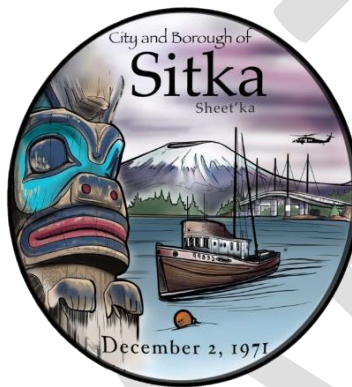


# PERSONNEL POLICIES HANDBOOK

## CITY AND BOROUGH OF SITKA, ALASKA



Effective \_\_\_\_\_

[Replaces the previous Personnel Policies Handbook last updated December 14, 2021]

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## SECTION 1 - INTRODUCTION

### 1.01 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.

### 1.02 NO CONTRACT OF EMPLOYMENT

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.

### 1.03 APPLICABILITY

These policies apply to all employees who work for the Municipality unless otherwise expressly stated. These policies do not apply to the Sitka School District employees.

- A. Department Heads Exceptions
  1. Employees appointed to exempt positions serve at-will and serve at the pleasure of the Municipal Administrator subject to the provision at Section 3.05 of the Charter that there shall be no arbitrary discharge of employees.
  2. Certain provisions do not apply to Department Heads at the Municipality including, but not limited to, discipline and termination, grievance procedures, and others where noted. 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 a Department Head position.
  3. The following job classes are considered Department Heads and at-will employees:
    - Assessor
    - Electric Utility Director
    - Finance Director
    - Fire Chief

- Harrigan Centennial Hall Manager
- Human Resources Director
- Information Technology Director
- Library Director
- Municipal Clerk
- Planning and Community Development Director
- Police Chief
- Port Director
- Public & Government Relations Director
- Public Works Director

**B. Employees Represented by Union Exception**

Employees who are represented by a union are covered by these policies unless the applicable collective bargaining agreement specifically addresses the subject matter or unless otherwise noted in these policies. In the event of a conflict between these policies and the collective bargaining agreement, the collective bargaining agreement controls.

**C.** Temporary employees are only covered by those policies which specify that the policy is applicable to temporary employees.

**D.** Probationary employees who are newly hired by the Municipality are covered by those policies which so specify that the policy is applicable to newly hired probationary employees.

**1.04 REVIEW AND AMENDMENT**

These policies shall be reviewed regularly.

**1.05 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 Municipal Administrator shall prescribe such forms and records for departmental use as may be necessary.

**1.06 REPORTS**

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



## SECTION 2 – DEFINITIONS

- A. **Anniversary Date:** An employee may have as many as two “anniversary dates” while employed with the Municipality which are defined within this section as initial hire date and current position hire date. Both dates will be the same if the employee has not changed positions and has had no break in service.
- B. **At-Will Employment:** An employment relationship where the employee or the employer may terminate the employment relationship at any time for any reason with or without notice except for an unlawful reason.
- C. **Annual or Year:** Calendar year unless otherwise specified in the Personnel Policies Handbook provisions.
- D. **Business Day(s):** The business day(s) of the Municipality’s principal offices at 100 Lincoln Street, which is 8:00 a.m. to 5:00 p.m., excluding weekends and Municipal holidays.
- E. **Call-out:** When an off-duty employee is called to report back to work by their supervisor or dispatcher. This usually happens due to unforeseen circumstances or emergencies.
- F. **Current Position Hire Date:** The date the employee was hired into their current position after a promotion, transfer, or other change in position based on consecutive service with the Municipality.
- G. **Dangerous weapons:** Firearms, explosives, knives, and other weapons that might be considered dangerous or that could cause harm.
- H. **Day:** A 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 this handbook.
- I. **Demotion:** A change in job which results in reduced responsibilities and a reduction in pay and/or decrease in pay grade.
- J. **Discipline:** An employment action taken by a supervisor for the purpose of improving a subordinate employee’s job performance or correcting a subordinate employee’s bad behavior or conduct.
- K. **Exempt Employee:** Employee who is not eligible for overtime pay.
- L. **Holiday:** Each day listed as a holiday in the Personnel Policies Handbook consists of a twenty- four (24) hour time period, beginning at 12:00 a.m. and ending 11:59 p.m. on the day of the holiday.
- M. **Initial Hire Date:** The date of hire based on consecutive service with the Municipality. This date is used for a variety of benefits or rights such as vacation accrual and retirement benefits.
- N. **Intoxicants:** A substance that temporarily diminishes a person's control over mental or physical powers, including alcohol, certain medications, marijuana, controlled substances under AS 11.71, and any hazardous volatile material or substance misused by inhaling its vapors.
- O. **Includes or Including:** Shall be construed as though followed by the phrase, “but not limited to.”
- P. **Municipal property:** All Municipally owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the company’s ownership or control. This policy applies to all Municipal-owned or leased vehicles and all vehicles that come onto Municipal property.
- Q. **Non-exempt Employee:** Employee who is eligible for overtime pay.
- R. **Pay Day:** Municipal employees are paid every other week by direct deposit.

- S. Probationary Employee: A regular employee who serves a period of probation at the beginning of their employment in a position by each employee hired, rehired, transferred, or promoted.
- T. Promotion: The transfer within or between departments of the Municipality that includes an increase in responsibilities as well as an increase in pay and/or pay grade, but does not include a hiring process involving advertising, recruitment or outreach.
- U. Reinstatement: The action of placing a former employee back into the position that person once held.
- V. Regular Employee: An employee who is listed in the Staffing Table published in the annual budget and who is not a temporary, seasonal, or contracted employee.
- W. Temporary Employee: An employee appointed to provide services on a temporary or seasonal basis not to exceed twelve (12) months.
- X. Transitional Work: Temporary and modified work assignment as a reasonable accommodation as required by law or light duty based on operational needs and the employee's physical abilities, knowledge, and skills.
- Y. Work Schedule: The hours and days during the calendar week at which an employee is expected to be working for the Municipality.
- Z. Work Week: The period established by the employer with beginning and ending dates and times for counting hours worked for the purposes of calculating employee pay and overtime.

## **SECTION 3 – HIRING**

### **3.01 DEPARTMENT HEAD HIRING RESPONSIBILITY**

The Department Head is responsible for the hiring and filling of vacant Municipal positions in their respective department, subject to approval of the Municipal Administrator. Such hiring actions will be at the approved grade and based on current job description unless a change is authorized by the Municipal Administrator under Section 6.04.

### **3.02 MERIT**

The Municipality will consider all applicants for appointment to the Municipality's employment service based on merit.

### **3.03 NO DISCRIMINATION**

The Municipality will consider all applicants for appointment without regard to race, color, religion, sex, national origin, age, marital or veteran status, disability, or other legally protected status under federal, state, or local law.

### **3.04 TESTS**

Before appointment, an applicant may be required to take some tests to determine qualifications, as the Department Head may consider appropriate.

### **3.05 MINIMUM AGE**

Minimum age for Municipal employment shall be in accordance with Alaska state law.

### **3.06 MOVING ALLOWANCE**

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

B. Should the 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.

### **3.07 ADVERTISING VACANT POSITIONS**

A. The Municipality reserves the right to seek applicants solely from outside sources and to post positions internally and externally simultaneously, unless otherwise stated in a collective bargaining agreement.

B. Notice of vacancies shall be advertised except in the following circumstances:

1. If a regular employee is promoted to the vacant position;
2. If regular employees exchange positions with each other as approved by the Department Head; or
3. If a regular employee is promoted to a Department Head position.

### **3.08 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.

### **3.09 REQUIRED INTERVIEW FOR CURRENT EMPLOYEE**

If the Municipality advertises a notice of a vacancy involving a regular appointment within the Municipal work force, an employee who is qualified for the vacancy and who has worked for the Municipality for at least six (6) months may apply and shall receive an interview during the process for selecting the person appointed.

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## SECTION 4 - TYPES OF POSITIONS

### 4.01 REGULAR POSITIONS

Regular positions may be either full-time or part-time as described below and will be reflected as such in the Personnel Staffing Table.

- A. Full-Time: Employees whose regular work schedule equals forty (40) hours per workweek.
- B. Part-Time: Employees whose regular work schedule equals less than forty (40) hours per workweek.
- C. When an employee is filling a regular position as an interim hire to temporarily fill a vacancy, the employee will be treated as either a full-time or part-time employee with full benefits unless otherwise agreed to by the employee or employer in writing. The interim appointment will be considered to be limited in time and designated as at-will for purposes. This means an employee with an interim appointment may be disciplined or discharged without cause, or without notice, at any time.

### 4.02 TEMPORARY OR SEASONAL POSITIONS

- A. A temporary position established for a limited designated period of time, or for seasonal workforce, needs not to exceed twelve (12) months. All temporary positions expire at the end of every calendar year. Seasonal positions expire at the end of their season. An employee in a temporary or seasonal position is considered to be an at-will employee who can be disciplined or discharged with or without cause, with or without notice, at any time. Unless otherwise provided by state or federal law, temporary and seasonal employees shall not receive or accrue any benefits, including but not limited to vacation time, sick leave, health insurance, retirement, and paid holidays.
- B. If an employee in a temporary or seasonal position is hired to fill a regular position immediately at the end of their temporary or seasonal appointment, the employee shall be entitled to receive sick and vacation leave accruals retroactive to the beginning of their temporary or seasonal appointment, so long as there is no break in service before the start of their regular appointment.

### 4.03 PROBATIONARY PERIOD

- A. Every full-time or part-time regular appointment in the Municipality's employment service shall serve a six (6) month probationary period, or longer, if provided for in these policies or required by law. A probationary period may be extended based on the recommendation of the Department Head, subject to the approval of the Municipal Administrator. If the employee is represented by a union, the probationary period may be extended upon agreement between the Municipality and the union unless otherwise provided in the collective bargaining agreement.
- B. A newly hired or rehired employee will serve a new probationary period and is considered an at-will employee who can be disciplined or discharged with or without cause, with or without notice, at any time.
- C. An employee promoted or transferred from a regular position in which the employee has satisfactorily completed a probationary period to a different regular position shall also serve a probationary period. If the employee fails to complete the probationary period in the new position, the employee may be returned to their previous regular position if it is still vacant. If the position is not vacant, the employee may be returned to another position, if available and so long as the employee is qualified, or terminated without prejudice for failure to complete the new probationary period. Reassignment to their prior position or a different position shall not be considered disciplinary action.

