

CHAPTER 7

LEAVE BENEFITS AND REGULATION

Section 7

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General Statement

The Municipality shall provide all employee benefits provided to eligible employees in conformance with the Municipality's equal employment opportunity policy.

7.1 Authorization for Leave

The employee shall notify the department supervisor of requests for authorization of leave no less than five (5) days in advance of the requested leave. In case of emergency, the employee shall notify the department supervisor of the need to take leave within twenty-four (24) hours of taking leave.

The Municipality will make no payment for any leave of absence until the department supervisor approves the leave.

7.2 Absence Without Leave

Unauthorized absence of an employee from duty is grounds for disciplinary action by the department supervisor, with the approval of the Borough Manager. Any employee absent for three or more days without authorization is deemed to have resigned. When extenuating circumstances exist; however, the department supervisor may authorize the absence (with the approval of the Borough Manager) by subsequent

grant of leave with or without pay.

7.3 Holidays

Thirteen paid municipal holidays coincide with official State or Federal holidays as to the date of observance. In addition, the mayor may declare a holiday for the business day either before or after Christmas. See Section 5.5, Holiday Pay.

All regular employees will be paid holiday pay for a maximum of thirteen (13) holidays during the calendar year. If an employee is scheduled to work on a holiday as well as that holiday's date of observance (i.e., the holiday falls on a Sunday and is observed by the Municipality on a Monday), that employee may claim only one of the days as a paid holiday.

Full-time employees within the Fire Department are paid for holidays as defined in section 5.5 of the handbook utilizing the Municipality's Holiday schedule.

Scheduled Holidays

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Seward's Day	Last Monday in March
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Alaska Day	October 18
Veteran's Day.....	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Day	December 25

7.4 Vacation

- (a) Accumulation of Vacation Time - Regular full-time employees accumulate vacation time for each month worked as follows:
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| (1) Employees with less than two years' service: | 1.25 days. |
| (2) Employees with two to five years' service: | 1.75 days. |
| (3) Employees with five to ten years' service: | 2.00 days. |
| (4) Employees with more than ten years' service: | 2.50 days. |
- Regular part-time employees accrue vacation time pro-rata according to the schedule above. For purposes of this section, their length of service is calculated using their total hours worked each month divided by a month of regular service (173 hours).
- (b) Full-time employees in the Fire Department will earn vacation as of their date of hire based on the following schedule:
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|--|-------------------------------------|
| (1) Employees with less than two years' service: | 4 hours/month; 2 shifts per year. |
| (2) Employees with two to five years' service: | 8 hours/month; 4 shifts per year. |
| (3) Employees with five to ten years' service: | 12 hours/month; 6 shifts per year. |
| (4) Employees with more than ten years' service: | 20 hours/month; 10 shifts per year. |
- (c) Accrued Vacation - Accrued vacation is credited as earned vacation for each month of service, or prorated for each fractional month, expressed to the half month of service. Vacation accrued during the first three months of service is not credited as earned until the employee completes the first three months of continuous service and establishes a regular status; vacation time may not be used during an employee's introductory period.
- (d) Maximum Vacation Accumulation
- Accrued vacation leave may not exceed two years accrual [as established in subsection (b)] on the first working day of the calendar year except with the written authorization of the manager as provided in (2) below. Otherwise, leave in excess of two years accrual as of the first working day of the calendar year is forfeited.
 - At the request of the employee, the manager may permit the carry-over of leave in excess of two years accrual when the manager determines that the employee made every reasonable effort to schedule leave and the Municipality denied the leave requests because of extraordinary circumstances.
 - The department supervisor must give the manager a plan providing for the timely use of the excess leave.
 - Granting carry-over of leave may not cause any hardship to the Municipality beyond the benefits gained by granting such carry-over.
- (e) Scheduling Vacation Leave - Employees must submit vacation requests to the department supervisor and obtain approval at least two weeks prior to taking vacation leave. Preference in vacation scheduling is by seniority in each department. On or before the last duty day in November, the Fire Chief shall post a schedule of days available to Fire Department employees for vacation for the following calendar year. Fire Department employees on each shift will select their vacation preferences in order of their seniority within rank, with the most senior Fire

Department employees having the first choice, the next most senior having second choice, and so on. The vacation periods requested by Fire Department employees will be submitted to the Fire Chief for approval by December 15 of each year.

