

Proposed by:	Administration
Civic Affairs:	05/12/2021
Attorney Review:	05/13/2021
Vote:	5 Aye 0 Nay 1 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 21-15R

**A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA,
AMENDING THE MUNICIPALITY OF SKAGWAY PERSONNEL POLICY.**

WHEREAS, the Personnel Officer and Borough Manager have recommended revisions to the personnel policy to be consistent with current practice and applicable state and federal laws; and

WHEREAS, revisions to the personnel policy were developed to address changes in state and federal law and effect certain changes in the Municipality's personnel practices; and

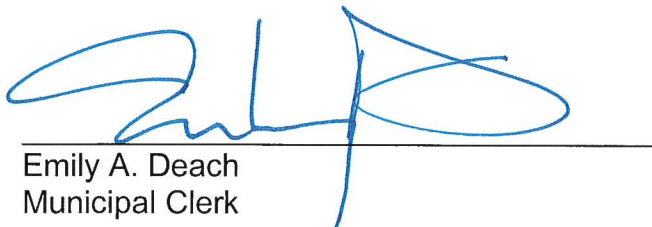
WHEREAS, pursuant to SMC 3.18.040(A), the assembly shall by resolution adopt such personnel rules as may be necessary to carry out the purposes of SMC 3.18 and implement the personnel management plan;

NOW THEREFORE, BE IT RESOLVED by the Borough Assembly of the Municipality of Skagway that the Municipality of Skagway Personnel Policy, attached as Exhibit A and incorporated herein by reference, is hereby amended as indicated in Exhibit A; (~~strike-through~~) indicates text to be deleted from and (**bold underscore**) indicates text added.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 20th day of May, 2021.


Andrew Cremata, Mayor

ATTEST:


Emily A. Deach
Municipal Clerk



(SEAL)

MUNICIPALITY OF SKAGWAY

PERSONNEL POLICY MANUAL

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A. PURPOSE

Pursuant to Skagway Municipal Code Chapter 3.18, this manual sets forth the principles and practices to be followed by the Municipality in the administration of its personnel system and establishes a fair and uniform system of personnel administration based on the merit principle of employment. "Merit principle of employment" means:

- (1) Recruiting, selecting and promoting employees on the basis of their knowledge, skill, ability and willingness to perform the work, including open consideration of qualified applicants for initial appointment;
- (2) Retention of employees with regular or introductory status on the basis of job performance and behavior, including reasonable efforts of temporary duration for correction of inadequate performance or unacceptable behavior, and separation for cause;
- (3) Equal treatment of employees and applicants with regard to knowledge, skill, ability and willingness to perform the work;
- (4) Rates of pay based on the work assigned and performed; and
- (5) Selection and retention of employees secure from political influences.

B. INTRODUCTION

WELCOME NEW EMPLOYEE!

Welcome to the Municipality of Skagway Borough. We believe that each employee has the opportunity to contribute directly to the Municipality's growth and success, and we hope you will take pride in being a member of our team.

This manual describes some of the expectations of our employees and outlines the policies, programs and benefits available to eligible employees. Employees are expected to familiarize themselves with the contents of this manual upon hiring, for it will answer many questions about employment with the Municipality of Skagway.

We hope that your experience here will be challenging, enjoyable and rewarding.

INTRODUCTORY STATEMENT

This manual provides you with information about working conditions, employee benefits and the policies affecting your employment. You are required to read, understand and comply with all provisions of the manual. It describes your responsibilities as an employee and outlines the programs developed by the Municipality to benefit employees.

No policy manual can anticipate every circumstance or question about policy. The Municipality reserves the right to revise, supplement or rescind any policies or portion of the manual at its sole and absolute discretion. Employees will be notified of changes to the manual as they occur. If you have concerns about working conditions or compensation, you are encouraged to voice these concerns openly and directly to your immediate supervisor or the Personnel Officer. The Municipality is committed to responding to employee concerns.

MUNICIPALITY OF SKAGWAY'S MISSION STATEMENT:

The Municipality of Skagway will responsibly provide vital and dynamic services to the residents and visitors of the Municipality through the application of professional skills, adopted plans, and standards which facilitate the growth of the local economy and protect and enhance quality of life, while fostering a respectful and successful workplace and preserving our environment and history for current and future generations.

C. EMPLOYEE ACKNOWLEDGEMENT FORM

The policy manual describes important information about the Municipality of Skagway, and I understand that I should consult the Personnel Officer regarding any questions not answered in the manual.

Since the information, policies and benefits described herein are necessarily subject to change, I acknowledge that revisions to the manual may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. The Borough Assembly of the Municipality of Skagway has the ability to adopt any revisions to the policies in this manual.

I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it.

I acknowledge that this manual is not a contract of employment. I acknowledge that this manual does not create a promise of specific treatment. I have entered voluntarily into my employment relationship with the Municipality of Skagway. I acknowledge that there is no specified length of employment. The Municipality of Skagway, with or without cause, may terminate the employment relationship at any time so long as there is no violation of applicable federal or state law. I understand, agree, acknowledge and accept that my employment with the Municipality is at will employment.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

D. EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Municipality of Skagway not to discriminate in recruitment, employment, promotion, discharge, compensation, job training, classification, referral, and all other conditions of employment on the basis of race, color or national origin, religion or creed, sex, sexual orientation, gender identity, age, physical or mental-~~handicaps~~ disability, genetic information, marital status, changes in marital status, veteran status or military service, pregnancy, or parenthood.

The Municipality of Skagway is committed to complying fully with the Americans with Disabilities Act (ADA) and any state or local law that provides individuals with disabilities greater protections than the ADA. The Municipality of Skagway shall not discriminate against disabled applicants or employees in employment actions, provided that the person, with or without reasonable accommodation, can perform the essential functions of the job in a manner that does not create risk of harm to the public or other Municipal employees. The Municipality of Skagway is committed to not discriminating against any qualified applicants or employees because they are related to or associated with a person with a disability. It is also the policy of the Municipality of Skagway not to discriminate on the basis of a person's political opinions or affiliation. No employee shall aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of illegal discriminatory factors.

Any violations of the Equal Employment Opportunity Policy must be reported immediately to your immediate supervisor or the Personnel Director. The Municipality of Skagway prohibits any form of retaliation against an applicant or employee reporting violations of the Equal Employment Opportunity Policy.

I have read and understood the above Equal Employment Opportunity Policy. I understand that it is my responsibility to comply with the Equal Employment Opportunity Policy.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

E. POLICY AGAINST HARASSMENT AND DISCRIMINATION

All employees shall treat all colleagues with respect and without discrimination for any reason. Employees shall act in a manner to support rather than obstruct colleagues in fulfilling their obligations. The Municipality of Skagway does not permit harassing conduct or discriminatory behavior by anyone in the workplace. Harassment undermines the integrity of employment relationships and interferes with work productivity. Skagway is committed to providing a work environment free of discrimination and harassment and prohibits such behavior even it does not rise to the level that violates the law.

Harassment is unwelcome verbal, non-verbal, or physical conduct. Harassing conduct may include malicious gossip, intimidation, bullying, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The harasser can be a supervisor, co-worker or a non-employee. Anyone can be affected by the harassing conduct. Unwelcome comments or conduct unreasonably interfering with an employee's work performance or that creates an intimidating, hostile, or offensive work environment for the employee who is being harassed or for other workers will not be tolerated.

1. TYPES OF HARASSMENT:

A. Sexual Harassment: Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, sexual identity, sexual orientation, gender expression, gender identity, when:

- Such conduct interferes with an individual's work performance; or creates an intimidating, hostile or offensive work environment;
- Such conduct is made either explicitly or implicitly a term or condition of employment, pay, or career; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

Examples: Unwelcome conduct of a sexual nature that may constitute sexual harassment includes but is not limited to:

- unwanted physical contact such as physical assault, unnecessary touching, patting, hugging, or brushing against a person's body;
- requests for sexual favors in exchange for benefits, such as favorable evaluations, promotions, continued employment, or favorable assignments, conditions of employment or other terms;
- sexually explicit derogatory statements or sexually discriminatory remarks, comments, questions, jokes, innuendos, anecdotes, or gestures made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which can interfere with the recipient's job performance.

- Behavior that can lead to a hostile work environment such as words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex.
- Dissemination of material of a sexual nature through the use of electronic mail or other systems or displaying sexually suggestive objects, pictures, magazines, cartoons, screen savers, or other methods of display.

B. Non-sexual Harassment: Harassment is not just limited to that of a sexual nature. Non-sexual harassment is unwelcome verbal, non-verbal, or physical conduct that shows hostility or aversion toward a person. Skagway will not tolerate harassment or discriminatory behavior in any form or for any reason.

In addition to such conduct not being tolerated in Skagway, harassment may be unlawful under State and Federal law when it is conducted against an individual based on race, color, religion, sex (including sexual orientation, gender identity, pregnancy status), marital status, parenthood, national origin, age, physical or mental disability, veteran or military status, and genetic information. Unlawful conduct may include actions where:

- An employee's acceptance or rejection of such conduct results in a tangible employment action that adversely affects the person's employment status; or
- the conduct is sufficiently severe or pervasive to alter the terms, conditions, or privileges of employment; or
- the conduct is sufficiently severe or pervasive that it creates an objectively and subjectively hostile or abusive work environment.

Examples: Unwelcome conduct that may constitute non-sexual harassment includes, but is not limited to:

- Disseminating images, videos, letters, notes, or displaying drawings, posters, cartoons, or images at work that a reasonable person would find offensive;
- Engaging in offensive or demeaning bantering, teasing, jokes, questions, gestures, innuendos, or other demeaning or abusive verbal behavior or physical conduct;
- Wearing clothing with images that a reasonable person would find offensive in the workplace.