## SECTION 5 - DISCIPLINARY ACTIONS AND DISCHARGE; SEPARATION

### 5.01 DISCIPLINE AND DISCHARGE OF EMPLOYEE

A. Regular Employees. Employees not designated as a Department Head and who are not represented by a union, who have obtained a regular appointment may be disciplined or discharged for just cause so long as they have satisfactorily completed their probationary period. Such employees have right of appeal under Section 20 for demotion, suspension, or discharge actions proposed to be issued by a Department Head.

B. Department Heads. Department Heads listed in Section 1.03 (A) (3) serve at the pleasure of the Municipal Administrator. Department Heads may be terminated by the Municipal 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 may be demoted or disciplined by the Municipal Administrator with the affected employee having a right of appeal to the Assembly.

C. Municipal Administrator and Municipal Attorney. The Municipal Administrator and Municipal Attorney serve at the pleasure of the Assembly. This section does not apply to them with the exception of Section 5.04 which provides protections for whistleblowers in accord with state law.

### 5.02 MISCONDUCT

The following are examples of misconduct that would constitute just cause for discipline and discharge of an employee. The Municipality reserves the right to determine, in its sole discretion, the appropriate level of discipline to be given in the case of misconduct. This list is not all-inclusive. Examples of misconduct include, but are not limited to:

- A. Any conduct detrimental to the best interests of the Municipality;
- B. Unwillingness to perform duties;
- C. Tardiness or absenteeism;
- D. Neglect, failure, or inability to perform duties at an acceptable level of performance;
- E. Insubordination;
- F. Dishonesty, theft, or falsification of any reports, records, or documents; disclosure of confidential or private information;
- G. Verbal or physical assault, fighting or horseplay, or bullying;
- H. Sleeping on the job or taking unauthorized breaks;
- I. Possession or use of intoxicants or illegal drugs while on duty, or being under the influence of intoxicants or illegal drugs while on duty;
- J. Conviction of a felony or any criminal conviction involving moral turpitude or reflecting adversely on the Municipality or the employee's fitness for his or her position;
- K. Reckless or willful damage to or loss of Municipal vehicles, property, and equipment, including computers and other communication tools;
- L. Violation of departmental rules of conduct or safety regulations;

- M. Abuse of sick leave or any time off;
- N. Disrespectful conduct toward the public, or use of profane, abusive, or threatening language toward coworkers or the public;
- O. Workplace harassment and discrimination in violation of policy or the law; the uttering of slurs or innuendoes regarding any protected classification of employees which is offensive to any other employee or member of the public;
- P. Any violation of this Handbook or other policies or procedures promulgated in writing by the Municipal Administrator; and
- Q. Other similar misconduct by an employee.

### **5.03 PROGRESSIVE DISCIPLINE**

A. If, in the opinion of the employee's Department Head or Supervisor, disciplinary action is necessary, the Department Head or Supervisor may begin discipline at any of the steps listed below or skip one or more steps in progressive discipline depending on the seriousness of the offense committed, the employee's overall record of performance, and any other appropriate mitigating or aggravating factors.

- Oral Reprimand – documented with written note to personnel file
- Written Reprimand
- Suspension without Pay
- Demotion
- Discharge

B. No demotion, suspension without pay, or discharge can occur without both of the following:

1. Meeting with the employee to hear their side of the story
2. Approval of the Municipal Administrator

C. Applicability. Section 5.03 does not apply to employees who are designated at-will, contract, temporary, or probationary.

### **5.04 PROTECTION FOR WHISTLEBLOWERS**

A. The Municipality may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

1. The employee, or a person acting on behalf of the employee, reports to a public body or is about to report to a public body a matter of public concern;
2. The employee participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.

B. The Municipality may not disqualify an employee who reports a matter of public concern or participates in a proceeding connected with a matter of public concern before a public body or court, because of the report or participation, from eligibility to:

1. Receive land under a law of the state or an ordinance of the municipality; or
2. Receive another right, privilege, or benefit.

- C. The Municipality shall post notices and use other appropriate means to inform employees of the protections provided under this section.
- D. An employee is not entitled to the protections provided by this section unless he or she:
1. Reasonably believes that the information reported is or is about to become a matter of public concern; and
  2. Reports the information in good faith.
- E. An employee is entitled to the protections provided in this section only if the matter of public concern is not the result of:
1. Conduct by the employee seeking protection; or
  2. Conduct by the employee that was required by the Municipality.
- F. Procedures. Before an employee initiates a report on a matter of public concern under this section, the employee shall submit a written report concerning the matter to the Municipal Administrator. However, the employee is not required to submit a report if the employee:
1. Reasonably believes that reports to the Municipal Administrator will not result in prompt action to remedy the matter of public concern;
  2. Believes with reasonable certainty that the activity, policy, or practice is already known to one or more supervisors;
  3. Reasonably believes that an emergency is involved; or
  4. Reasonably fears reprisal or discrimination as a result of disclosure.
- G. For purposes of this section, "matter of public concern" means:
1. A violation of a state, federal, or municipal law, regulation, or ordinance;
  2. A danger to public health or safety;
  3. Gross mismanagement, a substantial waste of funds, or a clear abuse of authority; or
  4. A matter accepted for investigation by the office of the ombudsman under AS 24.55.100 or AS 24.55.320.

## **5.05 LAYOFFS/REDUCTION IN FORCE**

- A. When it is necessary to reduce the number of employees because of any lawful reason including, but not necessarily limited to, a lack of work or a lack of funds, the Department Head, in conjunction with the Municipal Administrator, will develop a plan for necessary layoffs and curtailment of services to be provided.
- B. When determining which employees shall be laid off, consideration shall be given to the following, including but not limited to, probationary, temporary and regular status of the existing employees, length of service of each of the employees affected, the qualifications and skills required to get the remaining work done, and the possibility of demoting or transferring employees.
- C. Any layoff decision shall be made by the Department Head subject to the approval of the Municipal



Administrator.

D. Laid off employees shall be given preference so long as the employee is qualified for the vacant position when new appointments are made to their former grades within two (2) years of their date of separation. Rehired employees shall be placed and perform work, without preferential treatment, as directed by Department Heads.

#### **5.06 RESIGNATIONS**

An employee shall give at least two (2) weeks' written notice to the Department Head of the employee's intent to resign unless waived by the employee's Department Head.

#### **5.07 SEVERANCE PAY**

When an employee with a regular appointment in good standing is laid off, the employee is entitled to severance pay of two (2) week's basic pay in addition to whatever wages are due. In addition, in the event of termination by death, the employee's heirs, assigns, or estate shall be entitled to this severance pay.

#### **5.08 FINAL PAY**

An employee who leaves municipal service shall receive final wages in accordance with AS 23.05.140(b).

## **SECTION 6 - PERSONNEL STAFFING AND COMPENSATION**

### **6.01 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 6.07.

B. Upon request, the Finance Director shall provide a copy of the Personnel Staffing Table to the general public.

### **6.02 JOB DESCRIPTIONS AND PAY GRADES**

A. The Municipality shall maintain job descriptions for each regular position.

B. It is the responsibility of Department Heads to prepare job descriptions which will be reviewed by Human Resources subject to the approval by the Municipal Administrator.

C. Each job description will be assigned a pay grade if it is a non-represented position. If the position is represented by a union, the pay grade or pay rate will be assigned based on the collective bargaining agreement.

### **6.03 FILLING VACANCIES**

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 Municipal Administrator under the provisions of Section 6.04 below.

### **6.04 CHANGING JOB DESCRIPTIONS AND PAY GRADES FOR AUTHORIZED POSITIONS**

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 Municipal Administrator in accordance with the following procedures:

A. 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 and recommend a grade to the Municipal Administrator. The Municipal Administrator will make the final decision.

B. In the case of a grade change, the Department Head will prepare a memorandum to the Municipal 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 Municipal Administrator. The Municipal Administrator will then act on the recommendation in accordance with Paragraph 6.02 (c).

C. 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 and forward it to the Municipal Administrator.

2. If the request involves the performance of duties not currently contained in the employee's job description the request must be accompanied by a revised job description containing the new duties. If the request involves a change to the currently assigned grade, the request must be accompanied by a written justification explaining why the adjustment is warranted.
  3. The Municipal Administrator, in consultation with Human Resources and Finance, shall evaluate the employee's request and the Department Head's recommendation giving weight to the Department Head's recommendation. The Municipal Administrator shall make the final decision and notify in writing the employee of the decision. Copies will be provided to the Department Head, Human Resources, and Finance.
- D. If any action under this section results in either a new grade being assigned to a position, or a new job title being assigned to a position, the Human Resources Director will update the Personnel Staffing Table.

### **6.05 PAY FOR NEW EMPLOYEES**

Starting pay shall be approved by the Municipal Administrator. All starting pay must be within the established grade assigned to the position in the pay matrix, a copy of which is available in Human Resources or on the Human Resources web page. Any starting pay not within the pay matrix for the established grade for the position shall only be authorized with Assembly approval.

### **6.06 ESTABLISHING NEW POSITIONS**

- A. The Municipal Administrator may, at any time, recommend the establishment of a new regular full-time or part-time position to the Assembly. Normally, the Municipal Administrator will recommend such 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, subject to the availability of funds.
- C. If a new position is approved by the Municipal Administrator, the position will have a job description prepared for it by the appropriate Department Head. The position will then be evaluated, and a grade recommended in accordance with Section 6.02.
- D. Upon approval of the grade, the Human Resources Department will update the Personnel Staffing Table.

### **6.07 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 Municipal 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 4.02.
- C. Violation of these rules by the Municipality does not make, or otherwise authorize, the temporary employee to become a regular employee or grant employment benefits.

### **6.08 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.

### **6.09 SHIFT DIFFERENTIAL PAY**

A. Shift differential may be paid to regular hourly employees assigned to evening and night shifts. In no case will this differential be considered the permanent rate of pay.

B. A regular employee who works for four (4) or more hours beyond their regular shift or is called in to work for four (4) or more hours of an evening or night shift shall be paid shift differential pay.

C. 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.

D. Temporary employees are not normally assigned shift work, however, in the event a temporary employee works a shift, shift differential pay may be granted by the Department Head subject to approval by the Municipal Administrator.

### **6.10 ACTING IN A HIGHER POSITION**

A. Employees who are assigned by their immediate supervisor to perform work of a higher classification for more than eight (8) hours and for a limited duration thereafter will be paid at Step A of the higher position or the appropriate step equal to at least 5% increase in pay above the employee's current rate of pay, whichever is greater.

B. Acting assignments must be made in writing and approved by the Department Head with notice to the Municipal Administrator for the increased pay authorized by this section to be effective.

