

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, August 7, 2018

Kodiak Public Library Multi-Purpose Room

7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. Review Personnel Rules and Regulations Amendments1
3. Discuss Amending Chapter 8.12 of the Kodiak City Code with the Addition of a New Section 8.12.070 – Violation of Condition of Release58
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CITY OF KODIAK
ORDINANCE NUMBER XXXX

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING CHAPTERS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, AND 19 OF THE CITY PERSONNEL RULES AND REGULATIONS; AMENDING THE DEFINITIONS IN THE CITY PERSONNEL RULES AND REGULATIONS

WHEREAS, per the Kodiak City Code, it is necessary to amend the Personnel Rules and Regulations through an ordinance of the Council of the City of Kodiak,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: The following sections in Chapter 2 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 2 of the Personnel Rules and Regulations is retained in its current form.

101 AUTHORITY

~~The following policies and procedures are promulgated under the authority of Ordinance Number 734 of the City of Kodiak, pursuant to~~ Personnel Rules and Regulations are adopted by Ordinance and in compliance with Article IV, Section 1 of the City Charter.

102 PURPOSE

It is the purpose of this manual to establish a system of uniform personnel policies and procedures that shall improve the quality of personnel administration consistent with such merit principles as:

- (a) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills including open consideration of qualified applicants for initial appointment;
- (b) providing equitable and adequate compensation;
- (c) training employees, as needed, to assure high quality performance;
- (d) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (e) assuring fair treatment of applicants and employees in selection, promotion, training, and all other aspects of personnel administration without regard to political affiliation, race, color, religion, sex, national origin, ~~gender,~~ age, disability, genetic information, or ~~religious creed~~ any other protected class provided for in federal, state, and local laws and with proper regard for their privacy; and
- (f) assuring that employees are protected against coercion for political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

103 SCOPE

The scope of this manual includes a compilation of policies and procedures for personnel administration of all non-elected employees of the City, except the City Manager and City Clerk if under agreement or other provisions approved by Council. (Ord. 1307, 2013; Ord. 1038, 1996)

104 AMENDMENTS

Amendments to this manual of personnel policies and procedures shall be made by ordinance only. The pages so affected shall be typed by the City Clerk, upon passage of each ordinance, and copies distributed to each employee for insertion and/or replacement in their copies of the personnel regulations manual.

203 RESPONSIBILITY AND AUTHORITY

203.1 Personnel Board. The Personnel Board shall have the responsibility and authority to:

- (a) elect a chairman at the time prescribed for the beginning of the term of a newly-appointed member;
- (b) meet as often as necessary to hear grievances filed by City employees (see Section 904);
- (c) following the hearing of a grievance, render an advisory opinion based on its findings to the City Manager, with a copy to the aggrieved employee;
- (d) when requested by the City Manager, review and make recommendations on other personnel issues; and
- (e) submit an annual report to the City Council.

(Ord. 958, 1993)

203.2 City Council. The City Council shall have overall responsibility and authority through the City Manager for personnel matters including, but not limited to, the following:

- (a) appoint members of the Personnel Board;
- (b) assign such additional duties to the Personnel Board as it deems appropriate;
- (c) approve the City's budget, including requests for personnel management funds; and
- (d) approve, disapprove, or amend personnel policies and procedures.

(Ord. 958, 1993)

203.3 City Manager. The City Manager or designee shall have the responsibility and authority to:

- (a) administer the personnel policies and procedures as approved by the City Council;
- (b) establish and maintain records of all employees in the City service, which shall include all pertinent personnel records (departments may retain copies of those personnel records necessary to comply with regulatory agencies, but originals of all records shall be maintained in the City Manager's office, and upon employee termination, all departmental records shall be forwarded immediately to the primary file);

- (c) **administer the employee performance evaluation program and advise and assist employees, rating officers, and reviewing officers to assure that performance evaluation procedures follow the provisions of Chapter 7;**
~~develop and administer an affirmative action program to provide for equal opportunity in all aspects of City personnel administration;~~
- (d) foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employees' effectiveness and productivity, including training, safety, health, counseling, and welfare;
- (e) maintain the classification and pay plans;
- (f) administer the City's recruitment and selection program except for staff identified below under heading 203.6 City Clerk; (Ord. 1090, 1999)
- (g) **ensure** ~~insure~~ uniformity in the application of discipline and processing of employee grievances;
- (h) appoint and dismiss all employees under the department heads' jurisdiction other than staff identified below under heading 203.6 City Clerk;
- (i) prepare and adopt such forms, reports, and procedures as may be necessary to carry out the City's personnel program;
- (j) establish personnel policies and procedures where needed ~~in order~~ to ensure consistency with state and federal requirements and to provide a more precise and consistent execution of the Personnel Rules and Regulations, and develop and administer an affirmative action program to provide for equal opportunity in City personnel administration;
- (k) appoint and dismiss all City personnel except those appointed by the Council as stated in the Charter and those identified below under heading 203.6 City Clerk;
- (l) notwithstanding any of these policies and procedures may, in an emergency, request interdepartmental assistance be provided; and see that adopted changes to the Personnel Rules and Regulations ~~and~~ changes to position descriptions are distributed in writing to all affected employees in a timely manner.

(Ord. xxxx, 2018; Ord. 1322, 2014; Ord. 1307, 2013; Ord. 958, 1993)

203.4 Deputy City Manager. The Deputy City Manager shall have the responsibility and authority to:

- (a) serve as the deputy chief administrative officer ~~and~~, senior manager, and department head of the administrative branch of the City government, who reports to the City Manager;
- (b) oversee all human resource functions and assist the City Manager in administering all aspects of the City's human resources program including the maintenance of personnel records;
- (c) enforce the Personnel Rules and Regulations;
- (d) assist department heads and the City Manager in making all hiring, **dismissal termination**, and disciplinary recommendations; **and**
- (e) perform functions of the City Manager when assigned.

(Ord. xxxx, 2018; Ord. 1322 §2, 2014)

203.5 Department Heads. Department heads shall have the responsibility and authority to:

- (a) enforce the Personnel Rules and Regulations;

- (b) keep employees in their departments informed of current personnel policies and procedures;
- (c) participate in the grievance procedures as specified (see Chapter 9);
- (d) if approved by the City Manager, appoint employees to vacant positions within their respective departments in accordance with established personnel rules, and procedures;
- (e) develop training programs for employees within their respective departments;
- (f) under the supervision of the City Manager, administer discipline within their respective departments;
- (g) conduct orientation for all new employees **in their departments**, and **have** issued to each ~~a copy of the~~ current personnel regulations and position description ~~which- that~~ outlines job duties; such orientation shall include **topics such as** introductions to fellow workers, work standards, safety regulations, break periods, supplies, etc.; and
- (h) under the direct supervision of the City Manager, be involved in the appointment or dismissal of departmental employees ~~under the department head's jurisdiction~~.

(Ord. xxxx, 2018; Ord. 1322, §2, 2014; Ord. 1307, 2013)

203.6 City Clerk. As the head of the Clerk's department, the City Clerk shall have the responsibility and authority **for all personnel matters pertaining to employees in the Clerk's department, including** to:

- (a) enforce the Personnel Rules and Regulations;
- (b) keep employees in the Clerk's department informed of current personnel policies and procedures;
- (c) participate in the grievance procedures as specified (see Chapter 9);
- (d) recruit and appoint employees to vacant positions within the Clerk's department in accordance with established personnel rules and procedures;
- (e) develop training programs for employees within the Clerk's department;
- (f) administer discipline within the Clerk's department and delegate such authority to supervisory personnel as deemed appropriate;
- (g) conduct orientation for all new employees, and have issued to each a copy of current personnel regulations and position description which outlines job duties; such orientation shall include introductions to fellow workers, work standards, safety regulations, break periods, supplies, etc.;
- (h) **exercise have** discipline and dismissal authority over ~~all~~ employees in the Clerk's department;
- (i) classify positions in the Clerk's department, subject to approval of the City Council.

(Ord. xxxx, 2018; Ord. 1322, §2, 2014; Ord. 1268(SUB) §3, 2013; Ord. 1090, 1999)

203.7 Supervisory Personnel. Supervisory personnel shall have the responsibility to:

- (a) implement personnel policies, rules and regulations in the units under their supervision;
- (b) supervise the administration of discipline to employees under their supervision and recommend **dismissal termination when appropriate** (see Sections 708 and 1303);
- (c) train new employees and participate in the development of other employees;

- (d) evaluate employee performance and participate in the development of position descriptions (see Chapter 7); and
 - (e) participate in the grievance procedures as specified (see Chapter 9).
- (Ord. 1322, §2, 2014; Ord.1307, 2013)

203.8 All Employees. Employees of the City shall ~~receive be presented with~~, and sign for, a copy of the personnel rules in effect on the hiring date, and ~~subsequently~~ shall have the responsibility to:

- (a) read and understand these rules and ask the immediate supervisor to explain these rules if questions arise;
 - (b) understand the function of the department assigned and how that function relates to the total mission of the City and all of its departments;
 - (c) discuss with the immediate supervisor any questions relating to the interpretation or application of these rules either informally or formally through the grievance procedure;
 - (d) bring to the attention of the immediate supervisor any change in duties as outlined in the position description form given to the employee at hiring;
 - (e) submit in writing recommended changes to the rules through the appropriate supervisory channels to the City Manager; and
 - (f) ~~all employees shall~~ have access to their personnel files.
- (Ord. xxxx, 2018; Ord. 1322 §2, 2014; Ord. 1307, 2013; Ord. 958, 1993)

Section 2: The following sections in Chapter 3 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 3 of the Personnel Rules and Regulations is retained in its current form.

302 PURPOSE OF THE CLASSIFICATION PLAN

The Classification Plan is a management tool that consistently facilitates pay determination decisions with regard to the mission, philosophy, and needs of the organization. It is critical to the effective administration of personnel activities such as:

- (a) ~~workforce manpower~~ planning and budgeting;
 - (b) establishing job performance standards; and
 - (c) establishing fair and equitable pay.
- (Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1038 §3, 1996)

303 DEVELOPMENT AND ADMINISTRATION

The City Manager shall have authority for the overall administration of the classification plan except for staff identified under the heading 203.6 City Clerk.
(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1268(SUB) §4, 2013; Ord. 1090, 1999)

303.1 Allocation of Positions. The City Manager shall analyze and evaluate the duties, responsibilities and qualifications required of each position in the classified service and then allocate each position to the appropriate band, grade, and sub-grade. Any employee who is

dissatisfied with the allocation of ~~his~~**their** position ~~may~~ **shall be given the opportunity to** appeal the allocation.

(Ord. ~~xxxx~~, 2018; Ord. 1307, 2013; Ord. 1038 §4, 1996)

303.2 Maintenance of the Classification Plan. The City Manager shall periodically review the entire classification plan or any part thereof. The purpose of such review shall be:

- (a) to ascertain whether ~~or not~~ the plan accurately reflects existing conditions;
- (b) to determine the accuracy of position specifications; and
- (c) to assure that positions are properly graded.

The City Manager shall recommend to the Council updates to ~~changes needed in the~~ classification plan ~~to the Council as needed to keep it up to date.~~

(Ord. ~~xxxx~~, 2018; Ord. 1307, 2013; Ord. 1038 §4, 1996)

303.3 Position Descriptions. Position descriptions shall be developed and finalized by the City Manager and supplied to City departments for all authorized positions.

303.4 New Positions. When a new position is proposed, the department head shall ~~be required to provide~~ **the City Manager** a written proposal **to include with financial information on** the cost to fill **the proposed** ~~such a~~ position. The City Manager, ~~who~~ shall determine the proper band, grade, and sub-grade and ~~prepare a new~~ develop a corresponding position description, ~~if an appropriate description does not exist.~~

(Ord. ~~xxxx~~, 2018; Ord. 1307, 2013; Ord. 1038 §4, 1996)

303.5 Reorganization of Department. Whenever reorganization of a department or action of the City Council causes the duties of a position to change or a position appears to have been incorrectly allocated the City Manager shall, at the request of the department head or a regular employee affected by the reclassification, investigate the duties of the position in question. After conferring with department officials and the employee involved, and reviewing all relevant data, the City Manager shall recommend to the Council any major reclassification of the position to the appropriate salary grade. Reclassification shall not be used to avoid the provisions of the personnel rules dealing with layoffs, demotions, promotions, or dismissals.

(Ord. 1038 §4, 1996)

303.6 Position Review. Each position in the City service shall be reviewed by the City Manager at intervals to ascertain whether it is correctly classified. ~~When a review results in a recommended change in the grade for a position, the evaluation of the position shall be made part of the public record when the recommendation is submitted to the Council.~~

(Ord. ~~xxxx~~, 2018; Ord. 1307, 2013; Ord. 1275, 2010)

303.7 Effective Date of Change. Classification changes shall ~~take~~ ~~become~~ **effective on** the effective date of the enacting ordinance.

(Ord. ~~xxxx~~, 2018; Ord. 1307, 2013)

Section 3: The following sections in Chapter 4 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 4 of the Personnel Rules and Regulations is retained in its current form.

401 PAY PLAN

The pay plan shall include schedules of pay for ~~twenty~~ pay bands, grades, and sub-grades ~~from A11 through E84~~, each with a ~~minimum, midpoint, and maximum~~ rate of pay for all positions in the classified service. The objectives of the pay plan shall be to:

- (a) provide an appropriate salary structure to recruit and retain an adequate number of competent employees; and
 - (b) provide appropriate pay incentives for high employee productivity.
- (Ord. xxxx, 2018; Ord. 1322 §3, 2014; Ord. 1307, 2013; Ord. 1038, 1996)

405 ENTRANCE PAY RATE

The entrance pay rate for regular full- and part-time employees shall be the minimum rate in the corresponding band and grade for the position. **At the City Manager's discretion, advertising and hiring for positions above the minimum rate of the corresponding band and grade for such positions may occur.** Approval of appointments above the minimum pay rate may be granted only when a recommended applicant exceeds the minimum requirements for the position with regard to directly related education and/or experience. In such instances, the department head shall provide a written hiring recommendation to the City Manager, ~~in writing~~ documenting the applicant's qualifications for a higher starting pay rate. ~~In no instance, shall an entrance pay rate exceed the first quartile of the band and grade except at the department head level.~~ The pay rate for temporary employees shall be the minimum point for the appropriate band and grade of the position in which the temporary worker is ~~being~~ hired. All temporary appointments are subject to the approval of the City Manager.

(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1038, 1996)

406 MERIT STEP INCREASE

406.1 Regular Merit Step Increases. Regular full-time employees will be eligible for an annual merit increase based on satisfactory performance on their anniversary date of ~~2-~~ 2.5%, or as authorized in the adopted fiscal year budget. An employee who has transferred or been promoted to a new position must serve a probationary period and will be eligible for a merit based increase on the anniversary date in the new position. If a department head ~~feels~~ finds that an employee has not demonstrated satisfactory service of a progressively greater value to the City during the annual performance review period, the department head may, upon approval of the City Manager, suspend the merit step increase for a period of time during which certain specific improvements must be made. Notice of such deferral and reasons for it shall be given to the employee in writing ~~prior to~~ before the end of the anniversary year. The suspended step increase may be approved at any time during the extended period if the department head believes the employee has achieved satisfactory improvement and the City Manager agrees. ~~The~~ A suspended merit step increase is *not* retroactive when finally given (see Section 705).

(Ord. 1307, 2013)

406.2 Special Merit Increase. A ~~s~~Special ~~m~~Merit ~~i~~ncrease may be granted to an employee for outstanding performance **in recognition of extraordinary service to the City of Kodiak and/or its residents outside the employee's normal or expected job duties, when documented in writing by ~~their~~ the employee's department head and approved by the City Manager.** ~~when justified in writing by the department head to the City Manager. This increase is in addition to normal merit increases and does not affect the anniversary date. Department heads may recommend employees for special merit increases in recognition of extraordinary service to the City of Kodiak and/or its residents that is outside the employee's normal or expected job duties.~~ Additionally, employees will be eligible for ~~s~~Special ~~m~~Merit ~~i~~ncreases when they receive eligible certifications and/or qualifications. A list of ~~these~~ such eligible certifications and qualifications will be maintained by the Human Resource office and reviewed and approved annually by the City Manager.