2. REPORTING HARASSMENT OR HOSTILE OR ABUSIVE CONDUCT: Employees who have complaints of harassing, hostile or abusive behavior are encouraged to try to resolve these problems by discussing them with the person concerned. They should make it clear that the conduct is unwelcome and/or offensive. The employee is not required to discuss with the person involved if the employee is not comfortable. Employees who believe they are subject to or witnessed harassment or hostile or abusive behavior should immediately report the incident to his or her supervisor or manager or the supervisor or manager of the employee who engaged in the inappropriate conduct. Employees are encouraged to report as promptly as possible to prevent escalation. Any harassing conduct, even a single incident, should be reported.

If the employee believes that his or her manager or supervisor is the source of the

harassment, or if the employee is reluctant to speak to his or her manager, then the employee should promptly report the conduct to the Borough Manager.

3. CONFIDENTIALITY: The Municipality of Skagway strives to create an environment in which employees feel free to raise concerns and are confident those concerns will be addressed. The Municipality of Skagway will protect the confidentiality of the harassment complaints to the extent possible under federal, state and local law.

4. INVESTIGATION PROCESS: The Municipality will investigate all reports of harassment. The Municipality of Skagway will act to promptly and impartially to investigate complaints.

5. CORRECTIVE ACTION: The Municipality will take immediate and appropriate corrective action when it is determined that harassment, hostile, abusive, or otherwise inappropriate has occurred.

- will determine the corrective action to be taken to address the misconduct and prevent reoccurrence.
- The corrective action will depend on the severity and pervasiveness of the conduct, the offender's disciplinary conduct/history, and other surrounding circumstances. Disciplinary action can lead up to and include termination as outlined in Chapter 10 of the personnel manual.

6. RETALIATION: The Municipality of Skagway prohibits retaliation against those that report harassment or provide information related to complaints of harassment. Any employee who retaliates against anyone for reporting or providing information in a harassment investigation will be subjected to disciplinary action, up to and including termination.

7. TRAINING AND ACKNOWLEDGEMENT: This policy is being disseminated to all employees through the personnel manual. Additionally, requires all employees to complete the Municipality of Skagway's online sexual harassment course. All employees shall sign a form that they have completed such a course.

Please sign below that you have read the Municipality of Skagway's Harassment and Discrimination Policy and agree to abide by its terms:

E. POLICY AGAINST HARASSMENT

~~All employees shall treat all colleagues with respect and without discrimination for any reason. Employees shall act in a manner to support rather than obstruct colleagues in fulfilling their obligations. Employees who have complaints or disagreements are encouraged to try to resolve these problems by discussing them with the person concerned, their supervisor or the Personnel Officer. The Municipality of Skagway does not permit harassing conduct by anyone in the workplace.~~

~~Harassment is unwelcome verbal or physical conduct based on race, color, religion, sex (including pregnancy and sexual orientation), national origin, age, disability or genetic information. Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put downs, offensive objects or pictures, and interference with work performance. The harasser can be a supervisor, co-worker or a non-employee.~~

~~Anyone can be affected by the harassing conduct.~~

~~Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees are encouraged to report harassment to their supervisor or the Personnel Officer at an early stage to prevent its escalation. The Municipality of Skagway will protect the confidentiality of the harassment complaints to the extent possible under federal, state and local law. The Municipality of Skagway will act to promptly and impartially investigate complaints. The Municipality will take immediate and appropriate corrective action when it is determined that harassment has occurred. The Municipality of Skagway strives to create an environment in which employees feel free to raise concerns and are confident those concerns will be addressed. The Municipality of Skagway prohibits retaliation against those that report complaints of harassment or provide information related to complaints of harassment.~~

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

F. EMPLOYEE CONDUCT

All employees shall handle all public inquiries or complaints in a courteous and professional manner. It is the responsibility of the employee receiving the inquiry or complaint to resolve it if possible, in a reasonable time. If the inquiry or complaint does not pertain to his or her department, the caller shall be advised of the name of the person to whom the inquiry should be directed. If the inquiry or complaint pertains to the employee's department and he or she is unable to solve the issue, the caller shall be advised that their inquiry or complaint will be turned over to the supervisor for disposition in person or on the telephone. If the supervisor is unable to resolve the problem, it shall be referred to the Borough Manager to attain a resolution.

All ~~officers and~~ employees are available to answer public inquiries, if possible, or to direct individuals to the proper office for help on their particular needs. Individuals acting in or demanding service in a belligerent, discourteous or antisocial manner may be refused service and asked to vacate the premises. All employees encountering such a situation shall request their supervisor to handle the situation.

All such incidents shall be documented as to persons involved, date and time and nature of the incident. Any supervisor that cannot resolve the situation in a reasonable manner and without physical contact should ask for police assistance via a 911 telephone call.

G. DRUG FREE WORKPLACE ACT NOTIFICATION

It is the policy of the Municipality of Skagway to comply with the federal Drug-free Workplace Act of 1988. Any employee who unlawfully manufactures, distributes, dispenses, possesses or uses a controlled substance in the workplace or during working hours is subject to disciplinary action up to and including immediate termination. This is in addition to any criminal action concerning the offense.

Employees are required to notify the employer no later than five (5) days following a conviction for any criminal drug offense occurring in the workplace. Within thirty (30) days of an employee notifying the Municipality of such conviction, the Municipality may a) take action against the employee up to and including termination; or b) require the employee to satisfactorily complete an approved drug abuse assistance or rehabilitation program.

The Municipality is committed to helping employees find resources for drug or alcohol counseling and rehabilitation although the Municipality does not sponsor any such programs.

As a condition of employment, municipal employees must abide by the terms of this policy. With cause the Municipality may require an employee to complete drug or alcohol impairment testing at the discretion of the Borough Manager. The actual cost of this testing will be covered by the Municipality.

This policy does not diminish, increase or otherwise change any other employee's rights or responsibilities under the personnel rules.

H. APPLICABILITY

This policy manual applies to all employees of the municipal government except the borough manager, port director, chief of police and clinic executive director unless otherwise specifically stated in a contract with any of these specific employees. The borough manager, port director, chief of police, and clinic executive director shall comply with Sections D, E, F and G of the personnel policy manual relating to the policy against harassment and discrimination and the code of conduct.

~~This policy manual applies to all employees of the municipal government except direct contract employees, unless otherwise stated in the direct contract employee's agreement with the Municipality. Direct contract positions are the Borough Manager, Clinic Executive Director and Clinic Providers.~~

CHAPTER 1

ADMINISTRATION

Section 1

- 1.1 Borough Assembly
- 1.2 Borough Manager
- 1.3 Department Supervisors
- 1.4 Personnel Records
- 1.5 Productivity
- 1.6 Safety

1.1 Borough Assembly

The Borough Assembly exercises control over personnel through the adoption of the budget, pay policies, and any resolutions or ordinances related to personnel matters. It is the general intent of this section to establish policies which will serve as a guide to the administrative action concerning the various personnel activities and transactions. Additional personnel procedures and policies may be issued to clarify or amplify the personnel policies in greater detail. Employees may have the opportunity to provide input on proposed changes prior to implementation. The Personnel Officer shall make available to all employees any proposed written changes to the personnel policies prior to placing them on the Borough Assembly agenda. The Mayor, Borough Assembly or Borough Manager may recommend amendments, changes or revisions to the personnel policy. All amendments, changes or revisions shall be adopted by resolution of the Borough Assembly.

1.2 Borough Manager

The Borough Manager and the department supervisors or their designees handle normal and routine personnel matters. The Borough Manager shall serve as the Personnel Officer unless the Borough Assembly authorizes the Borough Manager to appoint a personnel officer. The Borough Manager shall have overall authority and responsibility for personnel management for all municipal departments. Except as otherwise provided by state law or municipal ordinance, the Borough Manager as the Personnel Officer shall have sole authority to take all personnel actions regarding municipal employees, including department supervisors. The Borough Manager may authorize any municipal employee, including department supervisors, who is subject to the Borough Manager's supervision to exercise powers consistent with this Personnel Policy and Municipal Code with respect to subordinates of that municipal employee's department, office or agency. The Borough Manager may not make temporary or permanent assignments of responsibilities of the Clerk's Office without agreement of the Clerk pursuant to Municipal Code Section 3.02.020(C).

The Borough Manager is responsible for directing and coordinating the personnel activities of the Municipality including the following:

- (a) Prepare, maintain and administer position classification and pay plans.
- (b) Participate in the recruiting, testing, selection and hiring of all municipal employees, with the exception of police department personnel per SMC 3.02.100(C)(2), the fire chief per SMC 3.02.010(C)(2) (a.), the clinic executive director per SMC 3.17.055(A), the borough clerk per SMC 3.01.100(A), school district employees per AS 14.14.060, and any other positions excluded by state statute or municipal ordinance, provided there is participation by others in these processes, specified as follows:
 - A selection committee of the Borough Manager, supervisor of the vacant position and a committee chairperson or board member, shall participate in the selection of all regular full-time employees. When department supervisor positions are to be filled, the Mayor shall participate in the selection committee deliberations along with the Borough Manager and a committee chairperson or board member. The Borough Manager selects part-time, seasonal or temporary positions, with participation by others in the selection process at the manager's discretion. Per SMC 3.01.135, neither the Borough Assembly nor any of its members shall dictate the appointment of any person to office or employment by the Borough Manager, except as permitted by state law or the municipal ordinances.
- (c) Approve the appointment, promotion, demotion, transfer, discipline, discharge, and other actions affecting persons employed by the Municipality.
- (d) Supervise, develop, and maintain the personnel system including written forms, procedures and records.
- (e) Maintain a current roster of all municipal employees. This roster shall include the last known mailing address, residential address, and home telephone number of all employees.
- (f) Direct employee orientation, training, counseling, and career development in conjunction with department supervisors.
- (g) Administer the fringe benefits program.
- (h) Approve performance evaluation reviews for all employees.
- (i) Administer the employee grievance procedure.
- (j) Perform any other lawful or necessary acts to carry out the policies and procedures outlined in this manual.

