

CODE ORDINANCE

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Firm: Preston, Gates, and Ellis
Requested by: Administration
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Adopted: July 21, 2003
Vote: Unanimous; Straub absent

**CITY OF WASILLA
ORDINANCE SERIAL NO. 03-33 (SUB) (AM)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ENACTING A NEW WMC TITLE 3, PERSONNEL RELATING TO PERSONNEL MANAGEMENT FOR THE CITY OF WASILLA AND REPEALING WMC TITLE 3, PERSONNEL IN ITS ENTIRETY.

WHEREAS, Title 3 of the Wasilla Municipal Code addresses personnel management and related issues with respect to City of Wasilla ("City") employees; and

WHEREAS, the Mayor has conducted an in depth review of Title 3 and has determined that it should be revised in several respects, including but not limited to clarifying language throughout the Title as well as implementing a paid time off system and an annual focal review evaluation process.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wasilla:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Enactment of Title 3, Personnel.** Title 3, Personnel of the Wasilla Municipal Code is re-enacted as follows:

Title 3 PERSONNEL

- Chapter 3.45 GENERAL PROVISIONS AND DEFINITIONS
- Chapter 3.50 RECRUITMENT, SELECTION, PROMOTION AND DEMOTION
- Chapter 3.55 SALARY ADMINISTRATION PLAN
- Chapter 3.60 WORK HOURS, HOLIDAYS AND BENEFITS
- Chapter 3.65 PAID TIME OFF AND OTHER LEAVE
- Chapter 3.70 GRIEVANCES
- Chapter 3.75 DISCIPLINARY ACTION
- Chapter 3.80 SEPARATION

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

Chapter 3.85 EMPLOYEES HOLDING CONFIDENTIAL/MANAGERIAL POSITIONS
Chapter 3.90 MISCELLANEOUS PERSONNEL POLICIES AND REGULATIONS
Chapter 3.45 GENERAL PROVISIONS AND DEFINITIONS

- 3.45.010 Definitions.
- 3.45.020 Administration.
- 3.45.030 Revision and amendment.
- 3.45.040 Scope of coverage and amendment of rules.
- 3.45.050 Statement of purpose.
- 3.45.010 Definitions.**

As used in this title:

“Administrative leave” means the leave provided for in section 3.65.050.

“Appointment” means those methods by which a person is designated to fill a specific vacant position.

“Assignment” means the action taken to assign a position to an appropriate grade.

“Candidate” means a person who has applied for a position, and has been included on an eligibility list as being available for certification.

“Certification” means the referral of names of qualified candidates by the Mayor to Department Heads for selection to a position in the classified service.

“City” means the City of Wasilla.

“City Council” or “Council” means the City Council of the City of Wasilla.

“Classification” means the process of obtaining adequate position descriptions, gathering necessary additional information, making comparison with other position descriptions, taking other necessary steps, and taking official action by assigning a position to a particular grade and pay range.

“Classified employees” means those employees who hold positions in the classified service of the City.

“Classified service” means all employment positions with the City except for positions held by elected officials, the Mayor, the City Clerk, the City Attorney, temporary employees, employees hired by the Mayor on a contractual basis, and confidential/managerial employees.

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“Confidential/Managerial employees” means those employees listed in Section 3.85.010.B or specifically designated by the Mayor pursuant to Section 3.85.010.B who are exempt from the classified service.

“Demotion” means the movement of an employee from a position in one grade to a position in another grade with a lower pay range.

“Department Head” means the Chief Administrative Officer of a City department.

“Employee” means any person in the employ of the City who is subject to these Rules and whose activities are directed by the City.

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

“Family member” means spouse, father, mother, brother, sister, or child.

“Fiscal year” means the period of time from July 1 through June 30.

“Flex time” means a designated period (e.g., seven a.m. to six p.m.) during which employees may choose their own eight hour or ten hour schedule, with the approval of the Department Head and the Mayor.

“Focal review” means the annual performance and pay review process for all employees. Performance evaluations shall be completed sufficiently in advance of July 1 of each year so that any pay adjustments made as a result of the performance evaluation process can go into effect on July 1 of each year. Any new employee hired from July 1 through March 31 shall be included in the focal review process that occurs on July 1. Any new employee hired April 1 through June 30 shall be hired at a pay rate that anticipates that they will not be included in the focal review process until July 1 of the following year.

“Grade” means a group of positions to which the same pay range applies.

“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 hours of work for the position if the position were held by one full-time employee.

“Just cause” means that sufficient justification exists for a proposed disciplinary action.

“Just cause” includes, but is not necessarily limited to, the following:

1. Incompetence;

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2. Inefficiency;
3. Lack of any of the qualifications required for the position;
4. Insubordination;
5. Absenteeism or tardiness;
6. Harassment of other employees or the public;
7. Violation of a written City policy, procedure, rule or regulation, which was known or reasonably should have been known to the employee;
8. Violation of an oral or written directive which was known to the employee;
9. Conviction of a crime involving moral turpitude or a crime that may affect or reflect upon the ability of the employee to perform the duties of his or her position, or may affect the operations of the City, or the reputation or public image of the City;
10. Consuming drugs or alcohol at work or coming to work inebriated or in a drug altered state;
11. Use or appropriation of City property for personal, commercial or other unauthorized or inappropriate use;
12. Refusal to perform job duties;
13. Dishonesty;
14. Failure to comply with the City's Personnel Rules provided for in this Title or any personnel policies and procedures promulgated by the Mayor; or
15. Any other conduct justifying the proposed form of discipline, up to and including dismissal.

"Layoff" means removal from active work status of an employee for reasons usually beyond his or her control that usually do not reflect discredit on his or her service.

"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 Title.

"Mayor" means the elected mayor for the City or his or her designee.

"Night shift" means a shift which starts at or after six p.m. but before four a.m.

"Personnel Rules" or "Rules" means the terms and provisions of Title 3 of the Wasilla Municipal Code.

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“Personnel rules committee” means a committee selected by the Mayor containing employees of the City with whom the Mayor may consult from time to time regarding the rules contained in this Title.

“Position” means the duties and responsibilities which comprise a particular job which are sufficiently similar with respect to 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 (if any) and the same range of compensation apply.

“Promotion” means the movement of an employee from a position in one grade to a position in another grade having a higher pay range.

“Re-employment” means appointment of an employee in layoff status to a position in the same or a lower grade than the position in which that employee had previously obtained a regular appointment.

“Re-employment list” means a list of employees who have obtained a regular appointment and were subsequently laid off, and who have made written request for re-employment within one year from date of layoff.

“Regular appointment” means an appointment to a position after an employee has satisfactorily completed the probationary period applicable to his or her position.

“Rehire” means appointment of an employee to a position at any time following separation from the City in good standing, other than reemployment of an employee with re-employment rights as provided for in this Title.

“Reinstatement” means re-placement of an employee in a position in the same grade as the position 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 from which the employee was suspended, demoted or dismissed, after successful appeal;
3. Return of an employee from authorized injury leave or leave without pay.

“Salary structure” means the pay ranges assigned to each grade included in the salary administration plan.

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“Separation” or “separation from City service” means cessation of the work relationship between the City and an employee for any reason including, but not necessarily limited to death, dismissal, termination, resignation, job abandonment, and retirement.

“Suspension” means an enforced paid or unpaid leave for disciplinary reasons.

“Supervisor” means an employee who supervises other employees and whose job includes, but may not be limited to, the performance of some or all of the following functions with respect to other employees: to hire, transfer, suspend, layoff, recall, demote, promote, discharge, dismiss, assign duties, reward, discipline, direct, or respond to grievances, or recommend such actions to another supervisor.

“Temporary employee” means an employee appointed to a temporary position. A “temporary employee” is not covered by any of the terms of this Title and is not entitled to any of the rights and benefits provided to employees under this Title unless expressly stated otherwise in specific provisions of the Title. A temporary employee’s personnel file shall document the fact that the employee is not entitled to any of the rights and benefits provided to employees under this Title unless expressly stated otherwise in specific provisions of the Title.

“Temporary position” means a position established for a defined period of time not to exceed six months except when the Mayor extends the period of the temporary position.

“Transfer” means a lateral movement from one position to another position in the same grade, without any break in service.

“Work day” means a scheduled daily work period in a scheduled work week.

“Work week” means the period from midnight Sunday to the following midnight Sunday during which an employee is regularly scheduled to work, as further defined in section 3.60.010 of these Rules.

3.45.020 Administration.

A. The Mayor shall have overall authority and responsibility for personnel administration and may delegate aspects of this function as he or she determines is appropriate. In addition to the responsibilities specified elsewhere in these Rules, the Mayor’s duties include:

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1. Advise City employees and officials on all matters pertaining to the administration of personnel. In this capacity, the Mayor has final responsibility for interpretation and enforcement of these Rules;
2. Maintain or direct the maintenance of a personnel records system;
3. Prepare or direct the preparation of reports on personnel as may be required to accomplish all employee relations activities;
4. Advise and assist all supervisors in employee relations matters;
5. Develop and maintain a salary administration plan;
6. Direct the operation of recruitment, employment and promotion programs and assure equal employment opportunity in these areas;
7. Conduct long-range personnel planning to project future requirements;
8. Review and implement the personnel aspects of all organizational plans and modifications;
9. Develop and promote programs for improving employee effectiveness, such as training, health, counseling, welfare and productivity improvement programs;
10. Develop and maintain a personnel information system;
11. Maintain a position control system based on the budget as approved by the City Council;
12. Direct labor relations functions (if any) of the City; and
13. Develop personnel policies and procedures to implement these Rules and the requirements of applicable State and Federal laws. Copies of the policies and procedures may be provided to all employees via electronic mail ("email") or hard paper copy, and a current version of them shall be posted on the City's intranet. The Mayor may update, change or modify such policies and procedures from time to time as required, and employees shall be notified of any such update, changes or modifications via email or hard paper.

3.45.030 Revision and amendment.

The Mayor shall recommend revisions of these Rules based on the needs of the City, applicable 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 this title apply to employees of

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the City as of the effective date of the amendments or revisions, unless specified otherwise in the ordinance implementing them. 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.

3.45.040 Scope of coverage and amendment of rules.

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

1. The City Clerk and the Deputy City Clerk shall be appointed, terminated and paid in a manner determined by the City Council; however, unless expressly provided otherwise in a contract with the City Council or elsewhere in the Wasilla Municipal Code, the Rules and any policies and procedures developed by the Mayor to implement the Rules shall apply to the City Clerk and the Deputy City Clerk;

2. The Mayor is elected and shall be compensated in the manner provided for in WMC 2.16.070. The Mayor shall receive the same benefits as those provided to employees who have obtained a regular appointment to a City position;

3. These Rules shall not apply to election officials, City Council members, members of City Boards and Commissions, temporary employees, employees hired by the Mayor on a contractual basis, the City Attorney, interns, or volunteers unless expressly provided for in these Rules (for example, see subsection 3.45.040.A.1) or in the policies and procedures implementing the Rules (for example, see the City's anti-harassment policy and procedure).

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. Department rules shall be available for all affected employees to review and may be distributed and posted electronically as provided for in section 3.45.020.A.13.

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

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D. Amendment. Employees and Department Heads are encouraged to submit recommended additions or modifications to these Rules to the Mayor at any time. The Mayor shall evaluate such recommendations and may forward them with his or her comments to the personnel rules committee for its consideration. The Mayor may submit additions or modifications suggested by the personnel rules committee to the City Council for its consideration.

3.45.050 Statement of purpose.

A. The Rules establish a system of personnel administration based on merit and professional methods of recruitment, selection, employment, transfer, removal, and discipline of employees, and establish other conditions of employment with the City. It is the specific intent of the Rules to assist in accomplishment of the following objectives:

1. To recruit, select and advance employees on the basis of merit and relative qualifications, ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
2. To assist in the accomplishment of affirmative action and equal employment opportunity objectives of the City;
3. To assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, religion, marital or veteran status, ancestry, disability or other legally protected status;
4. To provide employment subject to the need to accomplish work, availability of funds, and continued effective performance and acceptable personal conduct of the employees;
5. To provide employees assignment of duties, responsibilities and authority, training, supervision and appraisal, appropriate compensation, and recognition for exceptional service;
6. 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; and
7. To inform employees of their rights, benefits and responsibilities.

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Chapter 3.50 RECRUITMENT, SELECTION, PROMOTION AND DEMOTION

- 3.50.010 General policy.
- 3.50.020 Types of positions and appointments.
- 3.50.030 Recruitment.
- 3.50.040 Filing of applications.
- 3.50.050 Selection of new employees.
- 3.50.060 Selection of current and former employees.
- 3.50.070 Probationary period.

3.50.010 General policy.

A. The Mayor or his or her designee shall recruit all candidates for employment unless expressly provided otherwise in these Rules.

B. The City shall not discriminate on the basis of race, national origin, color, age, religion, sex, political affiliation, marital or veteran status, ancestry, disability, or other legally protected status.

C. Position vacancies may be filled by promotion of existing City employees whenever practicable and in the best interest of the City, if such an employee is the most qualified applicant for the position. Applicants for promotions must meet the qualifications for the vacant positions as described in the recruitment announcement. The City is not required to promote such employees to vacant positions.

D. No person may be employed in a position in any department who is a family member of the Department Head, or the head of a division within a Department. No person may be employed in a position supervised by a family member. No person may be employed in a position in any department who is a family member of another employee in the department without written, advance approval of the Department Head and the Mayor. The Mayor may, at any time, re-evaluate the effect of having family members working in the same Department taking into consideration the performance of either family member and the operational needs of the Department. This re-evaluation may result in the transfer or termination of one of the affected employees.

E. It is the policy of the City to maintain an alcohol and drug-free work place. Various Personnel Policies and Procedures may be promulgated from time to time to implement this Rule in accordance with applicable state and federal laws. Violations of

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such Personnel Policies and Procedures may result in discipline, up to and including termination.

F. 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.

3.50.020 Types of positions and appointments.

A. Regular Full-time. A regular full time position is one in which the work that is required is expected to be done during the whole of the work day, and is expected to require 2080 or more hours of work per year. An appointment to such a position occurs after an employee has satisfactorily completed the probationary period applicable to his or her position.

B. Regular Part-Time. A regular part time position is one in which the work involved is to be done during a portion of a work day, such as on a morning, afternoon, or night shift. The work shall total less than two thousand eighty (2,080) hours per year but a minimum of one thousand forty (1,040) hours a year. A regular part-time appointment is an appointment to such a position. An appointment to such a position occurs after an employee has satisfactorily completed the probationary period applicable to his or her position.

C. Regular Seasonal. A regular seasonal position is one needed to perform City services on a recurring seasonal basis and can be either full or part time. A seasonal position can be filled for any period of time up to nine months. An appointment to such a position occurs after an employee has satisfactorily completed the probationary period applicable to his or her position.

D. Temporary. A temporary position is one established for a defined period of time not to exceed six months except when the Mayor extends the period of the temporary position. A temporary appointment is an appointment to such a position.

E. Probationary. All appointments to positions in the City's classified service, except temporary and seasonal positions, shall be on a probationary basis. The probationary period for full time positions, except police officers, is six months, unless extended in accordance with section 3.50.070.A. The probationary period for part time positions is 520 cumulative hours of service unless extended in accordance with section

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3.50.070.A. The probationary period for police officers is one year unless extended in accordance with section 3.50.070.A.

