

I. INTRODUCTION

- 1.1 PURPOSE. The purpose of these policies is to promote the following:
- a. To recruit and retain the best personnel available for the Municipal service;
 - b. To furnish sound training, supervision, and administrative direction;
 - c. To establish probationary periods for new regular employees and standards of work performance and conduct for all employees;
 - d. To promote opportunities in the Municipal service based on merit and fitness;
 - e. To provide a mechanism for Municipal employees to have their concerns and grievances heard and adjusted;
 - f. To create an exempt service not fully covered by these policies.

The Municipality's employment policies and procedures do not constitute a contract of employment with employees of the Municipality and are not contractual commitments by the Municipality to its employees. The Municipality retains the right to make changes, or to alter or amend its employment policies and procedures at any time.

1.2 APPLICABILITY. These policies apply to certain employees of the Municipality. They do not apply to Sitka Community Hospital and school district employees or employees covered by collective bargaining agreements except as specified in the collective bargaining agreements. Additionally, certain provisions included in these policies do not apply to all of the positions provided for in the Municipality's employment service. For example, many of the provisions do not apply to those positions in the Municipality's employment service, which are classified as exempt. Such provisions include, but are not limited to, the provisions related to just cause discipline and termination, grievance procedures, and the merit system. Employees appointed to exempt positions serve at will, and serve at the pleasure of the Administrator subject to the provision at Section 3.05 of the Charter that there shall be no arbitrary discharge of employees. Just cause is not required for any form of discipline, up to and including termination or other employment action, with respect to an employee serving in an exempt position. Additionally, not all provisions in this manual apply to temporary positions or to employees in probationary appointments, as explained further in other sections of these Personnel Policies.

The following positions are in the exempt service, with Department Heads (excluding Municipal Administrator and Municipal Attorney) indicated by an asterick (*):

Municipal Administrator	<u>Electric Generation Engineer</u>
Municipal Attorney	<u>T&D System Manager Engineer</u>
*Municipal Clerk	Municipal Engineer
*Information Systems Director	<u>Maintenance and</u>
*Assessor	<u>Operations Superintendent</u>
*Electric Utility Director	Environmental Superintendent
*Public Works Director	<u>Senior Engineer</u>
*Library Director	<u>Project Engineer</u>
*Centennial Hall Building Manager	Project Manager
*Police Chief	Building Official
*Fire Chief	Public Works Maintenance Superintendent
*Harbormaster	Parks and Recreation Manager
*Finance Director	Sawmill Cove Site Manager
*Planning Director	Government Relations Director
* <u>Director Search and Rescue</u>	Human Resources Director
Electric Generation System Manager	Police Lieutenant
Electric System Engineer	Assistant Fire Chief

Deputy Municipal Clerk
Deputy Finance Director
Senior Accountant
Budget Treasury Officer
Accountant

Grant Accountant
Information Systems Analyst
Planner I ~~Planning Assistant~~
Controller
Search and Rescue

Except for the Administrator and Municipal Attorney, employees in the exempt service serve at the pleasure of the Administrator and under such terms and conditions as the Assembly may from time to time specifically provide. With the exception of the Administrator and the Attorney, Department Heads ~~exempt service personnel~~ may be terminated by the Administrator with the approval of the Assembly at a meeting at which the terminated employee shall be given an opportunity to present his or her position on the proposed termination. Department Heads ~~Exempt service personnel~~ may be demoted or disciplined by the Administrator with the affected employee having a right of appeal to the Assembly. All other non-Department Head employees are subject to the grievance procedures under Section 20.2.

1.2.5 APPLICABILITY OF CERTAIN PROVISIONS TO VOLUNTEERS AND AUXILIARY PERSONNEL. Notwithstanding any other provision of law, the following provisions of the City and Borough of Sitka Personnel Policies Handbook apply to volunteers and auxiliary personnel who have acknowledged the receipt of this Handbook:

3.4	No Discrimination
5.1	Discipline, Demotion, and Termination of Employees Who Have Obtained a Regular Appointment
5.3	Progressive Discipline Procedure
5.4	Protection for Whistleblowers
18.1	Duty of the Employee to Report
18.3	Volunteer and Auxiliary Personnel
19.10	Travel Allowance
20.1	General Policy
20.2	Steps for Handling of Grievances and Disciplinary Appeals
20.3	Hearing Procedure
20.4	Decision of the Hearing Officer
20.5	Procedure for Suspension or Demotion
20.6	Termination Procedure
20.7	Hearing Officer Decision Final and Binding
20.8	ADA Violations
24.1	Influence of Intoxicants at the Workplace
24.2	Alcohol and Drug Screening Test
24.3	Alcohol and Drug Dependency
24.4	Nonprescription or Prescribed Legal Drug Usage
24.5	Reporting a Conviction
24.7	Sitka Fire Department Substance Abuse Policy
Attachment B	Safety Policy
Attachment C	City and Borough ADA Policy
Attachment D	Sexual Harassment and Anti-Harassment Policy
Attachment E	E-Policy
Attachment F	City and Borough of Sitka Drug Free Workplace Act Policy Statement
Attachment H	Employee Acknowledgment

1.3 REVIEW AND AMENDMENT. These policies shall be reviewed regularly. ~~Suggestions and recommendations for change may be made in any meeting held under the municipality's meet and confer ordinance.~~

1.4 RESERVED. DELETED

1.5 PERSONNEL RECORDS. Records of the work history of employees shall be maintained. Such records may include the employee's original application, report of medical examination, reports of the results of other employment, investigations and tests, annual reports of performance, reports of employee's progress and disciplinary actions, and such other records as may be significant in the employee's service to the Municipality. The Administrator shall prescribe such forms and records for departmental use as may be necessary.

1.6 REPORTS. The Administrator shall provide for preparation of reports regarding Municipal employees, or of actions affecting them, as the Assembly considers necessary or desirable.

1.7 DEFINITIONS. For purposes of the Personnel Policies Handbook, the following terms shall have the following meaning:

Budget Time: the period each year – generally between January and June – between the Administrator's proposal of an annual budget for the City and Borough and the Assembly's adoption of an annual budget.

Business Day(s): The business day(s) of the City and Borough's principal offices at 100 Lincoln Street, which is 8:00 a.m. to 5:00 p.m., excluding weekends and municipal holidays.

Call-out: the directive from a supervisor or dispatcher to an employee to appear at work.

Day: Day means calendar day composed of twenty-four (24) hours, beginning at 12:00 a.m. and ending at 11:59 p.m. on the same day, unless otherwise specified in the Personnel Policies Handbook provisions.

Demotion: means a change in job that results in reduced responsibilities and a reduction in pay and/or decrease in pay grade.

Department Head: the director, chief, master, or chief administrative officer of one of the following departments: Public Works, Finance, Electric, Law, Library, Ports and Harbor, Fire, Police, Centennial Hall Building ~~Harrison Hall~~, Information Systems, Assessing, Municipal Clerk, Planning, and Search and Rescue.

Discipline: a step taken in employment by a supervisor relating to a subordinate employee aimed at correcting an employee's job performance or conduct as well as training the employee as to acceptable job performance and conduct.

Employee Assistance Program: a group of services provided to help employees deal with personal problems affecting their job performance by offering early intervention and treatment. Services include:

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| • Crisis Management and Intervention | • Family Negotiation/Mediation |
| • Individual Counseling | • Seasonal Affective Disorder |
| • Evaluation and Referral | • Constructive Living |
| • Group Counseling | • Personal and Professional Boundaries |
| • Group Education | • Conflict Resolution |
| | • Eating Disorders |
| Topics may include: | • Time Management |
| | • Healthy Coping Skills |
| • Stress Management | • Support Systems |
| • Relaxation Techniques | • Community Resources |
| • Effective Communication | • Relationships |
| • Depression or Anxiety | • Health and Wellness |
| • Anger Management | • Other Topics as Identified |

Exempt Employee: a regular employee who serves at the pleasure of the Administrator and under such terms and conditions as the Assembly may from time to time provide; who may be terminated by the Administrator with the approval of the Assembly at a meeting at which the terminated employee shall be

given the opportunity to present his or her side; who may be demoted or disciplined by the Administrator with the affected employee having the right to an appeal to the Assembly; and who is not eligible for overtime pay or additional compensation for overtime.

Holiday: Each day listed as a holiday in the Personnel Policies Handbook consists of twenty-four (24) hour time period, beginning at 12:00 a.m. and ending 11:59 p.m. on the day of the holiday.

~~Hot sticking: the use of a device held in a hand or hands ("hot stick") to manipulate energized electrical lines that are energized at 7.2 kv or above.~~

Includes or Including: "Includes" or "including" shall be construed as though followed by the phrase, "but not limited to."