1.3 Department Supervisors

The following positions are designated department supervisors: borough manager, borough clerk, borough treasurer, chief of police, fire chief, public works director, museum director, library director, recreation center director, harbor master, tourism director, port director and clinic executive director.

Department supervisors may establish necessary written rules for the efficient and orderly administration of the department, provided they are consistent with the personnel policy manual, municipal code, state and federal law. With the exception of the clinic per SMC 3.17.020(A)(1) and police department per SM 3.02.100(E)(1), the Borough Manager shall approve such rules before they become effective. The clinic board of directors shall review policies and procedures annually and submit them to the Assembly for review and approval, per SMC 3.17.020. Department supervisors shall make these rules available to each department employee in the form of a written manual of standard operating practices and procedures. Department supervisors shall review policies annually.

1.4 Personnel Records

The Borough Manager or his appointee shall maintain a personnel record for each applicant and employee. The Municipality shall make and keep for at least two (2) years, records of the race, age and sex of its applicants for employment in accordance with the regulations of the Alaska Human Rights Commission. The personnel record shall show the employee's name, title, job description, department, salary, training received, and other pertinent information. The Municipality will maintain personnel records for six (6) years following an employee's termination of municipal employment. Any employee record of exposure to a toxic substance or health hazard will be maintained for the duration of employment plus thirty (30) years.

The following actions must be in writing and a record of the action maintained: appointment, separation, change of position, change of pay, change of status, performance evaluation and disciplinary actions.

Personnel records are confidential and are not open to public inspection except as provided in this section or as otherwise required by federal or state law, or court order.

- (a) All requests for release of personnel records are submitted in writing to the Borough Manager. The manager or the manager's designee shall approve the release of information as authorized in this section. Personnel records authorized for release are available for inspection subject to reasonable restrictions on the time and manner of inspection.
- (b) The following information is available for public inspection:
 - (1) The names and position titles of all employees;
 - (2) The position held by an employee;
 - (3) Prior municipal positions held by an employee;
 - (4) The dates of appointment and separation of an employee;
 - (5) The compensation authorized for a position; and
 - (6) Applications for positions of Borough Manager, Borough Clerk, Borough Treasurer, Police Chief, ~~and Borough Attorney.~~

- (c) Personnel records not open to public inspection are released only under the following conditions:
 - (1) An employee or former employee may, during regular business hours, upon reasonable request, examine the employee's or former employee's own personnel records, with the exception of selection information deemed confidential under these rules, and may give written authorization to others to examine these records.
 - (2) Municipal employees with a direct supervisory relationship to the employee may examine the employee's personnel records. Access to personnel records may be granted only for purposes relating to the Municipality's personnel system.
 - (3) In the absence of written authorization from the employee or former employee:
 - (i) Personnel records are released only to federal, state or municipal officials authorized by law to review the records, including federal and state personnel legally charged with administering civil rights laws and regulations; or
 - (ii) Personnel records of employees or former employees may be released upon receipt of an order of a court of competent jurisdiction.
- (d) The Municipality may require the employee or former employee to pay the reasonable cost of duplication of any personnel file materials requested.

1.5 Productivity

The Municipality recognizes that delivery of essential municipal services in the most efficient and effective manner is of paramount importance. Optimum productivity is recognized to be the mutual obligation of both the Municipality and its employees.

Work procedures, schedules, and assignments, or any other means of increasing productivity, may be established and/or revised at the discretion of the Borough Manager, so long as any such action is in compliance with this personnel policy manual.

1.6 Safety

It is a fundamental responsibility of the Municipality to protect the lives and property of its residents and to provide a safe work environment for its employees. The objective of the Municipality is to provide and maintain a safety program that will reduce the number of property damage accidents, disabling injuries and illnesses to a minimum.

Responsibilities for safety are shared:

- (a) Municipal management is responsible for leadership of the safety program and shall be responsible for its effectiveness and improvement and for providing the safeguards required to ensure safe conditions.

- (b) Supervisory personnel and lead workers are responsible for developing the proper attitudes toward safety in themselves and in those they supervise; and for ensuring that all operations are performed with the utmost regard for the safety of all individuals involved, including themselves.
- (c) Employees are responsible for genuine cooperation with all aspects of the safety program, including compliance with all rules and regulations and for continuously practicing safety while performing their duties.

CHAPTER 2

RECRUITMENT, APPLICATION & SELECTION

Section 2

General Statement

- 2.1 Appointing Authority
- 2.2 Announcement of Vacancies
- 2.3 Pre-Employment Requirements
- 2.4 Disqualification of Applicants
- 2.5 Criminal Convictions
- 2.6 Notification of Applicants
- 2.7 Filling of Vacancies

General Statement

Appointment and promotion to positions in the Municipality are based upon merit. Selection methods are based solely on job-related knowledge, skills, abilities, experience, education and prior demonstrated performance, aptitude and adaptability.

Regardless of the number of competitors, selection methods are competitive when:

- (a) The qualifications required are based upon education, experience, and personnel standards established by the Borough Manager;
- (b) A reasonable opportunity is afforded for qualified persons to apply; and
- (c) All persons being considered compete against common standards.

2.1 Appointing Authority

The department supervisor of each department may recommend in writing to the Borough Manager all appointments for the department. The Borough Manager, in accordance with Section 1.2, is the appointing authority.

2.2 Announcement of Vacancies

The Municipality fills all vacancies by transfer, promotion, reemployment, reinstatement or original appointment. - The department supervisor shall submit a written notice of vacancy to the Borough Manager immediately upon a vacancy or knowledge of an impending vacancy within the department. The notice of vacancy will include whether the department supervisor is requesting the vacancy be filled. Any requests to fill a vacancy will include a written statement of the job title, essential duties, required skills and abilities, standby or on- call duties, and any special requirements of the vacancy to be included in the job announcement.

The Borough Manager must approve any advertising or recruiting. Employees transferring to a different position will serve the same introductory period as a new hire in that position. Employees transferring to a different position may return to their previous position if written notice is delivered to the Borough manager within fourteen (14) calendar days of the commencement of the new position. Regular positions will be announced internally and publicly simultaneously. All positions may be announced ~~to the public~~ to be filled for fourteen (14) days, unless the Borough Manager determines to promote from within the municipality, see section 6.5, Promotion, not to fill the position or the job descriptions and duties are changed.

The job announcement specifies the title and salary range of the opening, the job description or summary, manner and method of application and other pertinent information.

~~The Municipality shall publicly post announcements no less than fourteen (14) calendar days prior to the proposed date of selection.~~

The Municipality will repost the job announcement if any changes to the job description or job summary occur after the application period closes.

The department supervisor and/or Borough Manager will post vacancies in all locations where official notices to employees are posted. The list of locations for official notices to employees shall be kept by the Borough Manager and the Borough Clerk.

The Municipality may advertise announcements in a newspaper of regional distribution and with the State of Alaska, Employment Division and may take additional recruiting or advertising measures if needed. The Administrative Office processes all advertisements or announcements.

2.3 Pre-Employment Requirements

- (a) Physical Examinations - The Municipality may require physical examinations by a doctor or mid-level practitioner approved by the Municipality at the discretion of the Borough Manager. Annual physical examinations with certifications are required of all regular police employees within one month of the anniversary date of employment by a doctor or mid-level practitioner who as part of their regular practice conducts physical examinations and is approved by the Municipality. Failure to receive such certification may be reason for termination of employment. The Municipality pays the costs of physical examinations.
- (b) Background Check - Candidates for all positions are subject to a check of possible criminal history. Any person who refuses to submit to such an examination shall be rejected for employment. Candidates for police and certain

finance positions may be photographed and fingerprinted for the purpose of a routine background check.

- (c) The Municipality will not base employment decisions upon prior arrest records. Prior criminal convictions may not necessarily bar employment, and the Municipality may consider such factors as age at the time of the offense, seriousness and nature of the violation, and rehabilitation.
- (d) Confidential Information - Reports regarding reputation, previous employment, background investigations and similar information obtained as a result of confidential inquiries are confidential and are not available to the applicant.

2.4 Disqualification of Applicants

- (a) The Borough Manager shall disqualify an applicant if:
 - (1) The applicant has failed to submit an application within the prescribed time limit.
 - (2) The applicant's application is incomplete or the applicant does not meet the minimum job requirements.
- (b) The Borough Manager may disqualify an applicant who:
 - (1) Has made a false statement of fact in the application process;
 - (2) Has used or attempted to use political influence or bribery to secure an advantage in the appointment; or
 - (3) Has been discharged from employment for misconduct, unsatisfactory performance of duties or other similar cause. In making the determination to disqualify an applicant, the manager may consider the relationship of the discharge to the duties and responsibilities of the position, the amount of time since the discharge, the circumstances under which the discharge occurred and the age of the applicant at the time of the discharge.

2.5 Criminal Convictions

- (a) An applicant must report a misdemeanor conviction that occurred within the preceding five years and a felony conviction regardless of the date it occurred.
- (b) The Borough Manager may disqualify applicants convicted of crimes if the offense directly relates to the ability to discharge the duties and responsibilities of the position.
- (c) In making the determination of whether to disqualify an applicant the Borough Manager shall consider the relationship of the offense to the duties and responsibilities of the position and the amount of time since the offense. The Borough Manager may consider the circumstances of the offense and the age of the applicant at the time of the offense.

2.6 Notification of Applicants

The Municipality will make a reasonable effort by standard mail, e-mail or phone to notify all applicants applying for a specific job within five working days of filling the vacancy.

2.7 Filling of Vacancies

The Borough Manager or, when required by municipal code, the Borough Assembly, must approve appointments before the successful applicant is officially offered the position.

CHAPTER 3

WORK SCHEDULE

Section 3

General Statement

- 3.1 Work Week
- 3.2 Work Day
- 3.3 Work Day Breaks
- 3.4 Shift Changes
- 3.5 Outside Employment

General Statement

Every employee shall perform such services as the Borough Manager or their respective department supervisor may direct, even though the work may be of a different nature or in a different department from that in which the employee is normally engaged.

