



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

CODE ORDINANCE

REQUESTED BY: ADMINISTRATION
PREPARED BY: PERSONNEL COMMITTEE

ORDINANCE SERIAL NO. 95-48

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA REPEALING THE EXISTING PERSONNEL AND READOPTING A NEW PERSONNEL SYSTEM.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This is a code ordinance and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To update and revise the Personnel Code.

SECTION III. Repeal. Title 3 of the Wasilla Municipal Code and Ordinance Serial No.'s 86-7, 86-12, 86-30, 87-16, 88-43, 89-09, 90-18, 90-23, 90-26, 91-15, 93-09, and 94-26 are hereby repealed.

SECTION IV. Enactment. There is hereby enacted to the Wasilla Municipal Code Title 3, Personnel Rules as shown on Appendix "A" attached hereto and made a part hereof.

SECTION V. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

Introduction: 09/25/95


Public Hearing: 10/09/95

ADOPTED by the Council of the City of Wasilla on this 11th day of December, 1995.



JOHN C. STEIN, Mayor

ATTEST:



MARJORIE D. HARRIS, CMC
City Clerk

**CITY OF WASILLA
PERSONNEL RULES**

Title 3

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Chapter 3.05

DEFINITIONS

Sections:

3.05.010 Definitions

3.05.010 DEFINITIONS. As used in Title 3:

- A. "Allocation" means the action taken to assign a position to an appropriate grade.
- B. "Appointment" means those methods by which a person is designated to fill a specific vacant position.
- C. "Candidate" means a person who has applied for a position, and has been included on an eligibility list as being available for certification.
- D. "Certification" means the referral of names of qualified applicants by the Mayor at the request of Department Heads for selection to a position in the classified service.
- E. "Classification" means the process of obtaining adequate position descriptions, gathering necessary additional information, making comparison with other position descriptions and with grade position descriptions, etc., and finally, of taking official action by allocating a position to a particular grade and of assigning a salary range.
- F. "Classified Employees or Classified Service" shall be comprised of all positions with the exception of elected officials, and exempt employees who serve at the pleasure of the City Council, the Mayor, or the City Clerk.
- G. "Contract Employees" means those employees that are hired on a short term basis. No benefits are paid to these employees.
- H. "Cumulative Service" means regular straight time hours worked, holiday hours paid and approved paid leave hours.
- I. "Demotion" means the change of an employee from a position in one grade to a position in another grade with a lower pay range.
- J. "Employee" means any person in the employ of the City who is subject to these Personnel Rules and whose activities are directed by the City. Employees are either categorized as classified or exempt.
- K. "Examination" means objective evaluation of skills, experience, education and other characteristics demonstrating the ability of a person to perform the duties required of a grade or position.
- L. "Exempt Employee" means those executive, administrative or professional employees specifically listed in 3.35.010 or as specifically designated by the Mayor under 3.35.010 who are paid on a salaried basis. Exempt employees are subject to certain provisions in this code but generally are exempt from wage and hour laws and may be terminated without cause.

- M. "Flex staffing" means a classification procedure by which positions are allocated to more than one department.
- N. "Flex Time" means a designated period (e.g., 7:00 a.m. to 6:00 p.m.) during which employees may choose their own eight-hour or ten hour schedule, with the approval of the Department Head.
- O. "Grade" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same test of fitness and the same range of compensation apply to each position in the group.
- P. "Grade series" means a group of job grades which the Mayor has assigned to perform work with increasing levels of responsibility so as to form a career progression.
- Q. "Grade title" means the official title used for all personnel, payroll and budget documents. Working titles may be used for all other purposes.
- R. "Job Sharing" means two or more part time employees sharing one full time position in which the combination of hours worked by the employees does not exceed the normal hours of work for the position.
- S. "Immediate family" means the employee's spouse, children, mother, father, mother-in-law, father-in-law, brothers or sisters.
- T. "Just cause" means that sufficient justification exists for the proposed action against an employee. "Just cause" applies to behavior by an employee which is detrimental to the discipline, public image or efficiency of Wasilla as an employer. As so defined, proof of any one of the following shall constitute 'Just cause':
1. incompetence;
 2. inefficiency;
 3. lack of any of the qualifications required by the position.
 4. insubordination;
 5. excessive absenteeism or tardiness;
 6. harassment of other employees or the public;
 7. violation of a written City policy, procedure or regulation, which was known or reasonably should have been known to the employee;
 8. violation of an oral directive which was known to the employee;
 9. conviction of a crime involving moral turpitude;
 10. substance abuse on the job; or
 11. any other conduct commonly recognized by reasonable persons as justification for serious discipline, including dismissal.

- U. "Layoff" means removal from active work status of an employee for reasons beyond his/her control that do not reflect discredit on his/her services, and where certain re-employment or other rights exist.
- V. "Mayor" means the elected Mayor for the City of Wasilla or his/her designee.
- W. "Merit anniversary date" Is one year from date of appointment to a regular position or appointment to a new position. The anniversary date will be advanced by the number of calendar days that total leave without pay exceeds 30 days during the calendar year.
- X. "Night Shift" means a shift which starts at or after 6:00 p.m. but before 4:00 a.m.
- Y. "Personnel Rules Committee" means a committee selected by the Mayor containing both exempt and classified employees. The purpose of this committee is to review and recommend changes to Title 3 and Personnel Policies and Procedures.
- Z "Position" means the duties and responsibilities assigned to an employee requiring full-time or part-time employment.
- AA. "Promotion" means a change in status of an employee from a position of one grade to a position of another grade having a higher salary range.
- AB. "Re-employment" means appointment of an employee due to recall from layoff within one year to the same classification as the position from which that employee was laid off, or to a position at the same or lower grade in which that employee had previously earned status.
- AC. "Re-employment list" means a list of employees with status who have been laid off and who have made written request for re-employment within one year from date of layoff.
- AD. "Regular appointment" means the status of an employee after he/she has satisfactorily completed his/her current probationary period in accordance with this chapter.
- AE. "Rehire" means an appointment into a position with the City when previously separated.
- AF. "Reinstatement" means replacement of an employee into a position in the same grade occupied previously when there has been no break in service, for one of the following reasons:
 1. timely return from military leave;
 2. return to a position in a grade employee held when suspended, demoted or dismissed, after successful appeal;
 3. return of an employee from authorized injury leave or leave without pay.
- AG. "Relative" means any person who is related by marriage or blood to an applicant or employee.
- AH. "Salary Structure" means the orderly arrangement into grades of all positions in the City service, and a listing of grade titles and salary ranges assigned to each grade.
- AI. "Salary Structure Plan" establishes a salary structure and pay plan for all positions.
- AJ. "Seniority" means the period starting from the last date when the employee is hired. Seniority shall be terminated and the employee's service shall be broken under the following conditions:

1. resignation or retirement;
 2. discharge;
 3. layoff in excess of one year;
 4. failure to return from leave of absence or vacation on agreed date unless approval has been obtained from the employer.
- AK. "Separation" means cessation of the work relationship between the City and an employee for any reason including death, dismissal layoff, resignation and retirement.
- AL. "Status" describes an employee who has attained a regular appointment.
- AM. "Suspension" means an enforced paid or unpaid leave for disciplinary reasons or pending investigation of charges made against an employee.
- AN. "Supervisor" means an individual having responsibility on behalf of the City regularly to participate in the performance of some or all of the following functions with respect to other employees: to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, direct, adjust grievances or effectively to recommend such action, if, in connection with the foregoing, the exercise of such responsibility is not of a merely routine or clerical nature but requires the exercise of independent judgment.
- AO. "Swing Shift" means a shift which starts at or after 3:00 p.m. but before 11:00 p.m.
- AP. "Temporary employee" means an employee appointed on a temporary or interim basis to a position. A "temporary employee" is exempted from these rules except as otherwise stated in specific provisions of the rules.
- AQ. "Temporary position" means a position established for a defined period of time not to exceed six months except when the Mayor grants an extension under exceptional circumstances.
- AR. "Transfer" means a lateral movement from one position to another position at the same grade, without any break in service.
- AS. "Work day" means a scheduled daily work period in a scheduled work week.

Chapter 3.10

GENERAL PROVISIONS

Sections:

- 3.10.010 Administration
- 3.10.020 Revision and Amendment
- 3.10.030 Scope of Coverage and Amendment of Rules
- 3.10.040 Statement of Purpose

3.10.010 ADMINISTRATION. The Mayor shall have overall authority and responsibility for labor relations and personnel administration concerning the City service. The Mayor may appoint a Personnel Manager to administer the personnel system. In addition to the responsibilities specified elsewhere in these rules, the Mayor's duties may include:

- A. Advise the officials of the City on all matters pertaining to the administration of personnel and ensure that Personnel Rules and related contractual obligations are observed by all concerned. In this capacity, the Mayor has final responsibility for interpretation and enforcement of the rules.
- B. Maintain or direct the maintenance of a personnel records system.
- C. Prepare or direct the preparation of reports on personnel as may be required to accomplish all employee relations activities.
- D. Advise and assist all supervisors in the interpretation and application of all employee relations matters.
- E. Develop and maintain a salary administration plan.
- F. Direct the operation of recruitment, employment and promotion programs and assure equal employment opportunity in these areas.
- G. Conduct long-range personnel planning to project future requirements, with emphasis on professional, supervisory and managerial positions.
- H. Review and implement the personnel aspects of all organizational plans and modifications.
- I. Develop and promote programs for improving employee effectiveness, such as training, health, counseling, welfare and productivity improvement programs.
- J. Develop and maintain a personnel information system.
- K. Maintain a position control system based on the budget as approved by the City Council.
- L. Direct labor relations functions of the City.
- M. Develop Personnel Policies and Procedures to implement these rules and the requirements of State and Federal Laws. These policies and procedures and changes thereto may be approved by council resolution.

3.10.020 REVISION AND AMENDMENT. The Mayor shall recommend revisions of these rules based on the needs of the City, State and Federal Laws and increased effectiveness. Recommendations

to the Council for action shall become effective upon approval of the Council by ordinance. All revisions and amendments of Title 3, Personnel Rules, are, upon the effective date, operative upon the then - existing employees of the City. Employees hired prior to the effective date of amendments and revisions do not retain on-going rights, privileges, or benefits that are rendered void or otherwise made unavailable by the amendment or revision. These provisions are intended to expressly preclude any implication or suggestion that "grandfather rights" are retained by employees hired prior to a revision or amendment of these personnel rules.

3.10.030 SCOPE OF COVERAGE AND AMENDMENT OF RULES.

A. These Rules shall apply to all employees except that:

1. The City Clerk shall be appointed, terminated and be paid in a manner determined by the City Council;
2. The Mayor is elected and should be compensated in a manner determined by other statutes and ordinances. However, unless otherwise provided, the Mayor shall be generally entitled to benefits provided to regular employees;
3. The terms and conditions of this chapter shall not apply to election officials. Those persons performing as election officials, with the exception of the City Clerk and such members of his/her regular staff who work as election officials, shall be appointed, terminated and be paid in accordance with Title 4, Elections. Election officials are not considered employees.