1. Promoted employees and transferred employees will serve a promotional or transfer probationary period of six months.

2. All probationary periods may be extended once for up to three months.

F. Intern. A paid position which allows training opportunities within City departments, particularly for high school and college age individuals. The position is temporary, and may extend beyond six months. The hourly pay will be at the minimum pay for Grade 1 or minimum wage, whichever is higher, of the City pay scale. Each City department is responsible for preparing position descriptions for any intern working within that department. A person holding an intern position is not covered by any of the terms of this Title and is not entitled to any of the rights and benefits provided to employees under these Rules unless expressly stated otherwise in specific provisions of these Rules. An intern appointment is an appointment to such a position. Unpaid intern positions are filled by volunteers who are also not covered by any of the terms of this Title and are not entitled to any of the rights and benefits provided to employees under these Rules unless expressly stated otherwise in specific provisions of these Rules.

3.50.030 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 or her designated representative shall solicit applications for that position. If a qualified person is available among existing City employees, the Mayor may, at his or her discretion, recruit from the existing City employees. Alternatively, recruitment may include new applicants. Recruitment may be conducted with the assistance of employment referral services.

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B. Employees in lay off status for twelve months or less, who requested re-employment in writing and otherwise qualify for re-employment rights, shall be considered for vacancies for which they are qualified and for which they have applied. A person so re-employed shall not be subject to a probationary period if one was previously completed and he or she is re-employed in his or her former position.

C. Confidential or managerial positions that are wholly or partially exempt from the classified service 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.

3.50.040 Filing of applications.

Applications for employment 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 or 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.

3.50.050 Selection of new employees.

A desired selection by a Department Head shall be reported to the Mayor for his or 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 Human Resources Department without the express approval of the Mayor.

3.50.060 Selection of current and former employees.

A. Reinstatement and Re-employment.

1. Return from Military Leave. A City employee who returns from military leave shall be reinstated to his/her former position if the City is required to do so under state or federal law.

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2. Reinstatement as a Result of Successful Appeal. If, through the procedures established in Chapter 3.75 of this Title, it is determined that an employee who has obtained a regular appointment has been dismissed without just cause, the employee may be reinstated to his or her former position.

3. Re-employment After Layoff. An employee who has attained a regular appointment who is in lay off status for twelve months or less, and who has requested re-employment in writing, may be re-employed within one year from the effective date of his or her layoff. The Mayor may approve re-employment if the candidate qualifies for the vacant position. A re-employed employee shall have his or her service time adjusted to his or her original date of employment less the time off the payroll, to establish his or her adjusted service date. He or she shall be eligible to receive a merit increase (if deserved and funds are available) in the next annual focal review process.

B. Promotion. A promotion is the movement of an employee from a position in one grade to a position in another grade having a higher pay range. Vacancies in the classified service shall be filled by promotion whenever practicable and in the best interest of the City if the employee who applies for promotion is the most qualified applicant for the position. Applicants for promotions must meet the qualifications for the vacant positions as described in the recruitment announcement. The City is not required to promote such employees to vacant positions. Promoted employees will serve a promotional probationary period of six months during which the employee may be disciplined, up to and including dismissal, without just cause. All paid time off 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 laid off. Promotions shall be based upon merit and shall be made in accordance with the procedures established in these Rules.

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. Transferred employees will serve a transfer probationary period of six months during which the employee may be disciplined, up to and including dismissal, without just cause. A transferred employee

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will continue to accrue paid time off and receive benefits during this probationary period as long as the employee has already successfully completed a 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 laid off. 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 Mayor 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. An employee may request transfer from one department to another. He or she shall send his or 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, for consideration by the Department Head concerned.

4. Involuntary. Any transfer between departments 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 warrant less notice or no 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 of acceptance, or at the start of the next pay period.

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 but not limited to pay and any requirement for serving a probationary period.

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D. Demotion. The movement of an employee to a position in one grade to a position in another grade with a lower pay range ("lower grade") is a demotion. 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. A demoted employee shall serve a demotion probationary period of six months during which the employee may be disciplined, up to and including dismissal, without just cause. A demoted employee will continue to accrue paid time off and receive benefits during this probationary period as long as the employee has already successfully completed a probationary period.

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 or her position, or as a result of disciplinary action. An employee who has attained a regular appointment may challenge his or her demotion for disciplinary reasons in accordance with Chapter 3.75 of this Title.

b. Employee Requests. If for personal or other reasons, an employee requests in writing that he or she be assigned to a vacant 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. Such a demotion shall not be made to a position unless it is vacant.

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

2. From Confidential/Managerial to Classified Service.

a. An employee serving in a confidential/managerial position who previously held a position in the classified service, and who requests to return to the classified service, may be placed in a vacant classified position with the approval of the Department Head and the Mayor. Such a demotion shall be allowed only if the

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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, an employee serving in a confidential/managerial position shall be required to compete for appointment to a position in the classified service in accordance with the provisions of this Title.

3. Demotions are accompanied by a pay decrease.

3.50.070 Probationary period.

A. The probationary period for full time positions, except police officers, is six months unless extended in accordance with this section. The probationary period for part time positions is 520 cumulative hours of service, unless extended in accordance with this section. The probationary period for police officers is one year unless extended in accordance with this section. Employees who successfully transfer to become a police officer will be required to serve an additional one year probation.

1. Promoted, transferred, or demoted employees will serve a promotional, transfer, or demotion probationary period of six months.

2. All probationary periods may be extended once for up to three months.

B. An employee serving a probationary appointment who is separated from the service of the City prior to completion of the probationary period shall not be compensated for earned paid time off, 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 paid time off.

C. Probationary employees are at will employees who may be disciplined, up to and including termination, at any time during the probationary period with or without cause, and for any reason or no reason. Discipline of a probationary employee is not grievable, and the employee shall not have access to the grievance process provided for in Chapter 3.75 of this Title. The decision to terminate a probationary employee will be made by the Mayor after consultation with an attorney.

D. A demoted employee shall serve a demotion probationary period of six months during which the employee may be disciplined, up to and including dismissal, without just cause. A demoted employee will continue to accrue paid time off and

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receive benefits during this probationary period as long as the employee has already successfully completed a probationary period.

Chapter 3.55 SALARY ADMINISTRATION PLAN

- 3.55.010 General policy; annual focal review process.
- 3.55.020 Position classification.
- 3.55.030 Salary administration plan.
- 3.55.040 Salary structure.
- 3.55.050 Pay ranges.
- 3.55.060 Basis of pay ranges.
- 3.55.070 Pay rates.
- 3.55.080 Advancements within a pay range.
- 3.55.090 Pay adjustment on transfer, promotion, demotion and reinstatement.
- 3.55.100 Pay for special types of appointments/assignments.
- 3.55.110 Effective date of changes in payroll actions.
- 3.55.120 Total remuneration.

3.55.010 General policy; annual focal review process.

The policy of the City is to fairly compensate its employees on the basis of merit, and to review and update compensation during the annual focal review process. During the annual focal review process, each employee's performance shall be appraised and his or her pay adjusted in accordance with the provisions of this Chapter. All pay adjustments are subject to availability of funds in light of fiscal and budgetary realities experienced by the City.

3.55.020 Position classification.

A. Assignment of Position. 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 or 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 all positions with the City. Each position description shall include:

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1. An appropriate title;
2. A general statement of duties and responsibilities;
3. Examples of duties;
4. A listing of minimum qualifications for the position; and
5. Essential job functions, including but not necessarily limited to any physical requirements for the job, or any required reading, writing, and computer skills.

B. Position Descriptions. Position descriptions shall be considered only as descriptive guidelines and not as inclusive of all duties required of positions assigned to a particular grade. All position descriptions shall be kept up-to-date. The City retains the right to determine that qualifications other than those included in the minimum qualifications, qualify a person for the position, regardless of whether or not the position description explicitly states that other qualifications may qualify a person for the job.

1. 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 subsection A of this section 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 or her position description, and other duties which may be necessary or desirable and for which the employee is qualified to perform. Nothing in this section prohibits the City from requiring an employee to perform duties which are not detailed in the employee's position description.

D. Qualifications Statements. 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. Position descriptions shall be considered only as descriptive guidelines and not as inclusive of all duties required of positions assigned to a particular grade. The City retains the right to determine that qualifications other than those included in the minimum qualifications qualify a person for the position, regardless of whether or not the position description explicitly states that other qualifications may qualify a person for the job. Personal traits, including, but not necessarily limited to, good character, loyalty, honesty, industriousness, amenability to supervision, willingness to adapt to change, and

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willingness to cooperate with co-workers shall be qualifications required for each position, even though such traits may not be specifically mentioned in the position descriptions.

3.55.030 Salary administration plan.

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 assignment to the same pay range established for a particular grade. The pay ranges established for a particular grade shall be approved by the Council by resolution.

B. The official grades and positions 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.

3.55.040 Salary structure.

A. The Mayor shall develop, and present to the City Council for approval, an equitable salary structure for classified and confidential/managerial positions. The City Council shall adopt the salary structure, listing each pay range assigned to each grade included in the salary structure, by resolution. Amendments to the salary structure may be recommended to the City Council by the Mayor and shall become effective upon City Council approval or any other date specified by the City Council. Pay ranges for each grade shall be based upon economic trends and forecasts in Alaska, fiscal and budgetary realities, and/or any other information deemed relevant to employee pay by the Mayor. Employees may provide input to the Mayor and the Council regarding pay ranges.

B. When an employee's pay range is amended and his or her current pay falls below the minimum rate of pay in the pay range applicable to his or her position, the employee's pay shall be adjusted upwards to the minimum rate of pay for the pay range. When an employee's pay range is amended and his or her current pay is higher than the maximum rate of pay in the pay range applicable to his or her position, the employee's pay will be frozen at his or her current higher rate of pay. When an employee's pay range is not amended and his or her pay is at the top of the range, the Mayor in his or her sole discretion, may provide the employee with a lump sum longevity

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payment, not to exceed three percent of his or her annual pay. Any such longevity payment shall not be considered a part of the employee's salary or become a part of the employee's base pay; rather, any such longevity payment is a one time payment only.

3.55.050 Pay ranges.

A. A pay 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 if his or her performance merits an increase (subject to availability of funds). The positions assigned a grade may be adjusted to any rate of pay within the salary range.

B. Pay ranges are assigned to grades based upon all or some of the following factors:

1. Duties and responsibilities of positions within the grade;
2. Internal equity within a pay range;
3. Market rates for comparable work in both public and private employment;
4. Pay relationships for similar jobs;
5. Pay relationships between supervisors and employees;
6. Employee recruitment and retention;
7. Economic trends and forecasts;
8. Salary survey data, including comparative fringe benefits;
9. Availability of funds; and
10. Other factors deemed relevant by the Mayor and City Council.

3.55.060 Basis of pay ranges.

A. Pay ranges are based on full-time employment for the respective positions assigned to the grades.

1. Classified employees are paid at an hourly rate calculated by dividing the actual amount of pay within the pay range assigned to a particular classified employee by two thousand eighty (2,080) hours per year.

2. Employees serving in confidential/managerial positions are paid an annual salary based on the actual amount of pay within the pay range for the grade to which the employee's position is assigned, or paid on an hourly basis as provided for in section 3.55.070.A.

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3.55.070 Pay rates.

A. Starting Rate on Initial Employment. A new employee's initial starting rate shall be at the place in the pay range for the grade in which the employee's position is assigned which best corresponds with the employee's qualifications for the position. In recommending the appropriate place in the pay range to the Mayor, a Department Head shall consider the employee's prior job experiences and abilities, and the current labor market for similar positions, in addition to the new employee's qualifications for the position. Upon the Department Head's recommendation, the Mayor may approve a starting pay rate at or above the midpoint of the pay range. Any new employee hired from July 1 through March 31 shall be included in the focal review process that occurs on July 1. Any new employee hired April 1 through June 30 shall be hired at a pay rate that anticipates that they will not be included in the focal review process until July 1 of the following year.

B. Reinstatement and re-employment of employees.

1. Reinstatement of Veterans. A reinstated veteran shall be reinstated in accordance with state and federal law. His or her length of service shall be that established before leaving for military service. A probationary period shall not be required unless one was not completed in his/her last previous employment, in which case only the incomplete portion need be served upon reinstatement.

2. Re-employment of Certain Laid-Off Employees. When a laid-off employee in lay off status for twelve months or less, who requested reemployment in writing after previously obtaining a regular appointment to a position, becomes re-employed, he or she is entitled to the same pay received at the time of lay-off if he/she is re-employed in a position in the same grade as the position held prior to lay off. His or her length of service will be adjusted by the number of months and/or days laid off. The employee shall be included in the next scheduled focal review process. 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 the last previous employment, in which case the incomplete portion need be served in new employment.

3. Reinstatement as Result of Chapter 3.75. An employee reinstated through the hearing process provided for in Chapter 3.75 of this Title is entitled to all

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rights previously established, including the same pay, and the same length of service, unless otherwise directed by the Mayor.

C. Rehire. A former employee may be rehired at the same pay rate he or she had before separation or any lower or higher pay rate, depending on the position for which the employee is rehired. 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.

D. Demotion.

1. Pay Rate for Lower Grade. When an employee is demoted, his or her pay 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 pay rate may include but are not necessarily limited to: 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 may be placed at the pay rate in a lower pay range that is appropriate given the employee's overall level of performance.

b. Demotion in Lieu of Layoff. Employees demoted in lieu of layoff shall be placed at the pay rate in the pay range for the grade to which the demoted position is assigned that is appropriate given the employee's overall level of performance.

2. Length of Service. Length of service of a demoted employee shall remain unchanged.

3.55.080 Advancements within a pay range.

A. An employee's advancement through the pay range for a particular position shall be determined in the annual focal review process in which each employee's performance is appraised and their rate of pay reviewed and adjusted in accordance with their performance, subject to availability of funds. In the first year of the focal review process, the annual focal review process shall culminate on August 1

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instead of July 1, and any adjustment to an employee's pay rate shall be retroactive to July 1.

B. After the employee's performance is appraised, his or her pay rate shall be adjusted accordingly, subject to availability of funds. During the first year of transition to the focal review process, a pay increase already received by an employee on his or her anniversary date or upon successful completion of a probationary period before August 1 shall be taken into account in determining his or her pay rate during the focal review process. The Department Head's recommendation for a pay increase must be based on merit and the performance of an employee. Pay increases are not automatic and shall only be awarded to an employee whose performance merits an increase, if funds are available to fund the pay increase. The amount of a pay increase is discretionary. An employee who does not meet the minimum requirements for the job shall receive no pay increase. An employee who needs improvement or an employee who meets the requirements of his/her job may receive a pay increase, depending on where the employee's pay falls within the pay range at the time of evaluation and the employee's actual performance, as well as availability of funds. An employee whose performance exceeds requirements or an employee whose performance is exceptional shall receive a pay increase depending on where the employee's pay falls within the pay range at the time of evaluation and the employee's actual performance, if funds are available for the pay increase.

3.55.090 Pay adjustment on transfer, promotion, demotion and reinstatement.

A. In the event of transfers, demotions and promotions, or reinstatement, the following principles shall apply, subject to availability of funds:

1. In the case of transfer, the pay rate of the employee shall remain unchanged unless it is below the minimum of the pay range for the transferred position, in which case the employee's pay shall be increased to the minimum of the pay range.

2. In the case of promotion, the pay rate of the promoted employee shall increase to the point in the pay range that reflects the employee's qualifications.

a. Rate of Pay on Promotion:

1. Normal Promotion. Employee's salary shall represent at least a five percent increase.

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3. 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 at least three percent.