(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1061, 1998)

407 REGULAR PART-TIME EMPLOYMENT

Regular part-time employees shall be compensated on an hourly basis equivalent to the hourly rate established for regular full-time employment for the actual number of hours worked in each period. ~~Appointment~~ Part-time employee shall be in probationary status until the employee has worked a total of 1,040 hours ~~or the equivalent number of probationary hours for that position have been worked.~~

A merit step increase shall be awarded (if performance is satisfactory) when hours worked have a cumulative total equivalent to the intervals listed in Section 406.1, based on an equivalence of 2,080 to a full-time employment year. If work performance is unsatisfactory, management shall take action as described in Section 406.

(Ord. 1307, 2013; Ord. 1038, 1996; Ord. 1008, 1995)

408 TEMPORARY EMPLOYMENT

Temporary employment is for short-term periods, not to exceed six ~~(6)~~ months, or for work on an irregular basis. A person appointed to a temporary position or hired temporarily to replace an absent employee, is not eligible for any ~~fringe~~ benefits **and the Personnel Rules and Regulations do not apply to temporary employees.** ~~Probationary periods shall not be served, and such persons are not eligible for special merit increases, do not have access to the grievance process; nor will temporary employees be considered as internal applicants.~~

(Ord. xxxx, 2018)

409 PAY RATE ADJUSTMENTS

The following personnel actions shall affect the pay status of an employee in the manner described.

409.1 Transfers. When an employee is transferred from one position to another in the same band and grade in which the employee has never held regular status, the City Manager will decide probationary status ~~and step placement~~.
(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1038, 1996)

409.2 Promotion. When an employee is promoted from one position to another having a higher salary band and grade, the employee shall receive 5% an increase in pay of not less than 5%. If the employee's current rate of pay is below the minimum for the higher salary grade, the pay shall be increased 5% or the minimum of the higher salary band and grade, whichever is greater. If the employee's current rate of pay falls within the matrix of the higher salary grade, the pay shall be increased 5% above the current pay rate. The anniversary date shall change to the effective date of promotion.
(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1038, 1996)

409.3 Demotion and Demotion for Cause.

- (a) When an employee is demoted for administrative purposes, the department head will work with the City Manager to decide probationary **and pay** status ~~and step placement~~.
- (b) When an employee is demoted for cause, the City Manager will decide probationary **and pay** status ~~and step placement~~.
- (c) When an employee accepts a voluntary demotion, the employee's pay will be adjusted according to the band and grade for the new position.

(Ord. xxxx, 2018)

409.4 Reinstatement.

- (a) Reinstatement of regular ~~full-time~~ employees who have resigned: no preferential pay treatment will be given to reinstated employees. The principles of job classification and equal pay for equal work which includes work experience, shall apply as if to a new employee.
- (b) Resignations of a special nature such as, but not limited to, family illness or education leave (up to two ~~(2)~~ years with prior approval of the City Manager) have reinstatement rights according to arrangements in writing at the time of resignation, and if the position is available. Probationary periods will apply as described in Section 606.3.

409.5 Reinstatement of Veteran. A regular ~~full-time~~ City employee who returns from military leave shall be reappointed in accordance with ~~the United States Code Annotated Title 50, War and National Defense Military Selective Service Act of 1967; Section 459, Separation from Service (a),(b),(c),(f), and (g) the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), 38 U.S.C. 4301 et seq.~~ If the return is in accordance with **USERRA the Act**, the employee is entitled to reinstatement into the position held ~~prior to~~ before military leave, or into one as nearly like it as possible.

409.6 Layoff. When a regular ~~full-time~~ employee following layoff is re-employed in the same position from which the layoff occurred, re-employment shall be in the same pay **status step** occupied at the time of layoff. When the employee is re-employed in a position **having with** a different salary band and grade, the rate of pay shall be assigned accordingly.

(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1038, 1996)

410 COMPENSATION DURING TEMPORARY ASSIGNMENT

A regular ~~full-time~~ employee who is temporarily assigned to a position with a higher paid band and grade for a period of ~~fifteen (15)~~ calendar days or more shall be granted a ~~five (5%)~~ percent pay increase for the full period worked in the temporary assignment. A regular full-time employee who is temporarily assigned to a position with a lower pay band and grade for any period shall not receive a reduction in pay. No temporary assignment shall exceed six ~~(6)~~ months.

(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1008, 1995)

411 HOURS OF WORK

Unless a different schedule is established in accordance with the second paragraph of this section, regular working hours of City employees shall consist of 40 hours a week on a consistent schedule. The standard work week shall consist of the period from midnight Sunday to the following midnight Sunday. The standard work day shall consist of the period from midnight to midnight. Unless otherwise provided, the hours of regular employment for City employees shall be from 8 a.m. to 5 p.m., with an hour for lunch. For absence from an employee's regular work duties for training purposes, see Subsection 1014.3. For Fire Department employees working the platoon system see Subsection 1605(a).

Different schedules may be established and altered by department heads with approval of the City Manager. Temporary shifting of employees' working hours **and/or locations** to meet routine needs shall be done as necessary and approved by the department head. The department head will inform the employee of shift changes at least one week ~~prior, in advance; provided that~~ **in unforeseen or unavoidable circumstances, the department head may informing employees of upcoming changes may occur less than one week prior to before their new shift change.** ~~, or as far in advance as possible.~~

(Ord. xxxx, 2018; Ord. 1061, 1998; Ord. 804, 1987)

412 OVERTIME

An employee classified as non-exempt under the federal Fair Labor Standards Act, 29 USC §201 *et seq.*, shall be paid for overtime hours as provided in Section 412.1. Hours **not worked** during a City holiday, or while an employee is on annual leave or sick leave, are not considered hours worked for the purpose of determining whether the employee is entitled to overtime pay. All overtime worked must have the approval of the department head ~~prior to before~~ its performance ~~except in emergencies which prevent prior authorization, and shall be paid in accordance with applicable state or federal laws. If emergency overtime is worked, the department head shall see that it is accurately and timely recorded.~~ **Emergency overtime constitutes emergency call-outs that occur outside of normally-scheduled shift hours due to critical life, health, safety, and/or asset protection issues that require a physical response to a scene and must be addressed immediately. Any such emergency call-outs will result in a**

mandatory minimum of two hours of overtime pay. If an employee is called back a second time while still being paid under the minimum call back, the employee will not be entitled to additional compensation until the minimum call back time has been completed.

All overtime records are subject to review by the City Manager. Overtime shall be scheduled as fairly and equally as practical among employees, based first on qualifications to perform the work and, secondly, on seniority.

(Ord. xxxx, 2018; Ord. 1275, 2010; Ord. 1061, 1998; Ord. 869, 1989)

412.1 Overtime Pay. An employee shall receive overtime pay as follows:

- (a) except as provided in (b) and (c) below, an employee is paid at one and one-half times the employee's regular pay rate for hours worked in excess of ~~forty (40)~~ hours in a standard work week, or in excess of eight ~~(8)~~ hours in a standard work day, as each is defined in Section 411;
- (b) ~~while working in the Fire Department platoon system under Section 1605, an employee will receive overtime pay only as provided in subsection 1605(c); and~~
- (c) an employee is paid for hours worked on a City holiday only as provided in Section 412.2, "Holiday Pay."

(Ord. 1275, 2010)

412.2 Holiday Pay. For purposes of calculating compensation, a holiday is an eight ~~(8)~~-hour period. All regular employees shall receive eight ~~(8)~~ hours of regular pay for each day designated a holiday by the City and shall, in addition, be compensated for all hours of scheduled and unscheduled work on a holiday, at their regular rate of pay (see Chapter 12). (For application to Fire Department platoon system, see Section 1604.)

412.3 Exceptions for Shift Rotation. An exception to overtime pay for work over eight hours in a ~~twenty-four (24)~~ hour period is that no overtime will be paid for shift rotation, provided the employee has had ~~there has been time off of~~ at least ~~twelve (12)~~ hours off work between the shifts.

412.4 Shift Differential.

- (a) "Shifts" apply only to those departments that work "around the clock" or ~~twenty-four (24)~~ hours a day.
- (b) For shifts that are normally scheduled to be eight hours per day, the term "swing shift" is hours worked between 4:01 p.m. and 12:00 a.m. ~~defined as one that starts between 12:01 p.m. and 7 p.m.~~ The term "graveyard shift" is hours worked between 12:01 a.m. and 8:00 a.m. ~~defined as one that starts between 7:01 p.m. and 5 a.m.~~ The term "regular shift" is hours worked between 8:00 a.m. and 4 p.m. ~~defined as one that starts between 5 a.m. and noon.~~
- (c) For shifts that are normally scheduled to be twelve hours per day, the term "overnight shift" is hours worked between 6:00 p.m. and 6:00 a.m. ~~defined as one that starts between 5:01 p.m. and 5:00 a.m.~~ The term "regular shift" is hours worked between 6 a.m. and 6 p.m. ~~defined as one that starts between 5:01 a.m. and 5:00 p.m.~~
- (d) ~~The~~ An employee who works ~~the~~ a swing shift shall receive ~~four (4) percent~~ 4% additional pay, plus ~~to~~ the regular salary, for the hours worked on swing shift.

- ~~—(e)The An employee who works ~~the an~~ overnight shift shall receive ~~five (5) percent~~ 5% additional pay, plus ~~to~~ the regular salary, for the hours worked on overnight shift.~~
- (f) ~~The An employee who works ~~the a~~ graveyard shift shall receive ~~six (6) percent~~ 6% additional pay, plus ~~to~~ the regular salary, for the hours worked on graveyard shift.~~
- (g) For ~~twenty-four (24)~~ hour shifts (platoon system) see Chapter 16.
(Ord. 1082, 1998)

413 CHANGING PAY GRADE ASSIGNMENTS

When a position is re-evaluated and changed to a different band and grade, the base rate of employees occupying positions of that salary grade shall be adjusted as follows:

413.1 Reclassified to Higher Grade. If the position is re-evaluated and assigned to a higher salary grade, all employees in positions affected shall have their base rates increased 2.5% or the minimum of the new band and grade placed at the first step of the higher grade, whichever is greater, ~~not to exceed the maximum of the new band and grade.~~

414 RETIREMENT

The City has in effect a retirement plan for all eligible City employees as set forth ~~under~~ by City Council Resolution ~~Number 11-70.~~

415 INSURANCE AND MEDICAL BENEFITS

415.1 Group Life Insurance. The City of Kodiak will pay all City group life insurance premiums for its regular, ~~full-time~~ employees working 30 or more hours per week.

415.2 Group Health Insurance. The City of Kodiak will pay City group health insurance premiums for its regular, ~~full-time~~ employees working 30 or more hours per week at the coverage costs in effect July 1 each year, as provided for in the adopted budget.

- ~~(a) — Any increases in premium costs over prior year amounts which are attributable to medical inflation or other factors apart from claims experience and so identified by the insurer will be borne by the City.~~
 - ~~—(b) — Any increases in premium costs over prior year amounts which are attributable to claims experience and so identified by the insurer will be borne by the employees as a group.~~
 - ~~(c) — The intent of this section is to abolish a two-tier system that formerly provided different levels of coverage for employees hired before or after April 1, 1992.~~
- (Ord. ~~xxxx~~, 2018; Ord. 1130, 2001; Ord. 1088, 1999; Former Section 419 repealed and replaced by Ord. 1061, 1998; Ord. 959, 1993; Ord. 931, 1992)

416 EFFECTIVE DATE OF CHANGES IN PAY

Effective date of personnel actions implementing classification, reclassification, regular and special merit increases, promotions, demotions, and reinstatements shall be the effective date of change. Nothing in this section shall prohibit retroactive pay approved by Council, or required because of administrative oversight or error and approved by the City Manager.

(Ord. 1061, 1998; Ord. 1024 §2, 1996.)

417 STAND-BY DUTY

~~See Subsection 1605(d). Any non-exempt employee who is assigned standby duty status prior to before any scheduled normal-shift day shall be paid at a rate equal to five (5) percent% of the employee's base hourly rate for every hour of such assigned standby duty. Standby pay will not be paid for regular hours worked, overtime, or call-out hours. Notwithstanding such standby pay, the payment of compensations for time spent on standby duty status, such time shall not be treated as hours worked within the meaning of the Fair Labor Standards Act and the associated regulations.~~

(Ord. xxxx, 2018)

Section 4: The following sections in Chapter 5 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 5 of the Personnel Rules and Regulations is retained in its current form.

501 POLICY

It ~~shall be~~is the policy of the City of Kodiak to recruit and select the most qualified persons for positions in the City's service. To ensure that the policy is carried out, it shall be the responsibility of the City Manager (or, for staff identified in Section 203.6, the City Clerk) to:

- (a) conduct recruitment and selection ~~in an affirmative manner~~ to ensure open competition;
- (b) provide equal employment opportunity;
- (c) prohibit discrimination because of race, age, politics, religion, gender, national origin, mental or physical handicap, color, marital status, changes in marital status, pregnancy, parenthood, or any other non-merit factors; and
- (d) give preference to local hire when **legally permissible ever possible.**

~~In the case of staff identified under the heading 203.6 4.5 City Clerk, responsibilities identified in this chapter shall be assumed by the City Clerk.~~

(Ord. xxxx, 2018; Ord. 1090, 1999)

502 RECRUITMENT

The City Manager shall develop and conduct an active recruitment program designed to meet current and projected **staffing manpower** needs. Recruitment will be tailored to the **various** salary grades of positions to be filled, and will be directed to all sources likely to yield qualified candidates.

(Ord. xxxx, 2018; Ord. 1038, 1996)

503 JOB ANNOUNCEMENTS AND PUBLICITY

~~In order to~~ With the goal of attracting an adequate number of candidates for present or anticipated vacancies and to permit successful competition with other employers, the City Manager will issue job announcements and otherwise publicize vacancies. ~~Job announcements shall be made clear and readable. They~~ **Job announcements** shall include the job title, salary range, job qualification requirements, and examination information (including the time, place, manner of completing applications, and other pertinent information). Publicity for job vacancies shall be conducted for a sufficient period of time to ~~e~~insure reasonable opportunity for persons to apply and be considered for employment. In any event, job vacancies shall be formally announced and posted on one or more public bulletin boards maintained by the City at least ~~ten~~(10) working days ~~prior to~~ before the closing date for filing applications. The City Manager may also initiate continuous recruitment programs for ~~any number of~~ positions as appropriate. All job announcements shall be publicized first to all City employees at least five ~~(5)~~ working days ~~prior to~~ before being advertised publicly. If, in the judgment of the City Manager, an adequate number of candidates have applied for a given vacancy ~~prior to~~ before expiration of the period within which the job announcement is publicized first to all City employees, the vacancy shall be posted on one or more public bulletin boards maintained by the City, but need not be advertised through local newspapers or other public media. Nothing in this section shall be interpreted as limiting the City Manager's discretion or authority to advertise job vacancies in such public media as deemed appropriate, however. Furthermore, if, after expiration of the deadline for the submission of applications for any vacancy, the City Manager determines that it would be in the City's best interest to re-advertise the vacancy and extend the application period, the City Manager may do so. In such an event, the position need not be re-publicized first only to City employees and it shall be advertised through one or more local newspapers, and such other public media as the City Manager selects (see Section 603). (Ord. xxxx, 2018; Ord. 1038, 1996; Ord. 834, 1988)

504 APPLICATION FORM

All applications for employment shall be made on forms prescribed by the City Manager. Such forms shall require background information to include training, experience, and other pertinent information. All applications must be signed, **and accompanied by all requested supporting documentation may be requested.** ~~and the City Manager shall require proof of statements.~~ The application shall state that the applicant understands that the signature constitutes certification of the accuracy of all information provided in the application, and false or misleading statements or information may result in rejection of the application or dismissal. Application forms shall comply with Equal Employment Opportunity Commission regulations. (Ord. xxxx, 2018)

~~505 REJECTION OF APPLICANTS~~

~~The City Manager may reject any application which indicates that the applicant does not have the minimum qualifications established for the position. Applications may also be rejected if the applicant:~~

- ~~—(a) has deliberately falsified any information on the application form;~~
- ~~—(b) does not meet the legal age limits or other requirements established by State law; and~~
- ~~—(c) has established an unsatisfactory employment record of such a nature as to demonstrate unsuitability for the position.~~

Section 5: The following sections in Chapter 6 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 6 of the Personnel Rules and Regulations is retained in its current form.