Pay Period: A repeating cycle of days or weeks for which the employer establishes the beginning and ending dates and times for counting hours worked for the purposes of calculating employee pay. City and Borough employees will be paid on a two-week cycle.

Probationary Employee: an employee who is serving a period of probation served at the beginning of employment in a position by each employee hired, rehired, transferred, or promoted.

Promotion: the transfer within a department of the City and Borough or between departments of the City and Borough that includes an increase in responsibilities as well as an increase in pay and/or raise in pay grade, but does not include a hiring process involving advertising, recruitment or outreach.

~~Qualified personnel of the fire department or police department: employee of the fire department or the police department who qualifies under the overtime compensation exemption in the federal fair labor standards act ("FLSA"), as explained in the federal FLSA regulations at 29 CFR 553.21 (a) and (b) or a successor regulation.~~

Reinstatement: the action of placing a former employee back into that position that person once held.

Regular Employee: an employee who is listed in the Staffing Table published in the annual budget and who is not a probationary, temporary, or contracted employee.

Regular Workweek: the hours and days during the calendar week at which an employee is expected to be working for the City and Borough.

Temporary Employee: an employee appointed to provide services on a temporary, interim, or seasonal basis.

~~Work Period: any established and regularly reoccurring period of work which cannot be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days. The beginning and the ending day of the work period may be changed provided the change is intended to be permanent and is not designed to evade the overtime compensation requirements of the Federal Fair Labor Standards Act ("FLSA").~~

~~Work Day(s) or Working Day(s): The day(s) (or date(s)) that an employee is scheduled to be at work within a work period.~~

~~Work Schedule: The days (or dates) and hours of those days (or dates) an employee is scheduled to be at work within a work period.~~

Year: Year means calendar year unless otherwise specified in the Personnel Policies Handbook provisions.

III. GENERAL RULES OF EMPLOYMENT

3.1 DEPARTMENT HEADS RESPONSIBILITY~~LEE~~. The Department Head is responsible for filling positions in the department, subject to approval of the Administrator.

3.2 MERIT. Appointments and promotions of municipal employees, other than exempt municipal employees, are made on the basis of merit.

3.3 APPOINTMENT. When a vacancy exists within the municipal work force, and unless the Department Head, with the consent of the Administrator, decides to promote a regular employee from within the affected department, or a vacancy or vacancies occur as a result of a department head-approved agreement between regular employees to exchange positions, the Administrator shall cause a notice of such vacancy to be advertised. The Municipality will make every effort to promote from within the existing work force. However, nothing in this section requires the Municipality to hire from within the existing work force.

A Department Head, with the written consent of the Administrator, may, during the hiring process for a vacancy in a department, establish an applicant hiring list from which a person may, at the discretion of the Department Head, be hired for a new vacancy without a new hiring process or notice of the vacancy within or outside the municipal work force. No such list shall be used by any department for more than six months.

3.4 NO DISCRIMINATION. The Municipality will consider all applicants for appointment to the Municipality's employment service, and will carry out the terms and conditions of employment, without regard to race, color, religion, sex, national origin, age, marital or veteran status, disability or other legally protected status.

3.5 TESTS. Before appointment, each applicant shall take such tests of his or her qualifications, as the Department Head may consider appropriate.

3.6 MINIMUM AGE. Minimum age for municipal employment shall be in accordance with State Law.

3.7 MOVING ALLOWANCE.

a. In hiring an exempt employee, the Administrator may approve a moving allowance of up to ~~\$15,000.00~~ \$2,500.00 and report such authorization to the Assembly. Any authorization in excess of ~~\$15,000.00~~ \$2,500.00 must be approved by the Assembly.

~~b. With the approval of the assembly, the administrator may offer a prospective department head up to a \$5,000.00 moving allowance.~~

~~b.c.~~ Should an employee voluntarily terminate employment during the first year of employment with the Municipality, the employee will be required to reimburse the full amount of any moving allowance paid. Should the employee voluntarily terminate during the second year of employment that employee will be required to reimburse one-half of any moving allowance received.

3.8 ADVERTISING VACANT POSITIONS. When vacancies occur in exempt positions, unless the Department Head, with the consent of the Administrator, or the Administrator decides to promote a regular employee from within the affected department, or the vacancy or vacancies occur as a result of a Department Head approved agreement between regular employees to exchange positions, the Administrator shall cause the vacancy to be advertised within the local area and throughout the State of Alaska.

3.9 RESERVED.

3.10 NEPOTISM. No persons may be employed in a position supervised by another family member. If an employee and their supervisor should marry, the Municipality shall elect which employee may continue with the department and which employee shall terminate or transfer, if other positions are available. Family members shall mean spouse, father, mother, brother, sister, child and the same relationship by in-law.

3.11 REQUIRED INTERVIEW FOR CURRENT EMPLOYEES. If the City and Borough advertises a notice of a vacancy involving a regular appointment within the municipal work force, any applicant for such appointment to fill such vacancy who is currently employed by the City and Borough shall receive an interview during the process for selecting the person appointed.

IV. TYPES OF APPOINTMENTS

4.1 REGULAR. Regular appointments are established where the position is considered to be a part of the regular complement needed for performing Municipal services and the employee has successfully completed his or her probationary period. Regular positions may be:

- a. Full-Time: Employees whose regular work schedule consists of eighty (80), eighty and one-half (80.5), eighty-four (84) or ninety-six (96) hours per pay period.
- b. Part-Time: Employees whose work is to be done during a portion of a workday, or workweek, and totals less than forty (40) hours a week on a regular basis.

4.2 TEMPORARY: A temporary appointment is an appointment to provide services on a temporary, interim, or seasonal basis. A temporary employee is an at-will employee who can be disciplined or discharged with or without cause, with or without notice, at any time, and whose employment can be terminated at the option of either the employee or the employer. Just cause is not required for any form of discipline or discharge of a temporary employee. Unless otherwise provided by state or federal law, temporary employees shall not receive or accrue any benefits, including but not necessarily limited to, vacation time, annual leave, sick leave, health insurance, retirement, and paid holidays. If an employee is assigned a regular appointment immediately upon completing a temporary appointment, the employee shall be entitled to receive sick leave and annual leave accruals retroactive to the beginning of their temporary appointment, unless there has been a break in service between the temporary appointment and the regular appointment.

4.3 PROBATIONARY. Every full-time or part-time regular appointment in the Municipality's employment service shall be preceded by a probationary appointment in which the employee serves in a probationary status. A newly hired or rehired employee with a probationary appointment is an at-will employee who can be disciplined or discharged with or without cause, with or without notice, at any time, and whose employment can be terminated at the option of either the employee or the employer. Just cause is not required for any form of discipline or discharge of such an employee during a probationary period.

An employee promoted or transferred from a regular appointment to a different position shall also serve a probationary period in which the employee can be returned to their previous position, if vacant; or returned to another position, if available, and if the employee is qualified for the position; or terminated. If an employee is returned or transferred during a probationary period, that return or transfer shall not constitute a demotion.

The length of a probationary period shall be six months, unless otherwise provided in these policies, federal or state law, and/or unless the Department Head, with approval of the Administrator, extends the probationary period. Following successful completion of the probationary period, a probationary employee shall be eligible for a step increase if the Assembly approves step increases in the Fiscal Year budget. In addition, probationary employees are eligible for any annual pay increase provided for in the Municipal Pay Plan.

4.4 ~~Deleted. Probationary period for police officers. Notwithstanding Sec. 4.3, the probationary period for sworn members of the police department shall be twelve (12) months from the date of hire or twelve (12) months from the date of graduation from the training academy, whichever is later.~~

VI. PERSONNEL STAFFING AND COMPENSATION

6.1 AUTHORIZED POSITIONS

a. The Personnel Staffing Table, as published in the current Fiscal Year's Consolidated Operating Budget, shall constitute the authorized regular full time and part time positions of the Municipal Work Force. Temporary positions are not included in the Personnel Staffing Table and are established in accordance with Section 6.7.

b. The Finance Director shall be responsible for maintaining and updating the official copies of the Municipality's compensation plan which shall include a list of position titles from the Personnel Staffing Table, organized in order of the pay grades to which they are assigned. The official copies shall also include the pay schedule currently in use. Copies of the official compensation plan shall be available for inspection by the general public at the Finance Department, the Human Resources Department, and Kettleson Memorial Library under reasonable conditions during normal business hours.