4. In the case of demotion, the pay rate of the demoted employee shall be determined by the Mayor in consultation with the employee's Department Head.

3.55.100 Pay for special types of appointments/assignments.

A. Temporary Appointments. The Mayor shall set the starting pay of temporary employees at an appropriate level. Temporary employees do not accrue paid time off or other benefits provided to other employees under this Title. However, if a temporary employee subsequently attains a regular full or part time appointment, 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 when computing accrual of paid time off or other benefits provided to other employees under this Title.

B. Acting Assignment. Upon approval by the Mayor, an employee may be temporarily assigned, on a full time basis, to accept the responsibilities for and perform work normally assigned to a position in a higher grade for seven (7) working days or more. The employee shall receive a minimum upward pay adjustment of five percent in his/her normal rate of pay for all days served in the acting assignment retroactive to the first day of the acting assignment. An employee shall have the right to refuse an acting assignment at the higher pay rate without prejudice. All acting assignments will be approved by the Mayor on a personnel status change form. The acting assignment shall end when the employee who previously held the position in the higher grade returns to work on a part time or full time basis. At the end of the acting assignment, the employee who was assigned to the position in the higher grade shall be paid at the same rate of pay he or she received prior to the acting assignment.

C. Public Works Department "Stand By" and "Call Out" Pay on Saturdays, Sundays and holidays.

1. Public Works employees who are required to be on stand by on a weekend or holiday will receive two hours of overtime compensation at one and one-half times their normal hourly rate of pay for each day that they are on stand

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by, regardless of whether or not they are actually called out to work. If the public works employee is on stand by for only one of the weekend days, he or she shall receive two hours of overtime compensation at one and one-half times his or her normal hourly rate of pay. If the public works employee is on stand by for both weekend days, he or she shall receive four hours of overtime compensation at one and one-half times his or her normal hourly rate of pay. If the public works employee is on stand by on a holiday, he or she shall receive two hours of overtime compensation at one and one-half times his or her normal hourly rate of pay.

2. If a public works employee who is on stand by is actually called out to work while on stand by, he or she shall receive two hours of overtime compensation at one and one-half times his or her normal hourly rate of pay even if he or she is not actually called to work for the full two hours. Additionally, if the public works employee is called to work for more than two hours, he or she shall receive overtime at one and one-half times their normal hourly rate of pay for any hour actually worked beyond two hours.

D. Shift Differential. Employees who are assigned to night shifts will be paid five percent above the rate normally received for day time work in the same position.

3.55.110 Effective date of changes in payroll actions.

A. Nothing in this Chapter 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 of the Finance Department at least ten (10) working days prior to the effective date.

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3.55.120 Total remuneration.

The pay rate determined for an employee in accordance with this Chapter shall represent the total remuneration for the employee, not including reimbursement for expenses approved by the Department Head in accordance with these Rules or benefits provided to the employee in accordance with these Rules. 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 or her ordinary duties, or for any other additional duties which may be imposed upon him or her, or for which he or she may undertake or volunteer to perform as an employee.

Chapter 3.60 WORK HOURS, HOLIDAYS AND BENEFITS

- 3.60.010 Regular hours of work.
- 3.60.020 Shifts.
- 3.60.030 Temporary schedules.
- 3.60.040 Lunch period.
- 3.60.050 Changes of permanent schedules.
- 3.60.060 Holidays with pay.
- 3.60.070 Overtime.
- 3.60.080 Retirement and supplemental benefits.
- 3.60.090 Health, life, disability and other benefits.
- 3.60.100 Length of service.
- 3.60.010 Regular hours of work.**

Regular working hours of City employees shall consist of either five consecutive days of eight hours per day or four consecutive days of ten (10) hours per day. Regular working hours of all City employees must be approved in advance by the Mayor. With approval from the Mayor, a Department Head may assign an employee a different work week than provided herein in order to adequately staff his/her Department and serve the public. The standard work week shall consist of the period from midnight Sunday to the following midnight Sunday, although a Department Head may establish a different work week of seven consecutive twenty four (24) hour periods if necessary to adequately

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staff a particular department. The standard work day shall consist of the period from midnight to midnight.

3.60.020 Shifts.

A. Established Shift. The following types of regular shifts are authorized:

1. A regular shift (e.g., eight a.m. to five p.m. or seven-thirty a.m. to four-thirty p.m.) that generally applies to all employees of a department, division, section or work unit except as specified below, wherein employees get one hour or one half hour off without pay generally during the middle of the shift unless they are scheduled without a meal period in accordance with section 3.60.040.B.

2. A regular shift (e.g., seven a.m. to six p.m.) that generally applies to all employees of a department, division, section or work unit except as specified below, wherein employees get one hour off without pay generally during the middle of the shift.

3. A regular shift (e.g. 8:00 a.m. – 6:00 p.m.) that generally applies to police officers wherein the entire shift is compensated and a paid lunch break is generally taken in the middle of the shift.

4. Regular shifts of all City employees must be approved in advance by the Mayor.

B. Flex Time. A designated period (e.g., seven a.m. to six p.m.) during which employees may choose their own eight-hour or ten (10) hour schedule, with the approval of the Department Head and the Mayor.

C. Job Sharing. Job sharing occurs when two or more part time employees share one full time position in which the combination of hours worked by the employees does not exceed the hours of work for the position if the position were held by one full-time employee. Job sharing may be done during a given shift or days of the work week. Schedules must be approved by the Department Head.

3.60.030 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 thirty (30) minutes or less at starting time may be approved by the Department Head for periods of less than one week. Changes of more that 30 minutes at starting time, or changes for more than one week, may be implemented by the Department Head with at least one

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week's advance notice to the affected employee except in emergency situations, or when the employee waives the need for notice.

3.60.040 Lunch period.

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

B. Employees Scheduled Without a Scheduled Meal Period. Full-time employees such as police officers 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 one half hour paid lunch period during their shift.

3.60.050 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.

3.60.060 Holidays with pay.

A. The following days shall be recognized as holidays that are compensated with eight hours of regular pay for all employees, except temporary and intern employees, who are in pay status before and following such days:

New Year's 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

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Christmas

December 25

1. In the event a holiday occurs on a Saturday, the Friday immediately prior shall be considered a holiday. If the holiday occurs on a Sunday, the Monday immediately after shall be considered a holiday.

B. All employees who have to work on a holiday shall receive their regular rate of pay for hours worked during their regular shift. Additionally, an employee who is eligible for overtime (see section 3.60.070.B) who has actually worked more than forty (40) hours during the work week or actually worked more hours on the holiday than the number of hours in his or her regular shift, shall receive overtime pay for hours actually worked beyond forty (40) in the week in which the holiday occurs or for hours actually worked beyond the hours in his or her regular shift on the holiday. Additionally, all employees, except temporary employees, who have to work on a holiday shall be entitled to accumulate eight hours of paid time off, or receive eight hours of pay at their regular rate of pay. If an employee's regular day off is a holiday, the employee shall accumulate eight hours of paid time off.

3.60.070 Overtime.

A. Overtime duty is an occasional necessity dictated by conditions, most of which ordinarily could not be foreseen. Supervisors shall exert every effort to avoid overtime, and to plan ahead sufficiently so as to be able to avoid this extra expense and inconvenience. Overtime shall not be worked unless advance approval from the appropriate supervisor has been obtained, except in emergencies in which it is not practical to obtain advance approval. Department Heads are personally responsible for seeing that no overtime is worked that is unnecessary. Employees are personally responsible for seeing that they do not work overtime without obtaining advance approval from the appropriate supervisor, except in emergencies in which it is not practical to obtain advance approval.

B. Only employees who are eligible for overtime under the federal Fair Labor Standards Act ("FLSA") shall be paid overtime. However, overtime shall be paid for hours actually worked in a particular day beyond the number of hours actually worked in a regular shift as long as the regular shift is eight or more hours, or for hours actually worked in a week beyond forty (40) actual hours worked. In determining whether an **Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

employee has worked more than 40 actual hours in a week, the number of hours actually worked shall be determined without including hours that are worked in excess of the employee's regular shift of eight or more hours in a day because the employee has or will be separately awarded overtime compensation for those hours in accordance with this section. Time on stand by or on call out that a public works employee does not actually work, or paid time off, other leave, and holidays for all employees, do not count towards the number of hours actually worked in a day or a week for purposes of computing overtime.

3.60.080 Retirement and supplemental benefits.

A. Employees of the City are not covered by the Federal Social Security System.

B. Employees who hold regular full time, regular part time, regular seasonal , and confidential/managerial positions shall be enrolled in the State of Alaska, Public Employees Retirement System (PERS) on their date of hire unless the position is exempt from PERS in accordance with the PERS Agreement between the City and the State of Alaska. All City employees shall be enrolled in the State of Alaska Supplemental Annuity Plan on their date of hire.

3.60.090 Health, life, disability and other benefits.

A. All employees hired after April 1986 are eligible to receive Federal Social Security Disability Benefits if they meet the requirements for doing so.

B. Employees who hold regular full time, regular part time, regular seasonal, and confidential/ managerial positions are eligible to enroll for City-sponsored health, dental and life insurance benefits on the first day of the month following the completion of one full calendar month of employment. Employees may be required to pay a portion of the premium cost of such benefits. Regular part-time and regular seasonal employees shall receive coverage on a pro-rated premium basis. The City Council shall determine the extent of benefits coverage, and may from time to time change, amend or otherwise alter the benefits provided to employees. Any change, amendment or alteration to benefits shall apply to all employees upon the effective date of the change, amendment or alteration, even if an employee was hired before the effective date of the change, amendment or alteration to the benefits.

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C. All City employees are eligible to enroll in the State of Alaska Supplemental Benefits System on the first day of the month following their date of hire and during each annual open enrollment period. Employees may select from a list of benefits, including: life, short term disability, long term disability, accidental death and dismemberment, and optional health insurance. Coverage is effective for new hires the first day of the month following the completion of one full calendar month of employment, or the day after the annual open enrollment period ends. Payments for optional benefits are made by payroll deduction.

3.60.100 Length of service.

A. 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 the paid time off accrual rate, excluding:

1. All leave without pay in excess of thirty (30) days during each calendar year unless otherwise provided by law;
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 3.65 PAID TIME OFF AND OTHER LEAVE

- 3.65.010 Eligibility for paid time off ("PTO").
- 3.65.020 Coverage, use, accrual and other aspects of PTO.
- 3.65.030 Limited conversion of accrued and unused annual and sick leave under prior sections 3.20.020 and 3.20.030.
- 3.65.040 Payment in lieu of PTO in emergency.
- 3.65.050 Administrative leave.
- 3.65.060 Pregnancy leave/family leave.
- 3.65.070 Leave without pay.
- 3.65.080 Unauthorized absences.

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3.65.010 Eligibility for paid time off (“PTO”).

Paid Time Off (“PTO”) is provided to employees who hold regular full time, part time, and seasonal positions as well as employments who hold confidential/managerial positions. Employees in all other positions do not accrue PTO. PTO is pro-rated depending upon the amount of hours an employee who is eligible for PTO is regularly scheduled to work. For example, an employee who regularly works forty (40) hours per week will receive 100% of the monthly PTO accrual set forth in section 3.65.020.C. An employee who works thirty (30) hours per week will receive 75% of the monthly PTO accrual set forth in section 3.65.020.C.

3.65.020 Coverage, use, accrual, and other aspects of PTO.

A. Coverage and Use of PTO. Employees are required to use PTO hours for: vacations; illness; injury; medical and dental examinations or treatment; necessary care of an employee’s child, spouse, or parent due to illness or injury; bereavement; maternity leave; and for all other personal needs as approved by the employee’s supervisor.

B. Requesting PTO. PTO must be scheduled at least thirty days in advance. For an absence due to sudden illness or other unanticipated events, employees must telephone their supervisor or a designated representative of management as soon as possible prior to the time the employee is scheduled to report for work. Employees may be required to take PTO 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. Approval of PTO for vacation and non-urgent needs will be scheduled with due consideration of other employee schedules and the needs of the City. Approval of PTO is prioritized according to date of submission and urgency. Department Heads will maintain a PTO schedule for employees in their sections to insure employees are granted fair opportunity to take PTO. Failure to provide proper notification or repeated absences not in compliance with the City’s PTO plan may result in disciplinary action up to and including termination.

C. Accrual of PTO. PTO shall not begin to accrue until the first day of the first full month following an employee’s date of hire. The accrual rate for employees who hold full time positions is:

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1. Twelve (12) hours per month for employees with less than three years;
2. Sixteen (16) hours per month for employees with three years and less than eight years;

3. Twenty (20) hours per month for employees with eight years or more.

D. The accrual rate for employees who hold part time and seasonal positions is prorated as provided for in section 3.65.010.

E. The City reserves the right in its sole discretion to grant PTO during a probationary period to an employee who is ill, merit-based awards of additional PTO, or increases in the accrual rate in individual cases based on performance.

F. PTO shall not accrue during any pay period in which an employee is absent without authorization of the Department Head or the Mayor, or during any pay period in which an employee is in non-paid status.

G. PTO accrues only upon completion of each month of service and does not begin to accrue until the first day of the first full month following an employee's date of hire.

H. An employee does not accrue PTO during the first three months of the probationary period for a regular full time, regular seasonal or regular part time position. However if the employee is still employed by the City at the end of the first three months of the probationary period, he or she will be credited with PTO retroactive to his or her date of hire and may begin to use his or her PTO at that point in time.

I. Changes in the rate of accrual because of length of service shall take effect at the beginning of the month immediately following the date upon which such longevity results in an accrual rate change.

J. Forfeiture, Carryover and Maximum Accrual. Employees are encouraged to use their available PTO during each fiscal year. Employees are required to use a minimum of 60 hours of PTO during each fiscal year. Any portion of the 60 hour minimum not used during the fiscal year will be forfeited unless the employee has been denied, on three separate occasions, the opportunity to use his or her PTO because of the City's operational needs. Any remaining time over the 60 hour minimum will be carried over to the next fiscal year. Employees are permitted to carry over PTO hours from year to year until a maximum of 720 hours of PTO has accrued. Any accrued PTO

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in excess of the 720 hour maximum shall be paid out at 100% at the end of each fiscal year.

K. No Advances. PTO shall not be advanced. Employees must have accrued sufficient PTO to cover absences in order to receive PTO pay. Employees are responsible for saving adequate PTO to ensure their ability to attend to illnesses, appointments or other non-vacation purposes for which PTO is intended. The City will not automatically grant unpaid leave to satisfy employees' unforeseen PTO needs.

L. Termination of Employment. Once final notice has been submitted, a resigning employee is not permitted to use any PTO during the final two weeks of work. The Mayor in his or her sole discretion may elect to allow an employee to use PTO in lieu of performing services during the final two weeks of work.

M. Donation of PTO to other Employees. Employees may donate PTO to a fellow employee if approved by the Mayor. Requests for permission to donate PTO 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.

3.65.030 Limited conversion of accrued and unused annual and sick leave under prior sections 3.20.020 and 3.20.030.

Upon passage of Ordinance Serial No. 03-33 (SUB), current employees who have accrued unused annual leave accumulated under former section 3.20.020 of the Wasilla Municipal Code through July 31, 2003 will be permitted to convert one hour of leave for one hour of PTO under the new policy. Upon passage of Ordinance Serial No. 03-33 (SUB), current employees who have accrued unused sick leave accumulated under former section 3.20.030 of the Wasilla Municipal Code through July 31, 2003 may continue to use that sick leave (in accordance with former section 3.20.030.F) until it is completely exhausted; however, such sick leave shall be used and exhausted before PTO. The City in its sole discretion may permit employees to be paid cash for twenty five percent (25%) of such accrued sick leave upon passage of this Ordinance Serial No. 03-33 (SUB) or at the time the employee resigns or terminates from City employment.