601 DEVELOPMENT EVALUATION CRITERIA

The City Manager, **or, for staff identified in Section 203.6, the City Clerk**, shall be responsible for developing realistic job-related evaluation criteria, in addition to the ~~requirements~~ **criteria** listed in Section 602, to provide a basis for determining a candidate's potential for successful ~~or highly successful~~ performance in the position. ~~Once established for a particular position, the evaluation criteria will remain the same for subsequent filling of that position, unless there is a change in duties or if placement follow-up indicates need for revision. In the case of staff identified under the heading 203.6 4.5 City Clerk, responsibilities identified in this chapter shall be assumed by the City Clerk.~~
(**Ord. xxxx, 2018**; Ord. 1090, 1999)

602 MINIMUM EVALUATION CRITERIA

All of the following methods, and any designated by the City Manager ~~as described in~~ **pursuant to** Section 601, will be used in making meaningful distinctions among candidates:

- (a) evaluation of training and experience;
- (b) supervisory appraisals of performance and assessments of employee potential;
- (c) written and/or performance tests, if applicable;
- (d) awards presented to employees; and
- (e) self-development efforts ~~of employees which~~ **that** are job related and enhance the employee's potential.

Supervisory appraisals of performance will be obtained for all candidates, if they can be obtained in a timely manner. All applicants will be ranked according to the following categories:

- (a) ineligible;
- (b) qualified; and
- (c) best qualified. Best qualified ~~will consist of~~ **are** candidates who rank at the top when compared with other eligible candidates.

Normally, three to five of the best qualified group will be referred to the appointed selecting official. The selecting official will not refuse to make selections from this list without justifying such actions, indicating specific reasons for non-selection for each referred

candidate. ~~Each candidate's~~The justification for selecting or not selecting each candidate actions shall be kept available for inspection and/or duplication, for ~~a period which need not exceed thirty (up to 30) days, in a file kept~~ in the City Manager's office. Each candidate will ~~only~~ be able to review ~~their-his~~ only that candidate's own such justification ~~actions~~. All applicants shall be notified by the City of selection or non-selection within five ~~(5)~~ working days, if possible, after the decision has been made.

Upon the non-selection of all qualified applicants, the City Manager may decide to re-advertise or hold the position open for an indefinite time.

604 METHOD OF RATING

In all selection procedures, the minimum ratings with which eligibility may be achieved shall be set by the City Manager. A minimum or passing rating shall be established for all devices used in the selection process. The final rating shall be determined for applicants with passing ratings in accordance with the weight established for each device as ~~contained~~ set out in the job announcement.

605 RE-EMPLOYMENT LISTS

~~A Regular~~ regular employees who ~~is~~ are involuntarily separated from the City service, as a result of layoff ~~or reduction in force~~, shall be placed on a re-employment list for two years for the position they ~~employee~~ occupied at the time of separation. ~~The order of Names~~ names shall be placed on re-employment lists ~~based, all other things being equal, shall be governed first on by performance and secondly on by length of classified service with the City. The eligibility of an individual to remain on the re-employment list shall expire two (2) years from the date of separation from the City.~~

(Ord. 1038, 1996)

606 PROBATIONARY PERIOD

All employees, upon hiring, promotion, or demotion, shall serve a probationary period of at least six ~~(6)~~ months, but no more than ~~twelve (12)~~ months. Under unusual circumstances, exceptions may be authorized by the City Manager. If an employee takes leave without pay during the probationary period, the probationary period shall be extended by the length of leave without pay. Probationary employees must ~~obtain~~ receive at least a satisfactory performance rating at the completion of their probationary period in order to ~~obtain~~ attain regular status. New hires, not including promoted employees in probationary status, may be ~~terminated~~ dismissed at any time during their probationary period; Section 1307 does not apply to any such dismissal with no recourse to the grievance procedure.

(Ord. xxxx, 2018; Ord. 1008, 1995)

606.1 Promoted Employee Probationary. When it becomes clear that a regular ~~full- or part-time~~ employee serving a promotional probationary period is not performing adequately, the department head, in consultation ~~will work in conjunction~~ with the City Manager, will ~~to~~ inform the employee in writing of the performance issues. If demotion is found to be

~~necessary~~appropriate, the employee shall be demoted to a position in the previously held band and grade, and the employee's anniversary date shall remain unaffected; ~~and the such as~~ demotion shall not be grievable. If no such position is available when it becomes clear that such promoted employee is not performing adequately, the employee may be treated as a post-probationary employee, including dismissal.

606.2 Demoted Employee Probationary. When a regular ~~full-or-part-time~~ employee is demoted to a position where regular status was held previously, the employee returns to the pay status step previously held and no probationary period will be served. Where an employee is demoted to a position not held before, the department head shall decide subject to approval of the City Manager whether a probationary period shall be served. The employee ~~concerned~~ shall be notified in writing whether the appointment will be probationary of the decision, in writing, before demotion ~~is accomplished~~ occurs, and in either case the employee's anniversary date shall remain unaffected; such decision whether to make a demotion appointment ~~and the~~ probationary ~~demotion~~ is not grievable. (Ord. xxxx, 2018)

606.3 Reinstated Employee Probationary. A regular ~~full-time~~ employee reinstated within two years ~~of~~after separation may not be required to serve a probationary period unless rehired into a different position than previously served, or unless the employee did not complete the earlier previous probationary period ~~was not completed in the position.~~ (Ord. 1307, 2013; Ord.1038, 1996)

606.4 Regular Part-Time Probationary. See statement in Section 407.

607 TEMPORARY EMPLOYMENT

Temporary employment ~~may~~does not be counted toward a probationary period, and is not s nor shall time be credited for such as time in service toward anniversary length of service dates, if temporary employees are later appointed to regular ~~full-or-part-time~~ positions. Persons serving in temporary positions shall not be considered ~~as eligible~~ internal candidates when applying for a regular full- or part-time position. However, time served in a temporary capacity may be counted toward experience requirements in minimum qualifications for the a position ~~concerned.~~ (Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1038, 1996)

608 EMERGENCY EMPLOYMENT

Emergency employment, not to exceed ~~thirty~~(30) calendar days, may be authorized by the City Manager without recourse to usual hiring procedures. Such appointments shall be made only in case of an unforeseen emergency and when necessary to prevent impairment of City services. Emergency hires are not entitled to any ~~fringe~~ benefits.

Section 6: The following sections in Chapter 7 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 7 of the Personnel Rules and Regulations is retained in its current form.

701 PURPOSE

The ~~primary purpose of the~~ employee performance evaluation program for regular ~~full-and part-time~~ employees is intended to inform employees how well they are performing and to provide direction or advice on how work performance can be improved or corrected. Performance evaluations shall also be considered in decisions affecting salary advancement, promotions, demotions, dismissals, orders of layoff, orders of re-employment, placements, and training needs.

(Ord. xxxx, 2018; Ord. 1307, 2013)

702 PERIODS OF EVALUATION

Each regular employee in the classified service shall have performance evaluated at the following periods.

702.1 End of Probationary Period. Each regular employee shall be evaluated approximately ten (10) days ~~prior to the~~ before ~~completion-completing~~ of the probationary period. The employee must ~~have-~~ receive an overall evaluation of at least "satisfactory" ~~in order to~~ before becoming a classified employee (see also Section 406).

702.2 Annual. Each regular employee shall receive an annual performance evaluation approximately one ~~(1)~~ month ~~prior to~~ before the date of each potential merit step increase as scheduled in Subsection 406.1.

702.3 Special. A special performance evaluation shall be completed whenever:

- (a) there is a significant change either upward or downward in the employee's performance; and
- (b) a supervisor ~~permanently-leaves~~ their his position. The supervisor shall complete a performance report on each employee under their his supervision who has not been evaluated within six ~~(6)~~ months ~~prior to~~ before the date the supervisor is to leave their his position.

(Ord. xxxx, 2018)

703 PERFORMANCE EVALUATORS

703.1 Rating Officer. The rating officer ~~shall be~~ is the employee's direct supervisor and ~~will~~ must have supervised the employee for not less than six ~~(6)~~ months. The rating officer shall be responsible for completing a performance evaluation report, which shall be reviewed and approved by the department head and City Manager or designee at the time prescribed for each employee supervised.

703.2 Review Officer. The reviewing officer shall be the rating officer's immediate supervisor or department head. The reviewing officer shall review the draft performance evaluation report before the report is sent to the City Manager and before it is presented to

the employee. The reviewing officer shall consider the performance evaluations completed by the rating officer when evaluating the rating officer's performance.

~~In the case where~~ When the rating officer is the department head, the reviewing officer shall be the City Manager. ~~In the case where~~ When the City Manager or City Clerk is the rating officer, there shall be no review.

(Ord. 1307, 2013; Ord. 1090, 1999)

704 REVIEW OF PERFORMANCE REPORT

The rating officer shall discuss the performance evaluation report with the employee before the report is made part of the employee's ~~permanent record~~ personnel file. If the rating officer plans to recommend the denial of a merit step increase the report must be discussed and approved with the reviewing officer and the City Manager ~~prior to~~ before review with the employee (see Section 406).

(Ord. 1307, 2013)

705 UNSATISFACTORY EVALUATION

A regular employee who receives an overall rating of "unsatisfactory" on the ~~ir~~ annual evaluation shall not be eligible to receive a merit step increase until the employee successfully completes the assigned performance improvement plan. (see Section 406).

(Ord. 1307, 2013)

706 EMPLOYEE APPEAL PROCEDURE

Performance evaluations are not grievable.

(Ord. 1307, 2013)

707 KNOWLEDGE OF DISCIPLINARY ACTION REGULATIONS

All employees shall be informed of standards of performance and ~~personal conduct, as well as of City employees in various positions. Employees shall be acquainted with~~ the various provisions ~~of for disciplinary action regulations~~. All regular city employees shall ~~be given~~ receive a copy of the updated Personnel Rules & Regulations. A copy is always available in the Human Resource Manager's office and the City Clerk's office (~~see Sections 105 and 203.6~~).

(Ord. xxxx, 2018; Ord. 1307, 2013)

708 DISCIPLINARY ACTION ~~PROCEDURE~~

Whenever possible, disciplinary actions shall be a progressive system to maximize the opportunity for employees to correct adverse, incorrect, or inappropriate conduct and

performance. Examples of behaviors and actions warranting disciplinary actions include but are not limited to: any conduct detrimental to the best interests of the City; inefficiency or unwillingness to perform duties; tardiness or absenteeism; neglect or failure to perform duties at an acceptable level of performance; insubordination; dishonesty, theft, or falsification of any report, record, or document; assault, fighting, threats, or horseplay; sleeping on the job or taking unauthorized breaks; possession or use of intoxicants or illegal drugs while on duty; conviction of a felony for a crime that is job-related; reckless or willful damage to or loss of City property; violation of departmental rules of conduct or safety regulations; disrespectful conduct toward the public, or use of profane, abusive, or threatening language toward coworkers; sexual harassment; the use of racial or sexual slurs or innuendoes; and any other conduct that reasonably justifies the proposed form of discipline, up to and including dismissal.

When an employee's department head or supervisor determines disciplinary action is necessary for any employee, the department head or supervisor may begin discipline at any of the steps listed below. Steps 1 and 2 may be completed entirely within the department; steps 3 through 6 must involve and be approved by the City Manager.

- 1) Verbal Warning
- 2) Verbal Reprimand, with written note to personnel file
- 3) Disciplinary Action Memorandum
- 4) Suspension Without Pay
- 5) Demotion
- 6) Dismissal

The City Manager may begin with any step 1-6 depending on the severity of the offense committed. No dismissal may occur without written approval of the City Manager.

~~All disciplinary actions, oral admonitions and verbal warnings, shall be documented in writing in a Disciplinary Action Memorandum to the employee and placed in the employee's personnel file.~~ The employee shall be given an opportunity to read **Verbal Reprimands and Disciplinary Action Memoranda**. These documents ~~It~~ shall ~~then~~ be reviewed with the employee and a sincere effort shall be made to obtain agreement of the employee that the facts are stated correctly, that the inappropriate or incorrect behavior did occur, that it did represent behavior that should be disciplined, that the discipline is appropriate, and that the behavior will not be repeated. If errors are found, the **Verbal Reprimand or Disciplinary Action Memorandum** ~~Memoranda~~ shall be revised ~~done~~ and again reviewed with the employee. Comments of the employee shall be entered under that heading. The employee shall be requested to sign the memorandum and informed that the signature ~~only~~ indicates only agreement that the memorandum accurately reflects the discussion. If the employee refuses to sign the memorandum, the following statement shall be entered:

"(Employee's name) read the contents on (date) and refused to sign."

The Disciplinary Action Memorandum shall be reviewed and approved by the City Manager before being presented to the employee and placed in the employee's personnel file. A copy

shall be given to the employee. The supervisor may, if necessary, complete reviews of the employee's progress in correcting the cause of the original action at three, six, and nine months (see Sections 406 and 702.2). These reports shall be made on the Performance Evaluation Report form. Twelve months after the Disciplinary Action Memorandum is approved~~from date of the action concerned~~, the City Manager shall review the disciplinary action, and if no subsequent report of ~~similar~~ violations has been made, the department head shall be notified to return departmental copies to the employee. The original shall be placed in a confidential folder and put in the employee's personnel file. It shall not be referred to again unless the employee is later subject to discipline again~~there is further trouble~~. All appeals from disciplinary action shall be initiated at Step 3 of the grievance procedure.

If it becomes necessary at any time to inform a regular ~~full-or-part-time~~ employee of impending demotion or **dismissal termination**, such notice shall be in accordance with the disciplinary action procedure outlined above and coordinated through the City Manager's office. The notice shall be in writing with copies to the City Manager and the employee. ~~Such notice shall be for action other than a verbal admonition or verbal warning.~~
(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 834, 1988)

709 RELIEF OF DUTIES

- (a) Upon approval of the City Manager, a department head may at any time suspend a regular ~~full-or-part-time~~ employee without pay for cause for a period not to exceed thirty (30) calendar days in any calendar year. **When an employee is behaving in an unsafe manner or creating an unsafe work environment, the department head may suspend the employee immediately, with pay, to maintain a safe working environment before consulting with the City Manager, and the department head shall inform and consult the City Manager as soon as the situation permits regarding this suspension.**
- (b) Employees against whom charges are preferred may, at the discretion of the City Manager and department head, be suspended from duty with or without pay pending final disposition of charges. **No employee may be suspended without pay in the absence of a pre-decisional hearing.**
- (c) A suspension under this section shall be recorded on a Disciplinary Action Memorandum. A Performance Evaluation Report form documenting the performance improvement plan shall be completed for any employee suspended without pay. Both documents shall be reviewed with the employee as soon as possible. Following the review, a copy shall be given to the employee and the original forwarded ~~immediately~~ to the personnel file.

(Ord. xxxx, 2018; Ord. 1307, 2013)

710 DEMOTION FOR DISCIPLINARY REASONS

An appointing authority may demote a regular ~~full-or-part-time~~ employee for disciplinary reasons in accordance with other provisions of these regulations. Demotion is considered as a more moderate penalty than dismissal and may be offered in lieu thereof, as approved by the City Manager, when mitigating circumstances warrant such leniency (see Section 409.3(b)).
(Ord. 1307, 2013)

711 DEMOTION WITHOUT PREJUDICE

Demotion without prejudice ~~shall~~ is not ~~be considered~~ a disciplinary action. With approval of the City Manager, an appointing authority may demote an employee in accordance with other provisions of these regulations for any of the following reasons:

- (a) ~~Despite appropriate effort, the employee does not demonstrate capacity to perform the essential functions of the position, with or without reasonable accommodation if indicated; and inability to perform duties adequately for reasons that are not the fault of the employee, such as, physical or functional disability, lack of necessary qualifications, or lack of aptitude;~~
- (b) ~~Lack~~ layoff because of lack of work or funds, ~~or~~ lead to abolition of position (when regular employees are laid off, the appointing authority shall consider the advisability of demoting to vacant positions at lower salary grades for which they are qualified); ~~and.~~
- (c) ~~personal reasons. There are a variety of reasons why an employee may wish to work in a position at a lower salary grade, such as personality conflicts, or transferring into another department where new experience and greater likelihood of advancement are available.~~

(Ord. xxxx, 2018; Ord. 1307, 2013; Ord. 1038, 1996)

~~712~~ ADMINISTRATION *(this has been moved to Section 203.3 (c))*

~~The City Manager shall be responsible for overall administration of the employee performance evaluation program and shall advise and assist employees, rating officers, and reviewing officers to assure that performance evaluation procedures are handled in accordance with the provisions stated in this Chapter.~~

Section 7: The following sections in Chapter 8 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 8 of the Personnel Rules and Regulations is retained in its current form.