B. Department Rules. Upon coordination with the Mayor, Department Heads may establish written department rules which do not conflict with the provisions of these Personnel Rules or the Personnel Policies and Procedures. A copy of the Department Rules, these Personnel Rules and the Personnel Policies and Procedures shall be available to all affected employees.

C. Grant Programs. When an employee is employed under the provisions of a special grant program the provisions of that grant which conflict with these Personnel Rules shall apply.

D. Amendment. Employees and Department Heads are encouraged to submit recommended additions or modifications to the Mayor at any time. The Mayor shall evaluate such recommendations and forward them with his comments to the Personnel Rules Committee for their consideration. The Mayor may submit additions or modifications of the Personnel Rules to the City Council for its consideration.

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

It is the general intent of these rules to establish policies which will serve as a guide to administrative action concerning the various personnel activities and transactions. Personnel Policies and Procedures will be issued periodically to amplify the rules by more detailed procedures.

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

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

- B. To assist in the accomplishment of affirmative action and equal employment opportunity objectives of the City.
- C. To assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, religious creed, marital status or physical disability.
- D. To provide employment subject to the need to accomplish work, availability of funds, and continued effective performance and acceptable personal conduct of the employees.
- E. To provide employees assignment of duties, responsibilities and authority, training, supervision and appraisal, appropriate compensation, and recognition for continued good and exceptional service.
- F. To encourage efficient operation and production of all City employees through personnel administration on the part of all supervisors, toward the end of service to the public.
- G. To inform employees of their rights, benefits and responsibilities.

Chapter 3.15

RECRUITMENT AND EMPLOYMENT

Sections:

3.15.010	General Policy
3.15.020	Types of Positions and Appointments
3.15.030	Recruitment
3.15.040	Filing of Applications
3.15.050	Preference Guide for Selection
3.15.060	Selection of New Employees
3.15.070	Selection of Current and Former Employees
3.15.080	Probationary Period
3.15.090	Temporary Assignments

3.15.010 GENERAL POLICY.

- A. The Mayor or his/her designee shall recruit all candidates for employment.
- B. The most qualified applicant shall be appointed to a position without discrimination based on race, national origin, color, age, religious creed, sex, political affiliation, marital status, physical handicap or other criteria prohibited by law, except when the age, sex or physical requirements of the position constitute a bona fide occupational qualification relevant to proper and efficient performance.
- C. Position vacancies may be filled by promotion from among regular City employees whenever practicable and in the best interest of the service on the basis of most qualified. Applicants for promotions must meet the qualifications for the vacant positions as described in the recruitment announcement.
- D. Qualified disabled persons and veterans shall be encouraged to apply for City employment, but such a condition shall not entitle any person to an appointment.
- E. Nepotism is prohibited. No person may be employed in a position supervised by a family member. If an employee and his/her supervisor should marry, they shall elect which employee may continue in the department and which shall terminate or transfer. "Family member" means spouse, father, mother, brother, sister, child or persons living in a family type relationship.
- F. It is the policy of the City of Wasilla to maintain a drug - free work place.

New Appointments: As a condition of employment all new employees must demonstrate that they are drug and alcohol - free.

Applicants, including former employees must take and pass a drug test before they are hired. The City shall pay the cost of the drug testing procedure. The type of drug test and procedure for testing may be based on established testing practices. The requirement for the drug test shall be stated in recruitment notices, job descriptions and on the City's employment application form.

The Mayor will develop Personnel Policies and Procedures as necessary to implement this/her rule and State and Federal Laws requiring employee Drug and Alcohol Testing. Violations of drug and alcohol policies, as promulgated by the Mayor or by Council resolution, may be subject to discipline, including potential termination.

- G. The Mayor may establish and maintain appropriate eligible hiring lists for any positions deemed necessary and may establish policies and procedures for establishing and maintaining lists.

3.15.020 TYPES OF POSITIONS AND APPOINTMENTS.

- A. Regular: The position is considered to be a part of the regular full-time complement continuously needed for performing City services on year around basis. A regular employee shall be one holding such an appointment.
- B. Temporary: The anticipated need for the position, by reason of duration of the work to be performed, is generally not to exceed 6 months in any 12 consecutive months period. A temporary employee shall be one holding such an appointment.
- C. Regular Part-time: The work involved is to be done during a portion of a work day, such as on a morning, afternoon, or night shift, and totaling less than 2080 hours per year but a minimum of 1040 hours a year. A regular part-time employee shall be a person hired under these circumstances.
- D. Regular Seasonal: This position is considered to be part of the regular complement needed to perform City services on a recurring seasonal basis. A regular seasonal employee normally works a 5 day, 40 hour week, 8 hours per day for at least 6 months (1040 hours) but less than 9 months (1560 hours) in any 12 consecutive months period. A regular seasonal employee shall be one holding such an appointment.
- E. Probationary: The initial appointment of an individual to a position whether it be regular, temporary, or part-time shall be probationary, and shall be for a period of six months except for police officers which is one year.
- F. Auxiliary: A position with wages paid for on a reimbursement basis under a Federal or State program aimed at increasing employment or providing training opportunities; such positions shall be temporary positions and may have a duration of more than six months.
- G. Intern: A position which allows training opportunities within City departments, particularly for high school and college age individuals. The position is temporary, but may extend beyond six months. The hourly pay will be at least minimum wage, but may be lower than range 2 of the City of Wasilla pay scale. Each city department is responsible for preparing position descriptions for any intern working within that department.

3.15.030 RECRUITMENT.

- A. Vacant positions in a small work force make getting the job done difficult for the remaining employees. Therefore, as soon as practicable after receiving the resignation of an employee, or in the event of a position vacancy, if the position is to be filled, the Mayor or his/her designated representative shall solicit applications for that position. If a qualified person is available among existing City employees, the Mayor may, at his/her discretion, recruit from the existing City staff. Alternatively, recruitment may include new applicants. Recruitment may be conducted with the assistance of employment referral services.
- B. Employees laid-off through no fault of their own within the preceding 12 months and who have requested re-employment in writing shall be given preference in filling vacancies for which they are qualified, after active employees. A person so re-employed shall not be subject to a probationary period if one was previously completed and he/she is employed at his/her former or a lower classification at the same skill level. The hire date will be the date established by the

former employment, and the service time shall include the total time with the city in regard to longevity.

- C. Exempt positions may be filled without regard to the above recruiting process by direct appointment of qualified individuals, at the discretion of the Mayor.
- D. The City may require examination of qualified applicants to ensure they are qualified for the position and to assist in rating and ranking of applicants. Policy and procedures for examining applicants may be written at the discretion of the Mayor.
- E. The Council shall direct the manner in which the Mayor may solicit applications for the position of City Clerk.

3.15.040 FILING OF APPLICATIONS. Applications shall be filed with the City or its designee on or prior to the closing date specified in the announcement and shall constitute an integral part of every recruitment. The Mayor may require information as to education, training and experience of the applicant, examinations and such other information as he/she may deem pertinent and may require any applicant to submit documented proof of the possession of any license, certificate, degree or other qualification claimed or required and may refuse credit for such qualifications in the absence of appropriate documentation.

3.15.050 PREFERENCE GUIDE FOR SELECTION. Candidates in the following categories shall be entitled to priority in filling vacant positions according to the descending order of priorities listed below:

- A. Reinstatement of a veteran returned timely from military leave;
- B. Reinstatement from demotions, suspensions or dismissals, successfully appealed;
- C. Transfer or demotion in lieu of layoff;
- D. Re-employment from layoff, within one year;
- E. Demotion for disciplinary reasons into a similar position within the same grade.
- F. Transfer for reasons other than layoff.
- G. Active employees.
- H. New applicants.

3.15.060 SELECTION OF NEW EMPLOYEES. A desired selection by a Department Head shall be reported to the Mayor for his/her appointment action. No offers of employment, transfer or promotion either oral or written will be made by anyone without the approval of the Mayor. No new hire, transfer or promotion may take effect until final processing by the personnel office without the expressed approval of the Mayor.

3.15.070 SELECTION OF CURRENT AND FORMER EMPLOYEES.

- A. Reinstatement and Re-employment.
 - 1. Return from Military Leave. A City employee who returns from military leave timely shall be re-appointed in accordance with United States Code Annotated Title 50, War and National Defense Military Selective Service Act of 1967, Section 459, Separation from

Service (a), (b), (c), (f) and (g). If his/her return is in accordance with the Act, he/she is entitled to reinstatement into the position he/she had when he/she left on military leave, or into one as nearly like as possible.

2. Reinstatement as a Result of Successful Appeal. An employee who has been dismissed, demoted or suspended for insufficient reasons, as determined through a hearing by the Mayor, may be reinstated to his/her former position or to a position of like status and pay.
3. Re-employment After Layoff. An employee with regular status who has been laid off may be re-employed within one year from the effective date of his/her layoff. The Mayor may approve re-employment if the candidate qualifies. A re-employed employee shall have his/her service time adjusted to his/her original date of employment less the time off the payroll, to establish his/her adjusted service date. He/she shall have his/her eligibility date for next merit increase adjusted accordingly.

B. Promotion. Promotions shall be made on the basis of the most qualified as determined by the appointing authority and will require all applicants to be minimally qualified. A promotion is the filling of a vacancy by the advancement of an employee from a position having a lower salary grade. Vacancies in the classified service shall be filled by promotion whenever practicable and in the best interest of the City. Promoted employees will serve a Promotional Probationary Period of ninety (90) days during which the employee may be dismissed without cause. All leave and benefits will continue during this probationary period. Employees dismissed during the Promotional Probationary Period may return to their previous position only if it is vacant at the time of dismissal, otherwise the employee will be placed on layoff status. Promotions shall be based upon merit and shall be made in accordance with the procedures established in these rules. Major factors in determining promotions (not necessarily in order of import) are:

1. establishing that employees meet the minimum qualifications of recruitment announcements;
2. results of competitive examinations when applicable;
3. personnel appraisal report;
4. promise of continued development;
5. education, experience and training;
6. length of service.

C. Transfer. A transfer is the lateral movement from one position to another position in the same grade, without any break in service. The transfer may be within a department, or from one department to another. An employee in a temporary position may not be transferred to a regular position. Transferred employees will serve a Transfer Probationary Period of ninety (90) days during which the employee may be dismissed without cause. All leave and benefits will continue during this probationary period. Employees dismissed during the Transfer Probationary Period may return to their previous position only if it is vacant at the time of dismissal, otherwise the employee will be placed on layoff status. Regular employees who successfully transfer to become a police officer will be required to serve a total of one (1) year probation, including any probationary period previously successfully completed. The Mayor may require a written exam or other documentation for the purpose of determining the employee's qualifications for the new position. All transfers shall be reviewed by the Personnel manager prior to taking effect.