### **6.11 EMPLOYEE CHANGE OF POSITION**

A. Promotions. The Municipal Administrator shall approve pay for all promotions.

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). 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 Municipal 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 STEP MOVEMENT ON PAY MATRIX**

A. The Pay Matrices in Attachment A apply only to the non-represented employees and will be adjusted based on the year-to-year change of the Urban Alaska CPI-U calculated from January 1 to December 31 of each year. If there is a negative CPI-U average, there will be no increase and no downward adjustment to the Pay Matrices. All Pay Matrix adjustments will take effect on July 1 for the full budget year.

B. Employees who have not received an unsatisfactory overall performance rating in their most recent evaluation will move one step every two years up to Step J. Once at Step J, the employee will only be eligible for any approved CPI-U increase in the Pay Matrix.

C. Outstanding Performance Pay. Individual pay increases for non-represented employees may be made at any time to recognize outstanding performance by an employee based on written recommendations of the Department Head upon the approval by the Municipal Administrator so long as the pay increase can be absorbed within a department's budget. For union-represented employees, any performance pay increase must be negotiated with and agreed to by the union.

## **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 APPROVAL REQUIRED TO VARY BENEFITS**

Except for the Municipal Administrator and Municipal Attorney, the Assembly may approve by motion benefits for individual employees not represented by a union different from those contained in this handbook based on a recommendation by the Municipal Administrator.

## **SECTION 7 - HOURS OF WORK, OVERTIME, AND PREMIUM PAYS**

### **7.01 HOURS OF WORK**

A. 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.

B. Work Schedules

1. Non-exempt (overtime eligible) employees will be assigned a work schedule and will be expected to report to work in a timely manner and leave work according to their assigned work schedule.
2. Exempt employees (not overtime eligible) will be expected to work a 40-hour work week but due to their exempt status will have flexibility in their working hours so long as such flexibility is approved by their immediate supervisor.

C. The Municipal Administrator may, for budgetary reasons, and as approved by the Assembly, change the daily hours of work and workweek for employees. This may include but is not limited to unpaid furlough days or a reduction in work hours.

### **7.02 OVERTIME PAY**

A. Only non-exempt employees are eligible for overtime pay. Overtime is an occasional necessity and must be worked if assigned. Department Heads are responsible for ensuring 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.

B. Except as provided below, employees designated as non-exempt 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. Time off with pay, although recorded on time sheets, does not count as hours worked for overtime purposes.

C. For the purpose of calculating overtime for non-exempt employees, the workweek begins at midnight (12:00 a.m.) Monday and ends at 11:59 p.m. on the following Sunday.

### **7.03 LUNCH PERIOD**

Lunch periods shall normally be one-hour midway during an employee's workday or shift. Subject to Department Head approval, lunch hour may be adjusted to provide flexibility to the employees so long as the operational needs of the department are met. Any such adjustment to the lunch period may result in the employee being able to leave work at an earlier time upon approval of the employee's immediate supervisor. The Municipal Administrator will be kept apprised of any such flexible lunch periods or work schedules.

### **7.04 HOLIDAY PREMIUM PAY**

If work is performed on a holiday (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.

## **7.05 CALL-OUT PREMIUM PAY**

Employees who are called out to work outside of their regular work shift shall receive a minimum of two (2) hours of “call-out pay” calculated at one and one-half times the employee’s regular rate of pay. If an employee is required to be on unscheduled duty for more than four (4) consecutive hours and for every four (4) 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.

## **7.06 STANDBY PREMIUM 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 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 on standby status will be required to respond ready to work within thirty (30) minutes or the amount of time designated by their Department Head or supervisor as appropriate for the situation.

## **7.07 REPORTING TIME WORKED AND PAYDAYS**

A. All employees are required to maintain and record actual time worked for payroll and benefit purposes.

1. Non-exempt employees must record their actual hours worked and time off as prescribed by management.
2. Exempt employees are expected to work and report a minimum of forty (40) hours of work a week unless the employee took leave during the workweek. Any such time off should also be reported as vacation or sick leave so that the total hours reported equal forty (40) hours.

B. It is the responsibility of all employees to certify the accuracy and record of all their own time worked. Any errors in the time record should be reported immediately to the employee’s supervisor and payroll.

C. Employees shall be paid every other week.

## **7.08 PAYROLL DEDUCTIONS**

Deductions required by law, and employee-elected optional benefits, will be withheld from each employee's paycheck. Deductions may also be made in accordance with 8 AAC 15.160.

## **7.09 EXEMPT EMPLOYEES INELIGIBLE FOR PREMIUM PAY**

Employees whose positions are classified as exempt are not eligible for overtime, holiday premium pay, call out pay, or standby pay.

## SECTION 8 – VACATION

### 8.01 ACCRUALS

A. Full-Time Regular Employees. Full-time regular employees shall accrue and use vacation time off at the following rates:

<u>Length of Continuous Service</u>	<u>Earned Bi-Weekly</u>	<u>Annual Total</u>	<u>Annual Mandatory Use</u>
0 – 3 <sup>rd</sup> Year	4.01	104	40 hours (See 8.07)
Start of 4 <sup>th</sup> Year – 7 <sup>th</sup> Year	5.85	152	80 hours
Start of 8 <sup>th</sup> Year	7.75	200	120 hours

B. Vacation Rate for Rehired Employees. For the purpose of accruing leave credit, rehired 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 Municipality.

C. 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.

### 8.02 ACCRUALS WHILE ON LEAVE WITHOUT PAY

Effective the fourth consecutive day of leave without pay status, vacation will not accrue.

### 8.03 SATURDAYS, SUNDAYS, AND HOLIDAYS

Saturdays, Sundays, and holidays will not be considered vacation time off while an employee is on vacation.

### 8.04 PAY DURING VACATION

If payday falls during a planned vacation of an employee, the employee shall be entitled to receive at the beginning of the vacation the compensation due while on vacation.

### 8.05 VACATION AUTHORIZATION AND USE

A. Using the Municipality's authorized leave request process, vacation time off shall be authorized by the employee's immediate supervisor in writing, unless that employee is a Department Head, then such approval shall be authorized in writing by the Municipal Administrator. Employees may not use vacation time off until the leave is earned.

B. Vacation time off may be used for any purpose. Upon expiration of accumulated sick leave, vacation time off may be taken for the illness or off-duty injury by an employee.

### 8.06 CASH OUT OF VACATION TIME

An employee that has satisfactorily completed their initial probationary period and became a regular employee will have their accrued vacation time cashed out upon separation from employment with the Municipality, provided the separation occurs at least six (6) months after initial hire date and is not due to discharge for cause. The payout will be based on the employee's salary at the time of termination.



## **8.07 MANDATORY TIME OFF**

- A. New employees are not required to take mandatory time off until after their first full year of service after their first anniversary date. New employees will not be subject to forfeiture until the end of the calendar year after their second anniversary date.
- B. After the first year of service as set forth in paragraph A, employees shall be required to take mandatory time off as set out in Sections 8.01. Employees who do not use their mandatory time off by June 30 of each year shall forfeit the remaining balance of the mandatory time off that they have not taken.
- C. No exceptions to these provisions shall be made except upon a written showing of good cause subject to the approval of the Municipal Administrator.

## **8.08 ACCUMULATION LIMIT**

No regular employee may accumulate more than four hundred and eighty (480) hours of vacation leave, inclusive of the current year's accrual as of June 30 of each year.

## **8.09 VACATION ACCRUAL AND TIME OFF DURING PROBATIONARY PERIOD**

- A. Vacation time accrues beginning on the first day a new employee reports to work.
- B. During the new hire's probationary period, the employee will normally not be granted time off for vacation purposes, unless otherwise agreed to and recommended by the employee's Department Head and approved by the Municipal Administrator. Such time off will normally be unpaid time off unless the employee has accrued enough vacation to cover the absence. Any time off regardless of whether it was paid or unpaid in excess of forty (40) hours will extend the employee's probationary period for an equal amount of time. If an employee leaves employment with the Municipality before the end of their probationary period, there is no accrual or cash out of vacation accrual.

## **8.10 CONVERSION OF VACATION ACCRUAL TO CASH**

- A. Each calendar year, an employee with more than one hundred and twenty (120) hours of accrued vacation leave may receive payment for all or a part of vacation accrual in excess of one hundred and twenty (120) hours. The employee's vacation time off accrual balance will be reduced accordingly.
- B. Such payment does not eliminate the mandatory use requirements defined in Section 8.07.
- C. There is a limit of two (2) such conversions per calendar year.
- D. The Municipal Administrator may authorize exceptions to the amount of leave cashed in or the number of conversions each year.

## SECTION 9 - SICK LEAVE

### 9.01 USE OF SICK LEAVE

- A. An employee may use accrued sick leave only for medical reasons including appointments, injury, and illness, unless otherwise agreed to in a collective bargaining agreement.
- B. The use of accrued sick leave for routine appointments, such as an annual checkup, must be requested and approved in advance. Supervisors may restrict scheduling of routine appointments based on operational needs and employees should make every effort to schedule routine medical appointments to minimize impact to operations.
- C. An employee may use accrued sick leave as a result of injury or illness regardless of whether operations permit. An employee absent due to injury or illness must notify their supervisor prior to the normal time for reporting for duty. Any unauthorized absence is grounds for discipline up to and including dismissal.
- D. An employee is expected to use accrued sick leave to take time off if sick, especially in the event of a contagious illness that may jeopardize the health of other employees or the general public. If an employee reports to work sick, the employee's supervisor has the right and responsibility to send that employee home. If the employee does not have enough accrued sick leave to cover the absence, the employee is required to use accrued vacation and floating holidays before using leave without pay.
- E. An employee may use accrued sick leave to accompany an "immediate family" member to a medical or dental appointment if the attendance of the employee is required, operations permit, and prior approval has been obtained from their supervisor.
- F. For the purposes of this section, except for 9.07, "immediate family" member includes the employee's spouse, children, parents, parents-in-law, siblings, grandparents, grandchildren, or any person acting in one of these capacities.

### 9.02 ACCRUALS

- A. Full-time Regular Employees. Full-time regular employees shall accrue sick leave on the basis of 5.54 hours bi-weekly of continuous service. The maximum accrual for sick leave is up to seven hundred and twenty (720) hours. Employees may not use sick leave until the leave is earned.
- B. Part-Time Regular Employees. Part-time regular employees shall accrue sick leave hours and be eligible to use sick leave based upon the ratio of the time worked compared to a full-time employee (FTE) in the current fiscal year budget.
- C. Sick leave will not accrue while an employee is on leave without pay effective on the fourth consecutive day of leave without pay.

### 9.03 DOCTOR'S CERTIFICATE

- A. 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.
- B. If an employee is absent more than ten (10) times during the calendar year, the employee may be required to bring in a doctor's certificate for each sick leave absence unless such absence is protected leave under federal or state law.

#### **9.04 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. 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.