6.2 GRADES AND JOB DESCRIPTIONS

a. Each regular position, other than temporary positions, will have an approved job description. It is the responsibility of Department Heads to prepare job descriptions; job descriptions will be approved by the Administrator.

b. Each position will be assigned a pay grade. The assignment of the grade will normally be as a result of the evaluation of the position's approved job description against standard grading criteria. Such evaluations may be independently performed by outside consultants; however, the Administrator may instead assign this responsibility to other individuals or committees of other individuals.

c. The Administrator shall approve the assignment of grades, recommended by the Finance Director or other individual(s), to all positions. The Administrator may unilaterally change any grades so recommended when it is deemed to be in the best interest of the Municipality.

6.3 FILLING VACANCIES

a. If any vacancies occur among the regular positions in the Personnel Staffing Table, Department Heads may take action, in conjunction with the Human Resources Director to advertise the vacancy and hire new employees. Such hiring actions will be at the authorized grade, and to perform the duties contained in the authorized job description, unless a change is authorized by the Administrator under the provisions of Section 6.4 below.

6.4 CHANGING AUTHORIZED POSITIONS, GRADES, AND JOB DESCRIPTIONS

a. If a Department Head seeks to change the job description and/or grade of an authorized position, the Department Head may do so upon approval of the Administrator.

(1) In the case of a job description change, the Department Head will prepare a new job description for evaluation and grading. The Department Head, Finance Director, and Human Resources Director will evaluate the job description in accordance with Paragraph 6.2 (b), and recommend a grade to the Administrator. The Administrator may accept the recommendation or unilaterally assign a different grade as outlined in Paragraph 6.2 (c).

(2) In the case of a grade change, the Department Head will prepare a memorandum to the Administrator stating why the current grade is inappropriate. The Department Head, Finance Director, and Human Resources Director will prepare a recommendation on the memorandum and forward it to the Administrator. The Administrator will then act on the recommendation in accordance with Paragraph 6.2 (c).

- b. Department Heads may seek to change the job description or grade of an authorized position at any time.
- c. If any action under this Section results in either a new grade being assigned to a position, or in a new job title being assigned to a position, the Human Resources Director will update the Personnel Staffing Table. The Administrator will inform the Assembly and the revised Personnel Staffing Table will be distributed to the Assembly.
- d. Employees may independently request that their job descriptions and/or grades be changed or upgraded. Employees seeking such a change will follow these steps:
 - (1) The employee will prepare a written request outlining why the changes should be made. The request will be forwarded to the employee's Department Head. Department Heads will make a recommendation on the request, forward it to the Administrator, and the request will be acted upon in accordance with the procedures outlined in Section 6.4.
 - (2) If the request involves the performance of duties not currently contained in the employee's job description and the Department Head recommends approval of the employee's request, the request must be accompanied by a revised job description containing the new duties.
 - (3) If the request involves the performance of duties not currently contained in the employee's job description and the Department Head does not recommend approval of the employee's request, the request will still be acted upon in accordance with the procedures outlined in Section 6.4.
 - (4) If the Administrator ultimately approves the changing of the authorized job description to contain the new duties per an employee's request, the Department Head will be required to prepare a new job description with the approved changes if one has not already been prepared. This job description will be evaluated and graded in accordance with the procedures outlined in Section 6.2.

6.5 PAY FOR NEW EMPLOYEES

a. Generally, a new employee shall be paid the minimum rate of pay currently established for the grade assigned to his or her position. Exceptions pertaining to starting pay may be granted upon the written prior approval of the ~~Finance Director~~, Administrator and Assembly if necessary as provided below:

i. **Starting Pay Below Grade.** The minimum rate of pay is based on the assumption that a new employee meets the minimum qualifications stated in the position job description. If it becomes necessary to appoint a new employee with lesser qualifications, and with approval of the ~~Department Head, Finance Director, and the Administrator~~, such employee may be started up to 10% below the minimum step of the grade to which the position is assigned. After six months, if approved by the ~~Department Head, Finance Director, and the Administrator~~, the employee shall be increased to the minimum step in the grade to which the position is assigned.

ii. **Starting Pay Above Grade.** If a potential employee meets or exceeds the minimum qualifications contained in the position job description but will not accept employment at the minimum step of the grade to which the position is assigned, the potential employee may be offered the following incentives as provided below:

- a. ~~Upon recommendation of the Department Head and with the~~

~~approval of the Finance Director, the potential employee may be offered starting pay equal to the second step in the pay grade to which the position is assigned;~~

- ~~ab.~~ Upon recommendation of the Department Head and with the approval of the Administrator, the potential employee may be offered starting pay equal to the third step in the pay grade to which the position is assigned.
- ~~bc.~~ Upon recommendation of the Administrator and with the approval of the Assembly, the potential employee may be offered starting pay above the third step of the pay grade to which the position is assigned.

6.6 ESTABLISHING NEW POSITIONS

a. The Administrator may, at any time, recommend the establishment of a new regular position to the Assembly. Normally, the Administrator will recommend changes to the Personnel Staffing Table as part of the annual budget cycle.

b. New positions may only be established upon approval of the Assembly. If a new position is approved, the Human Resources Department will update and distribute the Personnel Staffing Table.

c. If the establishment of a new regular position is approved by the Assembly, the Administrator will introduce a budget ordinance to appropriate funds to pay the wages and benefits of the new position, unless such approval is part of the annual budget cycle. In such cases, the increased costs will be contained in the new fiscal year's budget. The new position shall be established only if the Assembly appropriates the necessary funds in accordance with this subsection.

d. If a new position is approved by the Assembly, the position will have a job description prepared for it by the Department Head responsible for supervision. The position will then be evaluated and a grade recommended in accordance with Section 6.2.

6.7 TEMPORARY POSITIONS

a. A Department Head may recommend the hiring of an employee on a temporary basis at any time subject to the availability of budgeted funds. Such recommended hiring actions will contain a recommended hourly wage or salary and must be approved by the Administrator.

b. Unless otherwise provided by state or federal law, temporary employees are not eligible to receive Municipal employment benefits, as explained further in Section 4.2.

c. Violation of these rules by the City does not make, or otherwise authorize, the temporary employee to become a regular employee or grant employment benefits.

6.8 ABOVE-GRADE APPOINTMENTS FOR TRAINING.

With the employee's consent, an employee may be assigned to duties of a higher classification for purposes of training or demonstration of skill up to a period of six (6) months without change of pay grade. However, a Department Head or supervisor may also assign an employee to duties of a position in a higher pay grade for temporary periods to cover for an employee on vacation, sick leave, etc., as provided for in Section 6.10 below.

6.9 DIFFERENTIAL PAY

Shift differential may be paid to employees assigned to evening and night shifts. In no case will this differential be considered the permanent rate of pay. An employee who works for four or more hours beyond their regular shift, or is called in to work for four or more hours of an evening or night shift shall be paid shift differential pay. Evening Shift is 4 p.m. to midnight and shall be paid \$.50 per hour in addition to the regular wage. Night Shift is midnight to 8 a.m. and shall be paid \$1.00 per hour in addition to the regular wage. ~~Qualified Police Department employees working the night shift (7:00 p.m. to 7:00 a.m.) shall be paid \$1.00 per hour in addition to the regular wage.~~ Employees whose positions are exempt from the municipality's employment policies shall not be paid shift differential.

6.10 FILLING A POSITION TEMPORARILY

a. Upon approval of the Administrator and as directed by their Department Head, employees who fill a position higher in grade than that of their regular positions will be paid at an additional rate equal to half of the dollar difference between Step A of the higher grade and Step A of the employee's current grade, if the temporary assignment extends beyond two working days. Vacation, sick leave, overtime, holidays and other benefits will be calculated at the employee's regular, lower pay rate.

b. Temporary assignments must be made in writing and forwarded to the Administrator for the increased pay authorized by this Section to be effective. Such written authorizations may be made retroactively up to 30 days after the date the temporary assignment was performed.