1. Within a Department. Transfer of a qualified employee within a department from one position to another in the same grade may be made without examination or certification at the discretion of the Department Head.
2. Between Departments. At the joint request of Department Heads and with prior approval of the Mayor, a qualified employee may be transferred from one position to another in the same grade, between two departments.
3. Employee Request. A regular employee who desires a transfer within a department for personal reasons shall send his/her written request through normal department channels to the Department Head, who will make the decision. A regular employee may request transfer from one department to another for personal reasons. He/she shall send his/her written request to the Mayor with a copy to the Department Head. If transfer is approved by the Mayor, the employee's name will be added as a candidate to the eligibility list for any position vacancy that occurs in this grade hereafter, for consideration by the Department Head concerned.
4. Involuntary. Any transfer between departments, effected for the good of the City, without the consent of the employee, must be approved in advance by the Mayor. The Department Heads concerned shall initially furnish an explanation in writing of the reasons for the change or transfer, and the employee will receive two weeks notice, unless the circumstances prohibit notice or the employee waives the notice requirement.
5. Transfers or promotions shall be completed with the mutual agreement of the Department Heads concerned and shall normally be effective within two weeks upon acceptance at the start of a new pay period. In no case shall the effective date of the transfer be later than the end of two pay periods without the agreement of the employee.
6. Employee Notice of Transfer. Upon approval of the Mayor, and before completion of any transfer, the employee shall be notified in writing of any change in status including pay step, anniversary date, length of service date and requirement for serving a probationary period.
- D. Demotion. The movement of an employee to a position in a lower grade is a demotion. For this purpose a lower grade means a grade having a pay range lower than the pay range of the position in which the individual is employed. An employee may be demoted into a lower grade position vacancy with the approval of the Department Head for that vacant position and the Mayor. Such a demotion requires that the employee be qualified for the position to which demotion is made. The Mayor may require a written examination or other evidence of the employee's qualifications.

1. Reasons:

- a. For Lack of Work or as a result of disciplinary action. An employee may be demoted for lack of work in his/her grade, or as a result of disciplinary action. An employee may appeal his/her demotion for cause.
- b. Employee Requests. If for personal or other reasons, an employee requests in writing that he/she be assigned to a position in a lower grade, the Department Head for that vacant position may make such a demotion with prior approval of the Mayor in writing. In such cases, the demotion will be deemed to have been made on a voluntary basis.

C. As a result of budget adjustments or reorganization by the city administration or Council, employees may be transferred and/or demoted into other positions at the discretion of the Mayor.

2. From Exempt to Classified Service

- a. An exempt employee who previously held status in the classified service and who requests demotion, may be placed in a vacant classified position at the same or a lower level position than the one in which status was previously held with the approval of the Department Head for that vacant position and the Mayor. Such a demotion shall be allowed only if the employee is qualified to hold the position sought in the opinion of the Mayor. The Mayor may require a written examination or other evidence of the employee's qualifications.
- b. In all other situations, the exempt employee shall be required to compete for such appointment as provided in this chapter.

4. Demotions are normally accompanied by a pay decrease at the discretion of the Mayor.

3.15.080 PROBATIONARY PERIOD.

- A. All new regular employees shall serve a probationary period of six (6) months, except police officers shall serve a probationary period of one (1) year. Regular employees who successfully transfer to become a police officer will be required to serve a total of one (1) year probation, including any probationary period previously successfully completed. In the event regular status is not approved at the end of the probationary period, probation may be extended once for up to three (3) months. The employee will be notified in writing of the reason(s) for the extension and a plan to correct the problem which will be signed and agreed upon by the Department Head and the affected employee. A copy of the probation extension documents will be maintained in the employee's personnel file.
- B. A probationary regular employee who is separated from the service of the City prior to completion of the probationary period shall not be compensated for earned leave time, other fringe benefits, or retain any service credits which may have accumulated during this probationary period. An employee who is terminated during this probationary period shall lose all accumulated leave.
- C. The City of Wasilla may terminate a probationary employee at any time during the probationary period without cause. The termination of a probationary employee is not grievable, and the employee shall not have access to the grievance process. The decision to terminate a probationary employee will be made in conjunction with attorney consultation and review and should include written attorney approval of the action taken. Any discharge of a probationary employee shall be advised to the Mayor and at the discretion of the Mayor, the termination may be investigated and/or reversed.

3.15.090 TEMPORARY ASSIGNMENTS. An employee may be assigned temporarily, generally not to exceed six months as to any single temporary assignment, to duties necessary to maintain an adequate level of City services to get some special job done, or to accomplish or take charge of some special project or emergency. Assignments are not appointments and carry with them no rights except for higher pay.

A temporary assignment is made when an employee, although not fully qualified, may be assigned some duties of a higher level position.

This type of assignment benefits the employee who gains some knowledge and skill in a higher level position. Time in a temporary assignment may be counted toward experience requirement in meeting minimum qualifications for grade of position concerned.

Temporary assignment of expected duration of two pay periods or more requires the prior written approval of the Mayor.

Chapter 3.20

SALARY ADMINISTRATION

Sections:

3.20.010	General Policy
3.20.020	Position Classification
3.20.030	Salary Administration Plan - Purpose and Effect
3.20.040	Salary Administration Plan - Amendment
3.20.050	Salary Structure
3.20.060	Salary Ranges
3.20.070	Basis of Salary Ranges
3.20.080	Entrance Salary Rates
3.20.090	Advancements within a pay range
3.20.100	Salary Adjustment on Transfer, Promotion, Demotion and Reinstatement
3.20.110	Salary for Special Types of Appointments/Assignments
3.20.120	Effective Date of Changes in Payroll Actions
3.20.130	Total Remuneration

3.20.010 GENERAL POLICY. The policy of the City of Wasilla is to fairly compensate its employees, and review and update compensation on a periodic basis.

3.20.020 POSITION CLASSIFICATION.

A. The Mayor shall have the duty of assigning positions to the appropriate grade in the salary administration plan and making reassignments of positions when changes in duties and responsibilities justify such action. Departmental and employee requests for reclassification shall be submitted to the Mayor for review at such time and in such form as he/she may require. Changes shall become effective upon approval of the Mayor. The Mayor, with advice and assistance from Department Heads, shall maintain written position descriptions for each grade of positions. Each position description shall include:

1. an appropriate title;
2. a general statement of duties and responsibilities;
3. distinguishing features of work;
4. examples of duties;
5. A listing of minimum qualifications that must be met by the applicant for his/her application to be accepted for consideration. Position descriptions shall be considered only as descriptive guidelines and not as inclusive of all duties to be found in positions allocated to a particular grade. To the extent possible, position descriptions shall be kept up-to-date.
6. Physical requirements for the position, as necessary.

B. Position Descriptions. It shall be the responsibility of Department Heads to prepare and maintain position descriptions which define the duties and qualifications required for each of the positions in their department as delineated in A, above, and to provide those descriptions to the Mayor.

- C. Duties of Employees. Any employee may be required by a Department Head to perform any of the duties described in his/her position description, and other duties which may be necessary or desirable and for which the employee is qualified.
- D. Qualifications Statements. Qualifications of the employee should be determined by the supervisor and employee. The qualifications statement in each position description establish requirements that must be met by an individual before consideration for appointment or promotion to a position in the grade. Common alternative combinations of, education, training or experience are specified in the position descriptions. However, other combinations may be qualifying, if deemed equivalent, by the Mayor. Personal suitability qualifications commonly required by any employee occupying a position in any grade, such as good character, loyalty, honesty, demeanor, industriousness, amenability to supervision, and willingness to cooperate with associates shall be qualifications required for each grade, even though such traits may not be specifically mentioned in the position descriptions.

3.20.030 SALARY ADMINISTRATION PLAN - PURPOSE AND EFFECT.

- A. The Mayor shall establish and maintain the salary administration plan, which shall group together those positions that are sufficiently similar in kind, responsibility and difficulty of work to warrant application of the same pay range. Such grouping shall be assigned grades based upon the duties and responsibilities of positions in the city service. The salary administration plan shall be approved by the Council by resolution.
- B. The grades shall be used as the exclusive means of reference in all official records and transactions, but working titles acceptable to Department Heads may be used in correspondence and other dealings with the public.

3.20.040 SALARY ADMINISTRATION PLAN - AMENDMENT. The salary administration plan may be amended or modified from time to time by the Mayor and approved by the Council. Pay ranges associated with each grade are established by Council resolution.

3.20.050 SALARY STRUCTURE.

- A. Definition. The term "Salary Structure" includes pay schedules, and other means by which pay is adjusted, such as probationary and promotional increases, demotion decreases and differential payments as set forth in these rules.
- B. Amendments to the salary structure may be recommended to the City Council by the Mayor and shall become effective upon City Council approval or a date specified by the City Council. The Mayor may conduct or review current wage and benefits surveys at least every three years to determine the prevailing rates for selected key grades. Surveys shall include fringe benefit data where feasible. Recommendations for range changes, reclassifications and amendments to the pay plan will be made to the Mayor, based upon results of such surveys. Amendments to employee pay ranges shall be recommended to the City Council by the Mayor based upon such surveys, Cost of Labor index in Alaska and/or as a result of meeting and conferring with the employees and shall become effective only upon City Council approval. Individual salaries generally should not be adjusted up or down based on such pay range adjustments. However, an individual salary could be impacted if an adjustment of a pay range places the individual salary outside the range.
- C. Responsibility. The Mayor is responsible for development, maintenance and administration of a uniform and equitable salary structure. The Mayor is responsible for the development, maintenance and administration of the executive salary structure.

3.20.060 SALARY RANGES. A salary range is a level of pay that is assigned to a grade which determines the pay of employees in that grade. It comprises a range of pay through which an employee may progress by probationary and merit increases. The positions assigned a salary range may be adjusted to any rate within that range.

1. Salary ranges are assigned to grades, and are based upon all or some of the following factors:
 - a. Duties and responsibilities of position or grade;
 - b. Internal equity-maintenance of pay ranges of grades in appropriate relations to one another;
 - c. Prevailing rates for comparable work in both public and private employment;
 - d. General pay relationships among job families;
 - e. Pay relationships between supervisors and employees;
 - f. Employee recruitment and retention problems;
 - g. Economic trends and forecasts;
 - h. Salary survey data, including comparative fringe benefits;
 - i. Availability of funds.

3.20.070 BASIS OF SALARY RANGES. Salary rates are based on full-time employment at normal working hours for the respective grades.

1. Classified employees are paid at an hourly rate calculated by dividing the amount of salary rate for the assigned grade divided by 2080 hours per year.
2. Exempt employees are paid an annual salary at their assigned grade.

3.20.080 ENTRANCE SALARY RATES.

- A. Starting Rate on Initial Employment. Original appointment shall be made at the entrance rate. Advancement from the entrance rate to the midpoint rate within a salary range are accomplished through the appraisal process. Upon recommendation of the Department Head, the Mayor may approve initial compensation at a rate higher than the minimum rate in the range for that grade when the needs of the City make such action necessary, provided that any such exception is based on the applicant's experience and ability over and above the qualification requirements specified for the grade, or if a critical shortage of applicants exists. Such approval shall be made in writing prior to appointment.
- B. Reinstatement and Re-employment of Employees.
 1. Reinstatement of Veterans. A reinstated veteran shall be entitled "to be restored to such position" (as he/she had when he/she left the City on military leave, other than a temporary position)"or to a position of like seniority, status and pay" as set forth in the US Code Annotated, Title 50, War National Defense Military Selective Service Act of 1967,

Section 459 Separation from Service (a), (b), (c), (f) and (g). A veteran shall be reinstated to the same position or one as nearly like it as is available, at the same range he/she had when separated. His/her merit anniversary date shall be the date of reinstatement adjusted by the number of months and days served prior to leaving for military service. His/her length of service date shall be that established before leaving for military service. A probationary period shall not be required unless one was not completed in last previous employment, in which case only the incomplete portion need be served upon reinstatement. No probationary pay increase shall be granted unless one was not received in last previous employment.