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3.65.040 Payment in lieu of PTO in emergency.

A. Cash in lieu of accumulated PTO 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 PTO in reserve following cash payment.

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.

3.65.050 Administrative leave.

A. A City employee who is a member of a reserve or auxiliary component of the United States Armed Forces is entitled to a leave of absence without loss of pay, length of service, or efficiency rating on all days on which the employee is ordered to training duty, instruction exercises, or a qualified search and rescue mission, for a period not to exceed 16 ½ working days in any 12 month period, provided that the employee obtains the approval of the Mayor. If a City employee described above is ordered to active military duty by the governor, that employee shall be entitled to five days' leave of absence with pay.

B. All City employees called for military duty shall receive benefits as required under the Uniformed Services Employment and Reemployment Rights Act (USERRA), including five years of unpaid leave.

C. Employees called for jury duty shall be treated as being on approved PTO without loss of longevity, PTO or pay. Service in court when subpoenaed as a witness for a matter involving the employee's work with the City 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 during off duty hours. Fees paid by the court to the employee for travel, parking and subsistence allowances, shall be turned in to the City.

D. Blood donation leave may be granted as administrative leave without loss of longevity, PTO or pay by Department Heads in accordance with the Mayor's policy or procedure governing blood donation administrative leave.

E. In the event of an emergency, the Mayor may authorize administrative leave for any employee that the Mayor decides should leave the workplace. What

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constitutes an emergency is at the sole discretion of the Mayor. Examples of emergencies include but may not be limited to extended loss of heat or power, extreme weather conditions, earthquake, or terrorist attack. Administrative leave shall not be provided to any employee who is already on PTO during the emergency.

F. An employee may be placed on administrative leave pending an investigation of charges made against the employee that may lead to disciplinary action.

3.65.060 Pregnancy leave/family leave.

The City shall grant family and/or medical leave consistent with both the federal Family and Medical Leave Act (FMLA) and the provisions of AS 23.10.500-23.10.550, whichever provides greater rights. However, if an employee qualifies under only one of the Acts, the employee shall be entitled to receive only the benefits of the Act under which the employee qualifies. The Mayor is responsible for developing a personnel policy and procedure in accordance with Alaska Statute 23.10.500-23.10.550 and the federal Family Medical Leave Act (FMLA).

3.65.070 Leave without pay.

A. Leave without pay not authorized by other sections of these Rules may be granted to any employee by the Mayor upon recommendation of the employee's Department Head. Each request for such leave will be considered in light of the circumstances involved and in regard to the needs of the City. Leave without pay may be granted to an employee after all PTO earned by the employee has been exhausted. During leave without pay, the employee on leave may 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 in advance of the City's payroll date for premiums withholding.

B. Normally not more than four hundred eighty (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.

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3.65.080 Unauthorized absences.

An employee who plans to take PTO or another form of leave authorized by these Rules shall notify the City in advance of taking the leave as provided for in this Chapter. Any employee who shall be or is absent from duty shall report the reason for the absence to his or her Department Head or the Department Head's designee as soon as possible. Any unauthorized or unreported absences shall be deemed an absence without pay and may be cause for disciplinary action up to and including termination.

Chapter 3.70 GRIEVANCES

3.70.010 General policy.

3.70.020 Definitions.

3.70.030 Grievance procedure.

3.70.010 General Policy.

It shall be the general policy of the City to avoid circumstances that give rise to grievances, to the extent possible. All employees, except for confidential/managerial, probationary, temporary, intern employees, the City Clerk, the Deputy City Clerk, or employees or officials exempted from application of these Rules under section 3.45.040.A.3, may file grievances in accordance with this Chapter.

3.70.020 Definitions.

As used in this Chapter:

"Aggrieved party" means an individual employee or group of employees who may file a grievance under this Chapter.

"Grievance" means any dispute involving the interpretation, application or alleged violation of Title 3, 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 Chapter 3.75 and disputes which relate to the contents of a performance appraisal, among others.

"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.

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3.70.030 Grievance procedure.

A. A grievance shall be processed in accordance with the procedures and within the time limits set forth herein. 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 at all steps other than step 1. The time limits set forth for each Step in the grievance procedure may be extended in writing by mutual agreement of the parties.

1. Step 1: Informal discussion followed by possible formal written grievance. The aggrieved employee shall discuss the grievance with his/her 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 fifteen (15) working 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 written grievance must describe the actions or omissions that are alleged to constitute improper conduct by the City and must indicate the policy and procedures and/or Rules that have allegedly been misapplied, misinterpreted or violated by the City.

2. 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 working days, such failure to respond will serve to declare the grievance as settled based upon the Department Head's decision.

3. Step 3: Mayor.

a. Within fifteen (15) working days of receipt of a written appeal from the decision of the Department Head, the Mayor or his or her designee shall review the matter and respond in writing to the employee's grievance.

b. Alternatively, at the request of the employee and at the sole discretion of the Mayor, a three-member panel of City employees may be appointed by the Mayor to

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review the employee's grievance. The panel shall confer with the Department Head, appropriate supervisory personnel, the employee and/or others to determine the facts underlying the grievance. Within ten (10) working days following appointment of the panel, 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 or she shall within five (5) working days after receipt of such recommendation, submit a written response to the Mayor. The Mayor shall review the panel's recommendation, the employee's response, and other documentation, as necessary, and render a decision upholding, modifying or overturning the panel's recommendations within seven (7) working days of receipt of an employee's response (if any), or within seven (7) working days of receipt of the panel's recommendation.

C. The decision of the Mayor shall be final. In the application of this section, "employee" shall include any duly authorized representative of the employee who alleges a grievance.

Chapter 3.75 DISCIPLINARY ACTION

3.75.010 General policy.

3.75.020 Forms of discipline.

3.75.030 Oral reprimands, written reprimands and suspensions with pay.

3.75.040 Suspension without pay, demotion or dismissal, disciplinary hearings.

3.75.010 General policy.

The Mayor or his or her designee will advise and assist Department Heads in the handling of all disciplinary matters. An employee may not be provided with notice of intent to suspend, demote or terminate without advance approval of the Mayor. All terminations, and procedures utilized to terminate employees will be made in conjunction with attorney consultation and review. Discipline, up to and including termination, of a new, promoted, or rehired employee during a probationary period shall be governed by section 3.50.070.C of these Rules instead of this Chapter 3.75. Discipline, up to and including termination, of confidential/managerial employees shall be governed by 3.85.030 of these Rules instead of this Chapter 3.75.

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3.75.020 Forms of discipline.

A. When the severity of the inappropriate conduct warrants and the City believes that the proposed form of discipline is in its best interests, any of the following forms of discipline shall be imposed (not necessarily in the following order) at any time so long as such discipline is supported by just cause:

1. Oral reprimand;
2. Written reprimand;
3. Suspension with pay;
4. Suspension without pay;
5. Demotion;
6. Dismissal.

3.75.030 Oral reprimands, written reprimands and suspensions with pay.

A. Oral reprimands, written reprimands and suspensions with pay may be administered without a pre-disciplinary hearing. Oral reprimands, written reprimands and suspensions with pay will be documented on a discipline action form and should be maintained in the departmental employee evaluation file described in section 3.90.020.A.2. The employee shall be given an opportunity to review the report with his or her Department Head. If the employee disagrees with the facts or conclusions contained in the report, he or she shall be permitted to submit, within five (5) working days after reviewing the report with his or 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 Human Resources Department. 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.

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3.75.040 Suspension without pay, demotion or dismissal, disciplinary hearings.

A. A suspension without pay, demotion, or a disciplinary dismissal, of an employee who is disciplined in accordance with this Chapter, shall be accomplished and reviewed only in accordance with the procedures stated in this section.

B. Before any Department Head may dismiss, demote or suspend an employee without pay, the employee shall receive written notice of intent to dismiss, demote or suspend without pay (hereafter referred to in this section as "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.

C. The procedures for a pre-discipline hearing, if requested by the employee subject to discipline, shall be as follows:

1. The hearing shall be before the Mayor. The Mayor may appoint a designee to hold the hearing and provide a written report containing finding of facts and recommending a final decision to the Mayor. The Mayor may accept, modify, or reject the designee's recommendation, and shall issue a final decision.

2. The employee's request for a hearing must be in writing, signed by the employee (or representative or legal counsel of the employee) and delivered to the Mayor's office within five (5) working days of receipt of the notice of intent to discipline described in subsection A of this section. The employee's failure to request a pre-discipline hearing within the time and manner provided shall be deemed a waiver of his or her right to a hearing, and to any appellate review to which he or she might have otherwise been entitled, and in such an event the discipline, described in the notice of intent to discipline, shall be final.

3. If the employee duly delivers his or her request for a hearing, the Mayor or his or her designee (collectively referred to in this section as "Mayor") will hold a hearing within fifteen (15) working days from the date of receipt of the request unless the date for the hearing is extended. In no event will the hearing occur more than thirty (30) days following the employee's request for a hearing absent exceptional circumstances. The Mayor shall notify the employee of the date, time and place of the hearing.

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4. The employee, at his or her own expense, may be represented by legal counsel or another person of the employee's choice.

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 the employee's representative, the City's representative, and the Mayor may question witnesses. Exhibits may be introduced. The hearing shall be informal, and the Alaska Rules of Evidence shall not apply. However, the Mayor may exercise appropriate controls over the proceeding and the evidence presented, and irrelevant or unduly repetitious evidence shall be excluded.

7. The Mayor shall determine the order of presentation at the hearing. The hearing shall at a minimum include the following:

- a. Brief opening statement by the City;
- b. Brief opening statement by the employee;
- 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; and
- i. Surrebuttal argument by employee.

D. The City shall prove, by a preponderance of the evidence that just cause exists to carry out the intended discipline, and then the employee must prove, by a preponderance of the evidence, that the City does not have just cause to carry out the intended discipline.

E. Unless ordered otherwise by the Mayor, the employee shall continue to be paid pending issuance of the Mayor's decision.

F. The Mayor shall exercise independent judgment as to the weight of the evidence presented by the parties.

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G. The Mayor shall issue a written decision no later than fourteen (14) working days after the close of the hearing. The decision shall include findings of fact and a statement of the reason(s) for the decision.

H. If the Mayor denies the existence of just cause to support the recommended discipline, he or she 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.

I. The written decision will be placed in the employee's central personnel file and a copy may be retained in the departmental performance appraisal file.

J. The Mayor has the authority to negotiate separation agreements as a result of disciplinary action separations.

K. 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 thirty (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, to support the Mayor's decision.

L. Disciplinary actions which have been the subject of a pre-discipline hearing may not be disputed by the grievance procedure provided in these Personnel Rules.

Chapter 3.80 SEPARATION

- 3.80.010 Resignations.
- 3.80.020 Layoffs.
- 3.80.030 Medical separation.
- 3.80.040 Terminations/dismissals.

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3.80.010 Resignations.

A. Notice of Resignation. An employee other than an employee who serves at will who resigns shall give at least two-weeks written notice to his or 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. An employee who serves at will may resign his or her employment at any time; however, when resigning, such an employee is requested to take into consideration the needs of the City with respect to providing notice of his or her resignation.

B. Withdrawal of Resignation. An employee may withdraw his or 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. Effective Date of Resignation. The effective date of resignation shall be the last day on which the employee works.

3.80.020 Layoffs.

A. Reason for Layoff. The City has the sole and exclusive discretion to lay off employees due to the following:

1. Budgetary and/or fiscal constraints;
2. Elimination of a position, a reduction in force, or a material change in departmental organization;
3. Suspension of seasonal work;
4. Failure of an employee to successfully complete the probationary period following promotion or transfer;
5. Material change in the duties of the position for which the employee lacks the necessary skills, knowledge or aptitude; and
6. Any other legitimate business reason determined by the Mayor in his or her sole and exclusive discretion.

B. Layoff Procedure. No employee who has attained a regular appointment shall be laid off without first receiving at least two weeks advance notice, unless the employee waives such notice, or an emergency requires less notice. In lieu of notice, a laid off employee may be provided with severance pay at the sole discretion of the

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Mayor. The Mayor shall determine what constitutes an emergency. The Mayor may offer an employee subject to layoff another vacant position at the same or lower pay 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, or arrange for training opportunities to qualify for a change in the skills needed for a position, if feasible. Nothing in this section or these Rules requires the Mayor to find an employee an alternative to lay off if the Mayor determines that an alternative does not exist.

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 with the City constitutes satisfaction of an employee's re-employment rights.

3.80.030 Medical separation.

An employee who is medically unable to return to work following approved leave shall be separated in good standing from City employment.

3.80.040 Terminations/dismissals.

A. Reason for Termination/Dismissal. Terminations or dismissals may be necessary for a variety of reasons, including but not necessarily limited 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; or
4. Failure to successfully complete the probationary period after initial hire.

B. Severance pay may be provided to a terminated or dismissed employee at the sole discretion of the Mayor.

C. Terminated or dismissed employees may be rehired solely at the discretion of the Mayor.

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**Chapter 3.85 EMPLOYEES HOLDING CONFIDENTIAL/MANAGERIAL
POSITIONS**

- 3.85.010 Scope.
- 3.85.020 Recruitment.
- 3.85.030 Appointment; at will employment.
- 3.85.040 Classification.
- 3.85.050 Compensation.
- 3.85.060 Benefits.
- 3.85.070 Supervision and performance appraisals.

3.85.010 Scope.

A. Chapter 3.85 shall apply to the employees listed in this section. In the event any provision of Chapter 3.85 conflicts with any other provision of Title 3, Chapter 3.85 shall govern.

B. The following positions are wholly or partially exempt positions from the City's classified service because they are confidential and/or managerial positions:

1. Chief of police;
2. Library director;
3. Director of Finance and Administrative Services;
4. Public works director;
5. Economic Development director;
6. Executive Assistant to the Mayor; and
7. Any other position designated by the Mayor as a confidential/managerial

position.

3.85.020 Recruitment.

Notwithstanding other provisions of this Title governing recruitment of prospective City employees, the Mayor may utilize any recruitment and referral source deemed appropriate to obtain the highest caliber employees to fill confidential/managerial positions. The Mayor may utilize such notice, appraisals or examinations he or she finds appropriate for effective recruitment of confidential/managerial employees.

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3.85.030 Appointment; at will employment.

The Mayor shall make appointments to all confidential/managerial positions. Employees who hold confidential/managerial positions have an at will employment relationship with the City. They serve at the pleasure of the Mayor, and may be disciplined or dismissed with or without cause, for any reason or for no reason, by the Mayor.

3.85.040 Classification.

The Mayor shall classify confidential/managerial employees in the appropriate grades of the approved salary administration plan.

3.85.050 Compensation.

A. The compensation of confidential/managerial employees shall be determined in accordance with the annual focal review process provided for in these Rules for classified employees.