#### **9.05 EMERGENCY OR BEREAVEMENT LEAVE**

A. In case of a medical emergency, such as non-elective hospitalization, 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 of accrued sick leave.

B. Documentation in the form of a leave slip setting out the facts constituting the emergency shall be provided to the Department Head simultaneously with filing the time sheet electronically prior to leave taken.

#### **9.06 ABUSE OF SICK LEAVE**

Any abuse of sick leave privileges shall subject the employee to discipline up to and including dismissal.

#### **9.07 FAMILY AND MEDICAL LEAVE (FMLA/AFLA)**

A. The Municipality shall comply with and grant family and medical leave consistent with applicable provisions in the federal and state law.

B. An employee who is on an approved family and medical leave with the Municipality may not become employed elsewhere unless recommended by the Department Head and approved in writing by the Municipal Administrator.

C. Abuse or fraudulent claims of family and medical leave is subject to immediate withdrawal of employer approved leave. The employee may be subject to discipline up to and including dismissal and be responsible for reimbursement to the Municipality for used sick leave or leave donations. Reimbursement shall be deducted from the employee's final paycheck or as agreed otherwise in writing between the Department Head and employee.

D. Eligibility for family and medical leave shall be based on a rolling calendar year.

E. When using family and medical leave, employees are required to use all accrued sick leave, vacation, and floating holidays prior to leave without pay.

#### **9.08 PARENTAL LEAVE**

For the birth of a child and in order to care for the child, or the placement of a child with an employee for adoption or foster care, eligible employees may apply for FMLA/AFLA leave to Human Resources.

#### **9.09 DONATION OF LEAVE**

A. When an employee has exhausted the employee's accrued sick leave, vacation leave, and floating holidays, the employee may apply in writing to Human Resources for donations of leave from co-workers.

B. Donations for sick leave purposes may be used to aid employees who are experiencing a serious health condition, or if the employee is caring for an immediate family member experiencing a serious health condition. "Serious health condition" is defined for purposes of this section to include an illness, injury, impairment, or physical or mental condition that involves;

1. Inpatient care in a hospital, hospice, residential health care facility, or
  2. Continuing treatment or continuing supervision by a health care provider
- C. Upon notice by payroll of an approved request for donated leave, employees may voluntarily contribute vacation accrual to a co-worker in need.
- D. Eligibility for sick leave donations will be determined by Human Resources, and the calculation of the value of the sick leave donations and the allocation of sick leave will be handled by payroll, as approved by the Finance Director.
- E. An individual employee may not use more than two thousand eighty (2,080) donated hours during their employment with the Municipality.
- F. The amount of leave provided to an individual cannot exceed the amount that employee would be entitled to under state or federal law.

## **9.10 CONVERSION OF SICK LEAVE**

- A. Full-time regular employees who have used no more than forty (40) hours of sick leave during a full calendar year will have forty (40) hours of sick leave converted to vacation time.
- B. Full-time regular employees who have used more than forty (40) hours of sick leave but no more than eighty (80) during a full calendar year will have the actual hours not used between forty (40) and eighty (80) hours of sick leave converted to vacation time.
- C. Regular employees that have been employed for less than a full calendar year will have this conversion prorated based on the number of full months of employment and their sick leave usage.
- D. Part-time regular employees shall be able to convert sick leave to vacation leave on a pro rata basis based upon the relationship between their employment hours and full-time employment.
- E. Nothing in this section should encourage or discourage employees from using their sick leave when sick.

## SECTION 10 - LEAVE WITHOUT PAY

### 10.01 REQUESTS FOR TWO WORKWEEKS OR LESS

Upon submission of a written request to their Department Head, an employee who has exhausted all accrued vacation leave may be granted leave without pay of up to two workweeks every calendar year or eighty (80) hours.

### 10.02 REQUESTS FOR MORE THAN TWO WORKWEEKS

Upon submission of a written request to their Department Head, an employee who has exhausted all accrued vacation leave may be granted leave without pay of more than two workweeks (as described in 10.01). Such extended leave without pay may be granted based on the following conditions and is subject to approval by the Municipal Administrator:

- A. Municipality'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. If Extended. In the event a leave without pay is granted in excess of two workweeks, the Department Head will recommend to the Municipal Administrator the benefits or not of keeping the position vacant, or filling it temporarily, until the return of the employee.

### 10.03 HEALTH AND LIFE PREMIUMS

An employee who has more than three (3) days of leave without pay during a calendar month shall pay, by payroll deduction, the portion of the Municipality's share of the health insurance and life insurance premiums for every day of leave without pay unless otherwise required by state or federal law.

### 10.04 LEAVE WITHOUT PAY UNDER FAMILY AND MEDICAL LEAVE ACT ("FMLA"), ALASKA FAMILY LEAVE ACT ("AFLA"), OR AMERICAN WITH DISABILITIES ACT ("ADA")

Nothing in this section should be construed to alter or modify any leave without pay requirements that may exist or be permitted under the FMLA/AFLA or the Americans with Disabilities Act or any other federal or state law permitting and protecting leave.

## **SECTION 11 - OTHER AUTHORIZED TIME OFF**

### **11.01 MILITARY LEAVE**

Employees shall be entitled to military leave in accordance with federal and state law.

### **11.02 COURT LEAVE**

A. An employee who is called to serve as a juror or is subpoenaed as a witness in connection with their employment with the Municipality shall be entitled to court leave. Such requests for court leave shall be supported by written documents such as a juror's notice, subpoena, or marshal's statement of attendance.

B. The employee shall turn over to the Municipality all monies received from the court as compensation for service, and in turn shall be paid for all time on court leave at the non-exempt employee's current hourly rate for all hours spent on court leave or the exempt employee's salary, whichever is applicable.

## SECTION 12 – HOLIDAYS

### 12.01 RECOGNIZED HOLIDAYS

A. 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  |
| • MARTIN LUTHER KING, JR. DAY | THIRD MONDAY IN JANUARY  |
| • PRESIDENTS' 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<br>(May be taken instead on the day after Thanksgiving with supervisor's approval) |
| • THANKSGIVING DAY            | FOURTH THURSDAY IN NOVEMBER  |
| • CHRISTMAS DAY               | DECEMBER 25  |

B. A holiday shall consist of eight (8) hours of pay for all full-time regular employees. Part-time regular employees shall be entitled to paid time off on a designated holiday 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. Exempt employees who work on a designated holiday will be given time off in lieu of the holiday after consultation with their supervisor.

D. Each holiday listed in Section 12.01 (A) above 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 time and one-half rate for only the time worked during the twenty-four (24) hour holiday time period.

### 12.02 FLOATING HOLIDAYS

A. After one year of continuous service, and subject to prior approval by the supervisor, any day may be used as a floating holiday. Floating holidays must be taken in the fiscal year accrued or be forfeited.

B. Floating holidays will be accrued July 1 or the employee's first anniversary, whichever is later.

C. All full-time regular employees shall accrue twenty (20) hours floating holiday leave, with a floating holiday consisting of eight (8) hours leave with pay. All part-time regular employees shall 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.

### 12.03 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.

### 12.04 HOLIDAYS FALLING DURING VACATIONS

If a holiday falls within a vacation period, it is not counted against the vacation leave time off balance.

## **SECTION 13 - ANTI-HARRASMENT AND NON-DISCRIMINATION**

### **13.01 GENERAL**

This policy applies to all employees of the Municipality, including those represented by a union, Department Heads, Municipal Administrator, Municipal Attorney, and all members of the Assembly.

- A. The Municipality is committed to maintaining a work environment that is free of harassment and discrimination based on a person's sex, race, color, age, religion, disability, national origin, and any other protected group status as identified by federal, state, or local law.
- B. All employees should respect and be tolerant of the rights, opinions, and beliefs of others.
- C. Unlawful harassment or discrimination of any person because of a person's sex, race, color, age, religion, disability, ancestry, national origin or any other protected group status under federal, state, or local law is strictly prohibited.
- D. Harassment and discrimination that does not rise to the level of a violation of the law is considered a violation of this policy and is also prohibited if based on an employee's protected group status.

### **13.02 SEXUAL HARASSMENT**

- A. Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex. No one may threaten or imply that an employee's submission to or rejection of sexual advances will in any way influence any decision about that employee's employment, advancement, duties, compensation, or other terms and conditions of employment. No one may take any personnel action based on an employee's submission to or rejection of sexual advances.
- B. No one may subject another employee to any unwelcome conduct of a sexual nature. This includes unwelcome physical conduct, such as touching, blocking, staring, making sexual gestures, making or displaying sexual drawings or photographs, unwelcome verbal conduct, such as sexual propositions, slurs, insults, jokes, and other sexual comments.

### **13.03 OTHER HARASSMENT**

- A. Other prohibited harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as color, race, religion, national origin, age, physical or mental disability or other protected group status.
- B. The Municipality will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.
- C. Such harassment may include, for example, jokes about another person's protected status, kidding, slurs, innuendos, teasing or practical jokes directed at a person based on his or her protected status.

### **13.04 DISCRIMINATION**

Unlawful discrimination occurs when an employment decision is made based on an employee's protected group status as defined by federal, state or local law. Such employment decisions include, but are not limited to, hiring, promotion, discharge, layoff, and work assignments.



## **13.05 COMPLAINT PROCEDURES**

### **A. Reporting Violations and Making Complaints**

1. All employees are required to report violations or make a complaint of any harassment or discrimination that affects the employee directly or that the employee may witness.
2. Employees are not required to complain first to the person who is harassing you, although if the employee is comfortable doing so it is always encouraged.
3. If the harassing or discriminatory conduct persists or the employee is uncomfortable approaching the offending employee, the employee must complain directly to a supervisor, Human Resources, or the Municipal Administrator.

### **B. No Retaliation**

1. No reprisal, retaliation, or other adverse action will be taken against any employee for making in good faith a complaint or report of harassment or discrimination, or for assisting in the investigation of any such complaint or report.
2. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above.

### **C. Investigations of Complaints and Report**

1. The Municipality will promptly and thoroughly investigate any complaint or report of a harassment or discrimination if it involves a claim of protected group status. Other complaints or reporting of harassing or discriminatory conduct not based on a protected group status will be addressed through other available processes.
2. A thorough investigation can take several weeks in some cases and may be conducted by another Municipal employee or an outside third party.
3. To the fullest extent practicable and permitted by law, the Municipality will keep the complaints and the terms of their resolution confidential.
4. Employees who report or complain or who may be involved in an investigation may at any time ask the person you complained or reported to about the status of the investigation.