- f) Payment for Vacation Leave - The Borough Manager may grant payment in lieu of vacation time to an employee once during a calendar year. The employee must request such payment in writing. The payment shall be for no more than ten accrued vacation days and the payment shall not reduce the employee's accrued vacation leave to less than ten days. Payment is at the employee's present rate of pay.

7.5 Sick Leave

- (a) Sick Leave Accrual - Employees in regular positions accrue sick leave at the rate of 1.25 working days for each full month worked (prorated for part time employees). Introductory employees shall accrue sick leave from date of hire, but may not use sick leave while in an introductory status. Regular seasonal employees accrue sick leave starting at the beginning of their third consecutive season of employment. Employees may accumulate sick leave up to but not to exceed 45 days maximum.
- (b) Full-time 24-hour fire department employees will accrue fourteen (14) hours of sick leave per month or 168 hours. Sick time will accumulate to a maximum of 1,080 hours.
- (c) Sick Leave Allowed - Sick leave will be granted for the following reasons:
 - Injury on the Job - Sick leave pay may compensate the difference between Worker's Compensation Insurance and full pay, provided the employee's net compensation does not exceed what the employee would receive if the employer worked a regular schedule. The employee must report the amount of payment and the period that it represents to the Borough Manager or their designee.
 - (1) Other Illness or Injury - Personal illness or physical incapacity.
 - (2) Quarantine - Forced quarantine of the employee in accordance with State or Community Health Regulations.
 - (3) Medical and Dental Appointments.
 - (4) Counseling - Inpatient or outpatient treatment or counseling for mental or emotional problems, alcohol or drug abuse when the appointments conflict with the regular work schedule.
 - (5) Attend to family members - if an employee's attendance is required due to the illness or disability of a member of the employee's immediate family (See Section 7.7 for definition of "immediate family").
 - (6) Family leave
- (d) Other Accrued Time Allowed for Sick Leave - When an employee exhaust all of their sick leave benefits, they may use holiday and vacation leave during the remainder of the sick time away from work. The Municipality may require medical progress reports prior to approval of the sick leave.
- (e) Employee Responsibility - It is the employee's responsibility to maintain good health.
- (f) Mental and Emotional Problems - Employees are urged (and may be required, in lieu of disciplinary action) to seek treatment and counseling for mental and emotional problems or alcohol or drug abuse which may affect work performance.
- (g) Procedures - Continued leave pay depends upon compliance with the following procedures:
 - (1) On the first day of absence from duty, the employee, or someone on their behalf, shall notify the Municipality of the reason for such absence. If the duration of the illness lasts longer than one day, the employee must notify the department supervisor daily.
 - (2) An employee may be required after three days absence to furnish a certificate from a licensed physician or practitioner to support their sick

leave claim.

7.6 Family Leave

- (a) The Municipality of Skagway is a covered employer under the Family and Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA). FMLA and AFLA are designed to help employees balance the demands of their jobs and the needs of their families.
- (b) The Federal Family Medical Leave Act (FMLA) provides the following to eligible employees (an employee who has been employed for at least 12 months within the past 7 years and 1,250 hours in the preceding 12 months):
 - (1) Up to twelve (12) work weeks off from work during a single 12-month period to care for the employee or a family member with a serious health condition (“family member” shall mean a husband, wife, domestic partner, child, parent, or stepparent. “Child includes the employees’ biological, adopted, stepchild, foster child, or legal ward or a child whom the employee stands in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability);
 - (2) Up to twelve (12) work weeks off from work during a single 12-month period to bond with a newborn, adopted or foster child (other than adoption of a stepchild);
 - (3) Up to twenty-six (26) work weeks during a single 12-month period to an eligible employee who is the spouse, son, or daughter (biological, adopted, foster child, stepchild, legal ward, or a child from whom the employee stood in loco parentis), parent (biological, adoptive, stepparent, foster parent, or individual who stood in loco parentis to the employee), or next of kin to care for a seriously injured or ill covered servicemember (defined as a member of the Armed Forces including the National Guard or Reserves, or a veteran who was active duty in the Armed Forces within the last five years);
 - (4) (4) Up to twelve (12) weeks off from work during a single 12-month period for the spouse, son, or daughter (biological, adopted, foster child, stepchild, legal ward, or a child from whom the employee stood in loco parentis) or parent (biological, adoptive, stepparent, foster parent, or individual who stood in loco parentis to the employee) of a service member due to a “qualifying exigency” that arises because the service member is called to active duty or is notified of an impending call or order to covered active duty in the Armed Forces;
 - (5) (5) Employees are entitled to the hours normally worked per week. (Example: 12 weeks for a full-time employee is up to 480 hours for eight-hour employees / 672 hours for 24-hour personnel). A part-time employee is entitled to leave on a pro rata basis of their normally scheduled hours (Example: an employee who works 30 hours a week is entitled to 30 hours x 12 weeks).
 - (6) The Municipality is obligated to maintain the employee’s health insurance for the duration of the leave;
 - (7) FMLA leave requires restoration to the same job or one that is equivalent; in most cases, an employee is restored to the same position he or she occupied prior to taking the leave.
- (c) The Alaska Family Medical Leave Act (AFLA) provides the following to eligible