B. Confidential/managerial employee salaries may reflect consideration of:

1. Performance of the employee;
2. Changes, if any, in Alaska economic trends and forecasts;
3. Compensation paid to employees in similar positions in both public service and in private industry; and

4. Any other factors deemed relevant by the Mayor.

C. Confidential/managerial employees in full time positions are expected to work during the whole of the work day, their work is expected to require 2080 or more hours of work per year, and they are expected to work as many hours as is necessary to perform their jobs. For purposes of pay and benefits only, confidential/managerial employees are not subject to deductions for absences of one day or less. Only those confidential/managerial employees who are eligible for overtime under the federal Fair Labor Standards Act ("FLSA") shall be paid overtime. However, if a confidential/managerial employee is eligible for overtime under FLSA, he or she shall be paid overtime in accordance with section 3.60.070.B.

3.85.060 Benefits.

A. Confidential/managerial employees shall receive all benefits provided to classified employees who hold regular appointments.

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B. A confidential/managerial employee's paid time off accrual rate may be adjusted upward by the Mayor as part of the employee's overall compensation.

3.85.070 Supervision and performance appraisals.

A. Confidential/managerial employees shall be supervised by the Mayor.

B. During the annual focal review process, the Mayor shall prepare and provide to the employee a written performance appraisal. Confidential/managerial employees shall be allowed to place their own comments on any performance appraisal. Performance appraisals for confidential/managerial employees shall be maintained as part of the City's permanent personnel records.

Chapter 3.90 MISCELLANEOUS PERSONNEL POLICIES AND REGULATIONS

3.90.010 Performance appraisal.

3.90.020 Personnel records and general personnel files.

3.90.030 Program development.

3.90.040 Travel.

3.90.050 Conflicting interests prohibited.

3.90.060 Prohibited acts.

3.90.070 Service awards—Policy.

3.90.080 Employee meetings.

3.90.010 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 during the annual focal review process. Department Heads shall make every effort to complete performance appraisals sufficiently in advance of July 1 of each year so that any pay adjustments made as a result of the performance appraisal process can go into effect July 1, except that during the first year of the focal review process, Department Heads shall make every effort to complete performance appraisals sufficiently in advance of August 1 and any pay adjustments made as a result of the performance appraisal process shall be retroactive to July 1.

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B. Performance appraisals are used for the following purposes:

1. To provide a basis for informed decision on such matters as pay, 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.

C. 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 or 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.

D. Form and Timing. The Mayor shall develop a performance appraisal report. Performance appraisal reports should be completed at the end of a probationary period, and annually during the focal review process. Performance appraisal reports may also be completed at any other time at the discretion of a Department Head.

E. 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.

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F. Distribution of Reports. The Department Head shall furnish the employee with a copy of the performance appraisal report. The original shall be filed with the employee's personnel file.

G. The substance of a performance appraisal report shall not be the subject of a grievance.

H. The employee's signature shall not constitute agreement with the appraisal.

3.90.020 Personnel records and general personnel files.

A. Personnel records containing information about employees will be maintained as set forth herein. Access to personnel files is authorized only as delineated below.

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

a. 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, performance appraisals, disciplinary actions, personnel action forms and tax withholding and benefits information. Medical records shall be maintained in a separate file but are considered part of the personnel records.

b. Department Evaluation File. Any evaluator may establish and maintain a file for individual employees for use by supervisors during the performance evaluation process.

2. Access to Personnel Files.

a. Employees shall have access to their own personnel files during normal office hours within a reasonable period of time following the employee's request to review their files. 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. Access to employee personnel files by other persons shall be governed by section 3.90.020.A.4.

b. Review of any personnel files shall be conducted in the presence of the Mayor or his or 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

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his or her designee may record a written note on a personnel file for every person who reviews it.

c. Employees may comment on any document placed in their personnel files.

3. Confidentiality of Personnel Records.

a. Confidentiality Policy. State and federal law generally provide that all City documents are public records available for inspection by members of the public. Additionally, state and federal law recognize that personal information contained in a personnel file is confidential unless a member of the public's need to review it outweighs an employee's right to privacy in the information.

4. Access to City Personnel Records. City personnel records, including employment applications and examination materials, are confidential and are not open to public inspection except as provided in this section.

a. The following information or records are generally available for public inspection, in accordance with the procedures established by this chapter:

1. The names and position titles of all City employees;

2. The position held by any City employee;

3. Prior positions held by any City employee;

4. The dates of hire and separation of a City employee;

5. The compensation authorized for a City employee;

6. Time sheets; and

7. Any other information that does not contain any personal information the release of which would be an unwarranted invasion of privacy, or concern the personal, intimate or otherwise private life of the employee.

b. Special Procedures for Obtaining Access to Personnel Records. All persons who wish copies of City personnel records shall submit their request for this information in writing to the Mayor. Within five (5) working days after receipt of such a request, the Mayor shall give the City employee for whom access to information has been requested a copy of the request. If the employee objects to release of the requested information, the employee shall inform the Mayor of the objection and the reasons for the objection in writing five (5) working days after receipt of the copy of the request. The Mayor shall then make a decision in writing as to whether the record will

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be provided and give a copy of the decision to both the affected employee and the person requesting the personnel record. Any person not satisfied with the decision of the Mayor, may appeal the Mayor's decision to the City Council at its next regularly scheduled meeting.

3.90.030 Program development.

A. Each Department Head may develop and conduct such practical training programs as are suited to the special requirements of his or 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.

B. The City may reimburse employees for tuition for career improvement training or education which is approved by the Mayor. 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 and paid for by the City, if the employee leaves the City work force for any reason he or 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. A Department Head may allow an employee to work in accordance with a flex time schedule to take training or education classes with the approval of both the Department Head and the Mayor.

3.90.040 Travel.

A. When traveling on official City business, reasonable actual expenses of conducting business will be reimbursed only if approved by the Mayor. Eligible expenses shall include lodging, meals, airfare and other transportation expenses, registration for seminars and trainings and other expenses if 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. 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 reimbursed only if approved by the Mayor.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

3.90.050 Conflicting interests prohibited.

No employee shall be employed by or engage in work for an employer other than the City, including but not limited to self employment, during the employee's work hours. Additionally, an employee may not do business with the City during his/her non-work hours unless s/he obtains advance written approval from the Mayor. The Mayor shall not approve conducting any business with the City that would constitute a substantial conflict of interest.

3.90.060 Prohibited acts.

A. It shall be the responsibility of each City employee to remain free from indebtedness or favors which create a substantial conflict of interest between personal and official interest, or might reasonably be interpreted as affecting the impartiality of the individual employee.

B. An employee should not accept a gift or gratuity given to the employee in an attempt to bribe, influence or to encourage special consideration with respect to municipal operations. Any such offer shall be reported without delay to the employee's immediate superior, who will in turn inform the Department Head.

C. Any employee who has a financial interest, direct or indirect, 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 to the Mayor.

D. No person who seeks appointment or promotion 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 or her tests, appointment, proposed appointment, promotion or proposed promotion.

E. An employee may not participate in an official action in which the employee has a substantial financial interest.

F. Failure to comply with this section may result in discipline, up to and including termination.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

3.90.070 Service awards--Policy.

A. It is the policy of the City 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 quality maintenance and use of the assets of the City. The Mayor may implement programs which will continue to provide productivity improvements, through motivational programs or other avenues, and shall encourage all employees to work for these goals through incentive programs that will recognize contributions by employees that result in improved productivity.

1. Additionally, the Mayor may provide for recognition of exemplary municipal service through the presentation of awards to employees.

3.90.080 Employee meetings.

A. Purpose. The purpose of this section is to recognize employee organizations and to provide a mechanism for City 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 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.

B. Recognizing Employee Organizations.

1. 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.

2. 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.

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3. The Council may by regulation adopt reasonable rules for 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.

4. 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.

Section 3. Repeal. WMC Title 3, Personnel is repealed in its entirety.

[3.04.010 DEFINITIONS.

AS USED IN THIS TITLE:

"ALLOCATION" MEANS THE ACTION TAKEN TO ASSIGN A POSITION TO AN APPROPRIATE GRADE.

"APPOINTMENT" MEANS THOSE METHODS BY WHICH A PERSON IS DESIGNATED TO FILL A SPECIFIC VACANT POSITION.

"CANDIDATE" MEANS A PERSON WHO HAS APPLIED FOR A POSITION, AND HAS BEEN INCLUDED ON AN ELIGIBILITY LIST AS BEING AVAILABLE FOR CERTIFICATION.

"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.

"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.

"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.

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"CONTRACT EMPLOYEES" MEANS THOSE EMPLOYEES THAT ARE HIRED ON A SHORT TERM BASIS. NO BENEFITS ARE PAID TO THESE EMPLOYEES.

"CUMULATIVE SERVICE" MEANS REGULAR STRAIGHT TIME HOURS WORKED, HOLIDAY HOURS PAID AND APPROVED PAID LEAVE HOURS.

"DEMOTION" MEANS THE CHANGE OF AN EMPLOYEE FROM A POSITION IN ONE GRADE TO A POSITION IN ANOTHER GRADE WITH A LOWER PAY RANGE.

"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.

"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.

"EXEMPT EMPLOYEE" MEANS THOSE EXECUTIVE, ADMINISTRATIVE OR PROFESSIONAL EMPLOYEES SPECIFICALLY LISTED IN CHAPTER 3.36 OR AS SPECIFICALLY DESIGNATED BY THE MAYOR UNDER CHAPTER 3.36 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.

"FLEX STAFFING" MEANS A CLASSIFICATION PROCEDURE BY WHICH POSITIONS ARE ALLOCATED TO MORE THAN ONE DEPARTMENT.

"FLEX TIME" MEANS A DESIGNATED PERIOD (E.G., SEVEN A.M. TO SIX P.M.) DURING WHICH EMPLOYEES MAY CHOOSE THEIR OWN EIGHT-HOUR OR TEN HOUR SCHEDULE, WITH THE APPROVAL OF THE DEPARTMENT HEAD.

"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

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THE SAME RANGE OF COMPENSATION APPLY TO EACH POSITION IN THE GROUP.

"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.

"GRADE TITLE" MEANS THE OFFICIAL TITLE USED FOR ALL PERSONNEL, PAYROLL AND BUDGET DOCUMENTS. WORKING TITLES MAY BE USED FOR ALL OTHER PURPOSES.

"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.

"IMMEDIATE FAMILY" MEANS THE EMPLOYEE'S SPOUSE, CHILDREN, MOTHER, FATHER, MOTHER-IN-LAW, FATHER-IN-LAW, BROTHERS OR SISTERS.

"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;

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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.

"LAYOFF" MEANS REMOVAL FROM ACTIVE WORK STATUS OF AN EMPLOYEE FOR REASONS BEYOND HIS OR HER CONTROL THAT DO NOT REFLECT DISCREDIT ON HIS OR HER SERVICES, AND WHERE CERTAIN RE-EMPLOYMENT OR OTHER RIGHTS EXIST.

"MAYOR" MEANS THE ELECTED MAYOR FOR THE CITY OR HIS OR HER DESIGNEE.

"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 THIRTY (30) DAYS DURING THE CALENDAR YEAR.

"NIGHT SHIFT" MEANS A SHIFT WHICH STARTS AT OR AFTER SIX P.M. BUT BEFORE FOUR A.M.

"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 THIS TITLE AND PERSONNEL POLICIES AND PROCEDURES.

"POSITION" MEANS THE DUTIES AND RESPONSIBILITIES ASSIGNED TO AN EMPLOYEE REQUIRING FULL-TIME OR PART-TIME EMPLOYMENT.

"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.

"RE-EMPLOYMENT" MEANS APPOINTMENT OF AN EMPLOYEE DUE TO RECALL FROM LAYOFF WITHIN ONE YEAR TO THE SAME CLASSIFICATION AS

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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.

"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.

"REGULAR APPOINTMENT" MEANS THE STATUS OF AN EMPLOYEE AFTER HE OR SHE HAS SATISFACTORILY COMPLETED HIS OR HER CURRENT PROBATIONARY PERIOD IN ACCORDANCE WITH THIS CHAPTER.

"REHIRE" MEANS AN APPOINTMENT INTO A POSITION WITH THE CITY WHEN PREVIOUSLY SEPARATED.

"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.

"RELATIVE" MEANS ANY PERSON WHO IS RELATED BY MARRIAGE OR BLOOD TO AN APPLICANT OR EMPLOYEE.

"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.

"SALARY STRUCTURE PLAN" ESTABLISHES A SALARY STRUCTURE AND PAY PLAN FOR ALL POSITIONS.

"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;

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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.

"SEPARATION" MEANS CESSATION OF THE WORK RELATIONSHIP BETWEEN THE CITY AND AN EMPLOYEE FOR ANY REASON INCLUDING DEATH, DISMISSAL LAYOFF, RESIGNATION AND RETIREMENT.

"STATUS" DESCRIBES AN EMPLOYEE WHO HAS ATTAINED A REGULAR APPOINTMENT.

"SUSPENSION" MEANS AN ENFORCED PAID OR UNPAID LEAVE FOR DISCIPLINARY REASONS OR PENDING INVESTIGATION OF CHARGES MADE AGAINST AN EMPLOYEE.

"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.

"SWING SHIFT" MEANS A SHIFT WHICH STARTS AT OR AFTER THREE P.M. BUT BEFORE ELEVEN P.M.

"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.

"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.

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"TRANSFER" MEANS A LATERAL MOVEMENT FROM ONE POSITION TO ANOTHER POSITION AT THE SAME GRADE, WITHOUT ANY BREAK IN SERVICE.

"WORK DAY" MEANS A SCHEDULED DAILY WORK PERIOD IN A SCHEDULED WORK WEEK.

3.04.020 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;

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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.

3.04.030 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 THIS TITLE 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.

3.04.040 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;

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 OR 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.

3.04.050 STATEMENT OF PURPOSE.

THE PURPOSE OF THESE RULES IS TO IMPLEMENT AND GIVE EFFECT TO THE INTENT AND REQUIREMENTS OF THE CITY TO ESTABLISH AND OPERATE A SYSTEM OF PERSONNEL ADMINISTRATION BASED ON APPROVED MERIT PRINCIPLES AND PROFESSIONAL METHODS OF GOVERNING THE

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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.

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3.08.010 GENERAL POLICY.

A. THE MAYOR OR HIS OR 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 OR 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 TO MAINTAIN A DRUG-FREE WORK PLACE.

1. NEW APPOINTMENTS. AS A CONDITION OF EMPLOYMENT ALL NEW EMPLOYEES MUST DEMONSTRATE THAT THEY ARE DRUG- AND ALCOHOL-FREE.

2. APPLICANTS, INCLUDING FORMER EMPLOYEES MUST TAKE AND PASS A DRUG TEST BEFORE THEY ARE HIRED. THE CITY SHALL PAY THE COST

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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.

3. THE MAYOR WILL DEVELOP PERSONNEL POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS 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.

3.08.020 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 SIX MONTHS IN ANY TWELVE (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 TWO THOUSAND EIGHTY (2,080) HOURS PER YEAR BUT A MINIMUM OF ONE THOUSAND FORTY (1,040) HOURS A YEAR. A REGULAR PART-TIME EMPLOYEE SHALL BE A PERSON HIRED UNDER THESE CIRCUMSTANCES.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 FIVE-DAY, FORTY (40) HOUR WEEK, EIGHT HOURS PER DAY FOR AT LEAST SIX MONTHS (ONE THOUSAND FORTY (1,040) HOURS) BUT LESS THAN NINE MONTHS (ONE THOUSAND FIVE HUNDRED SIXTY (1,560) HOURS) IN ANY TWELVE (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 PAY SCALE. EACH CITY DEPARTMENT IS RESPONSIBLE FOR PREPARING POSITION DESCRIPTIONS FOR ANY INTERN WORKING WITHIN THAT DEPARTMENT.