2. Re-employment of Laid-Off Employees. When a laid-off employee is re-employed, he/she is entitled to the same pay received at the time of lay-off. His/her merit anniversary and/or length of service dates are both adjusted by the number of months and/or days laid off. A probationary period shall be required only if requested by the Department Head and approved in advance by the Mayor, unless one was not completed in last previous employment, in which case the incomplete portion need be served in new employment.
3. Reinstatement as Result of Successful Appeal. An employee reinstated as a result of successful appeal is entitled to all rights previously established, including the same pay, and the same merit anniversary and/or length of service dates, unless otherwise directed by the body hearing the appeal. A probationary period shall not be required unless one was not completed in employment just previous to the appeal in which case only the incomplete portion need be served in the new employment.
4. In the case of reinstatement (the re-appointment of an employee separated in good standing at the convenience of the City, within one year of the date of his/her separation), the employee shall be reinstated at the same pay range he/she was at, at the time of separation.

C. Rehire. A former employee may be rehired at the same pay rate he/she had before separation or any lower pay rate in the range determined by the Department Head. When rehired in the same grade or a lower grade, when approved in advance by the Mayor, the employee may be paid at the rate that best reflects prior creditable City service. Consideration shall be given to experience and education acquired since leaving City employment. The employee must serve a probationary period, but shall not be entitled to a probationary increase unless he/she did not receive one in previous employment or unless hired at the minimum range.

D. Demotion

1. Salary Rate for Lower Grade. When an employee is demoted, his/her salary rate in the range for the lower grade shall be that rate which is determined by the Department Head and approved in advance by the Mayor.

Factors to determine the salary rate may include: reason for demotion, past and current performance appraisals, cooperation with the Department Head and other employees; previous experience in the lower grade; budgeted funds available; and length of service.

- a. Demotion for Disciplinary Reasons. An employee demoted for disciplinary reasons normally shall be placed at the minimum of the lower range.
- b. Demotion in lieu of Layoff. Employees demoted in lieu of layoff shall be placed at the minimum rate for the position.

2. **Merit Anniversary Date.** Merit anniversary date of a demoted employee shall become the date of demotion.
3. **Length of Service Date.** Length of service date of a demoted employee shall remain unchanged.
4. **Probation.** When employees are demoted to a position in a grade where they previously had regular status, no probationary period shall be served. Employees who are demoted for disciplinary reasons shall serve a probationary period but shall not receive a probationary pay increase. When employees are demoted to a position in a grade where they did not previously hold regular status, the Department Head shall decide whether a probationary period will be served, without a probationary increase, subject to approval of the Mayor. The employee shall be notified of the decision, in writing, before the demotion is accomplished.

3.20.090 ADVANCEMENTS WITHIN A PAY RANGE.

- A. **Completion of Probation.** Upon satisfactory completion of the probationary period after initial appointment or promotion, the entrance salary of the employee may be advanced in the salary range. The probationary period may be extended and probationary salary increase withheld with prior approval of the Mayor.
- B. **After Completion of Probation.** Employees shall have their performance reviewed annually, and their salaries may be advanced to a higher rate within the range as recommended by the Department Head and approved by the Mayor, based upon their performance. A merit increase must be earned and is not granted automatically. Such advancement may be made annually. Such review should be conducted within 60 calendar days of the anniversary of the date of hire and may be conducted annually thereafter as adjusted by the number of calendar days that total leave without pay exceeds 30 days during the calendar year.
- C. **Merit increases shall be based upon appraisal of an employee's work performance, recorded on a performance appraisal report.** When the overall report shows an above average or higher rating, and when it is shown that the employee has demonstrated satisfactory performance of a progressively greater value to the City, a merit increase may be approved. When the Department Head determines that an employee has not demonstrated above average performance of a progressively greater value to the City during his/her past merit anniversary year, he/she may defer the merit increase for a stipulated time during which certain specific improvements must be made, or simply deny the increase. If merit increase is deferred, notice of such deferral and reasons shall be given to the employee in writing on the performance appraisal report. The deferred merit increase may be approved at any time during the deferral period that the Department Head determines that the employee has demonstrated satisfactory improvement. Merit anniversary date shall not be changed because of merit increase deferral.

3.20.100 SALARY ADJUSTMENT ON TRANSFER, PROMOTION, DEMOTION AND REINSTATEMENT. In the event of transfers, demotions and promotions, or reinstatement, the following principles shall apply:

- A. In the case of transfer (the movement of any employee from one job classification to another in the same grade), the pay rate of the employee shall remain unchanged.
- B. In the case of promotion (the advancement of an employee from one job classification to another in a higher grade), the pay rate of the promoted employee shall increase.

1. Rate of Pay on Promotion:

- a. Normal Promotion. Employee's salary shall represent at least a 5% increase.
- b. Upward Reclassification. In any case where a position is reclassified upwards the salary of the employee occupying the position shall be increased a maximum of 3%.

C. In the case of demotion (the movement of an employee from one job classification to another in a lower grade), the pay rate of the demoted employee shall be changed to a pay rate in the grade where the employee has been transferred.

3.20.110 SALARY FOR SPECIAL TYPES OF APPOINTMENTS/ASSIGNMENTS.

- A. Temporary Appointments. Temporary employees, whether appointed to temporary positions or appointed temporarily to replace absent employees shall not be entitled to optional fringe benefits. The Mayor shall set the starting pay of temporary employees at an appropriate level. In case of a "temporary" employee who successfully competes and is appointed to a regular position without a break in service, credit shall be given for service already rendered under the temporary appointment when computing the duration of probation but not leave accrual or other benefits.
- B. Acting Assignment. Upon approval by the Mayor an employee may be temporarily assigned to accept the responsibilities for and perform work normally assigned to a position in a higher grade 10 working days or more, the employee shall receive a minimum upward adjustment of five percent (5%) in addition to the normal rate of pay retroactive to the first day of the assignment. An employee shall have the right to refuse a temporary assignment at the pay rate assigned without prejudice. All acting assignments will be approved by the mayor on a personnel status change form.
- C. Public Works Department Stand-By: Employees who are on stand-by will receive 2 hours of credit for compensation at 1-1/2 times the normal hourly rate of pay for each holiday, Saturday and Sunday for which they are on stand-by. Work that must be performed on those days shall be a minimum 2 hour call-out compensated at 1-1/2 times the normal hourly rate of pay if the employee has worked in excess of 40 hours during the week.
- D. Public Works Department Call-out: Employees on call-out which requires work in excess of 40 hours per week shall be compensated at 1-1/2 times the normal hourly rate of pay for that employee. Any call-out work on holidays and weekends will be compensated at 1-1/2 times the normal hourly rate of pay, with a two hour minimum for any call-out.
- E. Shift Differential. Employees who are assigned to permanent night shifts will be paid five percent (5%) above the rate normally received during such assignment.

3.20.120 EFFECTIVE DATE OF CHANGES IN PAYROLL ACTIONS.

- A. Nothing in this section shall prohibit retroactive pay approved by the City Council or required because of administrative oversight or error as determined by the Mayor.
- B. Personnel actions implementing any change in status or pay shall be effective upon approval of the Mayor provided such changes are received by the payroll section at least 10 working days prior to the effective date.

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

CHAPTER 3.25

HOURS OF WORK, HOLIDAYS WITH PAY, OVERTIME & OTHER BENEFITS

Section:

3.25.010	Regular Hours of Work
3.25.020	Shifts
3.25.030	Temporary Schedule
3.25.040	Lunch Period
3.25.050	Changes of Permanent Schedules
3.25.060	Holidays with Pay
3.25.070	Overtime and Holiday Pay
3.25.080	Retirement and Supplemental Benefits
3.25.090	Disability and Health Insurance
3.25.100	Length of Service

3.25.010 REGULAR HOURS OF WORK. Regular working hours of City employees shall consist of either five (5) consecutive days of eight (8) hours per day or four (4) consecutive days of ten (10) hours per day. The standard work week shall consist of the period from midnight Sunday to the following midnight Sunday. The standard work day shall consist of the period from midnight to midnight.

3.25.020 SHIFTS. The following types of regular shifts are authorized:

- A. Established Shift
1. A regular shift (e.g. 8:00 a.m. to 5:00 p.m. or 7:30 a.m. to 4:30 p.m.) that generally applies to all employees of a department, division, section or work unit.
 2. A regular shift (e.g. 8:00 a.m. to 6:00 p.m.) or other 10 ten hour time frame that generally applies to all employees of a department, division, section or work unit.
- B. Flex Time. A designated period (e.g., 7:00 am. to 6:00 p.m.) during which employees may choose their own eight-hour or ten hour schedule, with the approval of the Department Head.
- C. Job Sharing. Two or more part time employees sharing one full time position in which the combination of hours worked by the employees does not exceed the normal hours of work for the position. Job sharing may be done during a given shift or days of the work week. Schedules will be approved by the Department Head.

3.25.030 TEMPORARY SCHEDULES. Temporary shifting of employees' working hours to meet routine needs may be done as necessary and if approved by the Department Head. Changes of shifts which envision changes of 30 minutes or less at starting time may be approved by the Department Head for periods of less than one week. Changes for more than one week must provide at least one week's advance notice to employees except in emergency situations, or when the employees waive the need for notice.

3.25.040 LUNCH PERIOD.

- A. Department Heads may authorize either one-hour or one-half hour unpaid lunch periods to meet operational staffing requirements. Such periods will normally be taken close to mid shift.

- B. For Employees Scheduled Without a Scheduled Meal Period. Full-time employees who, because of the particular nature of their duties are regularly scheduled and required to work their regularly scheduled shifts without a scheduled meal period and who are not permitted to leave their work locations shall be granted an appropriate half-hour paid lunch period during their shift.

3.25.050 CHANGES OF PERMANENT SCHEDULES. All permanent changes of working schedules shall provide the affected employees at least one week notice of the change and, if possible, two weeks notice except in emergency situations or when the employees waive the need for notice.

3.25.060 HOLIDAYS WITH PAY.

- A. The following days shall be recognized as holidays with pay for all regular, probationary and intern employees who are in pay status before and following such days:

New Years Day	January 1
Washington's Birthday	Third Monday in February
Seward's Day	Last Monday in March
Memorial Day	Last Monday in May
Fourth of July	July 4
Labor Day	First Monday in September
Alaska Day	October 18
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas	December 25

In the event a holiday occurs on a Saturday, the work day immediately prior shall be considered a holiday. If the holiday occurs on a Sunday, the work day immediately after shall be considered a holiday.