801 PURPOSE

The ~~purpose of~~ the employee development program ~~shall be~~ is intended to foster and promote the training and development of employees in order to:

- (a) improve the quality of services rendered to the City;
- (b) equip employees for career advancement within the City service; and
- (c) provide a reservoir of occupational skills necessary to meet current and future employment needs.

802 DEVELOPMENT AND ADMINISTRATION

802.1 City Manager/City Clerk. The City Manager **and City Clerk** shall have overall responsibility for the development, administration, and coordination of the employee development programs **under their respective supervision**, and shall:

- (a) (in the case of the City Manager) assist the department heads in development and implementing employee development programs to meet the current and future needs of their departments and to increase employee efficiency;
- (b) conduct or coordinate employee development programs to meet the common needs of all departments;
- (c) maintain a file of current information and materials on job requirements, training opportunities, employee development manuals, and other employee development literature;
- (d) maintain a record of all training conducted and ensure that authorized employee development programs are properly administered;
- (e) periodically analyze and evaluate the ~~overall~~ development needs of employees within the City service;
- (f) assure that all employees receive equal consideration for appropriate training opportunities; and
- (g) assure that employee personnel files are updated upon successful completion of ~~any~~ employee development activities to ~~insure maximum~~ ensure fair consideration for placements, transfers, and promotions.

~~In the case of employee development relating to staff identified under the heading 203.4.5 City Clerk, these responsibilities shall be assumed by the City Clerk. (Ord. xxxx, 2018; Ord. 1090, 1999)~~

802.2 Department Head. Department heads shall provide active leadership in developing the employees under their supervision. In this capacity, they shall:

- (a) cooperate closely with the City Manager in determining the current and future employee development needs in the department;
- (b) participate with the City Manager in developing and implementing employee development programs;
- (c) budget sufficient funds to secure needed career development programs;
- (d) assess the effectiveness of completed career development programs and make recommendations for improvement where appropriate; and
- (e) assure that employees ~~are provided with~~ have sufficient time to participate in career development programs.

Section 8: The following sections in Chapter 9 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 9 of the Personnel Rules and Regulations is retained in its current form.

901 POLICY

It is the policy of the City of Kodiak to treat all employees equitably and fairly in matters affecting their employment. Each employee of the City will be provided ample opportunity to understand and resolve matters affecting employment ~~which-~~ that the employee documents as ~~being-~~ a violation of rules and regulations. The presentation of any grievance shall be the right of each employee without fear of reprisal.

902 DISCUSSION OF A PROBLEM WITH SUPERVISOR

Repealed by Ord. 1098, 1999

903 DEFINITION OF A GRIEVANCE

A grievance is a ~~specified~~ specific complaint by an employee or group of employees that has not been resolved, alleging a violation of one or more specific a-section(s) of the City Charter, ordinances, Personnel Rules and Regulations, or department rules and regulations ~~which~~ that pertain to the terms or conditions of ~~such~~ employment ~~by the City of Kodiak~~. Performance evaluation is not grievable; nor is Dismissal ~~dismissal~~, ~~or~~ consideration of dismissal, ~~is not a matter that may be grieved~~ or suspension without pay; see Chapter 13 for the procedure established for a pre-decisional hearing in the case of potential dismissal ~~s~~ and unpaid suspension.

904 GRIEVANCE PROCEDURE STEPS

A grievance shall be handled in the following manner:

904.1 Steps of the Grievance Procedure.

Step 1. The aggrieved employee, or group of employees, shall present the problem orally as a specific grievance to the immediate supervisor within ~~ten (10)~~ working days ~~of~~ after its occurrence, not including the day of the occurrence. The supervisor shall give a written reply within five ~~(5)~~ working days ~~of the date of~~ after presentation of the grievance, not including the date of presentation.

Step 2. If the grievance is not settled in Step 1, the grievant(s) may pursue it by writing the grievance ~~it shall be prepared in detail, shall be reduced to writing, including a summary~~ on a form designated by the City Clerk, ~~which~~ The written grievance shall ~~provide space for~~ specify the grievant's name, the specific authority and section alleged to have been violated, and the nature of the perceived violation. The summary form shall be dated, shall be signed by the ~~aggrieved employee or group of employees~~ grievant or grievants and shall be presented along with any supplementary information or other relevant material to the department head within five ~~(5)~~ working days after the supervisor's written reply is given, not including the day the reply is given. The department head shall reply in writing to the grievant(s) within five ~~(5)~~ working days ~~of~~ after the date of the presentation of the written grievance, not including the day of presentation.

Step 3. If the grievance is not settled in Step 2, the ~~employee~~ grievant(s) ~~shall~~ may pursue it by presenting the written grievance ~~along~~ with copies of all pertinent correspondence, records, and information to the City Manager within five ~~(5)~~ working days after the department head's written response ~~was~~ is delivered to the ~~employee~~ grievant(s). The City Manager shall reply in writing to the grievant(s) within ~~five (5)~~ 15 working days of the date of the presentation of the written

grievance, not including the day of presentation.

Step 4. (a) If the grievance is not settled in Step 3, the ~~employee~~grievant(s) ~~shall~~may pursue it by presenting the written grievance along with copies of all pertinent correspondence, records, and information to the City Clerk within five ~~(5)~~ working days after the City Manager's written response was delivered to the employee(s). The City Clerk shall promptly forward copies of the written grievance and supporting materials filed by the grievant(s) to the Personnel Board, the department head, and the City Manager. The department head and City Manager ~~then~~ have five ~~(5)~~ working days to file any additional pertinent correspondence, records, and information pertaining to the grievance with the City Clerk, who shall promptly forward copies of the same to the Personnel Board and other involved parties. ~~If the grievance relates to disciplinary action exceeding ten day suspension without pay, the Personnel Board may request independent counsel.~~

(b) The Personnel Board will convene and will determine whether the premise of the grievance is valid. If the grievance is accepted, the grievant(s) and City Manager will be notified in writing. The board shall conduct a hearing involving all parties involved (Section 906).

(c) After conducting a hearing (Section 906) and reviewing the written evidence, the Personnel Board shall submit its recommendation in writing to the City Manager with a copy to the grievant(s) within five ~~(5)~~ working days of receiving the grievance. The deadline for rendering a recommendation may be extended by the Personnel Board or the chairman of the Personnel Board when necessary due to the absence of a quorum or the difficulty of scheduling a hearing reasonably convenient to board members or witnesses.

Step 5. Within five ~~(5)~~ working days after receiving the Personnel Board's recommendation, the City Manager will respond to the Personnel Board's recommendation, with a copy to the grievant(s).

If the Personnel Board determines through a majority vote that the Manager's final determination violates the letter or intent of the City of Kodiak Personnel Rules and Regulations, other City Department regulations, or a point of law, the Board shall submit a report to the City Council identifying the nature of its concern. The Personnel Board's report shall ~~be composed so as to~~ preserve the separation of the Council from participation in personnel matters, as provided in the City Charter, Article II, and no other material relating to the grievant(s) or the grieved action shall accompany the report.

904.2 Grievance Steps Not Exclusive. The grievance steps described in Section 904 do not exclude the possibility of a mutually agreeable arbitration or legal action; nor are they intended to limit the constitutional rights of an employee in any way. A grievance may be withdrawn at anytime with the consent of all parties.

(Ord. 1098, 1999; Ord.1008, 1995)

905 REPRESENTATION

905.1 Employee Representation. Each employee shall be afforded an opportunity to be represented at each of the above steps. At Steps 1 and/or 2 of the grievance procedure, the employee may be accompanied by a representative of the employee's choice who shall be any other regular employee of the City. At Steps 3 and/or 4 of the grievance procedure, the employee may be accompanied by any representative of the employee's choice. Employees shall contact and discuss ~~their~~ problems/grievances with their representative only during break periods, lunch hour, before or after work, or at any other time when they are not on duty. However, grievance hearings may be held during work hours.

905.2 Legal Counsel for Personnel Board. The Personnel Board will obtain, following approval of the expenditure by the City Manager or City Council, legal counsel from the City's legal staff, except the Board will be authorized to select a lawyer outside the City staff when the Board by majority vote determines that legal advice and counsel from the City legal staff may present a conflict of interest to the Board. The cost to the City shall not exceed what is customary and reasonable for such services.

906 GRIEVANCE HEARINGS

Grievance hearings may be conducted by the Personnel Board. The location, procedures, and agenda of all hearings will be determined by the Board. The Board may request that any or all those expected to testify remain in a designated area outside the meeting at all times other than when their testimony is being entered into the record.

The Personnel Board may choose to meet with the ~~aggrieved employee~~ grievant(s), the immediate supervisor, the department head, and the City Manager individually and/or as a group in order to investigate circumstances pertinent to the grievance. The grievant(s) may be accompanied by a representative (Section 905). Either party may make a change in representation at any time, however, such a change will not affect the time limits except as provided in Section ~~909~~ 908.

~~907 VIOLATION OF GRIEVANCE PROCEDURE~~

~~Any employee who attempts to resolve employment problems outside of the City government, without first attempting to resolve said problem(s) in accordance with the grievance procedure, shall be subject to disciplinary action. However, nothing in this Chapter shall be deemed to revoke any legal means of redress to the courts.~~

~~(Repealed by Ord. xxxx, 2018)~~

~~908~~ 907 TIME LIMITS

If the grievance procedures are not initiated within the time limits established by this

Chapter, the employee ~~shall be considered as having~~ has waived ~~his~~ the right to grieve ~~that particular~~ the violation and initiation of a grievance for that act or omission is thereafter barred. As used in this chapter, the term "working day" shall mean any day from Monday through Friday ~~which~~ that is not observed as a recognized City holiday (see Chapter 12). For purposes of this definition, ~~however,~~ an employee's birthday is not ~~considered a recognized~~ City holiday. (Ord. 1008, 1995)

9089 EXTENSION OF TIME LIMITS

The time limits prescribed in this Chapter for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties ~~so involved~~. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing, ~~and shall be signed by all parties and then presented to the Personnel Board chairman or secretary~~.

90910 CITY MANAGER

The City Manager shall be responsible for overseeing the handling of all employee grievances to ensure that they are processed in accordance with the ~~procedure stated in~~ this Chapter. Supervisors shall keep the department head informed of all grievances in progress; ~~who, in turn,~~ the department head shall keep the City Manager so informed.

Section 9: The following sections in Chapter 10 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 10 of the Personnel Rules and Regulations is retained in its current form.

1001 LEAVE ENTITLEMENT

Classified employees shall be entitled to leave accrual benefits. Leave provisions of these regulations ~~are also applicable~~ apply to the two appointive officers, the City Manager and the City Clerk, if not under agreements or other special provisions approved by the City Council.

1001.1 Leave Program. The City shall provide its classified employees ~~with~~ Annual Leave and Sick Leave benefits.

(a) Annual Leave and Sick Leave ~~will~~ accrue at separate rates.

(b) Employees enrolled in the Combined Personal Leave Program within ~~thirty~~ 30 days ~~of~~ after the effective date of this ordinance may remain in the Combined Personal Leave Program, subject to the cap for payment established in Section 1006. Terms of the Combined Personal Leave Program shall be identified in an agreement signed by the employee and retained in the employee's personnel file.

(c) **Requests for annual leave shall be made no later than one week before the start of the desired leave. In unforeseen or unavoidable circumstances, annual leave requests may be made as little as one working day before the requested start of leave.**

(d) **Authorization of Annual Leave and Sick Leave is the responsibility of**

department heads.

(Ord. xxxx, 2018; Ord. 1058, 1998; Ord. 1008, 1995)

1002 ANNUAL LEAVE ACCRUAL RATE

Annual Leave accrues according to the following schedule for classified employees not enrolled in the Combined Personal Leave Program, except Fire Department personnel on the platoon system (*see Section 1603*). ~~+~~ The City Manager may increase the initial ~~annual~~ Annual leave-Leave accrual rate of 4.62 hours per pay period when appointing new department heads, but movement to the next accrual rate must be consistent with required time in service.

4.62 hours per pay period—first through twenty-fourth month

6.47 hours per pay period—twenty-fifth through sixtieth month

7.39 hours per pay period—sixty-first through one hundred twentieth month

8.31 hours per pay period—after ~~the~~ one hundred twentieth month

(Ord. 1322 §4, 2014; Ord. 1058, 1998; Ord. 1008, 1995)

1003 LEAVE ACCRUAL WHILE EMPLOYEE IS ON PAID LEAVE

Leave continues to accrue ~~during the period of time~~ while an employee is on paid leave. Leave **does not** accrue during periods of leave without pay and unpaid suspension. (Ord. 1058, 1998)

1004 COMPUTATION OF LEAVE ACCRUAL FOR REGULAR PART-TIME EMPLOYEES

Regular part-time employees ~~shall~~ accrue leave at the same rate as regular full-time employees, except that leave for such employee is ~~shall be~~ computed on the proportion of actual hours worked to the number of normal duty hours in a pay period. (Ord. 1058, 1998)

1005 TEMPORARY EMPLOYMENT LEAVE ACCRUAL

Temporary employees ~~shall~~ do not accrue leave.

1006 MAXIMUM CARRY-OVER OF ACCRUED LEAVE

The maximum amount of accrued unused leave that ~~can~~ may be carried over from one calendar year to the next is indicated below:

Leave Program	Maximum Leave Hours Carried over to Next Calendar Year	
	Regular Employee	Fire Department Personnel on Platoon System
Non-Combined Leave	480	638
Combined Leave	587	779

If an employee's accrued personal leave on the last pay period each December exceeds the maximum hours that may be carried over to the next calendar year, the employee shall be paid for the excess hours in the employee's paycheck for the last pay period in December. This payment for unused leave in excess of the maximum accrual rate allowed does not affect the twice-yearly leave cash-in provisions outlined in Section 1010.

~~The value of unused accrued leave will be paid out in a lump sum to employees upon termination up to the maximum accrued hours available in the employee's leave program as listed above.~~

~~Cash in lieu of leave taken shall be subject to all taxation and contributions required of all payroll compensation.~~

(Ord. xxxx, 2018; Ord. 1275, 2010; Ord. 1061, 1998; Ord. 1058, 1998; Ord. 1008, 1995)

1008 USE OF LEAVE

1008.1 Timing of Use. Employees who ~~are entitled to~~ accrue Annual Leave shall receive credit for leave accrued from the date of appointment. Leave shall be ~~due and~~ usable upon ~~satisfactory~~ completion of at least three ~~(3)~~ months of the probationary period following the ~~original~~ date of hire (see Section 1103 for exception). ~~Any accrued leave credited to a newly-hired employee who separates prior to the completion of the probationary period shall be forfeit.~~

1008.2 Regular Use of Annual Leave. Annual Leave may be used for any purpose ~~desired by the employee.~~ The employee has the right to use accrued leave, but not the right to determine when it shall be used. The employee ~~shall be allowed to~~ may use any amount of accrued leave at the time desired, if it is not detrimental to departmental operations as determined by the department head. The longer the period of leave requested, the longer should be the advance notice to enable scheduling.

1008.3 Amount of Annual or Combined Personal Leave that Must Be Taken Yearly

Repealed by Ord. 1058, 1998

1008.4 Recognized Holiday Occurring in Leave Period. A recognized holiday occurring during an employee's ~~annual~~ Annual Leave, ~~combined~~ Combined Personal Leave, or ~~sick~~ Sick leave shall not be counted as a day of leave.

(Ord. 1058, 1998; Ord. 1008, 1995)

1010 LEAVE CASH-IN

1010.1 Accrued Leave Hours. Upon successful completion of the probationary period, a regular full-time employee may cash-in accrued leave hours ~~two-times-per~~ twice in each calendar year, provided that the employee retains a balance of at least 80 accrued leave hours. Upon successful completion of the probationary period, a regular part-time employee may cash in accrued leave hours ~~two-times-per~~ twice in each calendar year, provided that the employee retains a balance of accrued leave hours equal to 80 hours multiplied by the percentage of full time hours that the

employee has worked. In addition to the two leave cash-ins per year permitted above, cash in lieu of accrued leave may be obtained under emergency conditions when requested by the employee in writing and approved in advance by the City Manager. "Emergency" as used in this section means a critical situation over which neither the employee nor the City has control.

1010.2 Separation and Leave. The value of unused accrued leave will be paid in a lump sum to employees upon separation from City service. Any unused accrued leave credited to a newly-hired employee who separates before the completion of the probationary period shall be forfeited.

1010.3 Accrued Leave and Taxes. Cash paid for accrued leave shall be subject to all taxation and contributions required of all payroll compensation.