employees (an employee who has been employed for at least 35 hours a week for at least six consecutive months or for at least 17.5 hours a week for at least 12 consecutive months):

- (1) Up to eighteen (18) intermittent work weeks during any twenty-four (24) month period off from work to care for the employee or a family member with a serious health condition. "Family member" shall mean a husband, wife, same-sex partner, child (biological, adopted, stepchild, foster child, or legal ward who is under 18 years of age or older than 18 years of age but incapable of self-care because of a mental or physical disability), or parent (biological, adoptive, parent-in law, or stepparent);
 - (2) Up to eighteen (18) consecutive work weeks off from work to bond with a newborn or adopted child (other than adoption of a stepchild) within the first year of the birth or placement of the child;
 - (3) AFLA leave requires restoration to the same job or one that is a substantially similar position, unless the employer's business circumstances have changed to make it impossible or unreasonable; in most cases, an employee is restored to the same position he or she occupied prior to taking the leave.
 - (4) Employees are entitled to the hours normally worked per week. A part-time employee is entitled to leave on a pro rata basis of their normally scheduled hours (Example: an employee who works 30 hours a week is entitled to 30 hours x 18 weeks);
 - (5) If an employee is eligible under both FMLA and AFLA leave, the entitlements run concurrently. If an employee is eligible under both FMLA and AFLA, the employee is entitled to the longer benefit period.
- (d) Family Leave Benefits provide the following:
- (1) Paid Family Leave is available to mothers and fathers for the birth of the employee's child or the placement of a child with the employee for adoption or foster care; or for the care of an employee or an employee's family member with a serious health condition; without regard to the marital status or sexual orientation of the employee. For the purposes of this section, "family member" shall mean a husband, wife, domestic partner, child, or parent.
 - (2) All employees that qualify for FMLA leave can utilize Paid Family Leave as allowed in this section, except those employees whose terms and conditions of employment with the Municipality are negotiated through a contract or agreement.
 - (3) The Paid Family Leave Benefit is up to 10 working days for a maximum of 80 hours (two weeks) for employees scheduled to work 40 hours per work week. If both parents of a child covered under this policy are municipal employees, or if two employees will utilize family leave for the same family member, each employee may utilize this benefit up to a total of 80 hours.
 - (4) Paid Family Leave must be taken within the FMLA period associated with the date of the birth or placement of a child for adoption or foster care, or within the FMLA period associated with the dates of the serious health condition.

- (5) Employees are not entitled to take Paid Family Leave intermittently.
- (6) Accrued sick leave and vacation leave must be fully used by the employee prior to utilizing the Paid Family Leave benefit.
- (7) Employees must have been employed for twelve months as of the first day of utilization of the Family Leave benefit to be eligible for the Paid Family Leave benefit. This 12-month period does not include probationary periods.
- (8) Employees must have worked at least 1,250 hours in the preceding twelve months before the first day of the utilization of the Family Leave benefit to be eligible for the Paid Family Leave benefit. This 12-month period does not include probationary periods.
- (9) The Paid Family Leave benefit may only be utilized once every two calendar years.
- (10) Paid Family Leave benefits must be approved by the department director and the borough manager prior to being utilized.
- (e) Employees whose FMLA and/or AFLA leave exceeds Paid Family Leave and/or accrued sick and vacation leave may take leave without pay.
- (f) The employee must notify the Borough Manager in writing of their intention to return to work (including estimated date of return) prior to the commencement of their family leave. An employee who states their intention to return to work shall have their position held open until the date specified in their statement of intention. The Borough Manager must notify the employee in writing within five (5) days of an employee's request for family medical leave of the provisions of the Federal Medical Leave Act and the Alaska Family Medical Leave Act.
- (g) During the compensated Family Leave, sick leave and periods of family leave, vacation leave and seniority shall accrue. In addition, during compensated sick leave, periods of family leave and periods of leave without pay, health and other insurance benefits will continue without interruption.