- B. For employees having other than a regular schedule of a Monday through Friday workweek, a holiday falling on a regular work day will be a day off unless the employee is working for a department of the City that by City policy does not close on that day. In this situation the Department Head and the employee shall mutually agree on a substitute day off to be taken within one month of the said holiday, or the appropriate rate of overtime will be paid for the holiday worked. With the approval of the Mayor a department may close on a day prior to a holiday in order to give the employees consecutive days off. A holiday falling on a regular day off will entitle the employee to one additional day of leave with pay, unless staffing requires that the employee work in which case overtime will be paid at the appropriate rate.

3.25.070 OVERTIME AND HOLIDAY PAY.

- A. It is recognized that overtime duty is an occasional necessity dictated by conditions, most of which ordinarily could not be foreseen. However, it is incumbent upon supervisors to exert every effort to avoid overtime, to plan ahead sufficiently so as to be able to avoid this extra expense and inconvenience. Department Heads are personally responsible for seeing that no abuse of the overtime provisions occurs.
- B. All employees, except exempt employees, and library employees, shall be paid one and one-half times their regular rate of pay for properly authorized hours of work in excess of forty (40) hours actual work including holidays in any unit week. Authorized overtime work on non-work days (normally Saturdays, Sundays and Holidays) or at the end of any regular shift, is compensable only if the overtime work, when added to all time actually worked during the same unit week,

exceeds forty (40) hours or in the case of library employees, exceeds eighty (80) hours in a two week period. Each unit week shall begin at one minute past twelve midnight, on the employees first day of work for that week.

- C. Department Heads may at their discretion, and with the concurrence of the Mayor and the affected employee, grant compensatory time off in lieu of overtime pay. Compensatory time shall be credited at the same rate of pay as overtime. Employees may accumulate a maximum of twelve hours compensatory time which will be treated in the same manner as annual leave.

3.25.080 RETIREMENT AND SUPPLEMENTAL BENEFITS.

- A. Employees of the City of Wasilla are not covered by Federal Social Security.
- B. Regular employees of the City of Wasilla shall be enrolled in the State of Alaska, Public Employees Retirement System (PERS) and Supplemental Benefits System (SBS) on the date of hire. Temporary employees shall be considered non regular and ineligible for participation in the retirement system, but shall be enrolled in SBS on the date of hire.

3.25.090 DISABILITY AND HEALTH INSURANCE.

- A. All employees hired after April 1986 will be covered under Federal Social Security Disability Benefits.
- B. Regular employees shall be provided health, dental and life insurance benefits. All employees may be required to pay a portion of the premium. Regular part-time and regular seasonal employees shall receive coverage on a pro-rated premium basis. The Council shall determine the coverage by resolution. All revisions and amendments of this section are, upon the effective date, operative upon the then - existing employees of the City. Employees hired prior to the effective date of amendments and revisions do not retain on-going rights, privileges, or benefits that are rendered void or otherwise made unavailable by the amendment or revision. These provisions are intended to expressly preclude any implication or suggestion that "grandfather rights" are retained by employees hired prior to a revision or amendment of these personnel rules.

3.25.100 LENGTH OF SERVICE.

- A. "Length of service" means the number of days of all service rendered by an individual during employment with the City, regardless of the position(s) occupied as measured in accordance with this section.
- B. The length of service for a person who was a City employee and who has remained continuously employed by the City thereafter shall be measured from the date of that employee's initial appointment to City employment for leave accrual rate, excluding:
 - 1. all leave without pay in excess of 30 days during each calendar year;
 - 2. every day between the employee's separation date(s) and re-employment date(s) with the City;
 - 3. time spent by the employee in a temporary position unless that employee moved directly from such temporary position to a regular position without a break in service.

CHAPTER 3.30

LEAVES

Sections:

3.30.010	Policy
3.30.020	Annual Leave
3.30.030	Sick Leave
3.30.040	Payment in Lieu of Leave in Emergency
3.30.050	Administrative Leave
3.30.060	Maternity Leave/Family Leave
3.30.070	Leave without Pay
3.30.080	Unauthorized Absence

3.30.010 POLICY. Annual leave is provided to city employees. Employees in regular positions shall be entitled to leave accrual benefits. Temporary employees shall not accrue leave.

3.30.020 ANNUAL LEAVE.

- A. Regular employees of the City shall accumulate annual leave in accordance with the following schedule:
1. Eight hours per month for employees with less than three (3) years;
 2. Twelve hours per month for employees with three (3) years and less than eight (8) years;
 3. Sixteen hours per month for employees with eight (8) years or more.
 4. Annual leave for regular part-time and regular seasonal employees is pro-rated.
- B. There shall be no accrual of annual leave during any monthly pay period during which an employee is absent without authorization of the Department Head and approval of the Mayor or in non-paid status.
- C. Annual leave shall be earned only upon completion of each month.
- D. Upon regular appointment the employee shall be credited with accrued leave, as provided above, retroactive to the date of his/her original hire. Probationary employees will not be paid annual leave during their probationary period.
- E. Changes in the rate of accrual because of length of service shall take effect at the beginning of the pay period immediately following the date upon which such longevity indicates an accrual rate change.
- F. Annual leave accrued, but not used, shall accumulate to a maximum of not more than 480 hours on January 1st of any calendar year. Unused leave in excess of the maximum accumulation allowed on balance as of December 31st of any calendar year shall be canceled. Department Heads may approve carry over of a maximum of two additional weeks (80 hours) leave into the next calendar year if the employee was denied a reasonable opportunity to take accrued leave (Normally meaning on three or more occasions during the year where leave requests were denied for operational purposes.) The employee must have made genuine efforts to use the excess leave and been denied because of the city's needs. It is the responsibility of the

Department Head to ensure this carry over leave is used during the first quarter of the new year. Carry over leave not taken during the first quarter at the choice of the employee will be canceled.

- G. Department Heads will maintain a leave schedule for employees in their sections to insure employees are granted fair opportunity to take leave. Each regular employee shall take at least five consecutive days annual leave each calendar year. It shall be the responsibility of the Department Head to assure that each employee is given the opportunity to use this leave, scheduled in accordance with department needs.

3.30.030 SICK LEAVE.

- A. Regular employees of the City shall accrue sick leave at the rate of eight hours for each full month worked.
- B. Sick leave for regular part-time and regular seasonal employees is pro-rated.
- C. Upon regular appointment the employee shall be credited with accrued leave, as provided above, retroactive to the date of his/her original hire. Probationary employees will not be paid sick leave during their probationary period.
- D. Sick leave accrued but not used shall accumulate until termination of regular employment at which time up to 480 hours will be cashed in at 25% of value and will appear on the employee's final check. The salary rate used in computing the cash payment to be made shall be that rate which is being received by the employee on the date notice is received to terminate employment.
- E. There shall be no accrual of sick leave during any monthly pay period during which an employee is absent without approved leave or in unpaid status.
- F. Sick leave shall be granted only in the following instances and must be approved by the Department Head:
 - 1. When the Department Head is satisfied that the absent employee is actually sick or injured. Sick leave may be granted for medical or dental purposes in connection with an actual illness, or injury or medical appointment. If the absence exceeds three consecutive working days, the Department Head may require a doctor's certificate indicating the disability.
 - 2. Illness or death in the employee's immediate family requiring the employee's personal attendance. Absence chargeable to sick leave shall be as authorized by the Mayor.
- G. An employee absent on sick leave shall inform his/her immediate supervisor of the reason for such absence as soon as possible. Failure to do so shall be cause for disallowing the time off as chargeable sick leave.
- H. Employees may be required to take sick leave if, in the opinion of the Department Head, they are too ill to satisfactorily perform their duties or are a health hazard to other employees.
- I. Employees may donate either annual or sick leave to a fellow employee by prior approval of the Mayor. Requests for permission to donate leave shall be approved only in the most serious cases such as probability of death, lingering or incurable illness, extended recovery or some truly exceptional emergency.

3.30.040 PAYMENT IN LIEU OF LEAVE IN EMERGENCY.

- A. Cash in lieu of accumulated annual leave may be obtained, under emergency conditions outlined in writing and approved by the Mayor, so long as the employee will retain at least eighty hours of leave in reserve following cash payment. Impending loss of accumulated leave does not constitute an emergency.
- B. The salary rate used in computing the cash payment to be made shall be that rate which is being received by the employee on the date the application for cash payment is approved by the Mayor.

3.30.050 ADMINISTRATIVE LEAVE.

- A. An employee of the City who is a member of a reserve component of the United States Armed Forces, National or Alaska Guard or Naval Militia, is entitled to a leave of absence without decrease in income, time or performance rating, on all days during which he/she is ordered to training duty, as distinguished from active duty. Prior to military leave being granted a copy of the employees military orders must be presented with the submission of the leave slip.
- B. Employees called for military duty shall be treated as being on approved leave without loss of longevity, leave or pay. Pay received from the military other than those hours outside the regularly scheduled work day, for travel, parking and subsistence allowances, shall be turned into the City.
- C. Employees called for jury duty shall be treated as being on approved leave without loss of longevity, leave or pay. Service in court when subpoenaed as a witness shall be treated the same as jury duty with the exception of Police officers who are subpoenaed as a result of their employment. Police officers will be compensated at the appropriate rate when they are required to appear in court off duty. Fees paid by the court, other than those for an employee's appearance at anytime outside the employee's regularly scheduled shift, for travel, parking and subsistence allowances, shall be turned into the City.
- D. Blood donation leave may be granted as administrative leave without loss of longevity, leave or pay by Department Heads. The Mayor may develop a policy governing Blood Donation Administrative Leave.
- E. The Mayor may authorize administrative leave for non-essential personnel where necessary for the convenience of the City, such as during extended loss of heat or power in the work place.

3.30.060 MATERNITY LEAVE/FAMILY LEAVE.

- A. The Mayor is responsible for developing a Personnel Policy and Procedure to be approved by council resolution in accordance with Alaska Statute 23.10.500, which states in part.
- B. An employee is eligible to take family leave if the employee has been employed by the employer for at least 35 hours a week for at least six consecutive months or for at least 17 1/2 hours a week for at least 12 consecutive months preceding the leave. The leave may be unpaid leave. However, the employee may choose to substitute, or the employer may require the employee to substitute, accrued paid leave to which the employee is entitled.
- C. An employer shall permit an eligible employee to take family leave because of a serious health condition for a total of 18 workweeks during any 24 month period. An employer shall permit an eligible employee to take family leave because of pregnancy and childbirth or adoption for a total

of 18 workweeks within a 12 month period; the right to take leave for this reason expires on the date one year after the birth or placement of the child.