### **D. Penalties for Violations**

1. The Municipality will take prompt disciplinary and remedial action if its investigation shows a violation of this policy or the law to stop the harassing or discriminatory conduct.
2. Depending on findings and circumstances of each matter investigated, the disciplinary action may range from a warning to discharge.

## **13.06 ADDITIONAL INFORMATION**

Please contact the Human Resources Department with any concerns or questions regarding discrimination or harassment.

## SECTION 14 - ETHICS AND CONFLICT OF INTEREST

### 14.01 POLICY

- A. All employees are expected to adhere to the highest ethical standards and principles and avoid all actual or potential conflicts of interest during their employment with the Municipality.
- B. All employees are expected to fully comply with all federal, state, and local laws and regulations in the conduct of the Municipality's business.
- C. Each individual employee is a representative of the Municipality and, therefore, is individually responsible for their conduct while working for the City and Borough.

### 14.02 GIFTS

- A. The acceptance of personal gifts or other benefits by employees or the employee's immediate family members may give an appearance of impropriety and is, therefore, discouraged.
- B. No employee may solicit directly or indirectly any gratuity for personal use or their immediate family's benefit, regardless of value.
- C. No employee shall accept directly or indirectly any gratuity, regardless of value, that is offered based on an understanding that an official action or judgment of the employee would be influenced.
- D. An employee may accept unsolicited gratuities with an aggregate value up to \$50 in a calendar year, provided such offer and acceptance does not violate applicable state statutes. An employee must report in writing such gratuities to their immediate supervisor. It is the employee's responsibility to keep track of all gratuities received.
- E. Employees may participate in events (e.g., community events, open houses), regardless of value, to which they are invited in their official, representative capacity for the Municipality.

### 14.03 CONFLICTS OF INTEREST

- A. Employees are expected to conduct business in such a manner as to avoid all actual or potential conflicts of interest.
- B. An actual or potential conflict of interest occurs when your personal or a relative's interests, including your or a relative's business interests, might affect or appear to affect your judgment on behalf of the Municipality. A conflict of interest may also exist when an employee is in a position to influence a decision that may result in personal or monetary gain for the employee or a relative of the employee as a result of the Municipality's business dealings. A relative, for purposes of this provision, includes any person related to the employee by blood or marriage or who's in a relationship with the employee similar to that of persons who are related by blood or marriage.
- C. In those cases where the individual employee may have interest in a business, organization, or individual seeking to do business with the Municipality, the employee must refrain from participating in any decision or recommendation that would result in a business relationship and create either an actual or potential conflict of interest.
- D. Any employee who is responsible for decisions in the selection of or participates in the recommendation and selection of any individual or business organization that furnishes merchandise, supplies, property, or services to the Municipality will not have any direct interest with those organizations. For purposes of this section, "direct interest" is intended to include financial interest, interest by virtue of an employee's position of authority in a business or organization, or interest by virtue of a family or close

interpersonal relationship.

E. Any employee who is responsible for making arrangements to receive loans (other than personal loans), commissions, royalties, property shares, or anything of value, will not have any direct financial interest with those organizations.

F. Employees are required to notify and disclose to their immediate supervisor any actual or potential conflict of interest immediately upon realization that one may exist. Such disclosure will be reviewed by the Department Head and the Municipal Administrator to determine if a conflict of interest exists.

1. If no conflict of interest exists, the Municipal Administrator will notify the employee and Department Head that the employee may proceed to work on the decision or recommendation.
2. If a conflict of interest does exist, the Municipal Administrator will notify the employee and Department Head that the employee must refrain from participating in any decision or recommendation that would result in a business relationship.

#### **14.04 CONFIDENTIAL INFORMATION**

A. Occasionally employees are made aware of information which has not been released to the general public for a variety of reasons. This information could sometimes be used for financial investment, competitive advantage, or other purposes which might work to the advantage or disadvantage of others or the Municipality.

B. An employee is prohibited from using any such information gained as a result of the employee's employment until after the information has been made available to the general public without prior written approval of both the employee's Department Head and the Municipal Administrator.

## **SECTION 15 - WORKPLACE SAFETY**

### **15.01 SAFE AND HEALTHFUL WORKPLACE**

A. The safety, health and well-being of all employees is a paramount concern of the Municipality. Therefore, workplace safety and accident prevention is of primary importance. Safety will always take precedence over production demands and shortcuts should be avoided at all times.

B. The Municipality will take all practical steps to provide a safe and healthful workplace. In its efforts to provide a safe workplace, management has established the safety policy. It is the responsibility of all personnel to comply with this policy. It is expected that every employee will work to achieve the common goal of maintaining a safe and healthful workplace, accident prevention, and compliance with all safety standards set by federal or state law or by policy or workplace rule.

### **15.02 RESPONSIBILITY FOR SAFETY**

A. All Municipal employees are responsible for ensuring compliance of this policy and maintaining a safe and healthful workplace.

B. If there is reason to think that a job is unsafe, any employee can stop working and ask a foreman or their immediate supervisor to determine whether the job is safe, without fear of sanctions. All workplace injuries, illnesses, or accidents must be reported to an employee's supervisor immediately.

C. The use of alcohol, marijuana, or any controlled substances during working hours, including before work and during lunch hour, is strictly prohibited.

D. All employees are required to wear personnel protective equipment and clothing suitable for the job they are doing.

E. Each department supervisor will hold safety meetings as frequently as necessary based on the work performed within the department.

F. Safety equipment including seatbelts shall be used when operating any equipment or vehicle in which it is installed.

### **15.03 INJURY, ILLNESS, OR ACCIDENT INVESTIGATION**

The Municipality has a responsibility to investigate all reported workplace injuries, illnesses or accidents ("incidents") regardless of severity. The intent of an investigation is to identify root causes and to eliminate any potential reoccurrence by implementing realistic corrective actions. Human Resources shall maintain all records of any incident investigation as well as any recommended and implemented corrective actions.

### **15.04 SAFETY TRAINING**

A. The Municipality is committed to providing its employees with the proper training necessary to ensure that they can perform their jobs without placing themselves at risk of injury. All employees will be given training upon employment and on an ongoing basis as indicated.

B. Training is an important part of the overall Safety Program. Employees must participate in required training and give 100% commitment to fully understanding and utilizing the training in their jobs on a daily basis.

### **15.05 FIRST AID**

A. Certain employees in each department are specially trained in first aid and should be contacted to

provide any medical treatment. Recertification will be provided as needed. These employees are also responsible for calling for additional outside medical assistance if necessary. If none of these employees are available, common sense should apply and any employee may call 911.

B. All employees of each department are responsible for knowing where first aid supplies are located in each vehicle and in each building of that department.

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## **SECTION 16 – RETIREMENT**

### **16.01 PARTICIPATION**

The Municipality is a participant in the State of Alaska Public Employees Retirement System (PERS) effective January 1, 1970. Coverage is mandatory for all full-time regular and part-time regular employees who are not retirees under PERS which have been allowed by PERS to waive participation in PERS while being re-employed with the Municipality.

### **16.02 TEMPORARY AND INTERIM EMPLOYEES**

Temporary employees and interim employees, unless a current regular employee filing a vacant position, are not eligible for state retirement benefits.

### **16.03 PLAN INFORMATION**

Details regarding retirement benefits and the retirement system may be obtained from the Human Resources Director, or designee, or on the Human Resources web page.

## **SECTION 17 - HEALTH INSURANCE**

### **17.01 REGULAR FULL-TIME EMPLOYEES**

- A. Regular full-time employees are offered Municipal group health insurance for themselves and dependents.
- B. The insurance plan coverage eligibility begins the first of the month after initial hire date.
- C. The Municipality pays 90% of the health insurance premium and the employee pays 10%, unless specified otherwise in a labor agreement.
- D. The employee's portion of the premium is deducted by payroll each month.

### **17.02 REGULAR PART-TIME EMPLOYEES**

Regular part-time employees who work twenty (20) hours or more per week may also participate in the group health insurance plan. The Municipality will pay a portion of the cost of health insurance premiums based on a ratio of the hours actually worked in a 40-hour workweek, as long as the regular part-time employee pays the other portion.

### **17.03 TEMPORARY EMPLOYEES**

Temporary employees are not usually eligible for the Municipal group health insurance plan. If a temporary employee becomes eligible under the provisions of the current Affordable Healthcare Act, the Municipality will offer the same group health insurance provided to regular full-time and part-time employees.

## SECTION 18 - OCCUPATIONAL INJURIES

### 18.01 DUTY OF THE EMPLOYEE TO REPORT

It shall be the duty of each employee to immediately report any and all injuries and accidents to his or her immediate supervisor. The supervisor is responsible to promote timely reporting of any and all accidents to Human Resources.

### 18.02 SALARY WHILE OFF DUTY

The Municipality shall pay the difference between what an employee receives under Worker's Compensation and the employee's regular earnings from the Municipality for up to ninety (90) calendar days as well as for the three-day waiting period prescribed by Alaska statutes.

### 18.03 POSITION HELD OPEN

In the case of an occupational injury, the Municipality will, when feasible, hold the employee's position or a comparable position open for up to six (6) months following the injury, or until a competent physician, following a physical or mental examination, has certified that the employee will be unable to return to the former position, whichever occurs earlier.

### 18.04 "OCCUPATIONAL INJURY" DEFINITION

Occupational injury shall have the meaning used to define "injury" in the State of Alaska worker's compensation law.

### 18.05 CONTESTED OCCUPATIONAL INJURIES

A. In the event of a controversy whether the employee's injury is an "occupational injury," the Municipality shall not be required to pay or provide the benefits set forth in this section until and unless the Alaska Worker's Compensation Board has reached a final determination, following all appeals.

B. If found to be an "occupational injury," payment of benefits set forth in this section shall be made with ten (10) working days after the Municipality receives notice of the decision.

### 18.06 RETURN TO WORK

A. The Municipality strives to assist employees to return to work at the earliest possible date following an injury or illness whether occupational or not.

B. Return to work has several different meanings and applications in the workplace.

1. "Return to Work" occurs when an employee has been on a medical leave of absence under federal or state law or at the end of a worker compensation claim but returns to their regular position without any limitation. Federal and state law set forth the terms of any such return to work.
2. "Light Duty" occurs when an employee has been on a medical leave of absence but the employee may return to work on a limited basis in their regular position. Light duty if possible is required by worker compensation law, but cannot be required of employees on a medical leave of absence under Family and Medical Leave Act or the Alaska Family Leave Act. If on FMLA/AFLA, it is up to the employee to decide if they will accept a light duty assignment.