3.08.030 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 OR HER DESIGNATED REPRESENTATIVE SHALL SOLICIT APPLICATIONS FOR THAT POSITION. IF A QUALIFIED PERSON IS

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AVAILABLE AMONG EXISTING CITY EMPLOYEES, THE MAYOR MAY, AT HIS OR 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 TWELVE (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 OR SHE IS EMPLOYED AT HIS OR 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.

3.08.040 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 OR SHE MAY DEEM PERTINENT AND MAY REQUIRE ANY APPLICANT TO SUBMIT

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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.

3.08.050 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.

3.08.060 SELECTION OF NEW EMPLOYEES.

A DESIRED SELECTION BY A DEPARTMENT HEAD SHALL BE REPORTED TO THE MAYOR FOR HIS OR 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.

3.08.070 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

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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 OR HER RETURN IS IN ACCORDANCE WITH THE ACT, HE OR SHE IS ENTITLED TO REINSTATEMENT INTO THE POSITION HE OR SHE HAD WHEN HE OR 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 OR 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 OR HER LAYOFF. THE MAYOR MAY APPROVE RE-EMPLOYMENT IF THE CANDIDATE QUALIFIES. A RE-EMPLOYED EMPLOYEE SHALL HAVE HIS OR HER SERVICE TIME ADJUSTED TO HIS OR HER ORIGINAL DATE OF EMPLOYMENT LESS THE TIME OFF THE PAYROLL, TO ESTABLISH HIS OR HER ADJUSTED SERVICE DATE. HE OR SHE SHALL HAVE HIS OR 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

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PROBATIONARY PERIOD MAY RETURN TO THEIR PREVIOUS POSITION ONLY IF 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-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

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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 OR 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 OR SHE SHALL SEND HIS OR 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

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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 OR HER GRADE, OR AS A RESULT OF DISCIPLINARY ACTION. AN EMPLOYEE MAY APPEAL HIS OR HER DEMOTION FOR CAUSE.

B. EMPLOYEE REQUESTS. IF FOR PERSONAL OR OTHER REASONS, AN EMPLOYEE REQUESTS IN WRITING THAT HE OR 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.

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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.

3. DEMOTIONS ARE NORMALLY ACCOMPANIED BY A PAY DECREASE AT THE DISCRETION OF THE MAYOR.

3.08.080 PROBATIONARY PERIOD.

A. ALL NEW REGULAR EMPLOYEES SHALL SERVE A PROBATIONARY PERIOD OF SIX MONTHS, EXCEPT POLICE OFFICERS SHALL SERVE A PROBATIONARY PERIOD OF ONE YEAR. REGULAR EMPLOYEES WHO SUCCESSFULLY TRANSFER TO BECOME A POLICE OFFICER WILL BE REQUIRED TO SERVE A TOTAL OF ONE 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 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

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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 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.

3.08.090 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.

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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.

3.12.010 GENERAL POLICY.

THE POLICY OF THE CITY IS TO FAIRLY COMPENSATE ITS EMPLOYEES, AND REVIEW AND UPDATE COMPENSATION ON A PERIODIC BASIS.

3.12.020 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 OR 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 OR 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

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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 SUBSECTION A OF THIS SECTION 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 OR 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.

3.12.030 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

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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.

3.12.040 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.

3.12.050 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

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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.

3.12.060 SALARY RANGES.

A. 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.

B. SALARY RANGES ARE ASSIGNED TO GRADES, AND ARE BASED UPON ALL OR SOME OF THE FOLLOWING FACTORS:

1. DUTIES AND RESPONSIBILITIES OF POSITION OR GRADE;
2. INTERNAL EQUITY-MAINTENANCE OF PAY RANGES OF GRADES IN APPROPRIATE RELATIONS TO ONE ANOTHER;
3. PREVAILING RATES FOR COMPARABLE WORK IN BOTH PUBLIC AND PRIVATE EMPLOYMENT;
4. GENERAL PAY RELATIONSHIPS AMONG JOB FAMILIES;
5. PAY RELATIONSHIPS BETWEEN SUPERVISORS AND EMPLOYEES;
6. EMPLOYEE RECRUITMENT AND RETENTION PROBLEMS;
7. ECONOMIC TRENDS AND FORECASTS;
8. SALARY SURVEY DATA, INCLUDING COMPARATIVE FRINGE BENEFITS;
9. AVAILABILITY OF FUNDS.

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3.12.070 BASIS OF SALARY RANGES.

SALARY RATES ARE BASED ON FULL-TIME EMPLOYMENT AT NORMAL WORKING HOURS FOR THE RESPECTIVE GRADES.

A. CLASSIFIED EMPLOYEES ARE PAID AT AN HOURLY RATE CALCULATED BY DIVIDING THE AMOUNT OF SALARY RATE FOR THE ASSIGNED GRADE DIVIDED BY TWO THOUSAND EIGHTY (2,080) HOURS PER YEAR.

B. EXEMPT EMPLOYEES ARE PAID AN ANNUAL SALARY AT THEIR ASSIGNED GRADE.

3.12.080 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 OR SHE HAD WHEN HE OR 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 OR SHE HAD WHEN SEPARATED. HIS OR

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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 OR 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 OR SHE IS ENTITLED TO THE SAME PAY RECEIVED AT THE TIME OF LAY-OFF. HIS OR 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 OR HER SEPARATION), THE

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

EMPLOYEE SHALL BE REINSTATED AT THE SAME PAY RANGE HE OR SHE WAS AT, AT THE TIME OF SEPARATION.

C. REHIRE. A FORMER EMPLOYEE MAY BE REHIRED AT THE SAME PAY RATE HE OR 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 OR 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 OR 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.

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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.

3.12.090 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 SIXTY (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 THIRTY (30) DAYS DURING THE CALENDAR YEAR.

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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 OR HER PAST MERIT ANNIVERSARY YEAR, HE OR 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.

3.12.100 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 FIVE PERCENT INCREASE.

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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 THREE PERCENT.

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.

3.12.110 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 TEN (10) WORKING DAYS OR MORE, THE EMPLOYEE SHALL RECEIVE A MINIMUM UPWARD ADJUSTMENT OF FIVE PERCENT 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 PUBLIC WORKS ON CALL STAND-BY WILL RECEIVE TWO HOURS OF CREDIT FOR COMPENSATION AT ONE AND ONE-HALF TIMES THE NORMAL HOURLY

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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 TWO-HOUR CALL-OUT COMPENSATED AT ONE AND ONE-HALF TIMES THE NORMAL HOURLY RATE OF PAY.

D. PUBLIC WORKS DEPARTMENT CALL-OUT. EMPLOYEES ON CALL-OUT WHICH REQUIRES WORK OUTSIDE OF NORMALLY SCHEDULED REGULAR SHIFT SHALL BE COMPENSATED AT ONE AND ONE-HALF TIMES THE NORMAL HOURLY RATE OF PAY FOR THAT EMPLOYEE. ANY CALL-OUT WORK ON HOLIDAYS AND WEEKENDS WILL BE COMPENSATED AT ONE AND ONE-HALF 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 ABOVE THE RATE NORMALLY RECEIVED DURING SUCH ASSIGNMENT.

3.12.120 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 TEN (10) WORKING DAYS PRIOR TO THE EFFECTIVE DATE.

3.12.130 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 OR HER ORDINARY DUTIES OR ANY OTHER ADDITIONAL DUTIES WHICH MAY BE IMPOSED UPON HIM OR HER

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OR WHICH HE OR SHE MAY UNDERTAKE OR VOLUNTEER TO PERFORM AS AN EMPLOYEE.

3.16.010 REGULAR HOURS OF WORK.

REGULAR WORKING HOURS OF CITY EMPLOYEES SHALL CONSIST OF EITHER FIVE CONSECUTIVE DAYS OF EIGHT HOURS PER DAY OR FOUR 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.

3.16.020 SHIFTS.

THE FOLLOWING TYPES OF REGULAR SHIFTS ARE AUTHORIZED:

A. ESTABLISHED SHIFT.

1. A REGULAR SHIFT (E.G., EIGHT A.M. TO FIVE P.M. OR SEVEN-THIRTY A.M. TO FOUR-THIRTY P.M.) THAT GENERALLY APPLIES TO ALL EMPLOYEES OF A DEPARTMENT, DIVISION, SECTION OR WORK UNIT.

2. A REGULAR SHIFT (E.G., SEVEN A.M. TO SIX P.M.) OR OTHER TEN (10) 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., SEVEN A.M. TO SIX P.M.) DURING WHICH EMPLOYEES MAY CHOOSE THEIR OWN EIGHT-HOUR OR TEN (10) 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.

3.16.030 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

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THIRTY (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.

3.16.040 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. 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.

3.16.050 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.

3.16.060 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 YEAR'S DAY	JANUARY 1
WASHINGTON'S BIRTHDAY	THIRD MONDAY IN FEBRUARY
SEWARD'S DAY	LAST MONDAY IN MARCH
MEMORIAL DAY	LAST MONDAY IN MAY

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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 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.

3.16.070 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

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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, SHALL BE PAID ONE AND ONE-HALF TIMES THEIR REGULAR RATE OF PAY FOR PROPERLY AUTHORIZED HOURS OF WORK IN EXCESS OF THEIR NORMALLY SCHEDULED REGULAR SHIFT OR FORTY (40) HOURS ACTUAL WORK INCLUDING HOLIDAYS AND PREAPPROVED AUTHORIZED LEAVE IN ANY UNIT WEEK. AUTHORIZED OVERTIME WORK ON NON-WORK DAYS (NORMALLY SATURDAYS, SUNDAYS AND HOLIDAYS) IS COMPENSABLE ONLY IF THE OVERTIME WORK, WHEN ADDED TO ALL REGULARLY SCHEDULED TIME ACTUALLY WORKED, INCLUDING PREAPPROVED AUTHORIZED LEAVE, 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 BE AS STATED IN SECTION 3.16.010. DEPARTMENT HEADS MAY ASSIGN AN EMPLOYEE A DIFFERENT WORK WEEK THAN THAT STATED IN SECTION 3.16.010 AS IS NECESSARY TO ADEQUATELY STAFF THEIR DEPARTMENT.

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 (12) HOURS COMPENSATORY TIME WHICH WILL BE TREATED IN THE SAME MANNER AS ANNUAL LEAVE.

3.16.080 RETIREMENT AND SUPPLEMENTAL BENEFITS.

A. EMPLOYEES OF THE CITY ARE NOT COVERED BY FEDERAL SOCIAL SECURITY.

B. REGULAR EMPLOYEES OF THE CITY 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

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PARTICIPATION IN THE RETIREMENT SYSTEM, BUT SHALL BE ENROLLED IN SBS ON THE DATE OF HIRE.

3.16.090 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.

3.16.100 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 THIRTY (30) DAYS DURING EACH CALENDAR YEAR;

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2. EVERY DAY BETWEEN THE EMPLOYEE'S SEPARATION DATE(S) AND RE-EMPLOYMENT DATE(S) WITH THE CITY;

3. TIME SPENT BY THE EMPLOYEE IN A TEMPORARY POSITION UNLESS THAT EMPLOYEE MOVED DIRECTLY FROM SUCH TEMPORARY POSITION TO A REGULAR POSITION WITHOUT A BREAK IN SERVICE.

3.20.010 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.

3.20.020 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 YEARS;

2. TWELVE (12) HOURS PER MONTH FOR EMPLOYEES WITH THREE YEARS AND LESS THAN EIGHT YEARS;

3. SIXTEEN (16) HOURS PER MONTH FOR EMPLOYEES WITH EIGHT 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 OR HER ORIGINAL HIRE. PROBATIONARY EMPLOYEES WILL NOT BE PAID ANNUAL LEAVE DURING THEIR PROBATIONARY PERIOD.

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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 FOUR HUNDRED EIGHTY (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 (EIGHTY (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.

3.20.030 SICK LEAVE.

A. REGULAR EMPLOYEES OF THE CITY SHALL ACCRUE SICK LEAVE AT THE RATE OF EIGHT HOURS FOR EACH FULL MONTH WORKED.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 OR 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 FOUR HUNDRED EIGHTY (480) HOURS WILL BE CASHED IN AT TWENTY-FIVE (25) PERCENT 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 OR 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.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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.

3.20.040 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.

3.20.050 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 OR 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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 NONESSENTIAL PERSONNEL WHERE NECESSARY FOR THE CONVENIENCE OF THE CITY, SUCH AS DURING EXTENDED LOSS OF HEAT OR POWER IN THE WORK PLACE.

3.20.060 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 THIRTY-FIVE (35) HOURS A WEEK FOR AT LEAST SIX CONSECUTIVE MONTHS OR FOR AT LEAST SEVENTEEN AND ONE-HALF (17 1/2) HOURS A WEEK FOR AT LEAST TWELVE (12) CONSECUTIVE MONTHS PRECEDING THE LEAVE. THE LEAVE MAY BE UNPAID LEAVE. HOWEVER, THE EMPLOYEE MAY CHOOSE TO SUBSTITUTE,

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 EIGHTEEN (18) WORKWEEKS DURING ANY TWENTY-FOUR (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 EIGHTEEN (18) WORKWEEKS WITHIN A TWELVE (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.

3.20.070 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 FOUR HUNDRED EIGHTY (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.

3.20.080 UNAUTHORIZED ABSENCES.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

ANY EMPLOYEE WHO IS ABSENT FROM DUTY SHALL REPORT THE REASON THEREFORE TO HIS OR 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.

3.24.010 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.

3.24.020 DEFINITIONS.

AS USED IN THIS CHAPTER:

"AGGRIEVED PARTY" MEANS AN INDIVIDUAL EMPLOYEE OR GROUP OF EMPLOYEES.

"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 CHAPTER 3.28 AND DISPUTES WHICH RELATE TO THE CONTENTS OF A PERFORMANCE APPRAISAL, AMONG OTHERS.

3.24.030 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.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 FIFTEEN (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 FIFTEEN (15) WORKING DAYS OF RECEIPT OF A WRITTEN APPEAL FROM THE DECISION OF THE DEPARTMENT HEAD, THE MAYOR OR HIS OR 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

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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 OR SHE SHALL WITHIN FIVE 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.

3.28.010 GENERAL POLICY.

THE MAYOR OR HIS OR 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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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.

3.28.020 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.

3.28.030 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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 OR HER DEPARTMENT HEAD. IF THE EMPLOYEE DISAGREES WITH THE FACTS OR CONCLUSIONS CONTAINED IN THE REPORT, HE OR SHE SHALL BE PERMITTED TO SUBMIT, WITHIN FIVE WORKING DAYS AFTER REVIEWING THE REPORT WITH HIS OR 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.

3.28.040 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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 OR 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 OF THIS SECTION. THE EMPLOYEE'S FAILURE TO REQUEST A HEARING WITHIN THE TIME AND MANNER PROVIDED SHALL BE DEEMED A WAIVER OF HIS OR HER APPEAL RIGHTS AND TO ANY APPELLATE REVIEW TO WHICH HE OR 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 OR HER REQUEST FOR A HEARING, THE MAYOR OR HIS OR HER DESIGNEE WILL HOLD A HEARING WITHIN FIFTEEN (15) WORKING DAYS FROM THE DATE OF RECEIPT OF THE REQUEST. THE MAYOR OR HIS OR 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 OR HER DESIGNEE

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

SHALL NOTIFY THE EMPLOYEE OF THE DATE, TIME AND PLACE OF THE HEARING.