3.30.070 LEAVE WITHOUT PAY.

- A. Leave without pay may be granted to any employee by the Mayor upon recommendation of the Department Head. Each request for such leave will be considered in the light of the circumstances involved and in regard to the needs of the organization. Leave without pay for non-medical reasons may be granted by the employer to the employee after all annual leave earned by the employee has been exhausted. During leave without pay, the employee on leave shall be covered by the employer's group health, accident and life insurance policies for a period not to exceed six months, provided the premiums are paid by the employee to the employer in advance of the City's payroll date for premiums withholding.
- B. Normally not more than 480 hours of leave without pay per calendar year for personal reasons may be granted. Exceptions may be allowed by the Mayor under circumstances wherein the City may be expected to benefit by virtue of the employee's acquisition of advanced or specialized training.

3.30.080 UNAUTHORIZED ABSENCES. Any employee who is absent from duty shall report the reason therefore to his/her Department Head as soon as possible. Unauthorized or unreported absences shall be reported as absence without pay and may be cause for disciplinary action.

CHAPTER 3.35

EXEMPT EMPLOYEES

Sections:

3.35.010	Application of Section 3.35.010 through 3.35.080 Definitions
3.35.020	Recruitment of Exempt Employees
3.35.030	Appointment of Exempt Employees
3.35.040	Classification of Exempt Positions
3.35.050	Compensation of Exempt Employees
3.35.060	Benefits
3.35.070	Supervision of Exempt Employees/Performance Appraisals
3.35.080	Discipline and Discharge of Exempt Employees

3.35.010 APPLICATION OF SECTIONS 3.35.010 THROUGH 3.35.080 DEFINITIONS.

- A. Sections 3.35.010 through 3.35.080 of this chapter apply only to those exempt employees of the City listed in subsection B of this section. In the event any provision of Sections 3.35.010 through 3.35.080 conflicts with any other provisions of this chapter, Sections 3.35.010 through 3.35.080 shall govern.
- B. Sections 3.35.010 through 3.35.080 apply to and govern the items and conditions of employment of the following exempt positions.
1. The Deputy Administrator.
 2. The City Clerk
 3. The City Attorney
 4. The Chief of Police
 5. The City Library Director
 6. The City Museum Director
 7. The City Finance Director
 8. Other executive, professional or administrative employees as may be specifically designated in the discretion of the Mayor.
- C. Definitions. In sections 3.35.010 through 3.35.080 of this chapter:
1. "Appointing Authority" means the person or entity authorized to appoint a person to an exempt position under Section 3.35.030 of this chapter.
 2. "Department Head" means the Chief Administrative Officer of a City department established by ordinance.
 3. "Exempt Employee" means those executive, administrative or professional employees listed in 3.35.010(B) or specifically designated by the Mayor pursuant to 3.35.010(B).
 4. "Executive Employees" are defined as:
 - a. Those employees that have primary management responsibility for the agency or department; and
 - b. Customarily and regularly direct two or more employees; and

- c. Possess the power to hire and fire employees or whose suggestions are given substantial weight in such decisions to include promotions; and
- d. Customarily and regularly exercise discretionary power; and
- e. Does not devote more than 20% of their hours in a workweek to the performance of activities not closely related to (a) through (d) ; and
- f. Are paid on a salary basis (not hourly) and are paid at least \$250 per week exclusive of board, lodging, or other facilities.

5. "Administrative Employees" are defined as:

- a. Those employees that have duties that primarily consist of either non-manual or office work directly related to management policies or general business operations; and
- b. Customarily and regularly exercise discretion and independent judgment; and
- c. Regularly and directly assist persons employed in an executive or administrative capacity; or performs under only general supervision work requiring special training, experience, or knowledge; or executes special assignments and tasks under only general supervision; and
- d. Does not devote more than 20% of work time to activities not directly or closely related to performance of administrative work; and
- e. Are paid on a salary basis (not hourly) and are paid at least \$250 per week exclusive of board, lodging, or other facilities.

6. "Professional Employees" are defined as:

- a. Those employees who have duties that consist of work primarily requiring advanced learning acquired by a prolonged course of specialized intellectual instruction, as distinguished from general academic education, apprenticeship, or routine training; and
- b. Work requiring the consistent exercise of discretion and judgment; and
- c. Predominantly intellectual and varied in character and which cannot be standardized in relation to a given period of time; and
- d. Must devote not more than 20% of their hours to activities not essential, part of, or necessarily incidental to the work; and
- e. Are paid on a salary basis (not hourly) and are paid at least \$250 per week exclusive of board, lodging, or other facilities.

3.35.020 RECRUITMENT OF EXEMPT EMPLOYEES. Notwithstanding other provisions of this code governing recruitment of prospective City employees, the appointing authority may utilize any recruitment and referral source deemed appropriate to obtain the highest caliber employees to fill exempt positions. The appointing authority may utilize such notice, appraisals or examinations it finds appropriate for effective recruitment of exempt employees.

3.35.030 APPOINTMENT OF EXEMPT EMPLOYEES.

- A. The Council shall serve as Appointing Authority for and appoint:
 - 1. The City Clerk; and
 - 2. The City Attorney
- B. The Mayor shall serve as the Appointing Authority for and appoint all Department Heads and the Deputy Administrator.
- C. Department Heads are the appointing authority for exempt employees they supervise subject to the approval of the Mayor.
- D. Exempt employees are at will employees and serve at the pleasure of their respective Appointing Authority. Exempt employees may be dismissed without cause by their respective appointing authorities.

3.35.040 CLASSIFICATION OF EXEMPT POSITIONS. The Mayor shall classify exempt employees in the appropriate grades of the approved salary structure.

3.35.050 COMPENSATION OF EXEMPT EMPLOYEES.

- A. Consistent with appropriations and within the exempt salary structure applicable to each position, the appointing authority should within 60 days of the anniversary date, determine the annual salary of each exempt employee. The appointing authority may review and adjust the salary of an exempt employee more frequently than annually if it so desires.
- B. Exempt employee salaries determined by the Appointing Authority may reflect consideration of:
 - 1. Performance of the employee;
 - 2. Changes, if any, in the cost of labor; and
 - 3. Compensation paid to employees in similar positions in both public service and in private industry.
- C. Exempt employees shall not be entitled to payment for overtime. The appointing authority shall establish the working hours of exempt employees.
- D. Exempt employees shall work the time necessary to perform their job, but generally not less than forty (40) hours per week. For purposes of pay and benefits only, exempt employees are not subject to deductions for absences of 1 day or less.

3.35.060 BENEFITS.

- A. Exempt employees shall receive all benefits as provided to classified employees of the City.
- B. Retirement, workman's compensation, unemployment compensation, sick leave, health, life and disability insurance benefits shall be provided to exempt employees in the same manner as provided to the classified employees of the City.

- C. An Exempt employee's annual leave rate may be adjusted upward by the Mayor as part of the employee's overall compensation for recruitment, retention, or merit pay increases.

3.35.070 SUPERVISION OF EXEMPT EMPLOYEES/PERFORMANCE APPRAISALS.

- A. Exempt employees shall be supervised by their respective Appointing Authorities.
- B. The appointing authority should, within 60 calendar days of the employees anniversary date of each year, furnish each exempt employee under his/her supervision a written performance appraisal on a form prepared by the Mayor. Exempt employees shall be allowed to place their own comments on written performance appraisals. Performance appraisals for exempt employees shall be maintained as part of the City's permanent personnel records.

3.35.080 DISCIPLINE AND DISCHARGE OF EXEMPT EMPLOYEES.

- A. The Appointing Authority may discipline exempt employees under its supervision in any manner it deems appropriate, including, but not limited to, reprimand, suspension with or without pay, demotion, involuntary reassignment, or dismissal.
- B. Termination of exempt employees initially appointed by Department Heads shall only occur upon written approval of the Mayor. All pre-termination procedures will be made in conjunction with attorney consultation and review and shall include written attorney approval of the action taken.

CHAPTER 3.40

PERFORMANCE APPRAISAL

Sections:

3.40.010 Performance Appraisal

3.40.010 PERFORMANCE APPRAISAL.

- A. The Mayor shall, in cooperation with Department Heads and others, develop and adopt a system of appraising the performance of classified employees. Performance appraisals are used for the following purposes:
1. to provide a basis for informed decision on such matters as promotion, work assignments, training, recognition and awards and termination of employment;
 2. to keep employees advised of what is expected of them and how well they are meeting these expectations;
 3. to stimulate improved work performance and commitment to City goals;
 4. to provide a basis for meeting employee needs for growth and development;
 5. to enable management to make better use of its personnel resources;
 6. to foster an effective working partnership between supervisor and employee; and
 7. to determine the effectiveness of placement and promotion actions.
- B. Preparation. A performance appraisal report should be prepared for all classified employees as set forth below. Each Department Head, shall develop and use performance standards suited to the requirements of his/her department. Standards of performance established as a basis for personnel appraisal shall have reference to the quality and quantity of work, the manner in which service is rendered and such characteristics as will measure the value of the employee to the classified service. Employees should be informed of such standards.
- C. Nature, Form and Frequency of Reports. The Mayor should prescribe the nature, and form of performance appraisal reports, shall investigate the accuracy of challenged performance appraisal reports and shall, when justified, take any necessary action required to ensure that the appraisal report accurately reflects the facts. Performance appraisal reports should be made before completion of each probation period, annually within 60 calendar days of anniversary dates of hire regardless of grade, upon promotion, demotion or transfer, and for every separation of employees who have worked at least 90 days regardless of the reason. Performance appraisal reports may also be completed at any other time at the discretion of a Department Head.
- D. Review of Performance Appraisal with Employee. The Evaluator should prepare the performance appraisal report and discuss it privately with the employee to whom it pertains unless the employee is not available. In that case, the Department Head should deliver a copy of the appraisal report to the employee. Employees may comment on the content of the performance appraisal report, such written comments shall be attached to the report and become a part of it.

- E. **Distribution of Reports.** Upon completion of City review, the Department Head shall furnish the employee with a copy of the performance appraisal report. The original shall be filed with the employee personnel file.
- F. The substance of a performance appraisal report shall not be the subject of a grievance.
- G. The employee's signature shall not constitute agreement with the appraisal. Employees shall have the right to appeal appraisals in writing and in person to the Mayor. Records of the appeal and the Mayor's decision will be placed in the employee's personnel file.

CHAPTER 3.45

PERSONNEL RECORDS AND REPORTS

Sections:

3.45.010 Personnel Records and General Personnel Files

3.45.010 PERSONNEL RECORDS AND GENERAL PERSONNEL FILES. Personnel records containing information about employees will be maintained in a confidential manner as set forth herein. Access to personnel files is authorized only as delineated below.

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

1. Central Personnel File. The Central Personnel File is the official personnel record for an individual employee and may include, but is not limited to, employment applications, prior employment, work performance, disciplinary actions, personnel action forms and tax withholding and benefits information.

Medical records may be maintained in a separate file but are considered part of the personnel records.

2. Department Appraisal File. Any Evaluator may establish and maintain a file for individual employees for use by supervisors during the appraisal process. Following final acceptance and approval of an annual performance appraisal, the files used to write the appraisal, the evaluators separate files will be purged and the documents contained therein destroyed in a confidential manner.