(Ord. xxxx, 2018; Ord. 1275, 2010; Ord. 1058, 1998; Ord. 1008, 1995)

1013 REINSTATED EMPLOYEE LEAVE

Reinstated employees hired within two ~~(2)~~ years ~~of termination~~ after separation, who have successfully completed ~~their~~ a probationary period in previous City service, shall be permitted to use ~~their~~ accrued leave at any time after reinstatement.

1014 ADMINISTRATIVE LEAVE

Administrative Leave is time off an employee's regular work duties for reasons within the scope and purpose of these rules and regulations. Administrative Leave must be approved in advance by the employee's supervisor, department head, or the City Manager. An employee on Administrative Leave shall be compensated for each day of leave on which the employee would otherwise have been at work at the same rate as for the employee's regular work day, regardless of the number of hours spent in active military service **or training**, jury duty, witness service, training, or related activities. Administrative leave is separate and apart from other kinds of leave, and shall not reduce an employee's accrued annual or sick leave or other benefits.

1014.1 Administrative Leave for Military Service. Absence from City duty for **required attendance at military training, and/or active duty in military service, will be in accordance with relevant State and Federal laws, including AS 39.20.340 and 38 U.S.C. 4301 et seq.** ~~the purpose of participating as a member of the National Guard, the United States armed forces or United States Coast Guard reserve component may be authorized to employees who have completed probationary service. The employee will be authorized a leave of absence status (see Definitions) and shall not suffer a loss of pay or benefits. A maximum of fifteen calendar days during any calendar year may be granted to eligible members of the Alaska National Guard, a reserve component of the United States armed forces or United States Coast Guard to perform active duty. An employee's request for military leave shall be made as far in advance as possible in order to permit proper allowance for their absence. An employee's request for military leave shall be supported by a copy of official military orders for active duty. Employees shall be required to submit a certified copy of their military orders for active duty indicating completion of the duty. Wages paid by the Military (other than travel and subsistence allowances) will be turned in for deposit to the~~

~~City, except that fees paid for duty that occurs on the employee's normal non-work days may be retained by the employee.~~(Ord. xxxx, 2018; Ord. 1112 §2, 2000)

1014.2 Administrative Leave for Jury or Witness Duty. ~~Absence from City duty when~~Employees will receive Administrative Leave when summoned for jury duty, when subpoenaed as a witness on behalf of the City, or when called as an expert on a matter of City concern or relating to a municipal function; provided that such an employee must provide shall be authorized. ~~In order to be entitled to administrative leave for jury or witness duty,~~ written proof of the ~~required number of hours shall be submitted to the City by the employee making the claim~~subpoena or jury duty notice. Fees paid by the court (other than travel and subsistence allowances) will be turned in for deposit to the City, except that fees paid for court duty that occur on the employee's normal non-work days may be retained by the employee. Witness service for a purpose other than just described will be covered by annual or combined personal leave, or leave without pay, and employee may retain any fees received in ~~this connection~~ with such witness service~~may be retained by the individual.~~

1014.3 Administrative Leave for Training. Absence from an employee's regular work duties, not to exceed 120 days, may be authorized to allow the employee to complete advanced training programs providing the work situation permits a temporary absence without serious effect on the department's schedule of activities. Employees taking administrative leave for training may be required to sign an agreement, before the leave is granted, spelling out the employee's obligations of repayment of the training costs ~~to repay any and all costs paid by the City relating to the training~~. Such costs may include, but are not limited to, ~~salary paid to the employee during the training program,~~ the fees paid by the City for tuition or enrollment, travel and lodging, meal allowances, and other expenses paid or reimbursed; and the employee will be subject to forfeiture of accumulated leave and salary in an amount sufficient to effect this repayment.
(Ord. xxxx, 2018)

1016 HEALTH AND FAMILY LEAVE

1016.1 Definitions. For the purposes of this Section the following definitions apply.

- (a) "Child" means the employee's biological, adopted or foster child, stepchild, or legal ward who is under ~~eighteen~~(18) years of age, or who is ~~eighteen~~(18) years of age or older and incapable of self-care because of mental or physical disability.
- (b) "Eligible employee" means an employee who has been employed for at least ~~thirty-five~~(35) hours a week for at least six ~~(6)~~consecutive months, or for at least ~~seventeen-and-a-half~~(17.5-1/2) hours a week for at least ~~twelve~~(12) consecutive months immediately preceding the leave; provided, however, that with respect to any benefits or provisions of the Section 1016 ~~which that~~ are mandated solely by the Family and Medical Leave Act of 1993 (P.L. 103-3) and not also by the Alaska Family Leave Act, then "eligible employee" shall mean an employee who has been employed for at least ~~twelve~~(12) months and for at least 1,250 hours of service during the ~~twelve~~(12) consecutive months immediately preceding the leave.
- (c) "Health-care provider" means a dentist licensed under AS 08.36, a physician licensed under AS 08.64, or a psychologist licensed under AS 08.86.

- (d) "Parent" means a biological or adoptive parent, a parent-in-law, or a step-parent.
- (e) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.
- (f) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility or continuing treatment, or continuing supervision by a health-care provider.
- (g) "Spouse" means a husband or wife, as the case may be.

1016.2 Leave Requirements.

—(a) In General.

(1) An eligible employee is entitled to a maximum of ~~twenty-four (24)~~ workweeks of leave during any ~~twenty-four (24)~~ month period for a serious health condition of the employee or the employee's spouse, child, or parent, but no more than ~~eighteen (18)~~ workweeks in any ~~twelve (12)~~ month period;

(2) If necessary to care for the child, an eligible employee is entitled to ~~eighteen (18)~~ workweeks of family leave for pregnancy and birth of a child of the employee, or the placement of a child (other than a child or stepchild of the employee) for adoption or foster care. The entitlement to leave for birth or placement of a child expires at the end of the ~~twelve (12)~~ month period beginning on the date of such birth or placement.

(b) Leave Taken Intermittently or on a Reduced Leave Schedule.

(1) In general. Leave for a birth or placement of a child ~~shall not~~may be taken intermittently, or on a reduced leave schedule, ~~unless if~~ the employee and the City Manager agree ~~otherwise~~ in advance. Leave taken in order to care for the employee's spouse, child, or parent, or because of the employee's own health condition may be taken intermittently, or on a reduced leave schedule, when medically necessary. The taking of leave intermittently, or on a reduced leave schedule, pursuant to this paragraph will not reduce the total amount of leave to which the employee is entitled under Subsection 1016.2(a).

(2) Alternative position. If an employee requests intermittent leave or leave on a reduced leave schedule, the City Manager may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which accommodates recurring periods of leave better than the regular position of the employee.

(c) Paid/Unpaid Leave. Leave authorized under Section 1016 shall be charged first against such accrued paid leave as the employee has available and then to leave without pay. When the employee has both accrued ~~sick Sick leave Leave~~ and accrued ~~annual Annual Leave~~ or ~~combined Combined personal Personal leave Leave~~ available, and when the leave authorized under Section 1016 is for a purpose ~~which that~~ would otherwise entitle the employee to use accrued sick leave under the standards ~~set forth~~ in Section 1104, then the Section 1016 leave shall be charged first against accrued ~~Ssick L~~leave, then against accrued ~~Aannual L~~Leave or ~~Ccombined Ppersonal L~~leave, and then to leave without pay. Nothing in this Section 1016 shall be construed, however, as entitling an employee to use ~~Ssick L~~leave because of an

illness of or injury to a child, spouse or other family member or for any other purpose not specified by Section 1104. An employee requesting leave pursuant to Section 1016 is ~~not~~ eligible to apply for withdrawals from the Sick Leave Bank authorized by Section 1107 ~~unless the~~if leave is ~~being~~ requested because of a serious health condition of the employee.

(d) **Foreseeable Leave.**

(1) Requirement of notice. In any case in which the necessity for leave is foreseeable based on an expected birth or placement, the employee shall provide not less than ~~thirty~~(30) days notice, before the date the leave is to begin, of the employee's intention to take leave; ~~except~~ provided, when the date of the birth or placement requires leave to begin in less than ~~thirty~~(30) days, the employee shall provide notice as soon as is practicable.

(2) Duty of employee. In any case in which the necessity for leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the City, subject to the approval of the health-care provider of the employee or that of the child, spouse, or parent. If the date of the treatment requires leave to begin in less than ~~thirty~~(30) days, the employee shall provide such notice as soon as is practicable.

(e) **When Both Spouses are Employed by City.** ~~When both spouses are~~ In any case in which the husband and wife are both employed by the City, the rights of those employees with respect to the amount, timing and coordination of leave authorized by Section 1016 shall be no greater or more extensive than required by otherwise applicable state or federal law.

1016.3 Certification.

(a) **In General.** Unless a written waiver is obtained from the employee's department head or, if the employee is a department head, from the City Manager, a request for leave under Subsection 1016.2(a)(1) shall be accompanied by a certification issued by the patient's health-care provider.

(b) **Sufficient Certification.** Certification provided under Subsection (a) of this Section shall be sufficient ~~if it~~ when provided by the City Human Resources office.

~~(1) the date on which the serious health condition commenced;~~

~~(2) the probable duration of the condition;~~

~~(3) the appropriate medical facts within the knowledge of the health-care provider regarding the condition;~~

~~(4) in the case of leave requested because of a serious health condition of the employee's spouse, child or parent, a statement that the eligible employee is needed to care for the spouse, child, or parent, and an estimate of the amount of time that such employee is needed for that purpose, or, in the case of a serious health condition of the employee, a statement that the employee is unable to perform the functions of the employee's position;~~

~~(5) in the case of certification of intermittent leave, or leave on a reduced leave schedule for planned medical treatment, the dates which such treatment is expected to be given and duration of such treatment;~~

~~(6) in the case of certification for intermittent leave, or leave on a reduced leave schedule, because of a serious health condition of the employee, a statement of the~~

~~medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; and~~
~~(7) in the case of certification for intermittent leave, or leave on a reduced leave schedule, because of a serious health condition of a spouse, child, or parent of the employee, a statement that the employee's intermittent leave or leave on a reduced schedule is necessary for the care of the spouse, child, or parent who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.~~

(c) **Second Opinion.** ~~In any case in which~~If the City has reason to doubt the validity of ~~the~~a certification provided under Section 1016.3, the City may, at the City's option and expense, require a second opinion from a health-care provider designated by the City.

(d) **Resolution of Conflicting Opinions.** ~~In any case in which the~~If second opinion differs from the opinion in the original certification, the City may, at the City's option and expense, require a third opinion from a health-care provider designated or approved jointly by the City and the employee. The opinion of ~~the~~such third health-care provider ~~shall be binding on the City and the employee~~is final.

(e) **Subsequent Recertification.** The City may require ~~an~~the~~eligible~~ employee to ~~provide~~obtain subsequent recertification ~~no more often than every 30 days or the duration noted in the operative certification, whichever is longer, during the employee's use of Health and Family Leave; provided, the City may require recertification in less than 30 days if (a) the employee requests an extension of Health and Family Leave, (b) the circumstances described by the operative certification have changed significantly, or (c) the City has received information that causes it to doubt the employee's stated reason for the absence or the continuing validity of the operative certification.~~ ~~on a reasonable basis.~~

1016.4 Employment and Benefits Protection.

(a) **Restoration to Position.**

(1) In general. Except as provided in subsection (b) below, any eligible employee who takes leave for its intended purpose under Section 1016 shall be entitled on return from such leave to be restored to the position of employment held by the employee when

leave commenced, or, at the City's option, to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

(2) Retention of benefits. The taking of leave under Section 1016 shall not result in the loss of any employment benefits accrued ~~prior to~~before the date ~~of~~on which the leave commenced.

(3) Limitation. Nothing in this Section shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave or any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) Certification. As a prerequisite to restoration to the employee's previous position or one equivalent to it, the City may require an employee who has taken leave for the employee's serious health condition to submit certification from the employee's health-care provider that the employee is able to resume work.

- (b) **Exemption Concerning Certain Highly Compensated Employees.** Restoration otherwise required by this Section 1016.4 may be denied to any salaried eligible employee who is among the highest paid 10% of City employees if:
- (1) such denial is necessary to prevent substantial and grievous economic injury to City operations;
 - (2) the City notifies the employee of ~~this~~ the intent ~~not to restore the employee to the position when~~ at the time the City determines that such injury would occur; and
 - (3) in any case in which the leave has commenced, the City gives the employee a reasonable opportunity ~~elects not~~ to return to work after providing ~~receiving~~ such notice.
- (c) **Maintenance of Health Benefits.**
- (1) Coverage. During any period that an eligible employee takes leave under Section 1016, the City will maintain the group health benefits to which the employee is otherwise entitled. ~~If the employee had been employed less than twelve (12) months or had less than 1,250 hours of service during the twelve (12) consecutive months immediately preceding the leave, the employee shall reimburse the City for the cost of maintaining health insurance coverage during any period of unpaid leave.~~
 - (2) Failure to return from leave. If ~~the~~ an employee fails to return from leave after the period to which the employee is entitled has expired and the reason for not returning is other than (i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under 1016.2 (a)(1), or (ii) other circumstances beyond the control of the employee, the City may take steps to recover the premiums ~~that the City~~ paid for maintaining group health plan benefits during any period of unpaid leave. In this instance, the City reserves the right to require any and all such certification or recertification as may be authorized by law.

1016.5 Employee Transfer:

- ~~(a) A pregnant employee may request a transfer to a suitable position under this Section. All such requests shall be in writing and shall be directed to the employee's department head or, if the pregnant employee is a department head, to the City Manager. Upon the receipt of such a request, the City will not fill the position with a person other than the requesting employee until the position has been offered to and refused by the employee. Failure of the employee to accept an offered position by a deadline or in a manner established by the offer shall be deemed a rejection of the offer. A position is suitable if:~~
- ~~(1) it is an existing unfilled position in the same department in which the employee is currently employed, and is less strenuous or less hazardous than the employee's current position;~~
 - ~~(2) transfer to the position is recommended by a licensed health care provider; and~~
 - ~~(3) the employee is qualified and immediately able to perform the duties of the position.~~
- ~~(b) The City will compensate the employee who receives a transfer under this Section at a rate at least equal to the lesser of the rate, as adjusted by changes to compensation that apply generally to the work force, at which:~~
- ~~(1) the employee was compensated immediately before requesting the transfer; or~~
 - ~~(2) the position into which the employee transfers is compensated.~~

1016.5 Intent and Interpretation.

Section 1016 is intended merely to memorialize and interpret the requirements imposed upon the City by the Family and Medical Leave Act of 1993 and by the Alaska Family Leave Act. Therefore, nothing herein shall be construed or interpreted as granting to City employees greater or more extensive rights than they otherwise are accorded under the foregoing laws.

(Ord. xxxx, 2018; Ord. 1008, 1995)

1017 LEAVE WITHOUT PAY

1017.1 Purpose and Conditions. Leave without pay may be granted to an employee upon recommendation of the department head and approval of the City Manager, **and must be requested no later than two weeks before the requested start of leave without pay. In unforeseen or unavoidable circumstances, leave without pay requests may be made as little as one working day before the requested start of leave.** Each request for such leave shall be considered in ~~the~~ light of the circumstances ~~involved~~ and the needs of the organization. Leave without pay shall not be ~~requested nor~~ granted until such time as all accrued annual or combined personal leave has been exhausted, except when an employee is absent and drawing workers compensation benefits, **or when an employee is on leave pursuant to Section 1016. Other than when required under Section 1016.** ~~Normally,~~ not more than ~~sixty (60)~~ calendar days leave without pay may be granted ~~for personal reasons.~~ No benefits other than health insurance will accrue while on leave without pay; ~~except insurance which will continue to be paid until the employee terminates~~ (see Sections ~~419 and~~ 1016).

1017.2 Education Leave Without Pay. Leave without pay may be authorized to include time to complete formal undergraduate or advanced degree requirements. Employees who have demonstrated above average performance with the City for a minimum of two (2) years shall be considered for such leave, providing the work situation permits a temporary absence without serious effect upon the department's schedule of activities. A maximum of one year's absence for college work, or an equivalent thereof, may be granted ~~in such cases.~~ No benefits shall accrue while on this type of education leave without pay.

1017.3 Workers' Compensation Leave. Workers' compensation payments shall be forwarded to the employee (claimant) as full and just compensation for the period stated therein. During periods when an employee is not working, the employee may ~~an individual can~~ use leave only for the appropriate waiting period as determined by the insurance carrier. The employee (claimant) ~~will retain the workers' compensation payment and~~ will not receive any supplemental compensation from the City, other than ~~except~~ the compensation for leave during the appropriate waiting period.