3. “Transitional” work occurs when an employee is able to return to work, but not at the employee’s position due to physical limitations and restrictions and a different position is made available for the employee on a temporary basis until the employee can return to their regular position.
  - a. Transitional work may be made available to injured employee to minimize or eliminate time lost from work at the sole discretion of the Municipal Administrator. The Municipality cannot guarantee a transitional position or work and is under no obligation to offer, create, or encumber any specific position for purposes of offering placement to such a position. Any transitional position made available will be based on the operational needs of the Municipality.
  - b. Employees seeking a transitional work assignment must notify and provide the medical providers note to Human Resources who will work with the department to determine if transitional work is operationally in the best interest of the Municipality. Upon recommendation by Human Resources and approval by the Municipal Administrator, a transitional work assignment and appointment will be made via Personnel Order.

Nothing in this is intended to supersede or modify the rights or requirements applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (“ADA”) or leave benefits and requirements under the Family and Medical Leave Act (“FMLA”) or the Alaska Family Leave Act (“AFLA”).

## **SECTION 19 – TRAVEL**

### **19.01 LODGING REIMBURSEMENT AND PER DIEM RATES**

While traveling on official business and away from home or designated posts of duty, an employee will be reimbursed for lodging, meals, and incidental expenses as follows:

- A. The actual cost of lodging which is reasonable and necessary, not to exceed amounts approved by the federal General Services Administration (GSA).
- B. A per diem rate (meals and incidental expenses) equivalent to the amounts set by GSA for the destination. Meal and incidental expenses (M&IE) and lodging expenses exceeding authorized amounts will not be reimbursed and will be the responsibility of the traveler. The amount of per diem received on the first and last day of travel will equal 75% of the GSA per diem rate.
- C. The GSA rate can be accessed at the GSA website or through Human Resources. Employees should use the current calendar year of the travel to determine the appropriate rate.

### **19.02 TRANSPORTATION EXPENSES**

- A. Employees are expected to use a Purchase Card (PCARD) for all authorized transportation expenses. If an employee is not issued or does not have access to a PCARD, the employee's authorized transportation expenses shall be reimbursed on an actual costs basis after submission of their travel receipts.
- B. 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.

### **19.03 REGISTRATION FEES**

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

### **19.04 TRAVEL ADVANCES**

- A. 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.
- B. Travel advances may be approved by the Municipal Administrator and should be requested in writing at least two (2) weeks prior to the date travel is to commence. The Municipal Administrator may grant exceptions to this requirement.
- C. Travel advances will not exceed the lodging and per diem (M&IE) rate.
- D. If an employee requests a travel advance and travel plans change, the employee must reimburse the Municipality for any per diem which was advanced and not spent.

### **19.05 TRAVEL AUTHORIZATION**

- A. Prior to the payment of any travel advance, the obligating or incurring of any travel costs, or commencement of official travel, the Municipality's approved Travel Authorization process will be completed by the employee who is to travel, submitted for review to the employee's Department Head, and approved by the Municipal Administrator. Failure to receive prior authorization for travel may result in personal

responsibility for costs incurred.

B. 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.

C. Travel requests will also indicate if per diem is requested and whether or not reimbursement for actual costs is requested.

## **19.06 USE OF PRIVATE VEHICLES**

A. No employee shall be ordered to use his or her personal vehicle for Municipal business.

B. 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 25.05 (F).

## **19.07 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 for current calendar year. 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.

## **19.08 ALLOWANCES FOR JOB-CONNECTED TRAINING**

When 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 or alters any at-will status of an employee, if applicable.

#### **19.09 EXCEPTIONS TO POLICY**

A. Exceptions may be granted by the Municipal Administrator on a case-by-case basis.

B. Requests for additional per diem in special cases above the maximum stated amounts will be treated as an exception to policy.

C. Requests for exceptions to policies will be directed in writing to the Municipal Administrator for approval. Additional per diem or reimbursement for unusual items will not be honored until an exception to policy has been approved and issued in writing.

D. The Municipal Administrator will inform the Assembly of any exception to this Policy within thirty (30) calendar days.

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## **SECTION 20 - DISCIPLINARY APPEALS AND DUE PROCESS**

### **20.01 APPLICABILITY**

This section applies to all non-represented employees except for the following:

- At-will employees listed in Section 1 of this Handbook as Department Heads
- Temporary, probationary, or contracted employees

### **20.02 TYPES OF DISCIPLINARY ACTIONS COVERED**

Only demotion, suspension and discharge actions may be appealed under this section. Matters of policy and management prerogative are not subject to this appeals procedure.

### **20.03 PRE-DISCIPLINARY HEARING**

Prior to any demotion, suspension, or discharge, the Department Head shall interview the employee allowing them to provide their versions of events surrounding the situation that may lead to potential discipline before making a final decision regarding the appropriate discipline to be issued.

### **20.04 SUSPENSION WITH PAY PENDING INVESTIGATION**

In the event a workplace investigation is necessary to determine what has occurred or whether an allegation of wrongdoing is founded, an employee may be placed on suspension with pay until any investigation is concluded and a final decision is made on potential discipline.

### **20.05 NOTICE OF INTENT TO DEMOTE, SUSPEND, OR DISCHARGE**

- A. A Notice of Intent shall be in writing and shall contain a description of what has occurred or the allegation of wrongdoing.
- B. If the Notice of Intent is a proposed discharge disciplinary action, the employee will be placed on administrative leave with pay for ten (10) days during which time the employee may file a Notice of Appeal. Should the employee fail to file an appeal at the end of ten (10) days, the disciplinary action shall stand.

### **20.06 APPEAL PROCEDURES**

An employee who has been given written notice of intent to be demoted, suspended, or discharged by a Department Head shall have the right to appeal the proposed discipline to the Municipal Administrator before the action is effective in accordance with the following procedures:

- A. The written appeal must be filed with the Municipal Administrator within ten (10) business days of the employee receiving written notice of the intent to demote, suspend or discharge. Failure to file a written appeal will result in the imposition of the proposed discipline.
- B. A meeting with the Municipal Administrator will be scheduled as soon as possible after receipt of a written appeal but not later than five (5) working days. The employee may present evidence and challenge the evidence presented against the employee and provide any other mitigating information that supports the appeal.
- C. Within ten (10) days after the meeting the Municipal Administrator, the Municipal Administrator shall issue a written decision upholding, modifying or disapproving the proposed discipline. Any demotion, suspension or discharge shall then take effect or be expunged in accordance with the Municipal

Administrator's decision.

D. The Municipal Administrator's decision is final and binding.

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## **SECTION 21 - VIOLENCE-FREE WORKPLACE**

### **21.01 POLICY**

The Municipality strives to have a safe workplace for all employees that is free from aggressive, threatening, or violent acts. Workplace threats of violence or actual violence toward any employee or person associated with the Municipality while on duty or on premises are prohibited. This policy covers both verbal threats and physical acts of violence.

### **21.02 NO EXPECTATION OF PRIVACY**

The Municipality reserves the right, in its sole discretion, to search all Municipally-owned or leased vehicles and all vehicles, plus packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, if it reasonably believes that an unlawful weapon is being, or has been, brought onto its property or premises in violation of this policy.

### **21.03 PROHIBITED ACTIVITIES**

This list of behaviors or conduct, while not all-inclusive, provides examples of conduct that is prohibited:

1. Causing or attempting to cause physical injury to another person;
2. Making aggressive or threatening remarks to a co-worker or someone associated with the Municipality;
3. Aggressive or hostile actions that creates a reasonable fear of injury to an individual or work group;
4. Intentionally damaging employer property or property of another employee;
5. Illegal possession, use or sale of a weapon on or off Municipal property that creates a reasonable inference of or in fact adversely affects the employee's or others' safety at work; and
6. Refusing to participate in an investigation pertaining to allegations or suspicions that violence has occurred or is likely to occur.

### **21.04 REPORTING ACTUAL OR POTENTIAL WORKPLACE VIOLENCE**

All employees are expected to report immediately to their supervisor or Department Head any conduct that may create a potential for or an actual workplace violence situation so that appropriate action may be taken by the Municipality to diffuse a potential problem or intervene and stop the violent conduct.

## **SECTION 22 - AMERICANS WITH DISABILITIES ACT**

### **22.01 COMPLIANCE WITH FEDERAL AND STATE LAW**

The Municipality is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"), as amended. It is the Municipality's policy not to discriminate against any qualified employee with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of their job.

### **22.02 REASONABLE ACCOMMODATION**

A. Consistent with the law, the Municipality will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, provided that such accommodation does not constitute an undue hardship on the Municipality.

B. Employees with a qualified disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact Human Resources. If an employee notifies their supervisor before Human Resources, the supervisor should direct the employee to Human Resources.

C. On receipt of an accommodation request, the Municipality will meet with the employee to discuss the precise limitations resulting from the disability and the potential accommodation that the employee believes might make to help overcome those limitations.

D. The decision of what accommodation will be made is up to the Municipality in its sole discretion. The Municipality will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, funding availability, and the accommodation's impact on the operation of the Municipality, including its impact on the ability of other employees to perform their duties and on department's ability to conduct business. The ADA does not require the Municipality to grant the employee's specific requested accommodation, or to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

E. Human Resources will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

### **22.03 COMPLAINTS**

An employee who has questions regarding this policy or believes that the employee has been discriminated against based on a disability should immediately notify Human Resources. All such inquiries or complaints will be treated as confidential to the extent permissible by law.



## SECTION 23 - DRUG-FREE AND ALCOHOL-FREE WORKPLACE

### 23.01 POLICY

A. The Municipality is a drug-free (including marijuana) and alcohol-free workplace. Illegal drug use, including the use of marijuana (other than medical marijuana when it is prescribed and used as a reasonable accommodation for a disability), the misuse of alcohol or lawfully prescribed or over-the-counter medications, creates a dangerous workplace and endangers the health, safety and welfare of the workforce and those it serves.

B. This policy applies to all Municipal employees except those who are required to have a CDL under federal law. Employees who are required to have a CDL can obtain more information about the CDL requirements in Human Resources.

C. The Municipality is a smoke-free work environment including e-cigarettes pursuant to state law. Smoking is also prohibited in Municipal vehicles or equipment.

D. Employee may not report to work or be on Municipal premises or in Municipal vehicles during work hours under the influence of illegal drugs, alcohol, or marijuana.

E. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use or being under the influence of illegal drugs (federally referred to as “controlled substances”), including marijuana, or alcohol while on Municipal property, while attending business-related activities or functions, while on duty, or while operating Municipal equipment or vehicle is strictly prohibited.

F. “Controlled substance” for purposes of this policy means a controlled substance listed in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by federal regulations. (21 C.F.R. 1308.11 – 1308.15) This list includes, but is not limited to, marijuana, heroin, PCP, cocaine and amphetamines.