4. THE EMPLOYEE, AT HIS OR 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 OR 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 OR 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 OR SHE IS RELYING TO OPPOSE THE INTENDED DISCIPLINE ACTION.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 OR 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 FOURTEEN (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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 THIRTY (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.

3.32.010 RESIGNATIONS.

A. NOTICE OF RESIGNATION. AN EMPLOYEE WHO DESIRES TO TERMINATE SHALL GIVE AT LEAST TWO-WEEK WRITTEN NOTICE TO HIS OR 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 OR 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.

3.32.020 LAYOFFS.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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.

3.32.030 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. (PRIOR CODE § 3.60.030)

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

3.32.040 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.

3.36.010 DEFINITIONS.

A. SECTIONS 3.36.010 THROUGH 3.36.080 OF THIS CHAPTER SHALL APPLY TO THE EXEMPT EMPLOYEES LISTED IN SUBSECTION B OF THIS SECTION. OTHER EXECUTIVE, PROFESSIONAL OR ADMINISTRATIVE EMPLOYEES MAY BE SPECIFIED AT THE DISCRETION OF THE MAYOR. IN THE EVENT ANY PROVISION OF THIS SECTION CONFLICTS WITH ANY OTHER PROVISIONS OF THIS CHAPTER, SECTIONS 3.36.010 THROUGH 3.36.080 SHALL GOVERN.

B. THE FOLLOWING POSITIONS ARE EXEMPT:

1. DEPUTY ADMINISTRATOR;
2. CITY CLERK;
3. CITY ATTORNEY;
4. CHIEF OF POLICE;
5. LIBRARY DIRECTOR;
6. MUSEUM DIRECTOR;
7. FINANCE DIRECTOR;
8. PUBLIC WORKS DIRECTOR; AND

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

9. PUBLIC SAFETY DIRECTOR.

C. DEFINITIONS. IN SECTIONS 3.36.010 THROUGH 3.36.080 OF THIS CHAPTER:

"ADMINISTRATIVE EMPLOYEES" ARE DEFINED AS:

1. THOSE EMPLOYEES THAT HAVE DUTIES THAT PRIMARILY CONSIST OF EITHER NON-MANUAL OR OFFICE WORK DIRECTLY RELATED TO MANAGEMENT POLICIES OR GENERAL BUSINESS OPERATIONS;

2. CUSTOMARILY AND REGULARLY EXERCISE DISCRETION AND INDEPENDENT JUDGMENT;

3. 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;

4. DOES NOT DEVOTE MORE THAN TWENTY (20) PERCENT OF WORK TIME TO ACTIVITIES NOT DIRECTLY OR CLOSELY RELATED TO PERFORMANCE OF ADMINISTRATIVE WORK; AND

5. ARE PAID ON A SALARY BASIS (NOT HOURLY) AND ARE PAID AT LEAST TWO HUNDRED FIFTY DOLLARS (\$250.00) PER WEEK EXCLUSIVE OF BOARD, LODGING OR OTHER FACILITIES.

"APPOINTING AUTHORITY" MEANS THE PERSON OR ENTITY AUTHORIZED TO APPOINT A PERSON TO AN EXEMPT POSITION UNDER SECTION 3.36.030 OF THIS CHAPTER.

"DEPARTMENT HEAD" MEANS THE CHIEF ADMINISTRATIVE OFFICER OF A CITY DEPARTMENT ESTABLISHED BY ORDINANCE.

"EXECUTIVE EMPLOYEES" ARE DEFINED AS:

1. THOSE EMPLOYEES THAT HAVE PRIMARY MANAGEMENT RESPONSIBILITY FOR THE AGENCY OR DEPARTMENT;

2. CUSTOMARILY AND REGULARLY DIRECT TWO OR MORE EMPLOYEES;

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

3. POSSESS THE POWER TO HIRE AND FIRE EMPLOYEES OR WHOSE SUGGESTIONS ARE GIVEN SUBSTANTIAL WEIGHT IN SUCH DECISIONS TO INCLUDE PROMOTIONS;

4. CUSTOMARILY AND REGULARLY EXERCISE DISCRETIONARY POWER;

5. DOES NOT DEVOTE MORE THAN TWENTY (20) PERCENT OF THEIR HOURS IN A WORKWEEK TO THE PERFORMANCE OF ACTIVITIES NOT CLOSELY RELATED TO (1) THROUGH (4); AND

6. ARE PAID ON A SALARY BASIS (NOT HOURLY) AND ARE PAID AT LEAST TWO HUNDRED FIFTY DOLLARS (\$250.00) PER WEEK EXCLUSIVE OF BOARD, LODGING, OR OTHER FACILITIES.

"EXEMPT EMPLOYEE" MEANS THOSE EXECUTIVE, ADMINISTRATIVE OR PROFESSIONAL EMPLOYEES LISTED IN SECTION 3.36.010(B) OR SPECIFICALLY DESIGNATED BY THE MAYOR PURSUANT TO SECTION 3.36.010(B).

"PROFESSIONAL EMPLOYEES" ARE DEFINED AS:

1. 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;

2. WORK REQUIRING THE CONSISTENT EXERCISE OF DISCRETION AND JUDGMENT;

3. PREDOMINANTLY INTELLECTUAL AND VARIED IN CHARACTER AND WHICH CANNOT BE STANDARDIZED IN RELATION TO A GIVEN PERIOD OF TIME;

4. MUST DEVOTE NOT MORE THAN TWENTY (20) PERCENT OF THEIR HOURS TO ACTIVITIES NOT ESSENTIAL, PART OF, OR NECESSARILY INCIDENTAL TO THE WORK; AND

5. ARE PAID ON A SALARY BASIS (NOT HOURLY) AND ARE PAID AT LEAST TWO HUNDRED FIFTY DOLLARS (\$250.00) PER WEEK EXCLUSIVE OF BOARD, LODGING OR OTHER FACILITIES.

3.36.020 RECRUITMENT OF EXEMPT EMPLOYEES.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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.

3.36.030 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.

3.36.040 CLASSIFICATION OF EXEMPT POSITIONS.

THE MAYOR SHALL CLASSIFY EXEMPT EMPLOYEES IN THE APPROPRIATE GRADES OF THE APPROVED SALARY STRUCTURE.

3.36.050 COMPENSATION OF EXEMPT EMPLOYEES.

A. CONSISTENT WITH APPROPRIATIONS AND WITHIN THE EXEMPT SALARY STRUCTURE APPLICABLE TO EACH POSITION, THE APPOINTING AUTHORITY SHOULD WITHIN SIXTY (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.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 ONE DAY OR LESS.

3.36.060 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.

3.36.070 SUPERVISION OF EXEMPT EMPLOYEES/PERFORMANCE APPRAISALS.

A. EXEMPT EMPLOYEES SHALL BE SUPERVISED BY THEIR RESPECTIVE APPOINTING AUTHORITIES.

B. THE APPOINTING AUTHORITY SHOULD, WITHIN SIXTY (60) CALENDAR DAYS OF THE EMPLOYEE'S ANNIVERSARY DATE OF EACH YEAR, FURNISH EACH EXEMPT EMPLOYEE UNDER HIS OR HER SUPERVISION A

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

PERFORMANCE APPRAISAL. EXEMPT EMPLOYEES SHALL BE ALLOWED TO PLACE THEIR OWN COMMENTS ON ANY PERFORMANCE APPRAISAL. PERFORMANCE APPRAISALS FOR EXEMPT EMPLOYEES SHALL BE MAINTAINED AS PART OF THE CITY'S PERMANENT PERSONNEL RECORDS.

3.36.080 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.

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;

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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 OR 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 SIXTY (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 NINETY (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.

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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.

3.40.020 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 OR 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

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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 OR 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 OR 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.

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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 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;

B. THE PERSON OR ENTITY REQUESTING INSPECTION/COPYING DISCLOSES THE LAWFUL PURPOSE OF THE REQUESTED INSPECTION/COPYING;

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

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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.

3.40.030 PROGRAM DEVELOPMENT.

A. EACH DEPARTMENT HEAD MAY DEVELOP AND CONDUCT SUCH PRACTICAL TRAINING PROGRAMS AS ARE SUITED TO THE SPECIAL REQUIREMENTS OF HIS OR 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 OR 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.

3.40.040 TRAVEL.

A. WHEN TRAVELING ON OFFICIAL CITY BUSINESS, REASONABLE ACTUAL EXPENSES OF CONDUCTING BUSINESS WILL BE REIMBURSED.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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.

3.40.050 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 OR HER EMPLOYMENT BY THE CITY. ANY OFFICER OR EMPLOYEE ENGAGING IN AN OCCUPATION OR OUTSIDE ACTIVITY FOR COMPENSATION SHALL, THROUGH THE HEAD OF HIS OR 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.

3.40.060 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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

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 OR 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 WILFULLY CONCEALS SUCH FINANCIAL INTEREST OR WILFULLY 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 OR HER TESTS, APPOINTMENT, PROPOSED APPOINTMENT, PROMOTION OR PROPOSED PROMOTION.

3.40.070 SERVICE AWARDS--POLICY.

IT IS THE POLICY OF THE CITY 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.

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TO THIS AIM THE MAYOR MAY PROVIDE FOR RECOGNITION OF LONG AND FAITHFUL MUNICIPAL SERVICE THROUGH THE PRESENTATION OF AWARDS TO EMPLOYEES.

3.40.080 EMPLOYEE ORGANIZATIONS.

A. PURPOSE. THE PURPOSE OF THIS SECTION 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 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.

B. RECOGNIZING EMPLOYEE ORGANIZATIONS.

1. 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,

2. 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.

3. THE COUNCIL MAY BY REGULATION ADOPT REASONABLE RULES FOR CONDUCT OF THE MEETINGS AND THE SUBMISSION OF PROPOSED

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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.

4. 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.

3.40.090 NONDISCRIMINATION/SEXUAL HARASSMENT POLICY.

A. POLICY. THE MAYOR SHALL BE RESPONSIBLE FOR DEVELOPING NONDISCRIMINATION AND SEXUAL HARASSMENT POLICIES AND PROCEDURES TO IMPLEMENT AND ADMINISTER THIS RULE.

B. NONDISCRIMINATION. EQUAL EMPLOYMENT OPPORTUNITY. IN ORDER TO PROVIDE EQUAL EMPLOYMENT AND ADVANCEMENT OPPORTUNITIES TO ALL INDIVIDUALS, EMPLOYMENT DECISIONS AT THE CITY WILL BE BASED ON MERIT, QUALIFICATIONS AND ABILITIES. THE CITY WILL NOT DISCRIMINATE IN EMPLOYMENT OPPORTUNITIES OR PRACTICES ON THE BASIS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, DISABILITY, OR ANY OTHER CHARACTERISTICS 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.

C. SEXUAL HARASSMENT POLICY.

1. 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.

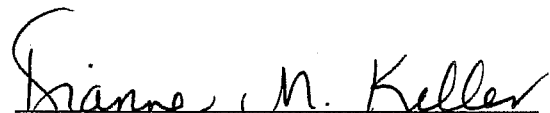
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2. SEXUAL HARASSMENT DOES NOT REFER TO CASUAL CONVERSATION OR COMPLIMENTS OF A SOCIALLY ACCEPTABLE NATURE. IT REFERS TO BEHAVIOR WHICH IS NOT WELCOME AND WHICH IS PERSONALLY OFFENSIVE, INTERFERING WITH EFFECTIVENESS OR CREATING A HOSTILE ENVIRONMENT ON THE JOB. SUCH CONDUCT, WHETHER COMMITTED BY SUPERVISORS OR NON-SUPERVISORY PERSONNEL, IS SPECIFICALLY PROHIBITED.

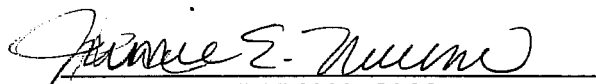
3. EMPLOYEES CAN RAISE CONCERNS AND MAKE REPORTS WITHOUT FEAR OF REPRISAL. ANYONE ENGAGING IN SEXUAL OR OTHER UNLAWFUL HARASSMENT WILL BE SUBJECT TO DISCIPLINARY ACTION, INCLUDING POSSIBLE TERMINATION OF EMPLOYMENT.]

* **Section 4. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on July 21, 2003.


DIANNE M. KELLER, Mayor

ATTEST:


JAMIE E. NEWMAN, CMC
Acting City Clerk

[SEAL]

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CITY OF WASILLA
290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092

TO: Wasilla City Council

THRU: Deputy Mayor Howard O'Neil
Ted Leonard, Human Resource Director

FROM: Jamie Newman, Deputy Clerk *JN*

DATE: June ~~23~~²³ ~~24~~²⁴, 2003

SUBJECT: Ordinance Serial No. 03-33 (SUB)

SUMMARY:

After further review of Ordinance Serial No. 03-33, by the attorney and human resource director, it is recommended that the Council move to amend Ordinance Serial No. 03-33 by substitution and to schedule it for public hearing on July 21, 2003.

If council concurs, please make the following motions:

MOTION: *To amend Ordinance Serial No. 03-33 by substitution.*

MOTION: *To cancel the June 26, 2003 Special City Council Meeting and to schedule Ordinance Serial No. 03-33(SUB) for public hearing on July 21, 2003.*

Ordinance Serial No. 03-33(SUB) incorporates the following amendments:

Proposed change to the second "WHEREAS" clause (p. 1):

WHEREAS, the Mayor has conducted an in depth review of Title 3 and has determined that it should be revised in several respects, including but not limited to clarifying language throughout the Title as well as implementing a paid time off system and an annual focal review evaluation process.

Proposed change to section 3.45.040.A.3 (p. 8):

3. These Rules shall not apply to election officials, City Council members, members of City Boards and Commissions, temporary employees, employees hired by the Mayor on a contractual basis, the City Attorney, interns, or volunteers [OR ANY

OTHER CITY EMPLOYEES OR OFFICIALS] unless expressly provided for in these Rules (for example, see subsection 3.45.040.A.1) or in the policies and procedures implementing the Rules (for example, see the City's anti-harassment policy and procedure).

Proposed change to section 3.55.040.B (p. 20):

B. When an employee's pay range is amended and his or her current pay falls below the minimum rate of pay in the pay range applicable to his or her position, the employee's pay shall be adjusted upwards to the minimum rate of pay for the pay range. When an employee's pay range is amended and his or her current pay is higher than the maximum rate of pay in the pay range applicable to his or her position, the employee's pay will be frozen at his or her current higher rate of pay. **When an employee's pay range is not amended and his or her pay is at the top of the range, the Mayor in his or her sole discretion, may provide the employee with a lump sum longevity payment, not to exceed three percent of his or her annual pay. Any such longevity payment shall not be considered a part of the employee's salary or become a part of the employee's base pay; rather, any such longevity payment is a one time payment only.**

Proposed change to section 3.55.080 (pp. 23-24):

A. An employee's advancement through the pay range for a particular position shall be determined in the annual focal review process in which each employee's performance is appraised and their rate of pay reviewed and adjusted in accordance with their performance, subject to availability of funds. **In the first year of the focal review process, the annual focal review process shall culminate on August 1 instead of July 1, and any adjustment to an employee's pay rate shall be retroactive to July 1.**

B. After the employee's performance is appraised, his or her pay rate shall be adjusted accordingly, subject to availability of funds. During the first year of transition to the focal review process, a pay increase already received by an employee on his or her anniversary date or upon successful completion of a probationary period before [JULY] **August** 1 shall be taken into account in determining his or her pay rate during the focal review process. The Department Head's recommendation for a pay

increase must be based on merit and the performance of an employee. Pay increases are not automatic and shall only be awarded to an employee whose performance merits an increase, if funds are available to fund the pay increase. The amount of a pay increase is discretionary. An employee who does not meet the minimum requirements for the job shall receive no pay increase. An employee who needs improvement or an employee who meets the requirements of his/her job may receive a pay increase, depending on where the employee's pay falls within the pay range at the time of evaluation and the employee's actual performance, as well as availability of funds. An employee whose performance exceeds requirements or an employee whose performance is exceptional shall receive a pay increase depending on where the employee's pay falls within the pay range at the time of evaluation and the employee's actual performance, if funds are available for the pay increase.