6.11 PAY UPON PROMOTION, TRANSFER OR DEMOTION, REALLOCATIONS DOWNWARD, AND REINSTATEMENT

a. Promotions. When an employee is promoted to a position in a higher pay grade, the employee's pay shall be increased to the minimum step for the higher grade. In the case of overlapping pay grade ranges, the promoted employee shall be increased to the step immediately above the employee's current pay or to the step in the higher grade that is closest to 5% higher than any employee to be supervised by the promoted employee, whichever is lower. ~~If the employee refuses the promotion, the Finance Director may approve an additional step or the step closest to a 7.5% increase in the employee's current pay, whichever is lower, and if the employee still refuses the promotion, t~~ The Administrator may approve an second additional step or the step closest to a 10% increase in the employee's current pay, whichever is lower. Requests for promotional pay increases in excess of the Administrator's authority shall be submitted to the Assembly for review and appropriate action. With Administrator approval, the Department Head shall determine whether a promoted employee immediately receives the pay increase associated with the promotion or whether such an increase shall be delayed until the end of the period of probation for the position to which the employee has been promoted.

b. Transfers. There shall be no immediate change in the pay rate of an employee who is transferred from one position to another position in the same pay grade. If an employee is transferred to a position in a higher pay grade, such change shall be deemed a promotion and the employee shall be paid in accordance with section 6.11.a. Notwithstanding any other provision of law, the provision of the Personnel Policies in effect in December 2001 governing the filling of a position temporarily shall apply to each person who fills a position temporarily continuously before December 31, 2001 until that date that the person stops filling such position continuously. Employees who voluntarily apply for a lower classified or paid position will be subject to the pay scale of the lower paid position and may have their pay reduced.

c. Demotions. Except as provided below, when an employee is demoted to a position in a pay grade below that of the employee's current pay grade, the employee shall continue to be paid at the employee's current rate of pay, provided that such rate is within the approved pay grade for the position to which the employee has been demoted. If the demoted employee's rate is above the maximum step for the pay grade to which the employee has been demoted, then such employee shall be paid at the maximum step of the pay grade to which the employee has been demoted. If the employee has been demoted for disciplinary reasons, he or she shall be paid at Step A of the pay grade applying to

the position to which the employee has been demoted or any other step in that pay grade recommended by the Department Head and approved by the ~~Finance Director~~ and Administrator. Return to a job previously held or transfer to another job during a probationary period shall not constitute a demotion.

d. Reallocations Downward. When an employee's position is reallocated to a pay grade below the employee's current pay grade, the employee shall be permitted to continue at his or her current rate of pay except in the case of a reduction in force or other lay off due to a reduction in funds or work, but shall not be entitled to pay increases as provided elsewhere in the manual if the employee's present pay is higher than the maximum step to which his or her position has been reallocated downward.

e. Reinstatement. A reinstated employee shall be paid at a rate of pay that is within the approved pay grade for the position in which the employee is reinstated.

6.12 PAY INCREASES.

a. Any employee who has not received an unsatisfactory overall performance rating in the most recent evaluation of the employee shall be eligible to receive any annual pay increase provided for in the Municipal Pay Plan. Any employee who has received an unsatisfactory overall performance rating in the most recent evaluation of the employee shall be ineligible to receive any annual pay increase provided for in the Municipal Pay Plan.

b. In addition, pay increases may be made at any time to recognize outstanding performance of duty based on written recommendations of the Department Head or to correct wage inequities per the approval by the Administrator. The Administrator may also withhold a portion of the total amount of money appropriated by the Assembly during budget time to be used for merit increases; if any such money is withheld, the Administrator will determine the guidelines for its award and distribution.

6.13 BUDGETARY CONSTRAINTS. In adopting the budget the Assembly will determine the amount of money available for employee compensation. The provisions of this Section 6 shall be implemented subject to the monies made available in the budget.

6.14 ASSEMBLY AUTHORITY TO APPROVE BY MOTION PARTICULAR BENEFITS THAT MAY VARY FROM THOSE SET OUT IN THIS PERSONNEL POLICIES HANDBOOK

Notwithstanding any other provision of this Personnel Policies Handbook, the Assembly may approve by motion benefits for individual employees that vary from the benefits set out in this Personnel Policies Handbook. In the case of any employee other than the Administrator or the Attorney, the benefits that vary from those set out in this Personnel Policies Handbook that are to be approved by motion must be recommended by the Administrator.

VII. HOURS OF WORK, OVERTIME, PAYDAYS AND DEDUCTIONS ETC.

7.1 HOURS OF WORK

Except as otherwise provided in this title, the regular workweek shall consist of five (5) days at eight (8) hours per day, or upon approval of the Department Head, four (4) days at ten (10) hours per day, totaling forty (40) hours per week. ~~Qualified personnel of the fire department who are employed on a work period basis in accordance with the FLSA and applicable regulations shall work a regular work schedule based upon one hundred and six (106) hours for a set fourteen (14) day work period established by the department head.~~

7.2 OVERTIME

Overtime is an occasional necessity and must be worked if assigned. Department Heads are responsible for insuring that no abuse of overtime occurs. All overtime work must have the prior approval of the Department Head unless an emergency precludes such approval. The Department Head shall review and certify overtime approved for payment.

Except as provided below, employees shall be paid at one and one-half times their regular rate of pay for all hours worked in excess of forty (40) hours in one (1) regular workweek. All work performed on the seventh day (defined as any day during a regular workweek as designated by the Department Head which follows five (5) days work of at least eight (8) hours and one (1) day of at least four (4) hours work) shall be paid at double the straight time rate. ~~Qualified personnel of the fire department and police department shall be paid on a work period basis, in accordance with the FLSA and applicable regulations. Employees in the exempt service as defined in section 1.2 shall be ineligible for overtime or additional compensation for overtime.~~

7.3 HOLIDAY OVERTIME.

a. During Shift Hours. If work is performed on a holiday during regular shift hours (the employee is physically at work or working), the employee shall be paid time and one-half for the hours worked. All non-exempt employees will be paid their holiday hours on the actual holiday. Plus employees working on a holiday will receive the following hours added to their floating holiday totals for the year:

~~(1) eight (8) hours straight time pay for regular employees;~~

~~(2) nine point six (9.6) hours of straight time pay for qualified fire department personnel;
and~~

~~(3) eight point four (8.4) hours for qualified police department personnel.~~

b. Outside Shift Hours. If work is performed (the employee is physically at work or working), on a holiday outside the regular shift hours, double the straight time rate shall apply. (Example: An employee's regular shift is from 8:00 a.m. to 5:00 p.m. On a holiday he or she is called to work from 6:00 a.m. to 8:00 a.m. The employee would be paid double time for these hours as well as receive eight (8) hours of holiday pay.)

c. Employees whose positions are classified as exempt are not eligible for holiday overtime.

7.4 CALL-OUT TIME.

Employees who are called out to work outside of their regular work shift shall receive a minimum of two hours of "call-out pay" calculated at one and one half times the employee's regular rate of pay.

Employees whose positions are classified as exempt under the Municipality's employment service are not eligible for call-out pay.

If an employee is required to be on unscheduled duty for more than four consecutive hours and for every four consecutive hours of continuous duty thereafter, the department will furnish them with a meal and a half-hour at the overtime rate to eat or the employee may be compensated for meals at the City and Borough per diem rate and receive a half-hour at the overtime rate for each meal they did not stop to eat.

7.5 STANDBY PAY.

When a Department Head or an immediate supervisor instructs an employee to remain available for work in a "standby" status after regularly scheduled work hours, on scheduled days off, or on holidays, the employee shall receive ~~\$3.50~~ \$2.25 per hour for each hour that the Department Head or an immediate supervisor instructs the employee to stand by. Standby pay is only paid for actual hours in standby status. Standby pay shall not be paid for regular hours worked, overtime, or call-out. Employees whose positions are classified as exempt under the Municipality's employment service are not eligible for standby pay. Employees on standby status will be required to respond ready-to work within 30 minutes or the amount of time designated by their Department Head or supervisor as appropriate for the situation.

7.6 PAYDAYS.

Employees shall be paid every other week.

7.7 PAYROLL DEDUCTIONS.

Deductions required by law will be withheld from each employee's paycheck. Other deductions, such as health insurance premiums, may be withheld if requested by the employee and approved by the Finance Director. Deductions may also be made in accordance with 8 AAC 15.160.

7.8 DELETED. HOT TIME.

~~Compensation at a rate of 15% above straight time will be paid to members of the line crew whenever that line crew is hot-sticking electrical lines that are energized at 7.2 kv or above.~~

VIII. VACATIONS

8.1 FULL-TIME REGULAR EMPLOYEES. Full-time regular employees shall accrue and use vacation or annual leave at the following rates:

<u>Length of Continuous Service</u>	<u>Earned Monthly</u>	<u>Annual Total</u>	<u>Annual Mandatory Time Off</u>
0 through the 3rd year	8.67 hours	104 hours	40 hours
4th year through 7th year	12.67 hours	152 hours	80 hours
Start of the 8th year	16.67 hours	200 hours	120 hours

Vacation Rate for Returning Employees. For the purpose of accruing leave credit, reinstated regular full-time and part-time regular employees shall have their previous years of service credited minus each year the employee is not a full time or part-time regular employee with the City and Borough of Sitka.

8.2 PART-TIME REGULAR EMPLOYEES. Part-time regular employees shall accrue vacation on a ratio of the hours they work to a forty (40) hour week.