3.1 Work Week

The standard work week shall consist of forty (40) hours of work during a standard calendar week. Generally, the work week consists of five (5) consecutive eight- hour days, Monday through Friday. The department supervisor may alter the work week with the approval of the Borough Manager. Hours in excess of 40 hours per work week must be pre-approved by the employee's supervisor in order to be compensated as overtime pursuant to Section 5.4.

3.2 Work Day

Generally, the work day consists of eight working hours. Hours worked within a twenty-four (24) hour period beginning at midnight in excess of eight hours [or ten (10) hours, if ten-hour shifts are generally worked] are compensated as overtime pursuant to Section 5.4. The department supervisor may alter work day schedules with the permission of the Borough Manager, subject to compliance with State Department of Labor regulation 8 AAC 15.102.

3.3 Work Day Breaks

A normal eight-hour work day will include, whenever feasible, two 15-minute breaks and a one-hour lunch break scheduled by the department supervisor. Employees working ten-hour days will, whenever feasible, receive an additional 15-minute break

each day (for a total of three). Fifteen-minute breaks are compensated; the one-hour lunch break is not compensated, subject to compliance with State Department of Labor regulation 8 AAC 15.102.

3.4 Shift Changes

Employees will normally receive adequate advance notice of any changes in regular working hours, except where an emergency exists. The supervisor will give at least one-week prior notice of a change in work schedules, when possible.

3.5 Outside Employment

Employees wishing to engage in off-duty employment with another employer must obtain the prior written approval of their department supervisors as required by Section 12.1(b) of this manual. To be approved, the outside employment must be identified and conform to the following regulations:

- (a) The outside employment must not place the employee in a conflict of interest, either express or implied, and as prohibited by Section 12.1(a) of this manual.
- (b) Outside employment shall not require such a degree of commitment that it would tend to prevent an employee from rendering primary, effective service to the Municipality.
- (c) It is understood that the Municipality has prior call upon the services of its employees whenever special conditions, emergencies or scheduling difficulties demand it, regardless of any impingement upon secondary employment.

CHAPTER 4

POSITION DESCRIPTIONS

Section 4

- 4.1 Position Descriptions
- 4.2 New or Changed Positions

4.1 Position Descriptions

- (a) The Borough Manager shall provide and maintain written descriptions for each position. Each job description must include a title, a description of the duties, responsibilities and minimum or desired qualifications. The duties and responsibilities included in job descriptions are guidelines and are not inclusive of all duties and responsibilities of the position.
- (b) The statement of minimum qualifications is the minimum education, experience and other qualifications required of a new employee. When minimum qualifications change as a result of federal, state, occupational or professional requirements, present employees in the position may be required to meet the new minimum qualifications and shall have a reasonable time to do so.
- (c) The department supervisor shall provide the incumbent of a position with a copy of the present job description for the position no later than the effective date of the ~~description~~position.

4.2 New or Changed Positions

- (a) When the need for a new position arises and prior to advertising to fill the position, the department supervisor shall provide the Borough Manager with a written description of the duties, responsibilities and authority assigned to a new position. The department supervisor shall also submit other information as may be required by the Borough Manager, including a recommendation of the pay range for the position.
- (b) The department supervisor shall provide the Borough Manager with a revised position description if any significant change occurs which affects the duties, responsibilities or authority of an existing position, or the standards for evaluating the performance of an employee in a position.
- (c) Amendments to a position's pay range shall be approved by a resolution of the Assembly.

CHAPTER 5

PAY PLAN AND ADMINISTRATION

Section 5

General Statement

- 5.1 Appointment Rate
- 5.2 Pay Days
- 5.3 Merit Increases
- 5.4 Overtime
- 5.5 Holiday Pay
- 5.6 Emergency Overtime
- 5.7 Salary Advance

General Statement

The Pay Plan prescribes the pay range for each position and the number of pay steps. Each pay step shall specify the hourly wage. Employees are compensated at an established step. The Pay Plan shall comply with the equal pay provisions of AS 18.80.220(5). Amendments to the Pay Plan shall be approved by resolution of the Assembly.

5.1 Appointment Rate

The Municipality will normally pay the minimum rate of pay listed in the pay schedule for original appointment to a position. Original appointment above the minimum rate may be made only upon written recommendation of the department supervisor and with the written approval of the Borough Manager on the basis of an employee's training, education and job-related experience. A department supervisor may recommend a one (1) step increase for every five (5) years of experience up to a maximum of four (4) steps for seasonal employment. In no case shall the Municipality pay a person starting employment with the Municipality above the Step Four (4) level for that position.

5.2 Pay Days

All personnel are paid on the fifteenth and last day of each month. When pay days fall on a holiday or weekend, employees are paid on the workday preceding the holiday or weekend.

5.3 Merit Increases

- (a) The steps in the pay schedule recognize merit.

- (b) Upon Borough Manager approval, a full-time employee who receives an overall performance evaluation of acceptable or better following completion of the introductory period, receives a merit increase of one step in the pay range and annually thereafter after an "acceptable or better" annual performance evaluation. An "acceptable or better" evaluation indicates that the employee consistently meets and occasionally exceeds department standards and is improving their ability to carry out their job assignments.
- (c) Upon Borough Manager approval, a part time employee who receives an overall evaluation of acceptable or better following completion of the introductory period receives a merit increase of one step in the pay range and thereafter on the first day of the regular pay period following completion of 1,820 hours of work (provided it does not reoccur in less than 12 months), or two calendar years following completion of the introductory period, whichever occurs first.
- (d) The Borough Manager may, but is not required to, award a merit increase of two steps to an employee who receives an overall performance evaluation of "outstanding."
- (e) The finance committee of the Borough Assembly may annually review the Anchorage Consumer Price Index (CPI) or any other CPI potentially helpful to the cost of living in Skagway and consider an adjustment to pay schedules or per diem rate; changes to the pay scale, or per diem rate, due to cost-of-living adjustments shall be approved by the Assembly by resolution. Employees will be notified of the decision of the Assembly.

5.4 Overtime

Work performed in excess of the regular work day or regular work week is compensated at one and one-half times the regular rate of pay, which will be referred to as the overtime rate. The employee's supervisor shall authorize overtime. Employee standby and on-call time is not considered overtime and is not counted towards hours worked.

- (a) All work in excess of eight hours per day for employees regularly scheduled to work either eight hours or less is paid at the overtime rate.
- (b) All work in excess of 40 hours in a seven-day week, excluding those hours already paid at the overtime rate, is paid at the overtime rate. Hours shall not be double counted for purposes of computing overtime. Paid leave shall be considered as time worked when computing hours in excess of 40 hours in a seven-day week. Hours worked shall only be counted once for purposes of determining overtime pay, regardless of whether the hours worked exceed the regular work hours for a day or exceed 40 hours for a seven-day week.
- (c) Overtime is computed to the nearest half hour.
- (d) Overtime pay is available only to an employee paid an hourly rate.
- (e) See Section 5.5 for rates of pay for hours worked on holidays.
- (f) All work in excess of 40 hours a week or 10 hours a day under a flexible work hour plan pursuant to AS 23.10.060(d)(14) is paid at one and one-half times the regular rate of pay.

5.5 Holiday Pay

- (a) Regular employees, introductory employees and regular seasonal employees (in their third or more consecutive season) are compensated for holidays for the number of hours they would have normally worked on that day, not to exceed 8 hours. Holiday pay does contribute toward hours worked when calculating overtime pay.
- (b) Regular part-time employees, introductory part-time employees and regular seasonal part-time employees (in their third or more consecutive season) who are not regularly scheduled to work on the day of the holiday shall receive 0.2 of the regularly scheduled weekly hours as pay for that holiday, not to exceed 8 hours.
- (c) Employees whose scheduled day off falls on a holiday are compensated by an extra day's regular pay or by an extra paid day off.
- (d) All work on a holiday is paid at the regular rate of pay, in addition to overtime pay for hours worked that day. If the holiday is compensated by an alternative day off, work on the holiday is paid at the regular rate. Police employees on stand-by time on holidays are paid at the rate of one and one-half times the regular stand by rate.

5.6 Emergency Overtime

The Borough Assembly may declare an emergency during periods of disruption resulting from accidents, acts of God, or events of crisis proportions as specified in Administrative section III (B) of the Emergency Operations Plan. The Borough Manager shall notify department supervisors by any means available and may instruct them to deploy their subordinates from home, job or any other place for the purpose of alleviating such emergency situations. In cases of emergency overtime the employee will receive overtime compensation in accordance with Section 5.4.

5.7 Salary Advance

An employee may request an advance in salary only in the case of an emergency. The employee shall submit a written request for the advance to the Borough Manager for approval. A salary advance shall not exceed 25% of an employee's monthly net pay. Examples of emergencies: medical expenses for an immediate family member or members of the household, repairs to an employee's home due to accident or casualty, or similar types of unanticipated costs. The Borough Manager has sole authority to determine whether to allow a salary advance.

CHAPTER 6

EMPLOYEE STATUS

Section 6

- 6.1 Definitions
- 6.2 Introductory Period
- 6.3 Regular Status
- 6.4 Seniority
- 6.5 Promotion
- 6.6 Appointments
- 6.7 Transfer
- 6.8 Demotion
- 6.9 Suspension
- 6.10 Reappointment Rate
- 6.11 Separation

6.1 Definitions

The following definitions may be combined to describe certain job positions. Refer also to Section 6.6.