### 23.02 LEGALLY PRESCRIBED AND OVER-THE-COUNTER MEDICATIONS

Employees may use legally prescribed and over-the-counter medications provided the use of such medications does not affect job performance or the safety of the employee or others in the work place. Employees should notify their immediate supervisor or Department Head of any legally prescribed or over-the-counter medications they are taking which might affect their job performance or which might have safety implications.

### 23.03 EMPLOYEE OBLIGATIONS

A. Fully comply with all drug-free and alcohol-free workplace requirement set forth herein.

B. Notify the Municipality of the employee’s criminal drug statute conviction for any violation occurring in the workplace no later than 5 (five) days after such conviction.

1. “Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. “Criminal drug statute” means a federal or non-federal criminal statute involving manufacture, distribution, dispensing, use or possession of any controlled substance.

C. If the criminal drug statute occurred in the workplace a sanction will be imposed on the employee so convicted. Within 30 (thirty) days after receiving notice of the conviction:

1. The Municipality will take appropriate disciplinary action against such employee, up to and including discharge; or
2. The Municipality will require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement or other appropriate agency.

#### **23.04 COUNSELLING OR REHABILITATION OPTION**

The Municipality may refer an employee to approved counseling or rehabilitation programs as a condition of continuing employment.

- A. An employee who voluntarily admits to having a drug or alcohol problem or one who has reported to work under the influence may be referred to approved counseling or a rehabilitation program if the employee agrees to comply with all requirements of the counseling or rehabilitation program.
- B. The employee may return to work if the employee satisfactorily completes the program.
- C. Information about public and private drug counseling, rehabilitation, and the Municipality's Employee Assistance Program is available on a confidential basis through the Human Resources Department, upon request by any employee.

## SECTION 24 - ELECTRONIC COMMUNICATIONS, INTERNET USAGE

### 24.01 ELECTRONIC COMMUNICATIONS

A. Electronic communications and use of Municipal-issued computers and electronic devices are important tools for the Municipality. Use of computers and electronic devices, and electronic records and communications created therein, is encouraged, if not required in some instances, and is essential to performing an employee's job at the Municipality.

B. This policy sets forth the proper use of CBS computer system and other Municipal-issued electronic devices and clarifies what electronic communications sent from those computers or other electronic devices are appropriate and acceptable. This policy applies to all employees, vendors, and agents operating on behalf of the Municipality and using Municipal computers or electronic devices.

C. All use of electronic communications must be consistent with Municipal policies and procedures of ethical conduct, safety, compliance with applicable laws, and proper business practices, including, but not limited, to the following:

1. Electronic communications transmitted to any co-worker, supervisor, Department Head, Municipal Administrator, Assembly, or outside third party, including the citizens of Sitka may not contain any words, phrases, or content that would be reasonably considered offensive, harassing, disrespectful, discourteous, or vu.
2. Transmitting or posting Municipal electronic communications using another's identity is prohibited.
3. Use of Municipal electronic communications to promote one's personal or family business is prohibited.

D. Electronic Communications after Work Hours

1. Employees, who are nonexempt, are not authorized to use Municipal-issued computers or electronic devices, or their personal computers and electronic devices, for work-related reasons after work hours since such communications might constitute time worked and would count toward overtime eligibility as required by law.
2. Nonexempt employees should not check for, read, send, or respond to any electronic communications outside their normal work schedules unless specifically required and authorized by their supervisor.
3. Supervisors should not normally expect nonexempt employees to respond to emails, texts or any other form of communication, unless it is an emergency or the supervisor is prepared to pay for the overtime expense incurred.

E. Electronic communications from Municipal-issued computers or other electronic devices should be used primarily for Municipal business-related purposes. Under no circumstance can Municipal-issued computers and electronic devices be used for any commercial or personal business purposes. These include, but are not limited to:

1. Private business activities or ventures;
2. Personal profit-making activities or ventures;
3. Mass mailings, unless otherwise authorized by the Municipal Administrator;

4. Any other organizations or agency mailing not directly related to the Municipality, unless otherwise authorized by the Municipal Administrator

F. Personal use of Municipal-issued computers and other electronic devices is disruptive while at work and detracts employees from their work for the Municipality. Consequently, personal use is discouraged during working hours, but is permitted before and after work and during breaks or meal periods. However, the Municipality understands that in today's current environment, an absolute prohibition on such use is not practical, especially if there is an emergency, the Municipality permits the following personal use while on duty:

1. Emergency notifications from family members;
2. Incidental personal electronic communication on a limited basis;
3. If personal electronic communication occurs, such communications shall be filed in a separate folder from all other work-related electronic communications

G. All electronic communications dealing with Municipal business should be retained as a public record. Electronic communications are considered a public record if there exists a legitimate and ongoing business reason to preserve the information contained in the communication, or if specified by law. All electronic communications designated as a public record shall be retained according to the Municipal Record Retention Schedule.

H. Electronic communications shall not be used for the creation or distribution of any disruptive or offensive messages. Employees who feel they have received these types of electronic communications from any other Municipal employee should report the matter to their supervisor immediately.

I. Users are prohibited from using unauthorized third-party electronic systems and storage servers to conduct Municipal business, to create or memorialize any binding transactions, or to store or retain email on behalf of the Municipality. Such electronic communications and transactions should be conducted through proper channels using Municipality-approved documentation.

## **24.02 INTERNET USAGE**

A. The internet and employee's access to the internet is provided for the primary purpose of conducting Municipal-related business, communication, and research.

B. Personal use will be acceptable only so long as the internet use is consistent with Municipal policies and procedures of ethical conduct, safety, compliance with applicable laws, and proper business practices. Employees may use the internet provided by the Municipality during the employee's own time, which includes break and meal periods, and before or after normal working hours so long as such use does not interfere with the employee's job performance.

C. Employees should have no expectation of privacy or consider any personal use of the internet confidential. All internet access is monitored and logged by the Municipality. Any use of the internet by an employee that is deemed to be a violation of policy, inappropriate, or excessive thereby interfering with the employee's job performance will be subject to review and remedial action.

## **24.03 SOCIAL MEDIA**

A. Social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. This policy provides guidelines regarding the use of social media as it relates to the workplace.

B. Ultimately, you are solely responsible for what you post online. Before creating online content,

consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the Municipality and its legitimate business interests.

C. In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes, but is not limited to, all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Municipality.

D. Ensure your postings are consistent with all Municipal policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated. Always be fair and courteous to fellow associates, customers, members, suppliers or people who work on behalf of the Municipality.

E. Work-related complaints are usually best resolved by speaking directly with your co-workers, supervisor, Department Head, or Human Resources than by posting complaints to a social media outlet. Nevertheless, if a post contains complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

F. Always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly and be transparent with regard to what has been corrected. The Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that are known to be false about the Municipality or anyone associated with the Municipality.

G. Although the Municipality is a public sector employer, there is information of a private and confidential nature in most jobs at the Municipality. Do not post private or confidential information including, but not limited to, policies, procedures, personal information about another Municipal employee or other internal business-related confidential communications.

H. Do not create a link from your blog, website or other social networking site to a Municipal website without obtaining authorization from the Department Head.

I. Express only personal opinions and clearly demonstrate that the content is personal and not representative of the Municipality or anyone associated with the Municipality. If you do publish a blog or post online related to the work you do or subjects associated with the Municipality, it is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the official positions or views of the City and Borough of Sitka."

J. Do not use social media while on work time or on Municipal-issued equipment unless it is work-related and is authorized by your Department Head. Do not use Municipal email addresses to register on social networks, blogs, or other online tools utilized for personal use.

#### **24.04 PHONE USAGE**

A. Personal disruptions during work time can lead to errors and delays. An employee is expected to conduct personal business outside the employee's work hours. Breaks, lunch hours, and leave are available for an employee to use for personal business.

B. Personal calls and texts during an employee's work hours are discouraged. Unless unavoidable for an emergency, employees are expected to limit personal phone calls and texts to a minimum.

C. Employees upon request and approval from their Department Head for the purpose of accessing their work using their personal cellular phone may receive a monthly stipend.

D. An employee has no expectation of privacy or confidentiality if they use a personal cell phone for work purposes with regard to information on such phones relating to their work. Use of personal cell phones approved for work-related purposes are subject to review under Section 24.05 below.

#### **24.05 NO EXPECTATION OF PRIVACY OR CONFIDENTIALITY**

A. All use of Municipal-issued computers or other electronic devices and electronic communications generated by an employee are owned by the Municipality and therefore subject to search at any time, for any reason.

B. Electronic communications from a Municipal-issued computer or other electronic device is not a private or confidential form of communication. Any and all such messages can be intercepted by internal or external sources at any time. Therefore, Municipal employees should have no expectation of privacy in anything they store, send or receive on any Municipal-issued computer or electronic device, including personal communications.

C. The Municipality reserves the right to monitor all electronic communications that were written or transmitted from a Municipal-issued computer or electronic device without prior notice for any reason.

## **SECTION 25 - MISCELLANEOUS PROVISIONS**

### **25.01 PERFORMANCE EVALUATIONS**

#### **A. Probationary Period Evaluation**

1. Each employee appointed to a new regular full-time or regular part-time position, including promotions and transfers, or rehired shall be evaluated prior to or near the conclusion of their probationary term.
2. The employee must have at least an overall satisfactory evaluation in order to become a regular employee.
3. Failure to have at least an overall satisfactory evaluation can result in an extension of the probationary period or separation from employment with the Municipality.

#### **B. Annual Evaluation**

Each employee in a regular position shall receive an annual performance evaluation on or around their current position hire anniversary date.

#### **C. Interim Evaluation**

An interim performance evaluation may be completed at any time during the calendar year if there is a significant change in the employee's performance that warrants feedback to the employee. An interim evaluation may be done in conjunction with a Performance Improvement Plan given to the employee if performance is not satisfactory.

#### **D. Performance Evaluations Filed in Employee's Personnel File**

Probationary, Interim, and Annual performance evaluations shall be filed in the Employee's Personnel File once completed, reviewed in person with the employee and signed by the employee's supervisor and Department Head. Except for the Probationary Period Evaluation, employees may submit a rebuttal which will be attached to the evaluation in their Personnel File.

### **25.02 TRAINING**

Each Department Head shall develop and conduct training programs as are suited to the special requirements of their department. Training programs shall include but not be limited to, accident prevention, employee safety, and public relations. The Municipality reserves the right to establish annual training requirements of all employees based on legal requirements and operational needs.

### **25.03 EMPLOYMENT OUTSIDE OF MUNICIPALITY**

Outside or secondary employment, which is incompatible with employment by the Municipality or adversely affects the performance of the employee's duties is prohibited, including outside or secondary employment while an employee is on an approved leave of absence from the Municipality. Outside or secondary employment must be reported to the employee's Department Head subject to the approval of the Municipal Administrator.