8.3 DELETED. Qualified personnel of the fire department and police department.

a. ~~In accordance with 29 CFR 553.21 (a) and (b) or a successor regulation, qualified personnel of the fire department who are employed on a work period basis shall accrue annual leave at the following rates:~~

<u>Length of continuous Service</u>	<u>Earned monthly</u>	<u>Annual total</u>	<u>Annual mandatory Time off</u>
0 through the 3rd year	10.4 hours	124.8 hours	48 hours
4th year through 7th year	15.2 hours	182.4 hours	96 hours
Start of the 8th year	20.0 hours	240.0 hours	144 hours

b. ~~Qualified personnel of the police department working a twelve (12) hour shift with an eighty-four (84) hour pay period schedule shall accrue annual leave at the following rates:~~

<u>Length of continuous service</u>	<u>Earned monthly</u>	<u>Annual total</u>	<u>Annual mandatory time off</u>
0 through the 3rd year	9.1 hours	109.2 hours	42 hours
4th year through 7th year	13.3 hours	159.6 hours	84 hours
Start of the 8th year	17.5 hours	210 hours	126 hours

8.4 RESERVED. DELETED

8.5 WHILE ON LEAVE-WITHOUT-PAY STATUS. Effective the fourth consecutive day of leave-without-pay status, vacation time will not accrue while an employee is on leave-without-pay. This provision does not affect family leave or medical leave taken pursuant to statute.

8.6 SATURDAYS, SUNDAYS, AND HOLIDAYS. While on vacation, Saturdays, Sundays, and holidays will not be considered as time taken on vacation, but only regular workdays will be counted as days taken on vacation.

8.7 PAY DURING VACATION. If payday falls during the vacation of an employee, he or she shall be entitled to receive at the beginning of the vacation the compensation due while on vacation.

8.8 DEPARTMENT HEAD TO AUTHORIZE. Vacation time shall be authorized by the Department Head and subject to approval of the Administrator.

8.9 AT EXPIRATION OF SICK LEAVE. Vacation time may be taken for the illness or off-duty injury of an employee upon expiration of accumulated sick leave.

8.10 TERMINATION. Accrued vacation leave will be paid to employees who voluntarily or involuntarily terminate after six (6) month's service, based on salary at date of termination.

8.11 MANDATORY TIME OFF. After the first year of service, employees shall take mandatory time off, and use their annual leave in the amounts set out in Sections 8.1 and 8.3. Employees who do not use their mandatory time off shall forfeit the remaining balance of the mandatory time off that they have not taken. No exceptions to these provisions shall be made except upon a showing of good cause and with prior approval of the Administrator.

8.12 ACCUMULATION LIMIT. Full-time regular employees may accumulate up to and including four hundred and eighty (480) hours of annual leave, inclusive of the current year's accrual as of June 30 of each year.

8.13 POSTING LEAVES. Employees may not use vacation time until the leave is earned.
~~Posted on a payroll check.~~

8.14 VACATION DURING THE FIRST SIX MONTHS OF EMPLOYMENT. Vacation time shall not accrue and may not be taken prior to six (6) months of continuous satisfactory service, but after six (6) months of employment, vacation time shall accrue retroactive to date of employment.

In appropriate circumstances, the Administrator may, in his or her sole discretion, grant a probationary employee credit for leave which would have accrued had the employee not been on probation and allow the employee to use that leave.

In the event the probationary employee granted leave with pay leaves employment with the City and Borough of Sitka prior to satisfactory completion of probation, the employee shall reimburse the Municipality for the leave taken. The reimbursement shall be deducted from the employee's final paycheck or other sources.

8.15 CONVERSION OF ANNUAL LEAVE VACATION TIME TO CASH. Each calendar year, an employee with more than one hundred and twenty (120) hours of accrued annual leave may receive payment for all or a part of annual leave in excess of one hundred and twenty (120) hours. The leave balance will be reduced accordingly. Such payment does not eliminate the mandatory use requirements defined in Section 8.11. There is a limit of two (2) such conversions per year. The Administrator has the authority to deny a request or approve exceptions.

IX. SICK LEAVE

9.1 FULL-TIME REGULAR EMPLOYEES. Full-time regular employees shall accrue sick leave on the basis of twelve (12) hours per month of continuous service up to seven hundred and twenty (720) hours. Employees may not use sick leave until the leave is earned ~~POSTED ON PAYROLL CHECK STUBS.~~

9.2 PART-TIME REGULAR EMPLOYEES. For part-time regular employees sick leave hours shall accrue and be eligible to be used based upon the ratio of the time worked compared to a full-time employee (FTE) in the current fiscal year budget.

9.3 ~~DELETED. QUALIFIED PERSONNEL IN THE FIRE DEPARTMENT.~~ Qualified personnel of the fire department who are employed on a work period basis shall accrue sick leave on the basis of fourteen point four (14.4) hours per month of continuous service up to a total of eight hundred and sixty-four (864) hours.

9.35 ~~DELETED. QUALIFIED PERSONNEL IN THE POLICE DEPARTMENT.~~ Qualified personnel in the police department who work a twelve (12) hour shift in an eighty four (84) hour pay period schedule shall accrue sick leave on the basis of twelve point six (12.6) hours per month of continuous service up to a total of seven hundred and fifty-six (756) hours.

9.4 DOCTOR'S CERTIFICATE. More than three (3) days sick leave used consecutively may require a doctor's certificate at the discretion of the employee's supervisor or Department Head.

9.5 NOTIFICATION TO SUPERVISOR. Any employee absent due to illness must notify their immediate supervisor prior to the normal time for reporting for duty. Any unauthorized absence is grounds for discipline up to and including termination.

9.6 WHILE ON LEAVE-WITHOUT-PAY STATUS. Effective the fourth day of leave without pay, Sick Leave will not accrue while an employee is on a leave-without-pay status.

9.7 UPON SEPARATION. A regular employee voluntarily terminating or retiring in good standing will be paid \$1.00 for every hour of sick leave accumulated as of their last day of employment. Good standing is determined by the last three years performance evaluations being satisfactory (rated "3" or higher). In a case where the employee has not been employed for a period of three years, the actual length of "satisfactory" employment will be used.

9.8 EMERGENCY LEAVE.

a. In case of a medical emergency, such as non-elective hospitalization or serious injury of the employee or a member of the employee's immediate family, or death in the employee's immediate family, the employee may use up to forty (40) hours ~~the following amount of accrued sick leave, without requiring approval of the Administrator:~~

~~(1) Up to forty (40) hours, except for qualified personnel of the Fire Department or Police Department;~~

~~(2) Up to forty-eight (48) hours for qualified personnel of the Fire Department;~~

~~(3) Up to forty-two (42) hours for qualified personnel of the Police Department.~~

b. For the purpose of this section, "immediate family" includes the employee's spouse, children, parents, parents-in-law, siblings, grandparents, grandchildren, or any person acting in one of these capacities.

c. Documentation setting out the facts constituting the emergency shall be provided to the Department Head simultaneously with the Time Sheet on which the leave is taken.

9.9 ABUSED SICK LEAVE. Any abuse of sick leave privileges shall subject the employee to discipline up to and including termination.

9.10 FAMILY AND MEDICAL LEAVE ACT POLICY.

A. The City and Borough shall grant family and medical leave consistent with applicable provisions in the Federal Family and Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA), effective the first day of the authorized leave. The following establishes guidelines for the use of family and medical leave as it relates to the Family Medical Leave act (FMLA) and the Alaska Family Leave Act (AFLA)

B. DETERMINING ELIGIBILITY

1. Employee must have worked for the municipality for at least 12 months. The 12 months need not be consecutive.
2. The employee must also have performed at least 1250 hours of work during the 12 months immediately preceding the beginning date of the leave.
3. Employee must work within the boundaries of the United States and its territories.

C. FAMILY LEAVE QUALIFICATIONS

1. An employee who is otherwise qualified for leave may take leave for the following family events:
 - A. Birth of a child and to care for the newborn child.
 - B. Placement of a child with the employee for adoption or foster care.
2. An employee must give the municipality 30 days' notice of the employee's intent to take family leave if the date of the birth or placement is foreseeable. If it is not possible to give 30 days' warning, the employee must give the municipality as much notice as possible.
3. The right to take leave for birth or placement expires 12 months after the birth or placement of the child.