- (a) Introductory - A new employee being evaluated for a specified period of time prior to achieving regular status.
- (b) Regular - An employee who has successfully completed the specified introductory period and who is retained in the position.
- (c) Temporary - An employee appointed for a limited or specified period of time, either full or part time.
- (d) Full-time - An employee who regularly works 30 hours or more per week.
- (e) Part-time - An employee employed regularly for less than 30 hours per week.
- (f) Volunteer - An individual who performs service for the Municipality for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered. Volunteers may receive limited benefits such as training opportunities, reimbursement of meal or travel expenses, training allowances and stipends, but the Municipality shall have no obligation to offer such benefits to volunteers.
- (g) Exempt - An employee who serves at the pleasure of the Borough Assembly and whose term of employment is determined by the Borough Assembly (see section H, Applicability).
- (h) Regular Seasonal - An employee appointed for a specific period of less than 12 months either full-time or part-time whose length of service is seasonal due to available work and/or budget authorization.

6.2 Introductory Period

- (a) The initial introductory period is six months for all new employees.
- (b) The Borough Manager may discharge an introductory employee whose job performance or conduct does not meet the required standards
- (c) All promotions, transfers and reappointments are subject to a six-month introductory period. During this period employees who have gained regular status in the previous position(s) maintain regular status, accrue seniority and are protected in discharge procedures. During this period, an employee may be demoted, transferred or reappointed for cause.
- (d) Persons hired for police positions must be certified by the Alaska Police Standards Council (APSC) as having met the training requirements of AS 18.65.240. Individuals who are not certified may be hired for a police position; however, they must obtain the certificate within twelve months of the date of hire.
- (e) Persons hired for police positions who are certified by the APSC at the time of hire shall serve a six-month introductory period.
- (f) Persons hired for police positions who are not certified by the APSC at the time of hire shall serve a twelve-month introductory period. This period may be extended if exceptional circumstances exist.

6.3 Regular Status

An introductory appointment becomes regular on the employee's first day of work following completion of the introductory period, upon approval by the Borough Manager of a completed personnel action form.

6.4 Seniority

- (a) Seniority is the length of an employee's continuous service with the Municipality. An employee who has not completed the initial introductory period does not have seniority.
- ~~(b) The Borough Manager provides department supervisors with a seniority list on July 1 of each year.~~
- ~~(c)~~ (b) An employee's seniority is broken by voluntary resignation, discharge or retirement.

Commented [MG1]: Payroll software updates have made this list unnecessary; the data is always available.

6.5 Promotion

- ~~(a) "Promotion" means the movement of an employee from one position to another position in a higher classification or salary range without a break in service. The Municipality shall make reasonable efforts to fill job vacancies by promotion from within the municipal departments.~~
- ~~(b) A promoted employee is subject to a six-month introductory period and may be eligible for a merit advancement following completion of the introductory period in the new position.~~
- ~~(c) At the time of promotion, an employee's pay advances from the employee's current rate of pay to the rate of pay in the new position closest to but not to exceed the~~

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current rate of pay. Employees may be promoted only when the employee has met the minimum qualifications of the higher position and the employee's performance evaluations merit the promotion. Department supervisory positions cannot be filled by promotion.

(d) To provide for continuity when an employee is uniquely qualified and experienced to fill a vacancy, the borough manager may recommend promotion of the employee to the new position without competitive recruitment or advertising for the vacancy. The new position effective hire date will be after a 14-day notice period. Promotions shall be advertised by public notice in substantially the following form:

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POSITION VACANCY TO BE FILLED BY PROMOTION

The Municipality of Skagway will fill the position of <job title> by promotion of <name of employee> as permitted under the Municipality of Skagway Personnel Policy. Questions about this action should be directed to the Borough Manager prior to <date>.

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6.6 Appointments

- (a) Emergency Appointment - An emergency appointment is made by a department supervisor under unanticipated circumstances requiring immediate action. These circumstances may include the need to preserve property, to protect the public or to meet severe staff shortages. An emergency appointment may not exceed the duration of the emergency or thirty days, whichever is less.
- (b) Temporary Appointment - The Borough Manager may authorize a temporary appointment in accordance with the recruitment and selection requirements of this manual. A temporary appointment shall not exceed 25 weeks. A temporary employee is not entitled to paid holidays, sick leave, vacation leave, health, dental, and life insurance or retirement benefits. Temporary employees serve at the pleasure of the Municipality and provisions of this manual related to discipline and evaluation procedures do not apply. Temporary employees may be considered for regular and part-time employment. If the Municipality appoints a temporary employee to a regular position, the time accrued as a temporary employee in that position counts toward the introductory period and seniority.
- (c) Regular/Introductory Appointments - Regular/introductory appointments have an expected duration of one year or more. ~~and include full-time, part-time and seasonal appointments.~~
 - (1) Full-time appointments are those appointments averaging not less than 30 hours per week.
 - (2) Part-time appointments are those appointments averaging 29 hours or less hours per week.
- (d) Acting Appointment - Appointment may be made to a higher position on an acting basis to fill a vacancy. An acting appointment may receive a pay increase not to exceed two pay steps from their current pay step for the duration of the acting appointment, and not to exceed the department supervisor's rate of pay.
- (e) Increased Responsibilities Differential - An hourly employee temporarily assigned the responsibilities of a department ~~head-supervisor~~ because the

incumbent ~~is~~ absent is paid an increased responsibilities differential of \$5.00 per hour. An employee must assume the responsibilities for not less than a total of eight hours; however, the differential is retroactive to the first hour of the assignment. Temporary assignment of increased responsibilities may not exceed 26 weeks. Increased responsibilities pay is available only to an employee paid an hourly rate (See Section 13.9). The department ~~head-~~supervisor shall provide written verification of the assignment of increased responsibilities differential pay for the employee's personnel file.

- (f) Regular Seasonal Appointments - Regular seasonal appointments are for positions that employ a person for a specified period of less than 12 months. A regular seasonal employee is not entitled to vacation leave, health, dental, life insurance or retirement benefits. A regular seasonal employee is not entitled to sick leave or holiday pay until their third consecutive season employed by the Municipality.

6.7 Transfer

When a vacancy occurs, an employee may request a transfer to that position by submitting a written request or application to the Borough Manager.

6.8 Demotion

A demoted employee's rate of pay is determined as follows:

- (a) In Lieu of Layoff
 - (1) If the salary received in the higher range falls within the pay range of the position to which demoted, the rate of pay remains the same.
 - (2) If the salary received in the higher range is greater than the top step of the position to which demoted, the salary is reduced to the top step of the lower pay range.
- (b) Other Reasons for Demotion
 - (1) Following Promotion - When an employee is demoted back to his previous position during the introductory period following promotion, pay is set at the step in effect prior to the promotion.
 - (2) Disciplinary Demotion - Pay may be set at a lower step following a disciplinary demotion.

6.9 Suspension - (See Section 10.4)

6.10 Reappointment Rate

Persons reemployed or reinstated may be paid at any step within the pay range not to exceed the step attained at the time of separation, at the discretion of the Borough Manager.

6.11 Separation

Upon separation of any employee for any reason the employee is paid a lump sum payment for all unused vacation time credits accrued during ~~his/hor~~their tenure.

Before separation all employees may complete an exit interview with their department supervisor or the Borough Manager (the employee is given the choice). The purpose of this interview is to clarify the factors leading to the separation for the benefit of both the employee and employer.

Before an employee's termination date, they must complete the separation clearance (returning all equipment, keys, etc.).

In all cases, an employee is paid all amounts due no later than three days following the termination date, or as otherwise provided by state law, or if the Municipality does not have sufficient information from the employee to comply with this time requirement if consistent with state law.

- (a) Termination - A temporary or emergency employee is separated on completion of service. This action is referred to as termination.
- (b) Layoff - The Borough Manager may lay off a regular or introductory employee by reason of abolition of position, shortage of work or funds or other reasons outside the employee's control.
 - (1) The Manager shall give employees not less than ten working days written notice of lay off and shall lay off in inverse order of their seniority in their position. The written notice shall specify the effective date of the lay off and the date of termination of applicable health insurance coverage, and options for insurance continuance after the layoff.
 - (2) Any employee who is to be laid off who had advanced to their present position from a lower position in which they held a regular appointment may be given a lower position, if available, in the same department. The ability of an employee to "bump" another employee in this case is based on seniority in the lower position.
 - (3) Seniority in the lower position is established according to the regular employee's length of service as determined by total uninterrupted service in that position counted in weeks, including introductory periods. Full time equivalencies are determined for service that is less than full time. Partial weeks are rounded to the nearest whole week. Length of service is calculated as of the first day of the week in which the manager issues the layoff notice.
 - (4) Employees are called back from layoff according to seniority in the position from which the employees were laid off within the department.
 - (5) No new employees shall be hired in any position until all employees on layoff status in that position has had the opportunity to return to work.
 - (6) An employee on layoff status shall accept or decline an opening within five working days following notice of an available position. They must return to work within ten working days of accepting a position.
 - (7) Laid off employees who are not reinstated within one year are considered terminated, with no further right of recall under this section.
- (c) Resignation
 - (1) An employee may resign in good standing by giving the department supervisor written notice of the resignation at least two weeks prior to the effective date of the resignation. The notice must contain the date, a statement that the employee is separating from employment, an effective date (the employee's last day of work) and the employee's signature. The department supervisor may waive the advance notice requirement.

- (2) An employee, with the approval of the department supervisor, may change the effective date of the resignation or withdraw a resignation at any time prior to the selection of a replacement employee.
 - (3) ~~Officers of the Municipality as defined in SMC 3.01.015 and department supervisors must give at least 30 days' written notice of resignation. All other~~ Employees are required to give 2 weeks written notice of resignation.
- (d) Termination for Medical Reasons - When a medical examination determines that an employee is incapable of performing the duties of their position satisfactorily because of a physical or mental impairment which is likely to continue indefinitely or to recur frequently, even after reasonable accommodation of the job or workplace, the appointment may be terminated. However, every effort will be made to reassign the employee to a position within their physical and mental capabilities.
- (e) Discharge - The Municipality may discharge an employee only for conduct or work performance falling below the established standards (see Grounds for Disciplinary Action, Section 10.3). Employees may be suspended for five days pending investigation prior to the effective date of the discharge, (see Suspension, Section 10.4). The Borough Manager must approve all discharges.

