

Proposed by:	Administration
Attorney Review:	12/10/2021
Civic Affairs:	12/08/2021
Vote:	4 Aye 0 Nay 2 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 21-43R

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 provide clarity regarding transfers, promotions, and retirement; 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 following sections of the Municipality of Skagway Personnel Policy are hereby amended as indicated, (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added:

2.2 Announcement of Vacancies

Employees ~~transferring~~ **promoted** to a different position will serve the same introductory period as a new hire in that position. Employees ~~transferring~~ **promoted** 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, **and the action is approved by the Borough Manager.** ~~Regular positions will be announced internally and publicly simultaneously. All positions may be announced 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.~~

6.2 Introductory Period

- (a) The initial introductory period is ~~six~~ **three** 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~~ **three**-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.

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- (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.

6.5 Promotion

- (a) "Promotion" means the movement of an employee from one position to another position in an equal or higher classification or salary range within their current department, 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~~three-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 that is closest to but not ~~to exceed the~~ less than their current rate of pay (new base rate of pay). At the discretion of the department supervisor, the employee's wage may be increased by up to four steps above their new base 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.~~ Department head 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:

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>.

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.~~

6.11 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 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~~ separation date, they must complete ~~the a~~ 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.

Types of Separation:

- (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.

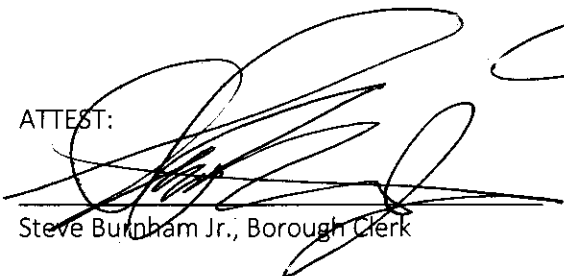
- (4) Employees are called back from layoff according to seniority in the position from which the employees were laid off within the department.
 - (5) No new employees shall be hired in any position until all employees on layoff status in that position has had the opportunity to return to work.
 - (6) 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) 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.
- (f) Retirement**
- (1) An employee may retire after working at least 10 consecutive years for the Municipality by giving the department supervisor written notice of the retirement at least two weeks prior to the effective date of the retirement. The notice must contain the date, a statement that the employee is retiring 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 retirement or withdraw a notice of retirement at any time before the position is offered to a replacement employee.**
 - (3) Department supervisors must give at least 30 days' written notice of retirement. All other employees are required to give 14 days' written notice of retirement.**

7.14 Sick Leave and Vacation Leave on Separation

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

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 16th day of December, 2021.

ATTEST:


Steve Burnham Jr., Borough Clerk


Andrew Cremata, Mayor

(SEAL)