D. MEDICAL LEAVE QUALIFICATIONS

1. An employee may be entitled to medical leave to care for a "serious health condition" of the following individuals:
 - A. Son or daughter (including biological, adopted, and foster children, as well as stepchildren, legal wards, and disabled adult children).
 - B. Spouse (husband or wife, including a common-law spouse).
 - C. Parent (or someone who has acted in the role of parent).
 - D. The employee himself, if the employee is unable to perform the functions of his or her job position.
2. Employee must provide documentation or a statement that a covered family relationship exists.
3. A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:
 - A. A period of incapacity or treatment involving inpatient care in a municipality, hospice, or residential medical care facility, and any later related treatment.
 - B. Continuing treatment or supervision by a health care provider. "continuing treatment" includes multiple treatments by a health care provider or health care service, as well as single treatments that result in a regimen of continuing treatment under the health care provider's supervision. The definition of "health care provider" includes doctors of medicine or osteopathy, physician assistants, dentists, clinical psychologists, optometrists, podiatrists, chiropractors, licensed nurse practitioners, nurse midwives,

~~clinical social workers, Christian Science practitioners, and any health care provider whose certification of a serious health condition will be accepted by us, the employer, or by municipality's health plan. Continuing treatment or supervision by a health care provider will be covered for:~~

- ~~i. A period of incapacity requiring more than three days' absence from work, school, or other regular activity, and later related treatment.~~
- ~~ii. Prenatal care.~~
- ~~iii. A period of incapacity or treatment for a chronic serious health condition (one that requires periodic treatments and that lasts an extended period of time, including episodic conditions such as asthma, diabetes, and epilepsy).~~
- ~~iv. A permanent or long-term health condition that is incurable.~~
- ~~v. Multiple treatments for restorative surgery after an injury or for a condition that failure to treat would result in more than three days of incapacity (such as cancer or kidney disease).~~

~~4. Periodic leave or a reduced work schedule will be available if necessary to accommodate the employee's personal medical condition or planned medical treatments for the employee or family members. However, a "serious health condition" must be involved, and the employee must try to schedule the leave so as not to disrupt the daily operations of the municipality.~~

~~5. An employee must give the municipality 30 days' notice of the employee's intention to take medical leave if doing so is possible. If it is not possible to give 30 days' notice, the employee must notify municipality as soon as practicable and the notice must provide enough information to know whether the leave should be designated as FMLA leave. The employee does not have to mention the FMLA in requesting leave. The leave of absence form must be completed by the supervisor and returned to human resources department prior to the leave.~~

~~6. The employee must provide documentation of the serious health condition that is the basis for the leave request. Within two days after receiving a leave request (or after the leave begins, if the leave was unforeseen), the municipality must notify the employee that documentation is required. The municipality must give the employee at least 15 days to provide the documentation. Employees must also be informed of the consequences of failing to provide adequate documentation (i.e., loss of FMLA protection). The documentation must be completed by a doctor or other health care provider.~~

~~7. The municipality will not request additional information from the employee's health care provider except for the purpose of clarification or for pregnancy and illnesses of long duration and then, only at reasonable time intervals and not more often than every 30 days, and only in connection with an absence.~~

~~8. The municipality reserves the right to require a second opinion at our expense and given by a health professional chosen by us. If the second opinion differs from the first, the employee and the municipality must agree on a health professional to issue a third opinion. The third opinion is final and binding on both parties. The municipality will be responsible for the cost of obtaining the second and third opinions within the context of determining FMLA related eligibility.~~

E. LEAVE AVAILABILITY

~~1. The AFLA provides up to 18 weeks of leave (whether paid or unpaid) per 24 month period or 12 weeks (whether paid or unpaid) per 12 month period for eligible employees with serious health conditions or valid medical or family reasons for leave. In addition, the AFLA provides for up to 18 weeks of leave (whether paid or unpaid) per 12 month period for eligible employees who have pregnancy related health conditions, have given birth, or have adopted a child.~~

~~2. Employees will be required to first use any accrued sick leave (only when FMLA leave is related to the illness of the employee himself) and/or paid leave before taking unpaid leave during the FMLA leave.~~

~~3. If the employee is receiving workers compensation or disability benefits while out on FMLA leave, other paid leave will not be substituted.~~

~~4. Substituting paid leave for unpaid leave does not extend the total leave available to the employee.~~

~~5. The employee must take leave in one unbroken time period unless it is required for medical treatment (such as therapy sessions or health care visits).~~

~~6. The municipality will reserve the right to temporarily transfer the employee to a position that more easily allows periodic absences or reduced hours. The alternate position will have pay and benefits equivalent to those of the employee's regular position. Only the time actually taken as leave may be counted toward the 18 weeks of leave available.~~

~~7. If both spouses work for the same employer, leave for both employees combined may be limited to 12 weeks per 12-month period. This leave limitation applies when the leave is taken due to the illness of a parent or because of the birth/adoption of a child. The law does not require the municipality to grant leave to both parents at the same time.~~

~~8. The employee will be required to report periodically while the employee is on leave as to whether the employee intends to return to work.~~

~~F. DESIGNATING FMLA LEAVE~~

~~1. The municipality is responsible for designating fmla leave. Once the employee qualifies for leave under the FMLA, we will notify the employee of the fmla designation within two business days. If leave is designated orally, the municipality will confirm this designation in writing by the employee's next regular payday.~~

~~2. The municipality will also notify the employee, within two days of any request, if the employee is not eligible for FMLA leave.~~

~~3. The municipality will reserve the right to designate any leave taken under the workers compensation system as FMLA leave if the employee is injured on the job and the injury qualifies as a serious health condition under the FMLA. The employee will also be told of the designation.~~

~~G. RESTORATION ON RETURN FROM LEAVE~~

~~1. An employee returning from leave will be restored to his or her old position or a position with equivalent pay, benefits, and working conditions. However, this will not apply if the employee is no longer capable of performing the essential functions of his or her former job. There is an exception to this rule for key employees listed as follows:~~

~~A. The municipality will reserve the right to refuse to allow a "highly compensated employee" to return to his or her old position if:~~

~~i. Denial is necessary to prevent substantial economic loss.~~

~~ii. The municipality notifies the employee as soon as the municipality determines which employees would cause serious economic losses (the notice will tell the employee the reason for denying job restoration and give the employee a reasonable amount of time to return to work).~~

~~2. If the employee is on leave and does not return to work after being informed that he or she is ineligible to return to a prior position, the employee is still entitled to health benefits until the leave expires or until the employee gives notice that he or she will not return.~~

~~3. Any unpaid FMLA leave may result in a change in the employees anniversary date as it relates to calculations for PERS benefits.~~

~~H. EMPLOYEE BENEFITS UNDER THE FMLA~~

~~1. Any benefits accrued by an employee before he or she takes FMLA leave must still be available to the employee on returning. Employee benefits (other than health insurance) and seniority generally do not have to continue accruing while the employee is on leave.~~

~~2. The employee will be entitled to any unconditional pay increases that becomes effective during the leave. The employee will not be disqualified for bonuses that are based on attendance or safety because of FMLA leave. Production bonuses will be withheld if employees on other types of leave are also excluded.~~

~~3. With respect to pension and retirement plans, FMLA leave will not be considered a "break in service" for vesting or eligibility purposes. If the plan requires employment on a specific date for vesting or eligibility (such as employment on the last day of the year), an employee on FMLA leave is considered employed on that date.~~

~~I. GROUP HEALTH INSURANCE~~

~~1. The municipality will continue making the same contribution to the employee's group health plan during a leave. If the plan or benefits change, the employee on leave is also covered by the change and must be notified of any new options that become available.~~

~~2. If the employee pays all or a portion of the premium on group health insurance, that obligation will continue while the employee is on leave. If the municipality pays the employee's group health insurance share of the premium, the employee will be required to reimburse the municipality except as provided in section 8.e.~~

~~3. Due to the provisions of the group health insurance plan, an employee may not choose to allow their group health insurance coverage to lapse during an FMLA leave.~~

~~4. If the employee fails to return to work, the municipality will attempt to recover from the employee any contribution made on behalf of the employee (the employee's share) to the group health plan.~~

~~5. In addition, if the employee fails to return to work for other than the following reasons, the municipality will attempt to recover from the employee the municipality's contribution to the group health plan:~~

~~A. The employee fails to return because of a medical condition that would qualify for leave or~~

~~B. The employee fails to return because of other circumstances beyond the employee's control.~~

~~6. The employee must submit documentation of a medical reason for not returning to work. The documentation must cover the same information as other medical leave documentation.~~

~~7. If the employee does not return to work, the employee's rights under COBRA will generally run from the last day of FMLA leave. This is true even if the employee's health insurance lapsed while the employee was on leave.~~

~~J. NOTICE TO EMPLOYEE~~

~~1. Within two days after an employee requests leave that comes under the FMLA, the municipality will give the employee a notice informing him or her of the consequences of taking leave and of the employee's obligations. The notice will state, as applicable to the employee's situation, the following:~~