CHAPTER 7

LEAVE BENEFITS AND REGULATION

Section 7

General Statement

- 7.1 Authorization for Leave
- 7.2 Absence Without Leave
- 7.3 Holidays
- 7.4 Vacation
- 7.5 Sick Leave
- 7.6 Family Leave
- 7.7 Compassionate Leave
- 7.8 Military Leave
- 7.9 Emergency Service Leave
- 7.10 Civil Leave
- 7.11 Voting Leave
- 7.12 Leave of Absence Without Pay
- 7.13 Donation of Leave
- 7.14 Sick Leave and Vacation Leave on Separation

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

Twelve 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 twelve (12) 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.

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
4 th of July -----	July 4
Labor Day -----	First Monday in September
Alaska Day -----	October 18
Veteran's Day -----	November 11
Thanksgiving Day-----	Fourth Thursday in November
Day After Thanksgiving-----	Fourth Friday in November
Christmas Day-----	December 25

7.4 Vacation

- (a) ~~Computation of Vacation Leave Time - The Borough Manager or his/her their designee computes vacation leave time for each employee and posts updated lists of accumulated leave time quarterly.~~
- (b) Accumulation of Vacation Time - Regular full-time employees accumulate vacation time for each month worked as follows:
 - (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: 2.5 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).
- (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 six months of service is not credited as earned until the employee completes the first six 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

- (1) Accrued vacation leave may not exceed two years accrual [as established in subsection (b)] on the first working day of the ~~fiscal~~ 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 ~~fiscal~~ calendar year is forfeited.
 - (2) 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.
 - (i) The department supervisor must give the manager a plan providing for the timely use of the excess leave.
 - (ii) 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.
- (f) Payment for Vacation Leave - The Borough Manager may grant payment in lieu of vacation time to an employee [exclusive of payments made under subsection (d)(1) of this section] once during a calendar year. ~~for emergency expenses~~. 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) Sick Leave Allowed - Sick leave will be granted for the following reasons:
- (1) 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 ~~his/her~~their designee.

- (2) Other Illness or Injury - Personal illness or physical incapacity.
 - (3) Quarantine - Forced quarantine of the employee in accordance with State or Community Health Regulations.
 - (4) Medical and Dental Appointments.
 - (5) 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.
 - (6) 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").
 - (7) Family leave
- (c) Other Accrued Time Allowed for Sick Leave - When an employee exhausts all of their sick leave benefits, they may use ~~accrued~~ holiday and vacation leave during the remainder of the sick ~~leave~~time away from work. The Municipality may require medical progress reports prior to approval of the sick leave.
- (d) Employee Responsibility - It is the employee's responsibility to maintain good health.
- (e) 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.
- (f) 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:
- (1) Up to twelve (12) work weeks off from work to care for the employee or a family member with a serious health condition;
 - (2) Up to twelve (12) work weeks off from work to bond with a newborn,

- adopted or foster child;
 - (3) The Municipality is obligated to maintain the employee's health insurance for the duration of the leave;
 - (4) FMLA leave is job-protected leave; 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:
- (1) Up to eighteen (18) work weeks off from work to care for the employee or a family member with a serious health condition;
 - (2) Up to eighteen (18) work weeks off from work to bond with a newborn or adopted child;
 - (3) AFLA leave is job-protected leave; in most cases, an employee is restored to the same position he or she occupied prior to taking the leave.
- (ci) Employees whose family leave exceeds accrued sick leave may use earned vacation leave or take leave without pay.
- (cii) The employee must notify the Borough Manager in writing of his/her/their intention to return to work (including estimated date of return) prior to the commencement of his/her/their family leave. An employee who states his/her/their intention to return to work shall have his/her/their position held open until the date specified in his/her/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.
- (ciii) During the compensated 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. An employee receives no credit or compensation for canceled sick leave.
- (b) An employee shall receive a lump sum payment for the vacation leave balance at the time of separation. 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.

CHAPTER 8

FRINGE BENEFITS

Section 8

General Statement

General Statement

The Borough Manager or his/her/their designee shall issue to every new eligible employee information explaining the policies and programs available, the eligibility requirements, limitations and coverage. The Municipality provides health insurance, dental insurance and vision insurance, basic and voluntary life insurance and participates in the Public Employee Retirement System. Refer to program materials for specific program information. Fringe Benefits are subject to change.

CHAPTER 9

TRAINING AND TRAVEL

Section 9

General Statement

- 9.1 Priorities
- 9.2 Reimbursement
- 9.3 Travel

General Statement

Employees are encouraged to take advantage of education and training opportunities to improve their job skills. Training benefits are available to all employees, subject to department priorities and the availability of budgeted funds.

Requests for training are initiated by either the employee or the department supervisor. Employees must submit a written request to the department supervisor at least fifteen (15) days prior to the registration deadline for training. Final decisions on requests for training are made by the department supervisor or the Borough Manager.

9.1 Priorities

Training resources are allocated according to the following priorities:

- (a) Training necessary for employees to continue in their current positions because of changes to work processes, procedures, certification requirements or tools.
- (b) Training in safe working practices and responding to emergencies.
- (c) Training to improve performance in an employee's current position.
- (d) Training to prepare employees for other positions.

9.2 Reimbursement

- (a) Training and Travel required by the Municipality - When training or travel is required by the Municipality, the Municipality will pay the cost of registration, tuition and publications, transportation, lodging and per diem. Partial days of less than eight (8) hours of training will be pro-rated. Compensatory time off duty or overtime pay will be used when either eight (8) hours of training time is exceeded in one day; forty (40) hours of training time are exceeded in a work week; or when ten (10) hours of training time is exceeded in one day, if the normal work day for that employee is ten (10) hours.
- (b) Training not required by the Municipality - The Municipality will not provide

financial assistance for this type of education and training. Employees may be granted, upon written request, permission to take time away from their job for training not required by the Municipality when such time is taken without pay, or as vacation time, and only so long as their absence will not cause hardship for their department, including increased costs.

9.3 Travel

- (a) The Municipal Administrative Office will assist with travel, car rental and lodging for municipal employees. Air travel will be booked for coach class seating. Should the employee choose to be seated in business class or first class seating the cost difference will be borne by the employee.
- (b) Per diem will be paid at the rate of \$58 per day of travel. Per diem will be paid in advance of travel. If a per diem is not requested prior to travel, an expense report with supporting receipts may be submitted for reimbursement.
- (c) Travel taking place within one day will be compensated as one 8-hour day of normal duty. Compensatory time off duty or overtime pay will be used when forty (40) hours are exceeded in a work week.
- (d) Use of an employee's personal vehicle may be approved by the department supervisor and mileage will be reimbursed at the current standard mileage rate as issued annually by the Internal Revenue Service; this covers all operating expenses, including the cost of gas.

CHAPTER 10

GUIDELINES FOR DISCIPLINARY ACTION

Section 10

- 10.1 General Purpose
- 10.2 Grounds for Action
- 10.3 Disciplinary Actions
- 10.4 Procedures for Disciplinary Actions
- 10.5 Disciplinary Appeals

10.1 General Purpose

It is the policy of the Municipality to ensure that disciplinary actions taken against employees are fair, equitable and consistent in all departments and that such actions conform to the policy of equal employment opportunity.

10.2 Grounds for Action

Discipline shall be, when circumstances permit, of an increasingly progressive nature for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented in the employee's personnel record. In recognition of the fact that each instance of misconduct differs in some respect, the Municipality has a right to treat each occurrence individually without setting a precedent for future cases.

The following grounds for action are not all-inclusive and are to be used as a guide:

Improper employee conduct and work performance are grounds for disciplinary action. Causes for disciplinary action relating to conduct and work performance include but are not limited to:

- (a) Violation of the provisions of AS 39.25.160 and AS 39.25.178, pertaining to political activities.
- (b) Drinking alcohol, ingesting marijuana or taking narcotics or other illegal drugs on the job, or arriving on the job under the influence of such substances, or the abuse of prescription drugs.
- (c) Gambling during the workday.
- (d) Offensive conduct or language towards the public or other employees.
- (e) Being adjudged guilty of a crime which 1) was committed during working time, 2) was committed on municipal premises; 3) involves a crime of moral turpitude including, but not limited to, theft or dishonesty; or 4) hinders the employee's ability to effectively perform his or her job.
- (f) Refusal to seek treatment or resolution of personal problems that affect work performance (including but not limited to: emotional or family problems, drug

abuse or addiction, alcoholism).

- (g) Receipt from any person of a fee, gift or other valuable thing in the course of work when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than accorded other persons.
- (h) Falsification of personal or municipal records including employment applications, accident reports, work reports, purchase orders, time sheets, or any other report, record or application.
- (i) Misrepresentation of the Municipality through the expenditure of municipal funds; misconduct involving use of municipal funds; making fake claims or misrepresentations in an attempt to obtain compensation.
- (j) Improper or unauthorized use or theft of municipal vehicles, tools or equipment.
- (k) Failure to follow orders from the supervisor or department supervisor.
- (l) Failure to perform assigned work.
- (m) Willful neglect in the performance of assigned duties, or carelessness or failure to follow safe working practices when that failure leads or may lead to personal injury or property damage.
- (n) Failure to report to the department supervisor when absent, or being absent without permission.
- (o) Failure to report an accident or job-related injury.
- (p) Habitual absence or tardiness.
- (q) Discussion of confidential municipal business with unauthorized persons or improper use of confidential information.
- (r) Participation in any business activity that is in conflict with the proper discharge of assigned duties.
- (s) Incompetence or inefficiency in the performance of assigned duties.
- (t) Violating a safety rule or safety practice; willful violation of written departmental operating practices or procedures.
- (u) Engaging in any other conduct or activity during work time, which is detrimental to the best interests of the Municipality or municipal employees.