7.7 Compassionate Leave

In the event of death in the employee's immediate family (spouse, parent, child, sibling, grandparent, grandchild, mother- or father-in-law, or any other person who is legally dependent upon the employee) the Borough Manager may grant time off with pay, not to exceed five (5) working days.

7.8 Military Leave

Without Pay - An employee is entitled to leave without pay to serve on active duty in the United States armed forces and is entitled to the re-employment benefits granted under the Veteran's Reemployment Rights Act.

With Pay - An employee who is a member of a reserve component of the United States armed forces is entitled to a leave of absence without loss of pay for that time during which the employee is ordered to active duty for training, as distinguished from active duty (See Section 7.9).

7.9 Emergency Service Leave

The Borough Manager may grant emergency service leave with pay to an employee who is a member of an auxiliary or rescue component of the United States armed forces or a federal, state or local emergency services organization for the performance of fire suppression, search, rescue or similar emergency missions under direct military, federal, state or municipal control. The combined total of paid military leave and paid emergency service leave for an employee may not exceed sixteen (16) days in a calendar year.

7.10 Civil Leave

Employees subpoenaed or ordered to attend court to serve as a juror or to appear as a witness to testify concerning matters within the scope of employment or incidents observed while on duty shall receive leave with pay for the period of their court appearance. An employee on court leave must give the Municipality all moneys received from the court as compensation for services. The employee is paid a regular salary while on court leave. Police employees required to appear in court as part of their regular duties shall be compensated at their regular rate of pay or at overtime rate of pay, whichever is appropriate. Absence of an employee to appear in private litigation having no connection to his or her employment with the borough shall be charged to annual leave or to leave without pay.

7.11 Voting Leave

When an employee is not able to vote prior to or after their regular work hours, they will have a reasonable time to vote without loss of pay.

7.12 Leave of Absence Without Pay

A regular employee may be granted leave of absence without pay for up to twelve months if the absence does not seriously handicap the work of the department. Vacancies created by such leave, if filled, will be by temporary appointment.

- (a) Request Procedure - The employee must submit a written request to the Borough Manager.
- (b) Reinstatement of Employee Benefits Following a Leave of Absence - If a leave of absence is less than thirty (30) days, vacation accrual, seniority, and time towards performance evaluation will accrue without interruption. Also, health and other insurance benefits will continue without interruption. In a leave longer than thirty (30) days, vacation, seniority and time towards performance evaluation will not accrue during the leave, but shall begin accruing again

when the employee returns from leave, without loss of previous accrual (unless vacation time has been used to supplement the leave). Health and other insurance benefits will resume after the leave, subject to the waiting period for new enrollment. In the event of FMLA leave, health and other insurance benefits will continue uninterrupted.

7.13 Donation of Leave

- (a) The manager may allow an employee to donate the cash equivalent of a maximum of twenty (20) days or fifty percent (50%) of accrued vacation or sick leave, whichever is less, provided that the donation does not reduce the employee's vacation or sick leave balance to less than ten (10) days.
- (b) An employee may donate vacation or sick leave only to an employee who is on leave without pay for medical reasons or to the family of a deceased employee. The employee utilizing the donated leave may only do so after exhausting all of his or her accrued vacation and sick leave.

7.14 Sick Leave and Vacation Leave on Separation

- (a) All sick leave is canceled on separation, unless the separation is due to retirement. A retiring regular full-time employee shall receive a lump sum payment for their sick leave balance at the time of separation if the employee has worked at least 10 consecutive years for the Municipality. A sick leave liability for employees who have worked 10 consecutive years will be recorded and updated annually during the year-end accounting process.
- (b) An employee shall receive a lump sum payment for the vacation leave balance at the time of separation.