~~A. Whether the leave will be counted as FMLA leave.~~

~~B. Whether the employee is required to furnish medical documentation.~~

~~C. Whether and how the municipality will substitute paid leave for FMLA leave.~~

~~D. Whether and how the employee is to make health insurance premium payments.~~

~~E. Whether the employee will be required to present a fitness-for-duty certificate on returning to work.~~

~~F. Whether the employee is a key employee and the consequences of that status.~~

~~2. The employee may have to reimburse the municipality for health insurance premiums if the employee does not return to work.~~

~~3. The municipality will be responsible for posting a notice of the law in a conspicuous location in the workplace, typically on the employee bulletin boards.~~

~~K. CALCULATIONS~~

~~AFLA provides up to 18 weeks of leave (any combination of paid or unpaid) per 24 month period for eligible employees with valid medical or family reasons for leave. The municipality will use the following method for calculating the 24 month period: A "rolling" 24 month period measured backward from the date the employee takes AFLA leave. This method will be applied uniformly to all employees.~~

B. L. START OF FAMILY LEAVE CALCULATION UNDER THE FMLA/AFLA.

An employee may use up to fourteen days per calendar year of their sick leave to care for a family member (as defined in Subsection 9.10. D) who is sick before the family leave calculation may begin under FMLA/AFLA. This family member need not have a "serious health condition" as defined in Subsection 9.10.D.

9.11 LEAVE BANK. When an employee has exhausted his or her accrued sick leave, annual leave, and floating holidays, the employee may apply for leave from the sick leave bank, which is subject to the following rules:

- a. Employees may voluntarily contribute annual leave into the sick leave bank.
- b. The bank may be used to aid employees who are experiencing a serious health condition, or an immediate family member is experiencing a serious health condition as defined by AS 23.10.550.;
- c. Eligibility and allocation of sick bank hours will be determined by the Finance Director with the approval of the Administrator;
- d. An individual employee may not use more than 2080 hours from the bank in a lifetime; and
- e. The amount of leave provided to an individual from the leave bank cannot exceed the amount that employee would be entitled to under the Family Medical Leave Act or the Alaska Family Leave Act.

9.12 CONVERSION OF SICK LEAVE. Each full time regular employee will have one-half of the difference between 80 hours and the actual hours of sick leave used in the previous calendar year converted from sick leave to annual leave on January 1 of each year. For new or terminating employees, conversion shall be worked out on full quarters of the year completed to the date of conversion.

Part time regular employees shall be able to convert sick leave to annual leave on a pro rata basis based upon the relationship between their employment hours and full time employment.

9.13 MATERNITY/PATERNITY LEAVE. For the birth of a child and in order to care for the child; the placement of a child with an employee for adoption or foster care, employees may use sick leave towards family leave.

XI. LEAVE WITHOUT PAY

11.1 LEAVE WITHOUT PAY REQUESTS FOR THE EQUIVALENT OF TWO WORK WEEKS. Subject to the approval of an employee's Department Head and the Administrator, and based upon a written request by the employee of a compelling reason for the need to take leave without pay, an employee who has used all accrued annual leave may be granted leave without pay, not to exceed the total hours in two work weeks and eighty (80) hours in any calendar year, ~~as provided below:~~

- A. ~~Except for qualified personnel of the fire department or police department;~~
- B. ~~Ninety-six (96) hours for qualified personnel of the fire department; or~~
- C. ~~Eighty-four (84) hours for qualified personnel of the police department.~~

11.2 LEAVE WITHOUT PAY REQUESTS FOR THE EQUIVALENT OF MORE THAN TWO WORK WEEKS. Subject to the approval of an employee's Department Head and the Administrator, and under the following conditions, an employee who has used all accrued annual leave may be granted leave without pay exceeding the total of two work weeks in any calendar year as provided above in Section 11.2:

- a. City and Borough's Interest Not Unduly Affected. Such leave shall be considered only when it will not result in undue prejudice to the interest of the City and Borough beyond any benefits to be realized
- b. For Travel or Study. An application for leave without pay for travel or educational study calculated to equip an employee for more effective service to the City and Borough
- c. The Department Head will consider the eventual compensating benefits of such leave to the City and Borough in keeping the position vacant, or filling it temporarily, until the return of the employee.

11.3 HEALTH AND LIFE PREMIUMS. Effective the fourth day of leave without pay, employees using in excess of three days of voluntary leave without pay in a calendar month shall pay, by payroll deduction, the portion of the municipality's share of their health insurance and life insurance premiums attributable to all days without pay, unless otherwise required by State or Federal law. In addition, vacation and sick leave accruals shall be reduced accordingly.

XII. MILITARY LEAVE

12.1 LEAVE AND RETURN RIGHTS. Employees shall be entitled to military leave in accordance with State and Federal law. An employee on military leave shall have return rights to his or her position in accordance with 38 USC 4312- 4313.

XIV. HOLIDAYS

14.1 RECOGNIZED HOLIDAYS.

- Except for:
- a. A holiday shall consist of eight (8) hours off with pay for all regular employees.
- (1) ~~Qualified fire department personnel, for whom a holiday shall consist of nine point six (9.6) hours off with pay;~~
- (2) ~~Qualified police department personnel, for whom a holiday shall consist of eight point four (8.4) hours off with pay; and~~
- (3) ~~Part-time regular employees, for whom holiday hours will be accrued and used based upon the ratio of time worked compared to a full-time employee (FTE), as listed in the current fiscal year's budget book.~~
- b. An regular employee who works on a holiday ~~shall will~~ receive eight (8) hours straight-time hours added to the employee's floating holiday total for the year, ~~except for:~~
- (1) ~~Qualified fire department personnel, for whom nine point six (9.6) hours will be added to the employee's floating holiday total for the year; and~~
- (2) ~~Qualified police department personnel, for whom eight point four (8.4) hours will be added to the employee's floating holiday total for the year; and~~
- (3) ~~Part-time regular employees, for whom holiday hours will be added to the employee's floating holiday total for the year, based upon the ratio of time worked compared to a full-time employee (FTE), as listed in the current fiscal year's budget book.~~
- c. Each holiday listed in Section 14.1 (d) below is based on a twenty four (24) hour day (12:00 a.m. to 11:59 p.m.). Shifts that begin before or end after this twenty four (24) hour day will be paid at the overtime rate for only the time worked during the twenty-four (24) hour holiday time period.
- d. The following days shall be recognized as holidays with pay for all regular employees who are in pay status for the entire workday before and following such days:

NEW YEAR'S DAY
JANUARY 1

PRESIDENT'S DAY
THIRD MONDAY IN FEBRUARY

MEMORIAL DAY
LAST MONDAY IN MAY

FOURTH OF JULY
JULY 4

LABOR DAY
FIRST MONDAY IN SEPTEMBER

ALASKA DAY
OCTOBER 18

VETERANS' DAY
NOVEMBER 11

(May be taken the day after Thanksgiving with supervisor's approval.)

THANKSGIVING DAY
FOURTH THURSDAY IN NOVEMBER

CHRISTMAS DAY

e. FLOATING HOLIDAYS: Subject to prior approval by supervisor, (any day of employee's choice after one year's service) may be used as a floating holiday. Floating holidays must be taken in the fiscal year accrued or be forfeited. Floating holidays will be accrued July 1 or the employee's first anniversary, whichever is later. All regular employees shall accrue twenty (20) hours floating holiday leave, with a floating holiday consisting of eight (8) hours leave with pay, except for:

- ~~I. Qualified fire department personnel, who accrue twenty-four (24) hours floating holiday leave, with a floating holiday consisting of nine point six (9.6) hours of leave off with pay;~~
- ~~II. Qualified police department personnel, who accrue twenty-one (21) hours floating holiday leave, with a floating holiday consisting of eight point four (8.4) hours off with pay; and~~
- III. part-time regular employees, who accrue and use floating holiday leave based upon the ratio of time worked compared to a full-time employee (FTE), as listed in the current fiscal year's budget book.

14.2 HOLIDAYS FALLING ON SATURDAY OR SUNDAY. When a holiday falls on Sunday, the following Monday will be observed as the holiday. When a holiday falls on Saturday, the preceding Friday will be observed as the holiday. For shift employees, the first day off in the calendar week will be considered as Saturday and the second day off, Sunday. Another day may be designated with the Department Head's approval.

14.3 HOLIDAYS FALLING DURING VACATIONS. If a holiday falls within a vacation period, it is not counted as part of the vacation allowance.

