No. 956B, '1, 5-1-95)

30.70.021. Fitness for duty. If a department head or supervisor has reasonable cause to believe that an employee may be under any influence of or impaired by a substance, the employee shall not be allowed to remain on duty or to continue to perform job functions. Except in an emergency, the decision not to allow the employee to remain on duty must be made in consultation with the department head and the borough manager to ensure a fair determination that there are adequate

grounds and reasonable cause for the decision. Such employee shall not be allowed to return to work until the employee has been determined fit for duty through a licensed practitioner, physician or dentist or through an appropriate rehabilitation program counselor. (Ord. No. 956B, '1, 5-1-95)

30.70.022. Possession and confiscation. The borough respects reasonable employee privacy in the workplace. However, all employees must respect the potential serious dangers in the workplace caused by substance abuse and the need to safeguard the workplace from substance abuse and its effects. Therefore, the possession of alcohol or unauthorized drugs in the workplace is prohibited. Any substance found on borough premises in violation of this section shall be confiscated. If necessary, the borough shall coordinate such confiscation with appropriate law enforcement officials. (Ord. No. 956B, '1, 5-1-95)

30.70.023. Enforcement and discipline. Any violation of this section shall be grounds for appropriate disciplinary action, up to and including termination or completion of a borough approved rehabilitation program. In addition, when appropriate, the proper law enforcement authorities shall be notified of the violation. (Ord. No. 956B, '1, 5-1-95)

30.70.025. Reporting violations.

(a) Any employee who observes or has knowledge of substance abuse on borough property or in borough vehicles, or observes or has knowledge of another employee who violates this section or observes an employee in a condition which might impair that employee's ability to perform job duties or which could pose a hazard to the safety of others, shall promptly report the incident or knowledge to the reporting employee's supervisor. The supervisor shall then promptly report the incident or knowledge to the department head. The department head shall immediately investigate the report and make a determination of the facts of the matter. A determination shall be immediately made on the employee's fitness for duty. Any action taken shall comply with section 30.30.040.

(b) To the degree possible, the reporting individual's identity shall be kept confidential.
(Ord. No. 956B, '1, 5-1-95)

30.70.027. Rehabilitation. The borough offers employees the use of rehabilitative services in accordance with the terms of the borough's benefit programs and subject to coverage limitations. Individual employees are personally responsible for seeking appropriate treatment for dependency caused by substance abuse. Employees who voluntarily seek treatment shall be allowed to use personal leave and benefits as for any other illness or disability. Job security or promotions shall not be jeopardized by seeking treatment. However, employees undergoing or having undergone rehabilitation are subject to the same prohibitions and penalties as other employees regarding any violation of this section. In addition, all employees, including those undergoing or having undergone treatment, are subject to appropriate disciplinary action including possible termination, if they do not meet general borough performance standards, appropriate conduct requirements, and other conditions of employment. (Ord. No. 956B, '1, 5-1-95)

30.70.028. Privacy. Records involving treatment or violations of this section shall be maintained and used by the borough with the maximum respect for individual confidentiality and privacy. As the law allows, confidentiality of such records shall be in accordance with requirements of the Ketchikan Gateway Borough Code of Ordinances. Additionally, the borough shall maintain records and reports as required by appropriate government authorities. (Ord. No. 956B, '1, 5-1-95)

30.70.030. Policy commitment, notice and training. The borough is committed to assisting its employees in complying with this section and in avoiding the problems and penalties resulting from substance abuse. As a result, all employees shall receive a copy of this section upon its adoption. In

addition, the borough shall coordinate with employee union representatives in amending this section [chapter], when necessary. Within allocated resources, the borough shall also make training available for department heads, other supervisors, and other employees to help prevent substance abuse and to deal effectively with substance abuse problems or violations of this section when they occur. (Ord. No. 956B, '1, 5-1-95)