### **25.04 EMPLOYEE ASSISTANCE PROGRAM**

A. The Employee Assistance Program (EAP) is a confidential assessment, brief counseling, and referral service available to all employees and their family members. It is designed to assist in the

identification and resolution of any personal problem that may be affecting the employee, the employee's family members, or employee's job.

B. The EAP is completely voluntary, private, and confidential. Information is never released without your written permission or unless required by law. The EAP records are kept separate. They are informal and not a part of an employee's medical or personnel files. In the case of formal supervisory referrals, the only information given to the supervisor is whether the employee has come to the EAP appointment and if the employee was compliant with EAP recommendations. Neither the nature of the recommendation or the content of your sessions with the EAP counselor will be shared.

C. The EAP provides the following services on the different topics listed below to employees:

1. Services include:

- Crisis Management and Intervention
- Individual Counseling
- Evaluation and Referral
- Group Counseling
- Group Education

2. Topics include, but are not limited to:

- |                                |                         |
|--------------------------------|-------------------------|
| • Stress Management            | • Healthy Coping Skills |
| • Relaxation Techniques        | • Support Systems       |
| • Effective Communication      | • Community Resources   |
| • Depression or Anxiety        | • Relationships         |
| • Anger Management             | • Health and Wellness   |
| • Family Negotiation/Mediation | • Conflict Resolution   |
| • Seasonal Affective Disorder  | • Eating Disorders      |
| • Constructive Living          | • Time Management       |

D. There is no cost to the employee or the employee's family member for the first six (6) visits of EAP service. If you are referred to an outside resource or service, the cost may be offset by your insurance.

E. Additional information about the EAP is available on the Municipality's web site or from Human Resources.

## **25.05 USE OF MUNICIPAL VEHICLES AND EQUIPMENT**

A. All employees driving Municipal vehicles and using Municipal equipment shall be constantly mindful that their driving and parking habits are under constant observation. Employees are expected to exercise exemplary care, perform required maintenance, and follow all operating instructions, safety standards and guidelines with regard to the use of Municipal vehicles and equipment.

B. Employees are also expected to promptly notify their immediate supervisor if any equipment or vehicles appear to be damaged, defective, or needing repair.

C. Improper, careless, negligent, destructive, or unsafe use of equipment or vehicles is prohibited. Employees are expected to maintain cleanliness of vehicles and equipment they operate.

D. Personal use of Municipal equipment or vehicles is prohibited unless otherwise authorized by the Department Head, subject to the approval of the Municipal Administrator.

E. Municipal employees do not have any special privileges; employee traffic and parking violators will



be cited for violations in Municipal vehicles. Violation of traffic and parking laws may be cause for disciplinary action.

F. Personal Vehicle Use for Municipal Business.

1. Employees may wish to use their own personal vehicle in the performance of their assigned work when a Municipal vehicle is not available or if more convenient for such assigned work. Use of a personal vehicle under this paragraph is at the employee's own risk.

2. Before using their personal vehicle for Municipal business on a regular basis, the employee must receive approval from their immediate supervisor.

## 25.06 DRESS CODE

A. All employees have a direct impact on the image presented to the public. One of the key aspects of our image is our personal appearance while at work.

B. Employees are expected to use good judgment and report to work in a clean, professional manner of dress which takes into account the degree of public contact, nature of work, safety issues, and the weather. Guidelines for employees to ensure they have reported to work in an appropriate dress include but are not limited to the following:

1. Clothing that is disruptive or distracting to others, i.e., overly revealing; sexually provocative, or otherwise inappropriate to the work being performed is not allowed;
2. Sports or beach clothes or flip flops are not allowed;
3. T-shirts or other attire that portray profanity or politically charged with any group other than the Municipality; and
4. All clothing should be in good repair, i.e., holes should be patched, ragged edges hemmed, missing buttons sewn back on.

C. An employee who violates this dress code policy may be sent home by their supervisor after consultation with Human Resources.

Appendix A to Personnel Policies Handbook

Exempt/Salary Pay Matrix

Exempt Grade	A	B	C	D	E	F	G	H	I	J
5	\$ 34,632.00	\$ 35,868.11	\$ 37,104.23	\$ 38,340.34	\$ 39,576.46	\$ 40,812.57	\$ 42,048.69	\$ 43,284.80	\$ 44,520.91	\$ 45,757.03
6	\$ 38,521.60	\$ 39,897.37	\$ 41,273.14	\$ 42,648.91	\$ 44,024.69	\$ 45,400.46	\$ 46,776.23	\$ 48,152.00	\$ 49,527.77	\$ 50,903.54
7	\$ 43,056.00	\$ 44,592.23	\$ 46,128.46	\$ 47,664.69	\$ 49,200.91	\$ 50,737.14	\$ 52,273.37	\$ 53,809.60	\$ 55,345.83	\$ 56,882.06
8	\$ 48,360.00	\$ 50,086.40	\$ 51,812.80	\$ 53,539.20	\$ 55,265.60	\$ 56,992.00	\$ 58,718.40	\$ 60,444.80	\$ 62,174.17	\$ 63,903.54
9	\$ 54,564.22	\$ 56,512.94	\$ 58,461.67	\$ 60,410.39	\$ 62,359.11	\$ 64,307.83	\$ 66,256.56	\$ 68,205.28	\$ 70,154.00	\$ 72,102.73
10	\$ 61,691.61	\$ 63,894.88	\$ 66,098.15	\$ 68,301.42	\$ 70,504.70	\$ 72,707.97	\$ 74,911.24	\$ 77,114.51	\$ 79,317.78	\$ 81,521.05
11	\$ 69,886.70	\$ 72,382.65	\$ 74,878.61	\$ 77,374.56	\$ 79,870.51	\$ 82,366.46	\$ 84,862.42	\$ 87,358.37	\$ 89,854.32	\$ 92,350.28
12	\$ 79,288.88	\$ 82,120.63	\$ 84,952.37	\$ 87,784.12	\$ 90,615.86	\$ 93,447.61	\$ 96,279.35	\$ 99,111.10	\$ 101,942.85	\$ 104,774.59
13	\$ 90,161.46	\$ 93,381.51	\$ 96,601.56	\$ 99,821.61	\$ 103,041.67	\$ 106,261.72	\$ 109,481.77	\$ 112,701.82	\$ 115,921.87	\$ 119,141.92
14	\$ 102,685.44	\$ 106,352.78	\$ 110,020.11	\$ 113,687.45	\$ 117,354.79	\$ 121,022.13	\$ 124,689.46	\$ 128,356.80	\$ 132,024.14	\$ 135,691.47
15	\$ 117,262.55	\$ 121,450.50	\$ 125,638.45	\$ 129,826.40	\$ 134,014.34	\$ 138,202.29	\$ 142,390.24	\$ 146,578.19	\$ 150,766.14	\$ 154,954.09
16	\$ 134,216.10	\$ 139,009.53	\$ 143,802.97	\$ 148,596.40	\$ 153,389.83	\$ 158,183.26	\$ 162,976.70	\$ 167,770.13	\$ 172,563.56	\$ 177,357.00
17	\$ 154,028.16	\$ 159,529.17	\$ 165,030.17	\$ 170,531.18	\$ 176,032.18	\$ 181,533.19	\$ 187,034.19	\$ 192,535.20	\$ 198,036.21	\$ 203,537.21
18	\$ 176,840.05	\$ 183,155.77	\$ 189,471.48	\$ 195,787.20	\$ 202,102.91	\$ 208,418.63	\$ 214,734.34	\$ 221,050.06	\$ 227,365.78	\$ 233,681.49
19	\$ 203,176.42	\$ 210,432.72	\$ 217,689.02	\$ 224,945.32	\$ 232,201.63	\$ 239,457.93	\$ 246,714.23	\$ 253,970.53	\$ 261,226.83	\$ 268,483.13

Non-Exempt/Hourly Pay Matrix

Non-Exempt Grade	A	B	C	D	E	F	G	H	I	J
5	\$ 16.65	\$ 17.24	\$ 17.84	\$ 18.43	\$ 19.03	\$ 19.62	\$ 20.22	\$ 20.81	\$ 21.40	\$ 22.00
6	\$ 18.52	\$ 19.18	\$ 19.84	\$ 20.50	\$ 21.17	\$ 21.83	\$ 22.49	\$ 23.15	\$ 23.81	\$ 24.47
7	\$ 20.70	\$ 21.44	\$ 22.18	\$ 22.92	\$ 23.65	\$ 24.39	\$ 25.13	\$ 25.87	\$ 26.61	\$ 27.35
8	\$ 23.25	\$ 24.08	\$ 24.91	\$ 25.74	\$ 26.57	\$ 27.40	\$ 28.23	\$ 29.06	\$ 29.89	\$ 30.72
9	\$ 26.23	\$ 27.17	\$ 28.11	\$ 29.04	\$ 29.98	\$ 30.92	\$ 31.85	\$ 32.79	\$ 33.73	\$ 34.66
10	\$ 29.66	\$ 30.72	\$ 31.78	\$ 32.84	\$ 33.90	\$ 34.96	\$ 36.02	\$ 37.07	\$ 38.13	\$ 39.19
11	\$ 33.60	\$ 34.80	\$ 36.00	\$ 37.20	\$ 38.40	\$ 39.60	\$ 40.80	\$ 42.00	\$ 43.20	\$ 44.40
12	\$ 38.12	\$ 39.48	\$ 40.84	\$ 42.20	\$ 43.57	\$ 44.93	\$ 46.29	\$ 47.65	\$ 49.01	\$ 50.37
13	\$ 43.35	\$ 44.89	\$ 46.44	\$ 47.99	\$ 49.54	\$ 51.09	\$ 52.64	\$ 54.18	\$ 55.73	\$ 57.28
14	\$ 49.37	\$ 51.13	\$ 52.89	\$ 54.66	\$ 56.42	\$ 58.18	\$ 59.95	\$ 61.71	\$ 63.47	\$ 65.24
15	\$ 56.38	\$ 58.39	\$ 60.40	\$ 62.42	\$ 64.43	\$ 66.44	\$ 68.46	\$ 70.47	\$ 72.48	\$ 74.50
16	\$ 64.53	\$ 66.83	\$ 69.14	\$ 71.44	\$ 73.75	\$ 76.05	\$ 78.35	\$ 80.66	\$ 82.96	\$ 85.27
17	\$ 74.05	\$ 76.70	\$ 79.34	\$ 81.99	\$ 84.63	\$ 87.28	\$ 89.92	\$ 92.57	\$ 95.21	\$ 97.85