XIX. PER DIEM AND TRAVEL ALLOWANCES

19.1 PER DIEM ALLOWANCES BASE.

While traveling on official business and away from home or designated posts of duty, an employee will be reimbursed for the actual cost of lodging which is reasonable and necessary, for which receipts must be submitted for attachment to the travel request; and will receive a per diem rate of ~~\$61.00~~~~42.00~~ for meals and incidentals, distributed as follows:

Midnight to 10:00am	Breakfast	\$10.00 9.00
10:00am to 3:00PM	Lunch	\$19.00 11.00
3:00PM to Midnight	Dinner	\$32.00 22.00
Total		\$61.0042.00

To be eligible, an employee must be in travel status during a meal allowance period for three consecutive hours. Receipts are not required for meals. The first day and last day of travel will be prorated as shown above. Same-day travel will be prorated if travel is more than 10 hours.

19.2 TRANSPORTATION EXPENSES. Rental car expenses, cab fare, parking fees, etc., will be reimbursed on an actual cost incurred basis when use of a rental car is authorized in an employee's travel request. Reimbursement for rental car expenses will not exceed the lowest rate for an economy class rental unless approved by the Administrator. Authorization for the rental of a car must have prior approval and such approval will be granted only when it is monetarily in the best interest of the municipality. Receipts will be required for reimbursement under this section.

19.3 REGISTRATION FEES. Registration fees will be paid or reimbursed on an actual cost incurred basis when authorized in an employee's travel request.

19.4 TRAVEL ADVANCES. Prior to traveling on official business, an employee may request an advance of per diem, rental car expenses if authorized, and registration fees, if authorized.

19.5 REQUEST FOR TRAVEL ADVANCE. Travel advances should be requested at least two weeks prior to the date travel is to commence. The Administrator may grant exceptions to this requirement.

19.6 AMOUNT OF TRAVEL ADVANCE. Travel advances will not exceed the base daily per diem rate plus the maximum daily rental car rate, if authorized, and the cost of registration fees, if authorized. If an advance is given for rental car expenses, a receipt for the actual cost of the rental car must be filed with the Finance Department after the completion of travel and any extra money advanced and not spent must be returned to the Finance Department.

19.7 TRAVEL ADVANCES AND REIMBURSEMENT FOR ACTUAL COSTS INCURRED. If an employee requests a travel advance and also requests to be reimbursed for actual costs incurred, the employee must reimburse the Municipality for any daily per diem which was advanced and not spent.

19.8 TRAVEL REQUESTS. Prior to the payment of any travel advance or commencement of official travel, a travel request will be completed by the employee who is to travel and the request will be approved by the employee's Department Head and authorized by the Administrator. Travel requests must indicate the itinerary; mode of travel; lodging costs, if known; whether or not use of a rental car is authorized; and, amount and nature of authorized registration fees. Travel requests will also indicate if per diem is requested and whether or not reimbursement for actual costs is requested.

19.9 USE OF PRIVATE VEHICLES. No employee shall be ordered to use his or her personal vehicle for Municipal business. If a situation arises where a Municipal employee is requested to use his or her personal vehicle, arrangements for compensation of such use shall be as established in section 19.10 (b.)

19.10 TRAVEL ALLOWANCE. In addition to per diem reimbursement for travel, expenses shall be allowed at the following rate:

- a. By Common Carrier. The common carrier fare, or the cost of charter or other special hire, if essential, and other similar fares as necessary for the efficient performance of official duties. No reimbursement shall be allowed for more than the lowest tourist class fare for the most direct route unless:
 - (1) Tourist-class accommodations were not available.
 - (2) Waiting for tourist-class accommodations would cause harmful delay to the function of the Municipality.
 - (3) The Department Head finds that travel by tourist class is not in the best interests of the Municipality and authorizes other accommodations.
- b. By Private Vehicle. Mileage will be reimbursed at the approved IRS rate under IRS Revenue Procedure 2000-48 or any succeeding regulation. Reimbursement for actual costs of ferry fare, bridge, road and tunnel tolls, shall be granted. Where two (2) or more employees are traveling in the same direction, and it is possible to share a privately owned automobile or airplane, the mileage permitted shall be allowed for only one (1) vehicle.

19.11 ALLOWANCE FOR JOB-CONNECTED TRAINING. Where an employee attends a school, training session or other similar program of mutual benefit to the employee and Municipality, the employee shall agree to:

- a. Remain in Municipal service one (1) month for every day (including Saturdays and Sundays) that he or she is attending the school and for which the Municipality is paying his or her salary, travel costs, and per diem.
- b. Remain in Municipal service two (2) weeks for every day (including Saturdays and Sundays) that he or she is attending the school and for which the Municipality is paying either his or her salary, or travel costs and per diem costs.
- c. There shall be a two-year (2-year) maximum to the length of time that the employee must remain in service.
- d. Should the employee leave the service of the Municipality prior to the completion of computed service time, he or she shall reimburse the City and Borough for costs incurred in proportion to length of time remaining to be served.
- e. If the employee is involuntarily separated from the service of the Municipality before completion of computed service time, the remaining time to be served will be canceled. Nothing in this section shall guarantee an employee the right to employment for a specified period of time. This

section shall not affect an employee's status as an at-will employee if provided for elsewhere in the manual, and it shall not in any way limit the Municipality's ability to terminate an employee.

19.12 EXCEPTIONS TO POLICY. Exceptions to the policies contained in this Chapter XIX, may be granted by the Administrator on a case-by-case basis. Requests for additional per diem in special cases above the maximum stated amounts will be treated as an exception to policy. Requests for exceptions to policies will be directed in writing to the Administrator for approval. Additional per diem or reimbursement for unusual items will not be honored until an exception to policy has been approved. The Administrator will inform the Assembly on a monthly basis of any exceptions to this policy.

XXII. MISCELLANEOUS PROVISIONS

22.1 TRAINING. Each Department Head shall develop and conduct such practical training programs as are suited to the special requirements of his or her department. Training programs shall particularly emphasize accident prevention, employee safety and public relations.

22.2 ANNUAL PERFORMANCE EVALUATION. An employee's performance shall be reviewed annually on the anniversary of his or her hire date.

22.3 OTHER EMPLOYMENT. Occupations or outside activity, which are incompatible with employment by the Municipality or adversely affect the performance of Municipal duties are prohibited.

22.4 GIFTS AND GRATUITIES. An employee shall not accept a gift, gratuity, consideration or extraordinary favor from any person doing business, or likely to do business with the Municipality and shall immediately report to his or her Department Head any offer, promise or suggestion that such a gift be made. In the event an offer is made to a Department Head, he or she shall report same to the Administrator. This section does not apply to the giving of ceremonial gifts of nominal value, or gifts received from an employee's family or ordinary circle of friends when not offered for a corrupt purpose.

22.5 PHYSICAL EXAMINATION. Employees may be required to have a pre-employment physical examination by a certified physician unless prohibited by state or federal law. Any such examination will be paid for by the Municipality.

22.6 WAGE INFORMATION TO BE SUPPLIED. The Municipal Administrator or the Mayor shall provide the Alaska Municipal League (AML) ~~AND THE ALASKA RURAL ELECTRICAL COOPERATIVE ASSOCIATION (ARECA)~~ salary survey regarding wages paid Municipal employees for like work in other towns of Southeast Alaska to City and Borough of Sitka employees. These surveys will be available in the Human Resources, Finance and Municipal Clerk's Offices.

22.7 ~~DELETED: EMPLOYEE COMMITTEE~~

~~1) The employee committee is created as a n avenue for information between the employees, the administrator, and the assembly. Representatives of the employee committee shall be chosen by procedures established by employees, and the employee committee shall adopt bylaws that shall include a provision for selection of representatives to serve on the employee committee. The employee committee shall advise the administrator in writing of the representatives on the employee committee and any subsequent changes in representation.~~

~~2) The employee committee shall meet a minimum of one hour per month. The representatives described in subsection 1) above shall receive pay at their regular rate of pay for time spent attending the employee committee meetings to a maximum of six hours per month.~~

~~3) A meeting place shall be provided by the city and borough of sitka for all employee committee meetings. Meetings shall be open for all employees to attend.~~

~~4) A liaison from the city and borough administration shall work with the employee committee as needed.~~

~~5) The employee committee shall not exceed ten (10) members.~~

22.8 HALF-HOUR LUNCH. Subject to department approval, lunch hour may be cut to one-half hour, and employees observing a one-half hour lunch period will be allowed to go home at 4:30 p.m. The Administrator will be kept apprised of those departments taking a half-hour lunch period.

22.9. PERSONAL BUSINESS. An employee is expected to conduct personal business outside the employee's work hours. Personal calls during the employee's work hours are discouraged. Breaks, lunch hours and leave are available for an employee to use for personal business.

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