~~No contributions to the retirement plan specified in Section 418 of these regulations shall be made by the City for the period during which the employee receives workers' compensation payments. AS 39.35.330(e) allows an employee to establish an indebtedness with the retirement plan to obtain credit for the employee's workers' compensation time.~~

(Ord. xxxx, 2018; Ord. 1008, 1995)

1018 CHANGE OF ANNIVERSARY DATE BECAUSE OF LEAVE WITHOUT PAY

With the exception of Workers' Compensation Leave or Family and Medical Leave, if an employee uses more than ~~thirty~~(30) calendar days total leave without pay during the leave year, the anniversary and length of service dates shall be advanced by the number of days such leave without pay exceeds ~~thirty~~(30) days. (Ord. 1024 §4, 1996: Ord. 1008, 1995)

1023 DONATION OF ANNUAL OR COMBINED PERSONAL LEAVE

An employee may donate accrued annual or combined personal leave to another employee. The leave will be credited to the ~~donee~~recipient based on the dollar value of the donation. (Ord. 1008, 1995)

Section 10: The following sections in Chapter 11 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 11 of the Personnel Rules and Regulations is retained in its current form.

1101 PURPOSE OF SICK LEAVE

The City provides Ssick Lleave to eligible employees as a benefit ~~which to~~ provides compensation during times of illness or injury. The decision to approve or disapprove requests for Ssick Lleave from eligible employees may be made by the department head in consultation with the City Manager or Manager's designee and must be consistent with current federal and state laws and City policies. (Ord. 1275, 2010; Ord. 1058, 1998; Ord. 1008, 1995)

1102 SICK LEAVE ACCRUAL

Sick Lleave accrues separately from Annual Lleave at the rate of ~~three and seven-tenths~~ (3.7) hours per pay period, ~~per employee~~, except Fire Department personnel on the platoon system (see Section 1603). Sick Lleave accrued, but not used, shall remain credited to the employee until separation from employment with the City. Annual Lleave may always be used as Ssick Lleave when the employee's Ssick Lleave account balance is zero.

Regular part-time employees shall accrue Ssick Lleave at the same rate as regular full-time employees, except that leave shall be computed on the proportion of actual hours worked to the number of normal duty hours in a pay period. (Ord. 1275, 2010; Ord. 1008, 1995)

1103 USE OF LEAVE DURING PROBATIONARY PERIOD

Employees accrue and may use sick leave during the probationary period. Probationary employees must use all accrued sick leave hours before taking accrued annual leave is taken, if accrued annual leave is necessary to cover an approved absence consistent with the provisions of this section. (Ord. 1275, 2010; Ord. 1008, 1995)

1104 USE OF SICK LEAVE

1104.1 Sick leave. An employee may use accrued annual, sick, or combined personal leave when sick, or injured and not ~~in-work-status~~ on duty. Accrued sick or combined personal leave shall also be granted for medical, dental, or optical examinations or treatment. Except in an emergency ~~situations~~ when an employee is unable to submit a signed leave request form in advance, an employee shall submit a leave request for approval ~~in-advance-of~~ before the appointment. Employees shall make every effort to make appointments at hours that will result in the least possible disruption to their department and their work schedules. Leave taken for ~~the-such-an~~ appointment should not exceed the time necessary for examinations or treatment. Employees are expected to return to work upon completion of such appointments. Exceptions may be made at the department head's discretion. (Ord. 1275, 2010)

1104.2 Illness of Spouse or Dependent Children. Sick leave may be used to care for a sick or injured spouse, dependent child, or a resident of the household for which the employee is responsible. Employees who qualify for and are placed on approved family and medical leave may use sick leave, or combined leave if applicable, to attend a seriously ill or injured family member in accordance with Section 1016. (Ord. 1275, 2010) (Reinstated by Ord. 1058, 1998, following repeal by Ord. 764, 1985)

1104.3 Imminent Death or Death in Immediate Family. In the event of death or the imminent death in an employee's immediate family, accrued sick leave may be used as follows:

- (a) Up to seven (7) ~~five-(5)~~ days for ~~persons~~ employees traveling outside of the Kodiak ~~Archipelago Island-Borough for funeral or memorial services~~ per immediate family member;
- (b) Up to five (5) ~~three-(3)~~ days within the Kodiak ~~Archipelago Island-Borough~~ per immediate family member.

(Ord. ~~xxxx, 2018~~; Ord. 1058, 1998; Ord. 1008, 1995)

1104.4 Requiring the Use of Sick Leave. When an employee's health care provider limits the employee to light duty, and no such light duty is available, ~~Ordinarily there is no reason for placing an employee on sick leave without the employee's consent. There are, however, situations in which an employee is found unable to perform the normal duties, for either mental or physical reasons. In such cases, it may be possible to temporarily assign different duty which is within the employee's limitations. No employee is entitled to such "light duty" as a matter of right. If the employee cannot be assigned other work,~~ the employee may be placed on sick leave even if refused.
(Ord. 1058, 1998; Ord. 1008, 1995)

1105 BEREAVEMENT LEAVE

In the event of death in an employee's immediate family, up to five (5) days of non-accumulative paid leave days may be allowed for an absence by an employee. In cases of travel outside the Kodiak Archipelago, an additional two (2) days of non-accumulative paid leave may be allowed. Non-accumulative paid leave may be combined with Section 1104.3 for additional death in the immediate family leave.
(Ord. xxxx, 2018)

1106 REPORTING AND REQUESTING LEAVE FOR ILLNESS OR INJURY

1106.1 Reporting.

- (a) An employee who is unable to report to work because of illness or injury shall notify their immediate supervisor, or if not available the department head **no later than one hour prior to before** the start of the employee's assigned shift ~~or within thirty (30) minutes following the beginning of the assigned shift~~. If the City has been properly notified, the employee will be placed on sick or combined personal leave by submitting a completed sick leave form.
- (b) The employee is expected to provide the supervisor or department head ~~with~~ as much information as possible as to the reason and length of time he/she expects to be absent from work to allow the department to staff for the absence.
- (c) ~~Employees are expected to provide the City with advance notice of absence.~~ If an employee fails to provide the required notice of absence due to illness or injury, the employee will be ~~placed~~ on unauthorized leave status until the employee contacts the supervisor or department head with the required information. ~~If~~ An employee who fails to report to work and does not contact the City for three (3) consecutive days, they will be considered to have resigned the job through "abandoned abandonment" ~~their job which may result in disciplinary action up to and including termination.~~
(Ord. xxxx, 2018; Ord. 1275, 2010)

1106.2 Requesting Leave for Illness or Injury.

- (a) The City may require a ~~medical~~ certification from an employee's health care medical provider for an absence of five ~~(5)~~ or more consecutive work days or as a result of excessive absence. Employees who qualify for Family and Medical Leave or leave resulting from Worker's Compensation injury must provide any additional medical information required by the City.
- (b) Employees absent for illness or injury are expected to use sick leave if available, or combined leave, if applicable. Employees must use annual leave if they do not have enough sick or combined leave accrued. If neither sick leave, annual leave, nor combined leave is available, employees will be ~~placed in~~ on leave without pay ~~status~~. Leave without pay must be approved by the City Manager or Manager's designee.
- (c) ~~The employer may counsel an employee any time there is evidence the employee is abusing the City's sick leave policy or in the event there is a pattern of leave abuse and may require medical certification for future instances of sick leave.~~
(Ord. xxxx, 2018; Ord. 1275, 2010; Ord. 1008, 1995)

~~1107 ABUSE OF LEAVE FOR ILLNESS OR INJURY~~

~~**1107.1 Employee Responsibility.** Employees are expected to report for work as scheduled, and when unable to do so because of illness or injury, or as the result of the use of qualified Family and Medical Leave or leave as the result of a Worker's Compensation injury, must follow the City's requirements to provide adequate and timely notification of absence, to supply medical certification if required, and to use the appropriate type of leave as described in Section 1104.~~

~~(Ord. 1275, 2010)~~

~~**1107.2 Responsibility of Management.** It is the responsibility of management to monitor employee attendance to ensure operational requirements are met and maintained. Managers and supervisors have the authority to approve sick leave requests and, when necessary, to counsel or discipline employees with a documented pattern of leave abuse after consultation with the City Manager or Manager's designee.~~

~~If it is necessary to counsel or discipline an employee for documented misuse or abuse of sick leave, the department head shall complete a **Disciplinary Action Memorandum** and submit it to the City Manager or Manager's designee for review prior to presenting the document to the employee. The signatures of the supervisor, department head, City Manager or designee, and the employee are required and the signed disciplinary action form will be retained in the personnel files. A documented pattern of absenteeism or proof of continued or escalating abuse of sick leave may result in further disciplinary action, up to and including termination.~~

~~The employer retains the right to request medical certifications from an employee when necessary as described in Section 1106.2.~~

~~(Ord. xxxx, 2018; Ord. 1275, 2010)~~

~~**1107.3 Medical Certification.** A written notice requiring a medical certification for leave for illness or injury absences shall be signed by the employee and retained in the employee's personnel file and may be required in the following circumstances:~~

- ~~(a) When an employee has been counseled and has received a disciplinary action form as a result of problem attendance and/or the abuse of sick leave, the employer may also require the employee to provide medical certification for future absences. If required, the employer will issue a written notice of the need for medical certification, which will be reviewed and approved by the City Manager or designee in advance, and signed by the employee, supervisor and department head and shall be retained in the employee's personnel file.~~
- ~~(b) Any employee who is known to be leaving City employment for any reason other than retirement shall not be granted sick leave during the last thirty (30) days of service unless the employee produces an acceptable medical certificate for any absences due to sick leave.~~

~~(Ord. 1275, 2010; Ord. 1008, 1995)~~

11078 SICK LEAVE BANK

11078.1 Administration of Bank. The Sick Leave Bank shall be administered by **the City Manager or designee**. ~~a Sick Leave Bank Committee. The Committee shall be elected employees consisting of one member from each of the following departments: Administrative (City Manager, City Clerk, and Finance), Engineering, Fire, Harbor, Library, Parks and Recreation, Police, and Public Works. At least four members shall be non-supervisory employees. It is the Committee's responsibility to approve or deny requests for Sick Leave Bank usage. The decisions of the Committee are final. The Committee shall formulate guidelines for operation of the Sick Leave Bank. The guidelines shall be subject to Council review.~~ The Sick Leave Bank is an employee benefit intended to be used in cases of catastrophic or unusually lengthy illnesses.

11078.2 Enrollment and Mandatory Contributions. All regular classified employees who have completed at least three months of **employment** ~~satisfactory service~~ shall be eligible to enroll in the Sick Leave Bank. Each employee enrolling in the Bank shall donate sixteen hours (twenty-one hours for Fire Department employees on the platoon system) leave to the Bank upon enrollment. Thereafter, no more days will be added to the Bank until it is depleted to 300 days, except for the initial contribution of new participants within 30 days ~~of~~ after eligibility, at which time participating employees will be required to donate eight hours (eleven hours for Fire Department employees on the platoon system) to rebuild the Bank. Open enrollment will be in ~~the month of~~ January.

11078.3 Additional (Voluntary) Contributions. ~~In the event that~~ If the Bank becomes totally depleted, each employee enrolled in the Bank may, but shall not be required to, donate up to a maximum of sixteen hours leave (twenty-one hours for Fire Department employees on the platoon system) per year.

11078.4 Withdrawal from Membership. An employee may withdraw from membership in the Bank at any time. An employee withdrawing from membership in the Bank shall not be entitled to withdraw the contributed hours.

11078.5 Requests for Additional Sick Leave from Bank. An employee enrolled in the Sick Leave Bank who is faced with an extended major illness or incapacity of their own ~~which that~~ is not covered by Worker's Compensation benefits may request additional sick leave from the Bank by submitting an application to the City Manager ~~showing or~~ including at least the following:

- (a) A physician's statement briefly describing the nature of the employee's illness or incapacity, and including an estimate of the date ~~upon which~~ when the employee will be able to return to work;
- (b) The date ~~upon which~~ when the employee's accrued annual, sick, and/or combined personal leave was, or is expected to be, fully expended;
- (c) The number of days of sick leave withdrawn from the Sick Leave Bank and applied to the benefit of the employee within the immediately preceding twelve months; and
- (d) The number of days of additional sick leave ~~which~~ the employee seeks from the Sick Leave Bank;

Upon verification of the information on the application, the City Manager will decide whether to grant ~~consider~~ the request ~~forward the request to the Committee for its determination.~~

11078.6 Number of Available Sick Leave Bank Days. The number of Sick Leave Bank days available to an employee shall be equal to twice the number of days of annual, sick, and/or combined personal leave accumulated by that employee on the first day of **month in which** the ~~illness or incapacity upon which the~~ request is **initiated** ~~based~~.

11078.7 Maximum Withdrawal of Sick Leave Bank Days. In no event shall an employee be granted more than six consecutive months of additional sick leave from the Sick Leave Bank during any period of twelve consecutive months, and in no event shall any sick leave be withdrawn from the Bank and applied to the benefit of an employee so long as the employee has available any accrued annual, sick, or combined personal leave.

11078.8 Replacement of Sick Leave. An employee who is granted additional days of sick leave from the Sick Leave Bank shall not be required to replace the days used, except as a regular contributing member of the Bank.

11078.9 Eligibility. Only employees enrolled in the Sick Leave Bank are entitled to ~~request~~ sick leave from **the Bank** ~~it~~.
(Ord. xxxx, 2018; Ord. 1008, 1995)

Section 11: The following sections in Chapter 12 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 12 of the Personnel Rules and Regulations is retained in its current form.

1201 RECOGNIZED CITY HOLIDAYS

The following days shall be recognized as holidays with pay for all employees in regular full-time, regular part-time, and trainee positions who are employed by the City ~~in pay status~~ the day before and the day after the following such days:

- (a) January 1, New Years Day
- (b) January (3rd Monday), Martin Luther King Jr.'s Birthday (Ord. 1112§1, 2000)
- (c) February, (3rd Monday), Presidents' Day
- (d) March (last Monday), Seward's Day
- (e) May (last Monday), Memorial Day
- (f) July 4, Independence Day
- (g) September (1st Monday), Labor Day
- (h) October 18, Alaska Day
- (i) November 11, Veterans Day
- (j) November (4th Thursday), Thanksgiving Day
- (k) December 25, Christmas Day

- (l) Employee's Birthday, ~~which must be~~ taken on a date approved by the department head within the calendar month of the birthday~~the actual date occurs, on a date approved by the department head.~~ (Ord. 1024 §5, 1996)

1202 HOLIDAY FALLING ON A SATURDAY OR SUNDAY

When a recognized holiday falls on a Saturday, the preceding Friday shall be recognized in lieu thereof, and treated as a holiday with respect to overtime computation and holiday pay. When a recognized holiday falls on a Sunday, the Monday following shall be recognized in lieu thereof, and treated as a holiday with respect to overtime computation and holiday pay. (See Section 412.2).

1203 HOLIDAY DURING LEAVE

A recognized City holiday ~~that occurring occurs~~ during an employee's paid leave shall not be counted as a day of leave. (Ord. 1008, 1995)

1204 HOLIDAY IN RELATION TO LEAVE WITHOUT PAY

An employee shall not receive holiday pay for a holiday that occurring immediately preceding or immediately following a full working day of leave without pay. (Ord. xxxx, 2018; Ord. 931, 1992)

Section 12: The following sections in Chapter 13 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 13 of the Personnel Rules and Regulations is retained in its current form.

1301 NOTICE OF RESIGNATIONS AND RETIREMENTS

To resign or retire in good standing, an employee must present a written resignation to the appointing authority at least ~~fourteen (14)~~ calendar days in advance of before the resignation date, except ~~in the case of that~~ department heads, ~~assistant harbormasters deputy position, and police sergeants lieutenant, and fire marshals who~~ should give at least one ~~(1)~~ month's notice. This requirement may be waived, in writing, by the department head when adequate provisions can be made for a successor in that period of time (if one is needed right away), as well as under extenuating circumstances; e.g., sudden need to go out ~~of~~ -state for medical reasons, change of residence by due to unexpected military orders of the spouse, etc. A copy of the employee's resignation shall be supplied by the appointing authority to the City Manager as well as any waiver by the department head. The City Manager may investigate ~~as is deemed warranted~~ for the purpose of verifying the ~~facts as to the~~ reason for such resignation.

1301.1 Withdrawal of Resignation. Upon approval of the appointing authority, an employee may withdraw a resignation at any time ~~prior to~~ before the effective date of resignation.