Proposed change to section 3.55.100.C (p. 25) (entire section rewritten):

C. Public Works Department "Stand By" and "Call Out" Pay on Saturdays, Sundays and holidays.

1. Public Works employees who are required to be on stand by on a weekend or holiday will receive two hours of overtime compensation at one and one-half times their normal hourly rate of pay for each day that they are on stand by, regardless of whether or not they are actually called out to work. If the public works employee is on stand by for only one of the weekend days, he or she shall receive two hours of overtime compensation at one and one-half times his or her normal hourly rate of pay. If the public works employee is on stand by for both weekend days, he or she shall receive four hours of overtime compensation at one and one-half times his or her normal hourly rate of pay. If the public works employee is on stand by on a holiday, he or she shall receive two hours of overtime compensation at one and one-half times his or her normal hourly rate of pay.

2. If a public works employee who is on stand by is actually called out to work while on stand by, he or she shall receive two hours of overtime compensation at one and one-half times his or her normal hourly rate of pay even if he or she is not actually called to work for the full two hours. Additionally, if the public works employee is called to work for more than two hours, he or she shall receive overtime at one and

one-half times their normal hourly rate of pay for any hour actually worked beyond two hours.

Proposed change to section 3.60.010 (p. 27):

Regular working hours of City employees shall consist of either five consecutive days of eight hours per day or four consecutive days of ten (10) hours per day. Regular working hours of all City employees must be approved in advance by the Mayor. With approval from the Mayor, a Department Head may assign an employee a different work week than provided herein in order to adequately staff his/her Department and serve the public. The standard work week shall consist of the period from midnight Sunday to the following midnight Sunday; **however, a Department Head may establish a different work week of seven consecutive twenty four (24) hour periods if necessary to adequately staff a particular department.** The standard work day shall consist of the period from midnight to midnight.


Proposed change to section 3.60.070.B (pp. 29-30):

B. Only employees who are eligible for overtime under the federal Fair Labor Standards Act ("FLSA") shall be paid overtime. However, overtime shall be paid for hours actually worked in a particular day beyond the number of hours actually worked in a regular shift as long as the regular shift is eight or more hours, or for hours actually worked in a week beyond forty (40) actual hours worked. In determining whether an employee has worked more than 40 actual hours in a week, the number of hours actually worked shall be determined without including hours that are worked in excess of the employee's regular shift of eight or more hours in a day because the employee has or will be separately awarded overtime compensation for those hours in accordance with this section. **Time on stand by or on call out that a public works employee does not actually work, or** paid time off, other leave, and holidays **for all employees does** not count towards the number of hours actually worked in a day or a week for purposes of computing overtime.

Proposed change to section 3.90.010.A (p. 50) (also original subsection A broken up into two subsections A and B and remaining subsections renumbered accordingly):

A. The Mayor shall, in cooperation with Department Heads and others, develop and adopt a system of appraising the performance of classified employees during the annual focal review process. Department Heads shall make every effort to complete performance appraisals sufficiently in advance of July 1 of each year so that any pay adjustments made as a result of the performance appraisal process can go into effect July 1, **except that during the first year of the focal review process, Department Heads shall make every effort to complete performance appraisals sufficiently in advance of August 1 and any pay adjustments made as a result of the performance appraisal process shall be retroactive to July 1.**

Memo

To: Wasilla City Council Members
From: Ted Leonard, CMA, Finance Director 
CC: Mayor Keller
Date: 6/23/2003
Re: Wasilla Personnel Code Revisions

This memo is intended to provide you with some background information and insight into why the Administration of the City of Wasilla is recommending revisions to Wasilla Personnel Code. (See attachments for specific questions and answers).

In keeping with the City's Personnel Philosophy, Administration believes that it is essential that we are fair to our employees, that we offer a competitive wage and benefits package in order to recruit and retain the highest quality employees we can, while at the same time being responsibly in managing personnel costs. We believe that these code revisions are a positive step in that direction.

Listed below are the major changes recommended to the Code:

- 1) Clarification of the language, through out the code (code is inconsistent in several sections);
- 2) Change the way the City computes Overtime (to over 40 hours actually worked or hours actually worked over shift in a day – By law the City only has to pay for overtime for hours actually worked over 40 hours in a week) and clarify who gets overtime under what circumstances (call out, holidays, etc.);
- 3) Implementation of focal review process for evaluation and pay adjustments;
- 4) Convert from a sick and annual leave system to a paid time off (PTO) system;
- 5) Provide for six month probation for all employees in all types of probationary period, except police officers, who have a one year probation (new code allows officers to use leave benefits after six months);
- 6) Rewrite "exempt employee" section of the code. Such employees are now confidential/managerial, serve at will etc. but can get Overtime pay if they are eligible for it under Federal Labor Standards Act (FLSA).

As stated in the first paragraph, it is essential to the City's financial health and to the City's ability to continue to provide the services that our citizens expect, that the City take an active role in managing our personnel costs. To help you with a frame of reference, I have listed a few facts on how much of a challenge it will be in the coming years to responsibly manage our personnel costs:

- Personnel costs, including benefits represent 35 percent of our total General Operating Fund budget. As with all organizations, these cost have risen significantly over the last 6 years.
- Personnel costs, including benefits, for Fiscal Year (FY) 1997 were \$2,112,627. Personnel costs, including benefits, are budgeted to be \$3,440,889 in FY 2003, a 63% increase from FY 97.

A major component of the increase in personnel costs are employee benefit costs. Total benefit costs per City employee ranged from 30% to 50% for the 2002 calendar year. This means that for every dollar of direct compensation we pay to an employee, we paid an additional 30 to 50 cents for benefits depending on the employee's choices and employment status. In addition, the City's costs for employee benefits have risen rapidly and are predicted to continue to rise into the foreseeable future. For example:

- The City's share of health insurance has risen by approximately 64 percent over what was paid in FY03 (it cost \$212,063 more to cover current employees in FY 03 than it did in FY 97). Our Insurance broker is estimating that this trend will continue.
- Also, Worker Compensation rates for FY 04 will be approximately 30 percent higher than FY 03 (estimated \$25,000 increase) and are likely to continue increase at this rate.
- Another significant cost will be the employer's contribution to the Public Employee Retirement System (PERS), over the next 3 years. The PERS Board is estimating for FY 2005 that our rate will rise by approximately 73%, in FY 06 another 43%, and in FY 07 another 31%. It is estimated that the FY 05 contribution rate increase will cost the City an additional \$159,793 more in retirement contributions for current employees.

As seen in the above paragraphs, personnel cost will be one of the main challenges facing the Council in the upcoming years. But I believe that if the City Administration, the City Council and the City Employees work together we can find creative ways to manage personnel costs while continuing to provide our employees with a competitive salary and benefit package. If you have any questions regarding the Personnel Code revisions or my memo, please feel free to call me at 373-9070.

Attachment To Personnel Code Revision Memo

Answers to Specific Questions and Concerns Regarding Personnel Code Revisions

1. Why is the City of Wasilla revising the Code? We've read in the Frontiersman, that the City of Wasilla's Financial Health is very good according to City Financial Director? (Quote in Frontiersman "Sales tax revenue is projected to increase by 5.1%")?

Answer:

In the Frontiersman article, the Finance Director was speaking about the economy of the City and that based on the projected economic strength of the Valley that Sales Tax Revenue will increase by approximately 5.1%. Since the article was talking about specifically sales tax revenue only, and not about other revenue of the City, it does not give a complete picture of the financial resources available to fund general operating expenses of the City.

The increase in the general sales tax (not including the dedicated sales tax to debt) will generate approximately \$347,798 more revenue in FY 04. In FY 04, the State is reducing the state revenue sharing by approximately 58% (\$112,562) and in FY 05 will phase out Revenue Sharing completely. Thus the first \$112,562 of increased sales tax revenue in FY 04 will need to go to offset reductions in state revenue sharing leaving approximately \$235,236 to fund increased costs of the City. Expected increase costs of current employees' salaries and benefits will be approximately \$150,000 (not including increases in leave benefit costs) for FY 04 which is 62% of the increased revenue leaving approximately only \$88,236 dollars to cover increases in other costs such as property and general liability insurance.

The City of Wasilla has been very fortunate to have a revenue stream such as the general sales tax revenue. Without this revenue source, the City would not have been able to provide the Citizens with the level of service it has while at the same time providing the employees that wage and benefit package that they currently have.

2. Why is the City of Wasilla adding a new Economic Development Department and a new Director if the City is facing increasing costs and revenue reductions?

Answer:

In the past, the City of Wasilla has concentrated on controlling expenses. In FY 04, the City is taking a more proactive role in managing the finances of the City by looking at the revenue enhancements. The administration believes that the investment in strengthening the economy of the City will enhance and increase the revenue that the City receives. Most of the costs of setting up this Department are offset by reductions in the Mayor's budget (over 75%). The Mayor has cut out the Deputy Director's position

and absorbed a lot of the duties of the Deputy Director and spread out the rest of the Deputy Director's duties among the remaining Directors.

3. There were several questions regarding Paid Time Off (PTO).

a. What is Paid Time Off (PTO) and how is it different than annual and sick leave?

Answer:

PTO is an alternative to annual leave (aka, vacation) and sick leave. It is actually one bank of leave that the employee can use for both vacation leave and sick leave. The employee is in control of when he/she uses the leave. The leave also has full cash value (i.e. when an employee terminates employment the employee will receive compensation for the number of hours in his bank at the rate of pay that the employee earned when he/she terminates employment). This type of leave bank gives the employee more flexibility than having a separate bank for annual leave and sick leave. Under the old system, an employee must only use accrued sick leave for an illness to the employee and immediate family and also sick leave could only be cashed out at 25% of the hours in the bank when the employee terminated.

b. Why does the City want to go to a PTO system?

Answer:

The City believes that the program will benefit both the City of Wasilla and the employees in the long run. This system gives the employees more flexibility in use of their leave and is also easier to administer for the City. Also, a PTO system has been shown to reduce abuses that can come with a traditional sick leave system. Sick leave was originally designed to be used only in the case of sickness and was never meant to have the same value as annual leave. Traditional sick leave systems are more highly prone to abuse. When an employee abuses the sick leave system, it can cost the City more than just the employee's wage. For essential employees, such as public safety personnel, it costs the City overtime payments for other employees to cover for the person who is absent.

c. Right now I am accruing 8 hours of Sick Leave and under the new PTO system I will only accrue 4 hours of PTO for those hours of Sick Leave, why are you taking a benefit away from me?

Answer:

There is a misconception that an hour of PTO should have the same worth as an hour of Sick Leave. In comparing an hour of PTO to an hour of Sick Leave, there are several important differences. An hour of PTO has a cash value of 100% while an hour of Sick Leave has a cash value of 25%. An hour of PTO may be used for any type leave whereas Sick Leave may be used only for illness of the employee or

immediate family. Based on these differences, the administration believes that a fair conversion rate for Sick Leave to PTO is 2 hours of Sick Leave to 1 hour of PTO. Whether or not going to this PTO system benefits the employee of course depends on how much sick leave an employee uses. If the employee consistently uses all of his or her sick leave accrued, this system will not be as beneficial to that employee as it is to an employee that does not use his or her sick leave on regular basis. The industry standard for Sick Time today is ½ hour per month = 6 days per year. Wasilla currently gives twice as much – 12 days per year. Wasilla is simply trying to bring its benefits in line with current standards in the industry. Over the long term, the City believes that a PTO system will be better for both the City and the employee.

d. What will happen to the Sick Leave that I have currently, will I loose it?

Answer:

No, based on the revision of the code, the number of hours that the employee has accrued before this system is changed will stay in a sick leave bank for the employee. The employee will have the option to cash in part or all the Sick Leave when the conversion is made based on the 25% cash value. Whatever amount of hours is left in the sick leave bank after the cash-in period will be used based on the rules that are currently in the code.

4. Doesn't the City of Wasilla have to follow State Overtime Law in calculating overtime and why does the City want to change the way overtime is calculated?

Answer:

Federal, state and municipal workers are exempt from the state overtime law. Municipal workers are governed by federal overtime law. Generally speaking, federal law requires that workers who are not exempt from federal overtime requirements be paid overtime for all hours actually worked over 40 hours in a week.

The City has been paying overtime to its workers under circumstances beyond what is required by federal law. The City counts not just hours actually worked, but hours scheduled to work when an employee is on leave, vacation, or a holiday, towards the number of hours required before overtime is paid. Additionally, the City pays overtime for hours worked beyond one's daily shift of eight or more hours, even though this is not required by federal law.

When reviewing the personnel code, the City's Personnel consultant and attorney suggested to the Administration that the City clarify how the City would calculate overtime. The revised section on calculating the overtime is much clearer on how to calculate overtime. Overtime will now be calculated based on hours actually worked and not on hours scheduled to be worked. However, the proposed code retains the generous policy of paying overtime for hours actually worked beyond a person's shift of eight hours or more in a given day, even though this is not required by federal law unless the total number of hours actually worked in a week exceeds forty hours. This is largely because the City views its competition for excellent workers as in part the

private sector, which is governed by Alaska overtime law (except for certain exceptions) and therefore, pays overtime to employees who work more than eight hours in a day as well as more than forty hours in a week.

There are other reasons why the City administration is recommending changing the way to calculate overtime. One reason is that overtime pay is a significant component of labor cost for the City of Wasilla. In analyzing CY 2002 compensation to permanent employees, total overtime wages paid to permanent employees was \$177,430. Overtime costs as a percentage of total direct compensation costs for the Public Safety and Public Works Divisions was approximately 10 percent for CY 2002. Another factor that must be factored into the financial picture is that the City of Wasilla will be increasing its permanent work force by between 15 to 20 percent over the next two years due to adding a Regional Dispatch center and the Multi-Use Sports Complex. As was stated in the first question, the City of Wasilla is looking at increases in payroll costs including benefits for the current employees for FY 05 of over \$320,000. The City of Wasilla has fiscal responsibility to its Citizens to look at different ways to manage increasing personnel costs.

Another reason is at the time that our original personnel code was revised in FY 1996 to include all paid time off into hours worked in calculating overtime, the amount of direct compensation to employees was lower than the market. Since the code was revised, the City has changed its philosophy on direct compensation and benefits to one from offsetting lower pay with better benefits to one of paying employees direct compensation and benefits at what the market dictates. The change in philosophy raised salaries for pay ranges significantly from 1996 to present. Administration doesn't believe the realigning of overtime calculation to what is prevalent in the market is an unfair to employees and will not unduly burden most employees.