B. Access to Personnel Files.

1. Employees shall have access to their own personnel files during normal office hours. A personnel file may be inspected by the employee's Department Head, the Mayor and any other City employee or agent authorized by the Mayor. Except as otherwise provided in this section, a personnel file shall be inspected by other persons not listed herein only following presentation of written consent by the employee to whom that file pertains.
2. Review of any personnel files shall be conducted in the presence of the Mayor or his/her designee. No document shall be removed from a personnel file without prior written approval from the Mayor and notice to the employee. The Mayor or his/her designee may record a written note on a personnel file for every person who reviews it.
3. Employees may comment on any document placed in their personnel files.

C. Confidentiality of Personnel Records.

1. Declaration of Confidentiality. The City recognizes State policy as embodied in A.S. 09.25.110 and A.S. 09.25.120, generally providing that the municipal files are public records generally available for inspection. However, those same statutes further expressly recognize that records may be confidential by federal law or regulation or by State law. In particular, Alaska's Constitution includes an express right of privacy. In particular, Federal law provides that certain information in personnel files are to remain confidential and are not available to the public. Consequently, there is a recognized

dilemma between the right of inspection, held by the public, as against the rights of municipal employees to their personal privacy and confidentiality protections. In resolution of this tension, the City hereby declares personnel files to be confidential and unavailable to the public except as set forth below.

2. Limited Accessibility by Public. Personnel records are generally unavailable to the public for inspection and/or copying unless:

- a. A request for inspection and/or copying involves an employee with substantial discretionary authority, **and**;
- b. the person or entity requesting inspection/copying discloses the lawful purpose of the requested inspection/copying, **and**;
- c. materials and information unrelated to or irrelevant to the stated lawful purpose have been removed from the personnel file prior to inspection/copying, **and**;
- d. materials and information protected by State or Federal law have been removed from the personnel file prior to inspection/copying.

3. Resolution of Disputes over Disclosure. In the event that the person or entity requesting inspection/copying of confidential personnel files disputes the discretion of the City in determining whether the employee has substantial discretionary authority or in removing information from the personnel files, prior to inspection/copying - as provided above, then it shall be the responsibility and burden of the entity or person so requesting public inspection/copying to appeal to the Superior Court for the State of Alaska at Palmer requesting a declaratory judgment as to the public availability of the personnel file. More specifically, but without limitation, it is the burden of the party requesting disclosure of the confidential personnel file to establish that the Alaska Constitutional right of privacy or other law/regulation is inapplicable to the information requested. In any such legal action, the employee who is the subject of the disclosure request shall be given an opportunity, by the person/entity requesting personnel file disclosure, to intervene in the legal action.

CHAPTER 3.50

GRIEVANCES

Sections:

- 3.50.010 General Policy
- 3.50.020 Definitions
- 3.50.030 Grievance Procedure

3.50.010 GENERAL POLICY. It shall be the general policy of the City and the duty of each supervisory and administrative officer in the City service to anticipate, insofar as practicable, grievance producing circumstances and thus preventing grievances from arising.

3.50.020 DEFINITIONS. As used in this chapter:

- A. "Grievance" means any dispute involving the interpretation, application or alleged violation of any section of this chapter, except for disputes which are expressly exempted from the grievance procedure, such as disputes which are subject to the disciplinary hearing procedure set forth in Section 3.55 and disputes which relate to the contents of a performance appraisal, among others.
- B. "Aggrieved Party" means an individual employee or group of employees.

3.50.030 GRIEVANCE PROCEDURE. A grievance shall be processed in accordance with the procedures and within the time limit set forth herein. All employees shall be free to present grievances in the prescribed manner, and shall be assured freedom from discrimination, coercion, restraint or reprisal in presenting grievances. The employee shall have the right to representation in all formal steps.

- A. Step 1 - Informal Discussion followed by possible formal written grievance. The aggrieved employee shall discuss the grievance with the Department Head. If the grievance cannot be resolved informally through discussion, it shall then be reduced to writing as a formal grievance, and the written grievance shall be submitted to the Department Head. The written grievance must be submitted within 15 days of the date that the employee knows or has reason to know of the conduct or actions upon which the grievance is based. Failure to notify the City within the specified time limits identified in the procedure shall constitute a waiver to further action on the alleged grievance. The time limits set forth in this procedure may be extended in writing by mutual agreement of the parties.

The written grievance must describe the actions or omissions that are alleged to constitute improper conduct by the City and must indicate the rule or rules that have allegedly been misapplied, misinterpreted or violated by the City.

- B. Step 2 - Department Head. Upon receipt of a written grievance, the Department Head shall, within five working days, respond in writing. Upon receipt of the Department Head's response, the employee shall have five working days to appeal the decision in writing to the Mayor. If the employee fails to appeal the Department Head's decision within five days, such failure to respond will serve to declare the grievance as settled based upon the Department Head's decision.
- C. Step 3 - Mayor. Within 15 working days of receipt of a written appeal from the decision of the Department Head, the Mayor or his/her designee shall review the matter and respond in writing to the employee's grievance. At the request of the employee and at the discretion of the Mayor, a three member panel of City employees may be appointed by the Mayor. The panel shall confer with the department head and appropriate supervisory personnel and the employee. Within ten

(10) working days following receipt of the written grievance, the panel shall give its written recommendation to the Mayor, the employee and the department head. If the employee is not satisfied with the panel's recommendations, he/she shall within 5 working days after receipt of such decision, submit a written appeal to the Mayor. The Mayor shall review the panel's recommendation, the employee's appeal and other documentation, as necessary, and render a decision upholding, modifying or overturning the panel's recommendations. The decision of the Mayor shall be final. In the discretion of the Mayor, a more formal grievance hearing, including appropriate procedures, may be held before the Mayor's decision on the grievance. In the application of this section, "employee" shall include any duly authorized representative of the employee who alleges a grievance.

"Working day" shall exclude Saturdays, Sundays and recognized City holidays. Nothing in this section shall be construed to prevent settlement of a grievance by mutual agreement of the parties at any time.

CHAPTER 3.55

DISCIPLINARY ACTIONS

Sections:

- 3.55.010 General Policy
- 3.55.020 Forms of Discipline
- 3.55.030 Oral Reprimands, Written Reprimands, Suspensions With Pay
- 3.55.040 Suspension Without Pay, Demotion, or Dismissal, Disciplinary Hearings

3.55.010 GENERAL POLICY. The Mayor or his/her designee will advise and assist Department Heads in the handling of all disciplinary matters. The Mayor shall approve all disciplinary actions concerning suspension, transfers, demotion or dismissal prior to the completion of the action, unless, in the judgment of the Department Head, immediate disciplinary action is required. The basis for taking immediate action shall be limited to reasons of just cause or immediate danger to health, safety and welfare of City employees or the public. In such instances, the Department Head shall have the authority to suspend the employee but shall not have the authority to withhold pay. While awaiting final disciplinary action by the Mayor, suspension may be with or without pay, in the discretion of the Mayor. The final decision of the Mayor on a disciplinary action will, in the event pay was suspended, also include resolution of whether the suspended pay shall be awarded to the employee or forfeited as part of the discipline.

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

All pre-termination procedures will be made in conjunction with attorney consultation and review and shall include written attorney approval of the action taken.

3.55.020 FORMS OF DISCIPLINE. When the severity of the inappropriate conduct warrants and it is in the best interest of the City, the Mayor may permit any of the following forms of discipline to be imposed (not necessarily in the following order) at any time so long as such discipline is supported by just cause:

- A. Oral reprimand;
- B. written reprimand;
- C. suspension with pay;
- D. suspension without pay;
- E. demotion;
- F. dismissal.

3.55.030 ORAL REPRIMANDS, WRITTEN REPRIMANDS AND SUSPENSIONS WITH PAY.

- A. Oral reprimands, written reprimands and suspensions with pay may be administered without a disciplinary hearing. The supervisor issuing the discipline will give the employee being disciplined an opportunity to be heard concerning the incident prior to issuing the discipline. Oral reprimands, written reprimands and suspensions with pay will be documented on a Discipline Action Form and should be maintained in the Departmental Employee Appraisal File. The employee shall be

given an opportunity to review the report with his/her Department Head. If the employee disagrees with the facts or conclusions contained in the report, he/she shall be permitted to submit, within five working days after reviewing the report with his/her Department Head, a statement of disagreement. The statement shall clearly and concisely set forth the employee's reasons for disagreeing with the report. One copy of the employee's statement shall be appended to the report and shall become a part of it.

- B. If the employee has no comment or has not responded within the required time frame, it shall be so noted and the report shall be forwarded to the Mayor. The original will generally be maintained in the employee's Central Personnel File in the Personnel Office. Disciplinary action reports which concern employees who have separated from City service shall remain a part of the files.
- C. The Department Head may, if appropriate, complete periodic reviews of the employee's progress in correcting the cause of the original discipline. Such reports shall be made a part of the employee's central personnel file.

3.55.040 SUSPENSION WITHOUT PAY, DEMOTION OR DISMISSAL, DISCIPLINARY HEARINGS.

A suspension without pay, demotion with reduction in pay, or a disciplinary dismissal [for example, please note that probationary employees and exempt employees may be dismissed at will], of an employee, shall be accomplished and reviewed only in accordance with the procedures stated in this section. The Mayor may appoint a designee to hold the hearing and provide a written report containing finding of facts and recommendation for the final decision by the Mayor.

- A. Before any Department Head may dismiss, demote with a reduction in pay or suspend an employee without pay, the employee shall receive written notice of intent to discipline containing a reasonably specific statement of the basis for the intended discipline and a notice of the employee's entitlement to request a hearing with the Mayor at which time such intended discipline will be reviewed.
- B. The procedures for a hearing, if requested by the employee subject to discipline, shall be as follows:
 - 1. The employee has the right to a hearing before the Mayor or his/her designee.
 - 2. The employee's request for a hearing must be in writing, signed by the employee (or counsel of the employee) and delivered to the Mayor's office within fifteen (15) working days of receipt of the notice of intent to discipline, such notice described in Subsection (A), above. The employee's failure to request a hearing within the time and manner provided shall be deemed a waiver of his/her appeal rights and to any appellate review to which he/she might have otherwise been entitled, and in such an event the discipline action, described in the notice of intent to discipline, becomes final.
 - 3. If the employee duly delivers his/her request for a hearing, the Mayor or his/her designee will hold a hearing within fifteen (15) working days from the date of receipt of the request. The Mayor or his/her designee may extend in writing the hearing date, but no extension of more than twenty (20) working days shall be granted. The Mayor or his/her designee shall notify the employee of the date, time and place of the hearing.
 - 4. The employee, at his/her own expense, may be represented by counsel.
 - 5. At the request of the employee, the hearing may be open to the public.