1301.2 Failure to Give Adequate Notice. If the requirement is not waived, failure to give adequate notice shall be noted in a Disciplinary Action Memorandum (~~s~~See Section 708). This shall prevent the employee from ~~receiving preferential rehire. It may also be cause for denial of any future employment with the City~~ eligibility for rehire.

1302 LAYOFFS

Examples of circumstances that lead to layoffs are:

- (a) ~~Abolishment~~ Abolition of a position or shortage of work or funds.
- (b) Completion of seasonal work for seasonal employees.
- (c) End of temporary appointment because of reinstatement of regular employee returned from military or other approved leave, and when transfer to another position in the same salary grade has not been achieved.

When it is necessary to reduce the number of employees because of lack of work or funds, or abolition of positions, the department head concerned shall make a thorough investigation of the matter and report the findings and recommendations to the City Manager, who shall decide which employees shall be laid off. Analysis of proposed layoffs shall consider first the types of activities to be curtailed and the positions thereby affected. The department head shall then ~~proceed to the selection of individual~~ employees to be released. Employee performance shall be the major factor in determining the order of layoffs; the second factor shall be in which employees shall be released, and considerations shall then be given to the employee's qualifications and longevity. Advisability of demoting employees in higher salary grades to lower salary grades for which they are qualified, and laying off those in lower salary grades shall also be considered. Employees laid off ~~through no fault of their own~~ shall be given preference when new appointments are made (see Section 605 regarding re-employment lists for rehire in the same position). In the event of layoffs in the City Clerk's department, the City Clerk is ~~responsibility~~ responsible for deciding which employees to layoff and the order of layoff ~~shall be laid off shall be assumed by the City Clerk~~. (Ord. 1090, 1999; Ord. 1038, 1996)

1303 DISMISSAL FOR DISCIPLINARY REASONS

A department head may recommend ~~dismissal~~ dismissing an employee for any just cause, including but not limited to documented inefficiency, failure to perform competently, insubordination, habitual tardiness, Chapter 7 reasons ~~excessive use of sick leave~~ and violation of the alcohol and drug policies or other provisions of these Personnel Rules and Regulations. Such a recommendation shall be in writing and shall describe the facts ~~or~~ and circumstances upon which it is based. The City Manager shall have the sole authority for ~~any~~ dismissal actions (other than in the City Clerk's department) and may take such action with or without a recommendation for dismissal from a department head.

1304 DISMISSAL WITHOUT PREJUDICE

A department head may recommend ~~dismissal~~ dismissing an employee without prejudice when the employee demonstrates a ~~for reasons that are not directly the fault of the employee but do lower the service or accomplishment of the employee below the acceptable level. Examples are~~ lack of necessary knowledge, skill, ability, understanding or aptitude for the

position, despite the employee's and supervisor's efforts, or in the event of nepotism (see Section 1404).

~~(b) Physical or functional sickness that may interfere directly with successful performance of duties, or that may cause so much absence from the job that work is seriously impaired.~~

The City Manager ~~shall have~~has the sole authority ~~for any dismissal action~~to dismiss without prejudice.

1305 DISMISSAL NOTICE AND SEVERANCE PAY (LAYOFF AND DISMISSAL WITHOUT PREJUDICE)

~~In cases where~~When an employee is laid off or dismissed without prejudice, the City ~~shall~~gives the employee two ~~(2)~~ weeks' notice or severance pay not to exceed two ~~(2)~~ weeks pay. (Ord. 1008, 1995)

1307 PRE-DECISIONAL HEARING AND REVIEW OF DECISION (DISMISSAL FOR DISCIPLINARY REASONS)

Before the City Manager (or City Clerk, in the case of a Clerk's department employee) any ~~decision to~~ decides whether to dismiss an employee for disciplinary reasons ~~is made~~, the employee ~~shall be~~ is afforded an opportunity for a hearing on the matter; ~~and in the event that a decision is made to dismiss an employee for disciplinary reasons, the City Council shall be given a legal opinion of the decision before it becomes final, as provided below.~~

1307.1 Notice to Employee. An employee considered for dismissal under this section is given a written statement of the facts and circumstances the City Manager (or City Clerk) believes may justify the employee's dismissal. The written statement includes a copy of the department head's written recommendation, if applicable, notifies the employee that dismissal for cause is under consideration and notifies the employee of the date, time, and place set for the pre-decisional hearing as provided below.

~~An employee who is being considered for dismissal under this section shall be given a clear and concise written statement of the facts and circumstances which the City Manager believes may justify the employee's dismissal. If the employee's department head has submitted to the City Manager a written recommendation that the employee be dismissed, the employee shall also be given a copy of it. If the department head's recommendation adequately describes the facts and circumstances upon which it is based, the City Manager may adopt it by reference with or without supplementing it through an additional statement and supporting materials. In describing the facts and circumstances believed to justify the employee's dismissal, the City Manager is not restricted to matters addressed by the employee's department head and may take action without first receiving a recommendation from the department head. The City Manager's notice to the employee shall state that the employee's dismissal for cause or disciplinary reasons is being considered and shall notify the employee of the date, time and place set for a pre-decisional hearing as provided below.~~

1307.2 Pre-Decisional Hearing. (a) The City Manager or designee shall conduct a pre-decisional hearing at the time and place specified in the notice to the employee. The employee's department head may attend the pre-decisional hearing, which shall not ordinarily be held earlier than five calendar days after delivery to the employee of the notice, unless the employee concurs **in with** an earlier date. The City Manager shall create a record ~~which~~ that identifies all documentary and other evidence reviewed or relied upon and shall conduct the hearing in such a manner as to afford the employee a full and fair opportunity to present a defense by testimonial and other evidence. The employee may be accompanied and assisted by legal counsel or any other representative of the employee's choice. The employee may testify, present other witnesses, and offer other relevant evidence into the record. ~~Unless a court reporter is present, The~~ hearing shall ~~ordinarily~~ be recorded and the audio record kept for at least six months. ~~If requested by either the City Manager or the employee, the testimony of a witness (including the employee) shall be under oath.~~

(b) If the employee wishes to question another City employee who has relevant knowledge or information, the City Manager shall arrange for the attendance of that other employee. If so requested by the employee, the City Manager shall also make reasonable efforts to secure the attendance of any complaining witness or individual who is not a current City employee and whose statement or testimony is a significant focus of the charges against the employee. The City Manager may recess the hearing from time to time in order to schedule the testimony of such an individual or for any other reason. The failure of a complaining witness or other individual to honor a request of the City Manager to appear at the pre-decisional hearing shall not preclude the City Manager from relying upon other testimony or statements made or information provided by such individual so long as the City Manager finds such other testimony or information to be relevant and credible.

(c) If the employee alleges that the dismissal or any other related actions would violate or have violated the City Charter, City Code, Personnel Rules and Regulations, or department rules and regulations pertaining to the dismissal ~~action being contemplated~~ under consideration, the employee shall specify the alleged violation with particularity no later than the close of the pre-decisional hearing.

(d) If the employee declines or fails to attend a pre-decisional hearing, the employee shall be deemed to have waived the right to a hearing.

(e) After considering the submissions and argument at the pre-decisional hearing and reviewing the record as a whole, the City Manager shall prepare written findings of fact and a final decision. If the decision is to for dismissal, it shall specify an effective date, subject to the provisions below.

~~1307.3 Review of Decision to Dismiss. If the City Manager's decision is for dismissal, —e~~ Confidential copies of the findings of fact and the notice of **dismissal termination** shall immediately be provided to the employee, the City Attorney **and City Insurance Provider**, the Mayor, and the City Council. ~~; and the termination shall not be made effective earlier than the first day after the next regular meeting of the Council, or the first day after a special meeting of the Council called to consider the issue, whichever is earlier.~~

(Ord. xxxx, 2018)

Section 13: The following sections in Chapter 14 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 14 of the Personnel Rules and Regulations is retained in its current form.

1401 EMPLOYEE DEVELOPMENT

1401.1 Tuition Reimbursement In the event an employee successfully completes course work considered to be of benefit to the City, consideration shall be given toward reimbursement of **up to \$2,000.00** ~~one hundred (100) percent~~ of the tuition expense **per calendar year**. In order to receive consideration for **this** reimbursement of tuition, the employee must obtain the written concurrence of the department head that the proposed course is related to the employee's present duties, and that successful completion of the course will ~~be of mutual benefit to both the City and employee involved~~. This concurrence shall be obtained in each case before beginning the pertinent course of study. The employee may also be required to sign an agreement that the tuition and other costs ~~borne by the City~~ will be returned to the City in accordance with the repayment provisions of Subsection 1014.3, Administrative Leave for Training.

Upon successful completion of the course ~~involved~~, the employee shall furnish ~~his~~ **the** department head with evidence of successful completion and amount of course fee. Upon approval of the City Manager, the reimbursed cost is made from funds available in the ~~appropriate employee's~~ department's budget. The City shall pay direct billings from colleges or universities for courses approved in advance by the department head and the City Manager as part of a curriculum leading to a specific college degree, but only if specifically related to the employee's position ~~job-oriented~~. The approval will include a stipulation that the employee will repay the cost of the course to the City if the course is not ~~satisfactorily~~ completed with a passing grade or notation. In the event of tuition reimbursement to staff identified in subsection 203.64.5 City Clerk, responsibility for approving the reimbursement shall be assumed by the City Clerk.

(Ord. ~~xxxx~~, 2018; Ord. 1090, 1999; Ord. 1008, 1995)

1401.2 Required Training If by City direction, or under the direction of a State and/or Federal requirement, an employee is sent to a formalized course of training (other than short workshops or seminars) the City shall pay all direct billings from the agency providing the training. The employee also shall sign an agreement specifying the obligation for repayment of that the full cost of such training will be returned to the City in the event of separation from City employment within ~~twelve (12)~~ months from date of course completion. (Ord. 909, 1991)

1402 GIFTS AND GRATUITIES

It shall be the responsibility of each City employee to remain free from indebtedness or favors ~~which that~~ would tend to create a conflict of interest between personal and official interests, or might reasonably be interpreted as affecting the impartiality of the individual employee. **Employees may not accept a gift, loan, gratuity, or other valuable consideration, or a promise of any of them, with the understanding or agreement, expressed or implied, that the employee will act to produce or prevent a particular result.** ~~If an employee is tendered or offered a gift or gratuity which would, in the eyes of~~

~~the public or in the eyes of public officials, be construed to be an attempt to bribe, influence or to encourage special consideration with respect to municipal operations, such offer shall be reported without delay to the employee's immediate superior who in turn will inform the department head.~~

~~If there should be any doubt whether a gift or gratuity is of such significance as to create undue influence upon the employee, the matter shall be reported to the department head concerned. If any employee shall knowingly accept any gift or gratuity that is construed by his department head to have created undue influence, or resulted in special consideration benefitting the giver then, with the approval of the City Manager, that employee shall be disciplined up to and including dismissal from City service. In the event of such acceptance by staff identified in sub-section 203.4.5 City Clerk, responsibility for disciplining the employee shall be assumed by the City Clerk. (Ord. xxxx, 2018; Ord. 1090, 1999)~~

1403 OUTSIDE EMPLOYMENT

No employee shall engage in any ~~other~~ outside employment, whether public, private, or self-employment during scheduled work hours, nor outside scheduled work hours if such employment conflicts with the City's interests or adversely affects the employee's availability and usefulness. Management personnel are responsible for informing all employees under their supervision of the provisions of this Section and for the ~~enforcement~~ enforcing of it.

For the guidance of all management personnel and employees, the following types of ~~other~~ outside employment are considered contrary to the City's interests and to adversely affect the availability and usefulness of employees.

- (a) Preparing financial reports subject to City audit, or review.
- (b) For department or division heads, or comparable level positions, ~~to~~ serve as an officer or director of any union or association of City employees. This provision shall not apply to any employee holding such office at the time of adoption of this provision.
- (c) Actively participating in management of any business organization that obtains, or is attempting to obtain, funds or business from the City.
- (d) Other employment that could involve the use of ~~wherein~~ data or information to which access is provided by City employment ~~could be used~~.

In administering this Section, all management personnel shall encourage their employees to obtain informal clearance from the City Manager, or designee, before accepting ~~other~~ outside employment.

1404 EMPLOYMENT OF FAMILY MEMBERS NEPOTISM

No person may be employed in a position directly supervised by an immediate family member, by someone who shares the employee's household, or by someone with whom the employee is in a romantic relationship. If such supervision occurs, and reassignment or assignment to different shifts is feasible, at the discretion of the department head the employee may be assigned to a different supervisor. If such

reassignment is not possible, the City Manager shall decide which employee must leave the department, by transfer (if available), or dismissal without prejudice. ~~Additionally, immediate family members shall not be placed in a position such that one member is required or authorized to review the work, personnel documents, expense account, or time records of another immediate family member.~~ An immediate family member is defined in the Definitions section of these Personnel Rules and Regulations.

1405 MOVING EXPENSES FOR NEW EMPLOYEES

Whenever a newly hired employee is required to relocate ~~person changes his place of residence, outside the local commuting area,~~ for the purpose of accepting employment with the City, such ~~person~~ employee shall be reimbursed for actual and necessary expenses, subject to the following limitations ~~under the following conditions:~~

- (a) The employee must be a department head or hired for a hard-to-fill position appointed to a position or salary grade ~~for which the City Manager certifies that such expenditure is necessary to recruit qualified employees.~~ (Ord. xxxx, 2018; Ord. 1038, 1996)
- (b) The maximum amount reimbursable ~~to the employee~~ for actual and approved moving expenses for household effects shall not exceed \$3,000.00, and only upon submission of qualifying receipts.
- (c) The amount of one-way air fare reimbursable to the employee shall be computed from the point of actual hire directly to Kodiak by the least expensive fare. Dependents ~~covered whose~~ for actual one-way air fare, that the employee is reimbursed for, are members of ~~will be~~ the employee's immediate family who have resided with the employee continuously for the last preceding six ~~(6)~~ months, and who derive over 50% of their total subsistence from the employee. To be eligible for reimbursable travel expenses, all claimed and approved dependents must accompany or join the employee within one ~~(1)~~ year of after the date of employment.
- (d) If the employee elects to travel to Kodiak by ~~other means~~ other than commercial flights, reimbursement shall be limited to only ~~for~~ actual and approved travel expenses incurred by direct travel from point of hire directly to Kodiak for an amount not to exceed that of direct air fare (see subsection (c)).
- (e) ~~New~~ An employees who receives such ~~are assisted with their~~ moving expenses shall ~~be required to~~ sign a Transportation Agreement prior to before employment. The Transportation Agreement shall stipulate that the employee will reimburse the City for all or part of such expenditures in the event the employee voluntarily leaves City service, or is ~~discharged dismissed~~ for cause, within ~~a period of two (2)~~ years after hire, according to the following schedule:
 - 100% - less than ~~twelve (12)~~ months;
 - 50% - more than ~~twelve (12)~~ but less than ~~twenty-four (24)~~ months;
 - 0% - more than ~~twenty-four (24)~~ months.
- (f) ~~A n~~ New employees may not receive be given an advance against moving expenses without prior written approval of the City Manager.
- (g) ~~New~~ A new employees shall be advised by the appointing authority of dollar limitations, the need for itemized receipts ~~or~~ of invoices, the meaning of the Transportation Agreement and other pertinent matters prior to before their move.

~~(h) Moving expenses for newly hired persons at department head level will be determined by the Council on an individual basis.~~

Section 14: The following sections in Chapter 15 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 15 of the Personnel Rules and Regulations is retained in its current form.

1501 PURPOSE

~~Alaska Statutes 18.60.010—.105 provides job safety and health protection for workers through protection of safe and healthful working conditions throughout the State. The City shall abide by the State Division of Occupational Safety and Health regulations. Department heads are shall be responsible for posting safe practice and operations posters and safety and health protection on the job posters distributed by the State Division of Occupational Safety and Health. Department heads will promote and encourage safety and health protection on the job and require that supervisors review the provisions of ASAlaska Statutes 18.60.010—.105.~~

A copy of applicable occupational, health, and safety regulations shall be is available for review by any employee upon request, ~~providing the request is deemed reasonable by the supervisor in regard to frequency of review and permission to be away from the work site.~~

Employees must use will not be required **Personal Protective Equipment** to work in **unsafe** the conditions **experienced in the course of their duties**. Supervisors ~~have the are responsibility responsible for to determining~~e safe and unsafe working conditions in accordance with Alaska Occupational Safety and Health statutes.