10.3 Disciplinary Actions

Disciplinary actions include and are limited to the following: Oral Reprimand, Written Reprimand, Delaying an Advancement, 30-Day Disciplinary Probation, Demotion, Suspension, and Discharge. The steps detailed in Section 10.4 need not be taken in every case, and individual item may be used sequentially as progressive disciplinary action. The nature or severity of the problem or violation may require immediate application of more severe penalties.

Pre-disciplinary Conference - A regular employee subject to a suspension, step reduction, demotion or discharge must be notified of and afforded the opportunity for a conference before the disciplinary action is effective. The purpose of this conference is to allow the employee and management personnel to review the facts relating to the proposed disciplinary action.

10.4 Procedures for Disciplinary Actions

- (a) Oral Reprimand - Private, formal or informal interview between the employee and the department supervisor. Oral reprimands are not documented in the employee's personnel file.
- (b) Written Reprimand - Must be presented to the employee and discussed between the employee and their department supervisor.
- (c) Delaying an Advancement - This should be explained in the performance evaluation. In no instance will the performance evaluation be delayed as a technique of delaying merit advancement.
- (d) 30-Day Disciplinary Probation - This is a "last chance" period for an employee to correct repetitive problems. This action is without pay, subject to a performance evaluation and occurs after putting the employee on administrative suspension with pay first. The notification is provided to the employee in writing by the department supervisor. If the specific behavior or problem is not corrected within the 30-day period, harsher disciplinary actions will be undertaken.
- (e) Demotion - An employee may be demoted for work performance falling below the established standards. The employee must be demoted to a position for which they qualify. Written notice must be given to the employee by the department supervisor at least five (5) working days in advance of the effective date of the demotion. All demotions are subject to a performance evaluation. Pay will be set at the same pay step in the lower classification. See item (f) regarding Suspension.
- (f) Suspension
 - (1) Administrative Suspension – As a guideline, when an employee is subject to a suspension, step reduction, demotion or discharge, they are first placed on administrative suspension by the department supervisor for five (5) working days pending investigation (with pay). Notice must be given to the employee in writing from the department supervisor or borough manager at the beginning of this suspension. The employee shall have five (5) working days to respond in person or in writing to the Municipality's notice of suspension pending investigation. Investigations should, where possible, include a written investigation report and statements from persons involved, which may be public complainants, supervisors, other employees and/or witnesses. The result of the investigation and the action to be taken must be prepared in writing and provided to the employee in person during a pre-disciplinary conference the working day following the five-day suspension. If the investigation clears the employee of charges, all references to the incident will be removed from the employee's personnel file and destroyed. If an employee's conduct requires their immediate removal from the work site, they may be suspended by oral command of the department supervisor. Suspensions of this type are with pay. If the employee is not terminated then a decision for further investigation or disciplinary

action to be taken is made and to inform the employee of further disciplinary actions in writing by the working day following the 5-day suspension. The employee must immediately surrender all keys, passwords and similar access to the Municipality if the situation warrants immediate removal from the workplace.

- (2) Disciplinary Suspension - Employees may be suspended for up to thirty (30) calendar days without pay for disciplinary reasons and must be given notice and reasons in writing. Employees facing suspension are first put on Administrative Suspension for five (5) working days to determine if a disciplinary suspension without pay is warranted.
- (g) Discharge/Termination- After a period of suspension, an employee may be discharged for a major conduct violation, repetition of minor conduct violations, or for work performance falling below the established standards. The Borough Manager shall, following the investigation, and a pre-discharge conference with the employee, make the final decision whether to terminate the employee. Grounds for discharge must be documented on a performance evaluation or investigation report. If the decision is made to terminate, the Borough Manager shall, no later than the close of business on the working day following the fifth full workday of administrative suspension, provide the employee with a final notice of termination, together with a statement of grounds for termination. See item (f) regarding Suspension.
- (h) In cases involving regular employees, the notice shall also advise the employee that they have the right, within five working days of the termination notice, to appeal in writing to the Grievance Committee pursuant to Section 11.3. Absent a timely appeal, the termination shall be deemed final. In the event of a timely appeal under Section 11.3, the employee shall not be considered discharged. Rather, suspension with pay shall occur during the pendency of any grievance procedures. Upon a final order of the Grievance Committee, the employee shall be deemed terminated, reinstated with other discipline, or reinstated. A discharged employee has a right to an exit interview with their department supervisor or the Borough Manager.
- (i) An employee must be given the opportunity to sign any written reprimand or notice before it is placed in their personnel file. The written reprimand must include a statement that informs the employee that if the employee refuses to sign the written reprimand or notice, the department supervisor and the Borough Manager shall prepare and attach memos to the reprimand/notice that sets out in detail the circumstances under which the employee refuses to sign the document.

10.5 Disciplinary Appeals

A disciplinary appeal is a statement in writing from a permanent employee explaining their objection to the disciplinary action. It should be attached to the written action in question, in lieu of a signature. The following steps must be followed for all disciplinary appeals:

- (a) The appeal should be submitted to the department supervisor or to the Borough Manager (if the action was taken by the department supervisor).
- (b) The department supervisor or Borough Manager will review these appeals and render a written decision within five (5) working days.
- (c) If the employee is not satisfied with the decision, they may resort to the Grievance Procedures at Step II (if the appeal was made to the department supervisor) or Step III (if the appeal was made to the Borough Manager). The employee may be represented as specified in the Grievance Procedures. Employees shall have freedom from reprisal for use of Disciplinary Appeals.

CHAPTER 11

GRIEVANCE PROCEDURES

Section 11

General Statement

- 11.1 Step I
- 11.2 Step II
- 11.3 Step III
- 11.4 Grievance Committee
- 11.5 Appeal from the Grievance Committee
- 11.6 General Ground Rules for Grievances

General Statement

The Municipality is committed to providing the best possible working conditions for its employees. No employee will be penalized, formally or informally, for voicing a complaint with the Municipality in a reasonable, business-like manner or for using the grievance procedure. A grievance may arise from any real or imagined-perceived dissatisfaction of any employee regardless of their appointive status with the Municipality. If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the grievance procedure at any step.

11.1 Step I

An employee with a grievance shall first refer the grievance to their department supervisor and/or the borough manager in writing within ten (10) working days of the occurrence of the action or the employee's knowledge of such action. If an employee's supervisor is the borough manager and the grievance pertains to the borough manager, the employee shall refer the grievance to the mayor in writing within ten (10) working days of the occurrence of the action or the employee's knowledge of such action. This notice must be in writing and include: (1) a statement of the grievance and relevant facts; (2) remedy sought; and (3) provision of the Personnel Manual allegedly violated (if applicable). The department supervisor shall note the date and time of the receipt of the grievance. The department supervisor shall respond to the grievance in writing, within five (5) working days of receipt of the grievance.

11.2 Step II

If the employee is dissatisfied with the decision of the department supervisor, they may, within five (5) days of receipt of the department supervisor's response, appeal in writing as specified in section 11.1, above, to the Borough Manager, or to the Borough Mayor if the Borough Manager is the employee's direct supervisor. The Borough Manager or the Borough Mayor, if applicable, shall render a decision in writing within ten (10) days of receipt of the Step II grievance.

11.3 Step III

If the employee is dissatisfied with the decision of the Borough Manager or Borough Mayor, they may appeal, in writing, to the Grievance Committee. An employee appeal must be submitted to the Borough Mayor in writing within five (5) days of their receipt of the Step II decision.

11.4 Grievance Committee

The Grievance Committee is an ad hoc committee appointed by the Borough Manager whenever the need arises. A committee membership shall include the following:

- Mayor or one Borough Assembly member – serves as chair;
- One department supervisor - (not concerned with the appeal);
- One employee - (not concerned with the appeal);
- Borough Attorney - (for advisory purposes only).

Any person may represent an aggrieved employee in an advisory capacity to assist in presenting relevant facts. The employee may call their own witnesses and cross-examine all witnesses called by the Municipality. If an attorney represents the employee, the Borough Attorney may participate in cross-examination of the employee's witnesses, presenting and examining witnesses for the Municipality, and making arguments as to the evidence, legal issues and resolution. The Municipality may also retain outside counsel to represent the Municipality if the Borough Attorney acts solely in an advisory capacity to the committee.

A grievance hearing before the Grievance Committee is an administrative hearing wherein the rules of evidence and court procedure need not be followed; however strict confidentiality must be followed for the protection of the employee. The chair is responsible for the disclosure and evaluation of all factors relevant to the inquiry without prejudice to either party in the dispute. The chair may impose strict time limits on the presentation of evidence and witnesses on the employee and the Municipality. The hearing shall not exceed two (2) full work days.

The hearing will be recorded by the Municipality. If either side demands a transcript of the proceedings, the side so demanding shall bear the full expense of the transcription.

Within ten (10) working days following the close of the grievance hearing before the Grievance Committee, the chair shall submit a written recommendation to the Borough Manager. The recommendation shall include an outline of the proceedings, a statement of the facts presented by each side, and a decision that is binding upon the Municipality and the employee.

11.5 Appeal from the Grievance Committee

If the employee is dissatisfied with the decision of the Grievance Committee, the employee, pursuant to the provisions of Alaska Rules of Appellate Procedure 602, may file an administrative appeal with the Alaska Superior Court in Juneau. The appeal shall be limited to the record before the Grievance Committee.

11.6 General Ground Rules for Grievances

All employee grievances must follow this chain of appeal. At no time will an employee bypass a department supervisor, or approach an Assembly member with a grievance.

All references to number of days are understood as working days rather than calendar days. Time limits may be waived upon consent of both parties in writing.

In any meeting or hearings, the employee has the right to have one representative in attendance, which representative may be an attorney.

Employees shall have freedom from reprisal for use of the Grievance Procedures.

CHAPTER 12

PERFORMANCE EVALUATIONS

Section 12

General Statement

- 12.1 Performance Standards and Prohibitions
- 12.2 Schedule for Completing Performance Evaluations
- 12.3 Procedures

General Statement

Performance Evaluations provide information relating to employee job performance, merit raises and promotions, needed training and education and identification of promotable employees for future reference. Supervisors must establish standards of performance evaluation that relate to the duties of the employees' position.