6. All testimony shall be under oath. The proceedings shall be tape recorded. Upon written request, the employee is entitled to a copy of the tape at no charge. The employee or representative of the employee may examine and cross-examine witnesses. The Mayor or his/her designee may also question witnesses. Exhibits may be introduced. The Alaska rules of evidence need not be strictly followed. Irrelevant or unduly repetitious evidence may be excluded. The factual record is closed at the close of the hearing. The Mayor or his/her designee may continue the hearing for good cause.
 7. The order of presentation will be:
 - a. Brief opening statement by the City;
 - b. brief opening statement by the employee, which is optional;
 - c. presentation of evidence by City;
 - d. presentation of evidence by the employee.
 - e. rebuttal as necessary;
 - f. argument by City;
 - g. argument by employee;
 - h. rebuttal argument by City;
 8. Although, as indicated below, the City must prove the existence of just cause to discipline the employee by preponderance of the presented facts, the employee must prove, by preponderance of the evidence, the factual basis upon which he/she is relying to oppose the intended discipline action.
- C. If pay has not already been suspended by action of the Mayor, pending a final decision on the disciplinary action, the existing pay status shall not be provided beyond the fifteenth day if the employee or his/her representative requests and is granted an extension of the hearing date for any reason. If pay has not already been suspended by action of the Mayor, pending a final decision on the disciplinary action and if the City requests and is granted an extension of the hearing date for any reason, the employee shall be continued in pay status.
 - D. The Mayor may exercise independent judgment as to the weight of the evidence presented by the parties. The Department Head or other City representative shall prove the existence of just cause to discipline the employee by a preponderance of the presented facts (meaning that the factual basis for discipline is more likely than not true).
 - E. The Mayor shall issue a written decision no later than 14 working days after the close of the hearing. The decision shall include findings of fact and a statement of the reason for the decision.
 - F. If the Mayor denies the existence of just cause to support the recommended discipline, the Mayor may then impose a lesser form of discipline for the conduct at issue at the hearing or may determine that no discipline of any nature shall be imposed.
 - G. The written decision will be placed in the employee's Central Personnel File and a copy may be retained in the Departmental Appraisal File.

- H. The Mayor has the authority to negotiate separation agreements as a result of disciplinary action separations.
- I. The affected employee may appeal the Mayor's decision by filing a written notice of appeal with the Alaska Superior Court for the Third Judicial District at Palmer in accordance with the Alaska Rules of Appellate Procedure. The Superior Court shall have no jurisdiction to hear the appeal unless the employee files the notice of appeal within 30 days after the employee's receipt of the Mayor's decision. The Superior Court shall limit its review of the decision to whether or not substantial evidence exists, in light of the whole record, such that a reasonable mind might accept the decision.
- J. Disciplinary actions which have been the subject of a hearing may not be disputed by the grievance procedure provided in these personnel rules.

CHAPTER 3.60

SEPARATION

Sections:

3.60.010	Resignations
3.60.020	Layoffs
3.60.030	Medical Separation
3.60.040	Termination's

3.60.010 RESIGNATIONS

- A. **Notice of Resignation.** An employee who desires to terminate shall give at least two-week written notice to his/her immediate supervisor. The period of notice may be reduced or waived by the Mayor upon recommendation of the Department Head. A notice of resignation shall become part of the personnel file.
- B. **Withdrawal of Resignation.** An employee may withdraw his/her resignation prior to the effective date stated in the applicable notice of resignation only with the written approval of the Mayor and the Department Head.
- C. **Failure to Give Adequate Notice.** Failure to give adequate notice shall be noted on the employee's separation documents and may affect preferential consideration for future employment.
- D. **Effective Date of Termination.** The effective date of termination pursuant to a notice of resignation shall be the last day on which the employee works.

3.60.020 LAYOFFS

- A. **Reason for Layoff.** Layoffs may be necessary due to the following:
 - 1. budgetary constraints;
 - 2. elimination of a position in the work force;
 - 3. suspension of seasonal work;
 - 4. failure of an employee to successfully complete the probationary period following promotion when the Mayor determines that there is no other position available to which that employee may be demoted.
 - 5. material change in the duties of the position for which the employee lacks the necessary skills, knowledge, or aptitude. The City will provide training for the employee to meet the new requirements if feasible. If training is not feasible the employee will be laid off.
- B. **Layoff Procedure.** No employee shall be laid off without first receiving at least two weeks advance notice. The Mayor may offer an employee subject to layoff another vacant position at the same or lower pay range within the department or any other department which may be available, if the employee meets the minimum qualifications for that position as determined by the Mayor.

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

3.60.030 MEDICAL SEPARATION

An employee who is medically unable to return to work following approved medical leave without pay shall be separated in good standing from City employment.

3.60.040 TERMINATIONS

- A. Reason for Termination. Terminations may be necessary due to the following:
 - 1. Disciplinary Actions;
 - 2. Unsatisfactory Performance;
 - 3. End of a substitute appointment upon return of the incumbent when the substitute's transfer to another position has not been achieved;
 - 4. Failure to successfully complete the probationary period after initial hire.
- B. Employees who are terminated may be released without notice when given two weeks pay in lieu of notice.
- C. Terminated employees may be rehired solely at the discretion of the Mayor.

CHAPTER 3.65

TRAINING

Sections:

3.65.010 Program Development

3.65.010 PROGRAM DEVELOPMENT.

- A. Each Department Head may develop and conduct such practical training programs as are suited to the special requirements of his/her department. The Mayor may institute and provide for the conduct of training programs which are needed for efficient management of City departments. Training programs shall particularly emphasize accident prevention, employee safety, and public relations, as well as increased competence. The employer shall reimburse employees as budgetary limits allow for tuition for career improvement training or education which is approved by the Mayor.
- B. Tuition Assistance, if granted, is designed to provide a better trained work force that remains employed in their current location. After training has been received if the employee leaves the City work force for any reason he/she will be required to reimburse the City for tuition assistance received while employed if the assistance was received within one year of termination.
- C. Flex Time scheduling may be used to take training or education classes with the approval of the Department Head and the Mayor.

CHAPTER 3.70
OFFICIAL TRAVEL

Sections:

3.70.010 **Travel**

3.70.010 **TRAVEL.**

A. When traveling on official city business, reasonable actual expenses of conducting business will be reimbursed. Eligible expenses shall include, lodging, meals, travel expenses, registration and other expenses as approved by the Mayor. Travel schedules shall be arranged to the City's best advantage and any deviations from the shortest or least expensive route will be the responsibility of the employee.

B. By Private Vehicle: Mileage shall be reimbursed at the current rate allowed by IRS for use of privately owned vehicles. Reimbursement for actual costs of parking, ferry fare, bridge, road and tunnel tolls shall be granted.

CHAPTER 3.75

OUTSIDE EMPLOYMENT

Sections:

3.75.010 Conflicting Interests Prohibited

3.75.010 CONFLICTING INTERESTS PROHIBITED. No full time or regular employee of the City shall engage in any occupation or outside activity which is incompatible with his/her employment by the City. Any officer or employee engaging in an occupation or outside activity for compensation shall, through the head of his/her department, inform the Mayor of the time required and the nature of such activity, and the Mayor shall determine whether or not such activity is incompatible with the City employment.

CHAPTER 3.80

GIFTS AND GRATUITIES

Sections:

3.80.010 Prohibited Acts

3.80.010 PROHIBITED ACTS.

- A. It shall be the responsibility of each City employee to remain free from indebtedness or favors which tend to create a conflict of interest between personal and official interest, or might reasonably be interpreted as affecting the impartiality of the individual employee.
- B. If an employee is tendered or offered a gift or gratuity which would, in the eyes of the public be an attempt to bribe, influence or to encourage special consideration with respect to municipal operation, such offer shall be reported without delay to the employee's immediate superior, who will in turn inform the Department Head. If there should be no undue doubt as to whether a gift or gratuity is of such significance as to create undue influence upon the employee, the matter shall be reported to the Department Head concerned and the Mayor.
- C. If an employee accepts any gift or gratuity that is construed by his/her Department Head to have created undue influence or result in special consideration benefiting the giver, then with the approval of the Mayor, the employee may receive disciplinary action that may include dismissal from City service.
- D. Any employee who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation in any contract with the City, or in the sale of any land, materials, supplies or services to the City or to a contractor supplying the City, shall make known that interest. Any employee who willfully conceals such financial interest or willfully violates the requirements of this section may receive progressive disciplinary action that may include dismissal from City service.
- E. No person who seeks appointment or promotion with respect to any City position may, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his/her tests, appointment, proposed appointment, promotion or proposed promotion.

CHAPTER 3.85

SERVICE AWARDS

Sections:

3.85.010 Policy

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

To this aim the Mayor may provide for recognition of long and faithful municipal service through the presentation of awards to employees.

Chapter 3.90

RECOGNIZING EMPLOYEE ORGANIZATIONS

Sections:

- 3.90.010 Purpose
- 3.90.020 Recognizing Employee Organizations

3.90.010 Purpose. The purpose of this chapter is to recognize employee organizations and to provide a mechanism for its employees and their representatives to meet and confer with respect to terms and conditions of employment and to replace the requirements of the "Public Employment Relations Act" the provisions of which the City of Wasilla rejected in Resolution No. W78-A-1. The validity of the City's rejection of the "Public Employee's Relations Act" has been confirmed by the Decision of the Alaska Labor Relations Agency in Decision and Order No. 197 dated November 7, 1995. Case No. 95-413 RC.

3.90.020 RECOGNIZING EMPLOYEE ORGANIZATIONS.

- A. Not fewer than one time each calendar year, the Council, or its designated representatives shall meet and confer with the employees of the City, or their designated representative(s), with respect to terms and conditions of employment for the City. Additional meetings may be held, if desirable or requested,
- B. The meeting shall be held at such time and place as the Council may designate with reasonable notice to all employees so as to enable them or their representatives to submit proposed changes in terms and conditions of employment in writing and/or through public testimony. Employee representatives will be compensated for these meetings. If meetings are held during working hours, employee representatives will be given administrative leave to attend.
- C. The Council may by regulation adopt reasonable rules for the conduct of the meetings and the submission of proposed changes in personnel policies. Any employee, and any representative of any employee, shall be entitled to submit proposed changes and address the Council, subject to the Council's regulations.
- D. Meetings may be held annually in the months of March and November and shall specifically include any employee proposals concerning compensation so that any changes may be considered for inclusion in the upcoming budget.

Chapter 3.95

NON-DISCRIMINATION/SEXUAL HARASSMENT POLICY

Sections:

- 3.95.010 Policy
- 3.95.020 Non-Discrimination
- 3.95.030 Sexual Harassment

3.95.010 POLICY. The Mayor shall be responsible for developing Non-discrimination and Sexual Harassment Policies and Procedures to implement and administer this rule.

3.95.020 NON-DISCRIMINATION. Equal Employment Opportunity. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City of Wasilla will be based on merit, qualifications, and abilities. The City of Wasilla will not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, including possible termination of employment.

3.95.030 SEXUAL HARASSMENT POLICY.

A. It has always been the policy of the City that all employees should be able to work in an environment free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. No employee should be subject to unsolicited and unwelcome sexual conduct, either verbal or physical.

B. Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature. It refers to behavior which is not welcome and which is personally offensive, interfering with effectiveness or creating a hostile environment on the job. Such conduct, whether committed by supervisors or non supervisory personnel, is specifically prohibited.

C. Employees can raise concerns and make reports without fear of reprisal. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, including possible termination of employment.