12.1 Performance Standards and Prohibitions

The following guidelines are adopted by the Borough Assembly to preserve public confidence in the integrity of municipal officials and employees and to promote high ethical standards in local government service.

- (a) Conflict of Interest
 - (1) No municipal employee shall accept a favor or gift, which in any way brings about special consideration, treatment or advantage to any citizen or business beyond that afforded to other citizens and businesses.
 - (2) Municipal employees shall not accept any gift or service if it can be reasonably inferred that gift or service was intended to influence the employee in the performance of their duty or as a reward for any official action.
 - (3) No municipal employee shall represent the Municipality in any matter with any firm, corporation or individual where the employee will benefit due to a personal or financial interest with that firm, corporation or individual.
- (b) Outside Employment (See Section 3.5)
- (c) Political Activity
 - (1) Municipal employees are encouraged to support the governments in our political system in an appropriate fashion. Municipal employees may join civic, partisan or political organizations, may attend political meetings and advocate the principles or policies of civic or political organizations in accordance with the Constitution and laws of the state and nation.
 - (2) Any municipal employee who seeks an elective office as Assembly member or mayor will submit their resignation or face termination of employment on the date such employee is elected for such office.

[Refer to Section 10.2(a)].

- (d) Prohibited Activities - Any employee violating this Section is guilty of improper conduct and subject to disciplinary action.
- (1) An employee may not while on duty advocate voting for or against a candidate for federal, state or municipal office or a federal, state or municipal ballot issue; nor may the employee while on duty display or distribute materials advocating voting for or against a candidate for federal, state or municipal office, or a federal, state or municipal ballot issue. This rule shall not prevent an employee, while on duty, from preparing and distributing information approved by the manager regarding ballot issues.
 - (2) Receiving expenses, gifts, remuneration or any type of monetary reward in exchange for political activities or as a result of holding a political office or position.
 - (3) Using one's public or official position or knowingly allowing it to be used to improperly further a political party, cause, candidacy, issue or position or influence a political outcome.
 - (4) Serving in any political position for which such appointment or selection is the result of any action or intercession by a political candidate or elected official or persons on their behalf.
 - (5) Employment Advantage - An employee or applicant for employment may not offer, give, solicit or accept any money, service or valuable consideration in circumstances in which it could reasonably be expected to influence an employment decision.
 - (6) Employment Discrimination - No person may be discriminated against in any appointment, employment or promotion for a reason not related to merit. No action affecting the status of employment or consideration of an applicant may be taken other than those based on the individual's knowledge, skill, ability and willingness to discharge the duties and accept the responsibilities of the position.
 - (7) Harassment - Unwanted conduct or communication by a supervisor, co-worker or other person that is not based on job related factors and adversely affects the employment relationship or working environment is prohibited.
 - (8) Nepotism - A person may not be employed when that person is related by domestic partnership, blood or marriage to an employee within and including the second degree of kinship if a direct supervisory relationship would exist.

12.2 Schedule for Completing Performance Evaluations

- (a) Regular employee: no less than once annually during the first-fourth quarter.
- (b) Introductory employee: at the completion of the introductory period.
- (c) Special Evaluations - may occur:
 - (1) prior to any promotion or transfer.
 - (2) When an employee is subject to any disciplinary action exceeding an Oral

or Written Reprimand. These evaluations may take the form of an investigation report or discipline report.

- (d) Evaluations of seasonal employees are optional, but if a merit increase is given upon rehire an evaluation is required.
- (e) Annually staff may be asked to evaluate their department supervisor to be included as part of the department supervisor's annual evaluation.

12.3 Procedures

(a) The employee and their department supervisor shall cooperatively complete performance evaluations at the initiation of the supervisor within the scheduled month, except that the Clinic Executive Director shall be evaluated by the clinic board per SMC 3.17.055(M), and contract employees shall be evaluated as stipulated in their employment agreements. Employees assigned to more than one department are evaluated jointly by both department supervisors. The department supervisor(s) are required to sign the forms. The Borough Manager shall review all evaluations. All evaluations are placed in the employee's personnel file and the employee is provided with a copy. The employee may place comments in their personnel file in response to personnel evaluations and disciplinary actions.

~~(b) An employee must be given the opportunity to sign the performance evaluation before it is placed in their personnel file. The performance evaluation must include a statement that informs the employee that if the employee refuses to sign the performance evaluation, the department supervisor and the Borough Manager shall prepare and attach memos to the performance evaluation that sets out in detail the circumstances under which the employee refuses to sign the document.~~

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CHAPTER 13

COMPENSATION AND REIMBURSEMENTS

Section 13

- 13.1 Pay Schedules
- 13.2 Standby Rate
- 13.3 Mileage Reimbursement
- 13.4 Use of Municipal Vehicle
- 13.5 Clothing and Uniform - Police Employees
- 13.6 Interview Expenses
- 13.7 Relocation Expenses
- 13.8 Increased Responsibilities Differential

13.1 Pay Schedules

The Pay Schedule for municipal employees is attached as Appendix A.

13.2 Standby Rate

A department will establish in consultation with the Borough Manager, standby and on-call procedures for the department that are consistent with the criteria listed in 13.2 (a). The department will determine what jobs are covered and what hours are covered for standby and on-call time for the department and provide the information to the employees and the Borough Manager.

- (a) Eligibility for standby and on-call pay must meet the following criteria:
 - 1. Employees are required to be available for standby or on-call to work at a time that is outside their normal scheduled hours of work.
 - 2. During the designated standby or on-call hours, employees who are assigned to standby or on-call status may have some restrictions in movement and location as determined by their department, and must remain accessible by phone or pager in a physically and mentally fit condition, as defined by the department's standby and on-call procedures, to work.
 - 3. Standby and on-call employees must be available and respond within 15 minutes, unless a time period is otherwise specified by approved departmental standby and on-call procedures.
 - 4. Employees assigned to standby or on-call status who cannot be located, who do not respond within the time period specified in section 13.2 (b) (3), or who fail to report to work when called in, will forfeit standby or on-call pay for that day and may be subject to disciplinary action. This section does not apply to employees taking approved personal or sick leave.
- (b) On-call shifts for all departments excluding the Police Department will be

compensated at the rate of \$25.00 per hour.

- (c) Standby shifts for the Police Department will be compensated at the prevailing minimum wage.

13.3 Mileage Reimbursement

Whenever an employee is authorized to use a personal vehicle in the performance of official municipal duties, the employee shall be compensated for mileage at the current standard mileage rate as issued annually by the Internal Revenue Service, if such mileage meets the following conditions:

- (a) Reimbursable uses include the use of a personal vehicle to attend out-of-town functions when attendance is required by the department supervisor and the use of a personal vehicle to perform work duties if no municipal vehicle is available. The department supervisor must provide prior written authorization for such uses.
- (b) Driving to and from the usual work site is not reimbursable.
- (c) Employees must submit written claims for mileage reimbursement to their supervisor within one calendar month of the use of the mileage. Forms for mileage reimbursement are provided by the Administrative Office.

13.4 Use of Municipal Vehicle

An employee must obtain written permission from their department supervisor to use municipal vehicles for municipal purposes. The Municipality reimburses any verified out of pocket expenses such as parking, fuel or emergency repair. Personal use of municipal vehicles is prohibited unless specifically allowed by the department supervisor in writing.

13.5 Clothing and Uniform - Police Employees

- (a) If an employee is required to wear a uniform, the Municipality shall furnish the uniform and pay for the initial tailoring. Any leatherwear and personal firearm are excluded from this provision and are the employee's responsibility. The employee shall repay the Municipality for loss or damage to any municipally supplied uniform, unless the loss or damage occurred in the line of duty and was not caused by negligence on the part of the employee, normal wear and tear excluded. The employee is responsible for proper maintenance of a required uniform.
- (b) The Municipality reimburses employees for personal property reasonably and necessarily worn or carried when such property is stolen, damaged, or destroyed as a direct result of the employee's performance of official duties. Reimbursement shall not be granted if negligence or wrongful conduct of the employee is a substantial contributing factor to the loss. The department supervisor shall determine if lost property is the result of negligence or wrongful conduct by the employee.

13.6 Interview Expense

The manager may authorize partial reimbursement of travel expenses for a job applicant to attend an interview. Reimbursement will not exceed \$800.

13.7 Relocation Expense

The Borough Manager may approve the reimbursement of reasonable moving expenses, as determined in the sole discretion of the Borough Manager, in an amount not to exceed \$4,000.

13.8 Increased Responsibilities Differential

The increased responsibilities differential is \$5.00 per hour. See Section 6.6 (e).

CHAPTER 14

DEFINITIONS

1. **Employee:** A person who works for the Municipality in return for financial or other compensation; see section 6.1.
2. **Holiday Pay:** Compensation for hours normally worked on a holiday, as specified in section 7.3. Holiday hours count toward hours worked when calculating overtime pay.
3. **Hours Worked:** Number of hours worked during a day or during a week, for the purpose of determining overtime pay. Hours worked shall not be double counted for purposes of determining overtime pay.
4. **Immediate Family:** An employee's spouse, parent, child, sibling, grandparent, grandchild, mother- or father-in-law, domestic partner, or any other person who is legally dependent upon the employee and for whom the employees can show documentation for being legally dependent.
5. **Manager:** All references to "manager" mean the Borough Manager.
6. **Paid Leave:** Time an employee is away from the workplace and is not working for the Municipality, and is paid their regular rate of pay. Paid leave does not include time when an employee works on an official holiday designated by the Municipality.
7. **Work day:** A scheduled daily work period in a scheduled work week.
8. **Work Week:** means the period from 12:00 a.m. Sunday morning to 11:59 p.m. the following Saturday night, during which an employee is regularly scheduled to work.
9. **Written Permission:** May be satisfied by e-mail.