~~No established safety and health procedures or programs established by the City shall preclude the right of any employee to file a grievance at the appropriate step of the grievance procedure.~~
(Ord. xxxx, 2018)

1502 SAFETY EQUIPMENT

~~The City supplies all~~Any safety equipment required by the Division of Occupational Safety and Health statutes to ~~insure ensure~~ job safety ~~shall be supplied by the City.~~

Section 15: The following sections in Chapter 16 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 16 of the Personnel Rules and Regulations is retained in its current form.

1601 PERSONNEL SHIFT ASSIGNMENTS

(a) Fire Department employees assigned to the platoon system shall work a ~~twenty-four (24)~~ hour shift schedule within a ~~twenty-eight (28)~~ day work period as determined by the Fire Chief. Within any ~~one twenty-eight (28)~~ day work period the Fire Chief may

designate as off-duty time any period, ~~time which~~ a Fire Department shift employee otherwise would have spent on duty, ~~and~~ ~~†~~The employee ~~shall is~~ not ~~be~~ subject to stand-by duty requirements during the hours so designated; provided, however, that in no event shall such designation of off-duty hours result in a shift employee having working fewer than 212 hours ~~worked~~ during any given ~~twenty-eight (28)~~ day work period.

- (b) Employees on such a shift schedule, referred to herein as “the platoon system” shall be subject to this chapter.

(Ord. 804, 1987)

1603 LEAVE - ACCRUAL AND USE

Every employee subject to the platoon system shall accrue leave at a multiplier of 1.33 hours, accrued to the nearest tenth of an hour, times the normal rate for a ~~forty (40)~~ hour work week. Leave shall be taken hour-for-hour in accordance with the employee's normally scheduled duty cycle. (Ord. 1008, 1995; Ord. 804, 1987)

1605 WAGES FOR FIRE DEPARTMENT PLATOON SYSTEM WORKERS

- (a) Employees working the platoon system shall be paid according to a modified pay schedule based upon 2,764 hours per year. (~~s~~See Schedule III.)
- (b) Straight time shall be paid to employees who work up to 212 hours during a ~~twenty-eight (28)~~ day work period.
- (c) One-and-one-half times the employee's hourly pay rate shall be paid to any employee who is required to work in excess of 212 hours in any twenty-eight (28) day work period.

~~(d) Any employee who is assigned standby duty status prior to any normal shift day shall be paid at a rate equal to five (5) percent of the employee's base hourly rate for every hour of such assigned standby duty except for those hours where straight time or time and one half is paid under subsections (b) or (c) above. Notwithstanding the payment of compensation for time spent on stand-by duty status, such time shall not be treated as hours worked within the meaning of the Fair Labor Standards Act and the associated regulations.~~

~~(e) Any employee who responds to a call-back request shall be compensated for a minimum of one hour worked for calls originating between the hours of 6:00 a.m. and 10:00 p.m., and for two hours worked for calls originating between the hours of 10:00 p.m. and 6:00 a.m. If an employee is called back a second time while still being paid under the minimum call back, he will not be entitled to additional compensation until the minimum call back time has been completed.~~

(Ord. ~~xxxx~~, 2018; Ord. 1008, 1995; Ord. 804, 1987)

~~1606 SPECIAL MERIT INCREASE FOR EMT III TRAINING~~

~~An employees who becomes certified as an Emergency Medical Technician III in the State of Alaska may be eligible for a special merit increase. (Ord. 1033, 1996)~~

Section 16: The following sections in Chapter 17 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 17 of the Personnel Rules and Regulations is retained in its current form.

~~1701—EMPLOYEES' RIGHTS OF ASSOCIATION~~

~~Employees of the City of Kodiak and representatives of employee organizations shall be accorded the same rights and privileges as citizens in general with respect to the exercise of First Amendment rights. This includes the right of a city employee to join or associate with employee organizations of his or her choice without fear of discrimination, retaliation, or other adverse action. The policies and procedures set forth in these personnel rules shall not, however, be construed as imposing upon the City of Kodiak an obligation to meet and confer with employee organizations or any other obligation not already imposed by state or federal law with respect to the recognition of such organizations. (Ord. xxxx, 2018; Ord. 834, 1988)~~

1703 STAFF MEETINGS

Department heads are encouraged to meet with their employees on a regularly basis and ~~to institute appropriate policies and procedures designed~~ to promote free and open communication of information relevant to employee concerns. ~~This section is precatory only.~~ (Ord. xxxx, 2018; Ord. 834, 1988)

Section 17: The following sections in Chapter 18 of the Personnel Rules and Regulations are amended or enacted as set forth below. Except as it is amended by this section, Chapter 18 of the Personnel Rules and Regulations is retained in its current form.

~~Chapter 18 was enacted by Ordinance Number 1054, 1997.~~

1801 POLICY

The City of Kodiak is committed to providing a safe, effective and productive work environment, which meets state and federal mandates, including the provisions of the Code of Federal Regulations, 49 CFR Part 382, et. al. Subpart F, “Drug And Alcohol Use And Testing” Federal Highway Administration (FHWA) and the Omnibus Transportation Employee Testing Act of 1991. **The City provides information about the federally-mandated alcohol and drug testing to all affected employees and applicants.** ~~In the event of any conflict between the provisions of this chapter and any other policy of the City, the provisions of this chapter shall apply unless the conflicting policies are more stringent and meet the requirements of the federal regulations cited above, in which case the more stringent policy shall apply.~~

~~1802—AFFECTED INDIVIDUALS~~

~~All employees and job applicants whose job requires them to possess a commercial driver’s license or perform a safety sensitive function on a commercial motor vehicle (CDL/CMV employees) are subject to this policy. Commercial motor vehicle means a motor vehicle or~~

~~combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle~~

- ~~— (a) has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more, inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or~~
- ~~— (b) has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or~~
- ~~— (c) is designed to transport 16 or more passengers, including the driver; or~~
- ~~— (d) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.~~

~~Affected employees and applicants include but are not limited to operators who drive commercial motor vehicles as:~~

- ~~— (a) their primary duty; or~~
- ~~— (b) mechanics who drive commercial motor vehicles for test purposes; or~~
- ~~— (c) operators of licensed or unlicensed “heavy equipment” if the vehicle they are operating is a commercial motor vehicle as defined above and this vehicle is operated on a public road or roads.~~

- ~~— Certain employees are required to have Alaska Commercial Drivers Licenses to operate vehicles meeting the above specifications. Others may work on servicing such vehicles. Employees in the job classifications listed below are CDL/CMV employees subject to all of the provisions of this chapter:~~

Maintenance Worker	Heavy Mechanic	WWTP Supervisor
Utility Worker	Shop Supervisor	Public Works Director
Equipment Operator	WWTP Operator	Deputy Harbormaster
Public Works Supervisor	WWTP Senior Operator	P&H Maintenance
Auto Mechanic	WWTP Mechanic	Mechanic Senior
		Harbor Officer

~~1803 PROGRAM ADMINISTRATOR~~

- ~~— The City Manager is designated as the City’s CDL Alcohol and Drug Testing Administrator, in which capacity he is also responsible for the overall operation of this program as the Program Administrator.~~

- ~~— **1803.1 Counseling and Recovery Resources List.** A list of alcohol and drug counseling and recovery resources shall be maintained by the Program Administrator, and shall be available to all employees. Use of these resources is at the employee’s expense.~~

- ~~— **1803.2 Testing Resources.** The Program Administrator shall make arrangements with qualified individuals and organizations to serve in the following capacities:~~

- ~~— (a) Drug and Alcohol Testing Collection Site;~~

- ~~_____ (b) Testing Laboratory;~~
- ~~_____ (c) Medical Review Officer(s); and~~
- ~~_____ (d) Substance Abuse Professional(s).~~

~~1804 SELF-REFERRAL AND EMPLOYEE ASSISTANCE~~

- ~~— 1804.1 Self-Referral Prior to Testing. An employee subject to testing under this chapter who acknowledges having an alcohol or drug problem before being selected for testing shall be permitted to take up to 90 days of accrued sick, annual, or combined personal leave in accordance with the City's leave policies for the purpose of undergoing an approved dependency treatment program. To be eligible, the employee must deliver her or his signed, written request for leave to her/his supervisor. This referral program is only allowed once. Prior to returning to duty, the employee shall be subject to return-to-duty and follow-up testing as described in this chapter. Employees are advised to contact the City Manager's office for details regarding any insurance benefits that may be available.~~
- ~~— 1804.2 Employee Assistance Program. The City of Kodiak offers an Employee Assistance Program (EAP) through the Kodiak Mental Health Center designed to assist employees and their families who are experiencing personal or job-related problems, including employees who need assistance in dealing with alcohol or drug problems. Employees are encouraged to contact the EAP for assistance in early detection and referral for substance abuse problems and treatment. Employees who would like more information on benefits of the Employee Assistance Program should contact the City Manager's office.~~

~~1805 GENERAL PROHIBITIONS~~

- ~~1805.1 Prohibited Drugs. For the purposes of this policy, prohibited drugs include marijuana (THC), amphetamines, opiates, cocaine, and phenylethylamine (PCP).~~
- ~~1805.2 Employees Not to Work Under the Influence of Alcohol or Drugs. No employee shall, while under the influence of alcohol or drugs or within 4 hours of using alcohol or a prohibited drug, operate a commercial motor vehicle, perform a safety sensitive function, nor report for or remain on duty when the employee's job responsibilities require the employee to be prepared to operate a commercial motor vehicle or perform a safety sensitive function. Employees are cautioned that refraining from drug or alcohol use for 4 hours prior to reporting for duty does not in and of itself assure an acceptable blood alcohol level or a negative drug test.~~
- ~~— 1805.3 Employees Not to Use Alcohol Prior to Post-Accident Test. No employee required to take a post-accident alcohol or drug test shall use alcohol for 8 hours following an accident, unless the test has been completed.~~

~~1805.4 — **Employees May Not Refuse Test.** No employee may refuse to submit to a lawfully required test. If an employee does so, the refusal will be considered equivalent to a positive test and shall carry the consequences specified in this chapter.~~

~~1805.5 — **Employees to Report Alcohol/Drug Convictions.** CDL/CMV employees must report all convictions for driving while intoxicated or other illegal use or possession of alcohol and all convictions for illegal use or possession of prohibited drugs or other controlled substances to their supervisors no later than the first working day after the conviction is entered. A conviction is considered entered at the time a jury verdict or court finding of guilty is returned or at the time of a guilty or nolo contendere plea even though sentencing is delayed or deferred.~~

~~1805.6 — **City's Right to Search.** CDL/CMV employees must provide access to lockers and all other city-owned areas which may be provided for their use. They may not contest the City's right to search or inspect such areas or items stored in them by claiming an expectation of privacy with respect to them.~~

~~1805.7 — **Possession of Alcohol and Drugs Prohibited.** No employee shall possess or carry alcohol or prohibited drugs in a commercial motor vehicle. The only exception is for drugs meeting the requirements of Section 1805.9 below (i.e., they are prescribed, approved as safe, and the employee's immediate supervisor receives a copy of the employee's doctor's written certification).~~

~~1805.8 — **Prohibitions Specific to Alcohol.**~~

~~(a) Any CDL/CMV employee with a blood alcohol level of 0.02% to 0.04% is prohibited from operating commercial motor vehicles or performing any safety sensitive function, but such an individual is not, by reason of such a reading alone, considered to have tested "positive" for the purpose of this policy. The employee may be allowed to return to driving duty or duties requiring the performance of a safety sensitive functions once his or her blood alcohol level tests below 0.02%, but no sooner than 24 hours after the test which indicated a level of 0.02% to 0.04%. With the exception of the test or tests required to confirm that the employee's blood alcohol level is below 0.02%, the employee will not be subject to mandatory follow-up testing or substance abuse professional (SAP) evaluation but shall be subject to such disciplinary action as the City deems appropriate under the circumstances.~~

~~(b) Alcohol test results are considered positive if they are greater than 0.04%. No CDL/CMV employee shall report for duty nor remain on duty with a blood alcohol level of greater than 0.04%.~~

~~1805.9~~ ~~**Prohibitions Specific to Prohibited Drugs.**~~ No CDL/CMV employee shall report for duty or remain on duty with any level of a prohibited drug in her or his blood, breath or urine unless:

- ~~(a) the drug was medically prescribed by a state licensed medical doctor; and~~
- ~~(b) this doctor has certified in writing that use of the drug(s) will not affect the employee's ability to safely operate a commercial motor vehicle.~~

~~A CDL/CMV employee who is taking a prohibited drug in accordance with a prescription shall report this fact to the employee's immediate supervisor. The employee shall, before attempting to operate a commercial motor vehicle or undertake a safety sensitive function, provide the supervisor with a copy of the doctor's certification of the employee's ability to safely operate a commercial motor vehicle notwithstanding use of the drug as prescribed.~~

~~1806 TESTING~~

~~All affected individuals as identified in Section 1802 are subject to alcohol and drug testing as described below. Should an employee refuse to be tested or fail to cooperate with testing procedures, or should the test results be positive, the employee will be taken home, if still on duty, and will be subject to the consequences specified in this chapter.~~

~~**1806.1 Pre-Employment Testing.** All applicants offered a job, whether by new hire or transfer, which may require the operation of a commercial motor vehicle or the performance of a safety sensitive function shall be tested for drug use prior to final hire or transfer. No applicant shall be hired or transferred into the covered position unless the test result is negative (i.e., any offer of employment for such a position is a conditional offer of employment and shall be withdrawn or rescinded if the prospective employee fails to return a negative test result). Each potential new hire shall complete and sign a pre-employment drug testing consent form.~~

~~If a positive drug test results in the City's retracting a conditional offer of employment the individual who failed the drug test shall not be eligible to re-apply for a position covered by this policy for six months after the testing date. Employees seeking a transfer or promotion to, or who are subject to demotion to a position covered by this policy, and who return a positive drug test result will be denied the change and the test results may be considered by the City in determining what disciplinary action, if any, is appropriate.~~

~~**1806.2 Random Testing.** At least 25% of the City's CDL/CMV employees will be required to submit to random alcohol tests in any given calendar year. At least 50% of CDL/CMV employees will be required to submit to random drug tests in any given calendar year.~~

~~Testing will occur at random times throughout the year. An employee will not receive notice until immediately before testing. Random alcohol testing will occur~~

~~immediately prior to, during, or after the employee operates or is on duty and available to operate a commercial motor vehicle. Random drug tests can occur anytime, since use of prohibited drugs is unlawful.~~

~~The employee will be asked to sign an Employee Notification and Consent of Drug/Alcohol Test which acknowledges the employee's consent to testing. The employee must present the collection site with a copy of the form and a picture identification at the time of testing. (A copy of all forms will be kept by the employer.)~~

~~After notification of selection for a drug or alcohol test, the employee must proceed directly to the collection site. The City may require that the employee be accompanied by a supervisor or another designee.~~

~~If the test does not occur within 2 hours of the employee's notification, the supervisor shall document the facts and circumstances giving rise to the delay, following the procedures specified below in Section 1807 Delays in Testing.~~

~~**1806.3 Reasonable Suspicion Testing.** If a supervisor has reasonable suspicion that an employee may be under the influence of alcohol or a prohibited drug, which suspicion is supported by current and specific information concerning the employee's behavior, appearance, speech or body odor, immediately before, during, or after the employee has operated or is scheduled to operate a commercial motor vehicle or has performed or is scheduled to perform a safety-sensitive function, or has been on duty in any job, the supervisor shall:~~

~~(a) immediately stop the employee's work; and~~

~~(b) inform the employee of the suspicion of alcohol and/or drug use and of the supervisor's determination that a drug or alcohol test should be administered. (If possible, the supervisor will arrange for the presence of a second supervisor. It is also recommended that the supervisor complete the Supervisor Reasonable Suspicion Checklist); and~~

~~(c) contact the program administrator to arrange for the employee to be tested; and~~

~~(d) have the employee transported directly to and from the testing facility. If the employee is found to be under the influence of drugs or alcohol, he or she should be driven home after the test. The employee may request a confirmation test. If the test results are not immediately known the employee will be placed on paid administrative leave until the test results are available.~~

~~Supervisors should complete a Reasonable Suspicion Checklist within 24 hours of the supervisor's initial determination that an employee appears to be under the~~

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Council Members
From: Mike Tvenge, City Manager
Thru: Timothy Putney, Chief of Police
Date: August 7, 2018

Subject: Amending Kodiak City Code to Include Provisions for Violation of Conditions of Release

SUMMARY: A person arrested for a crime under Kodiak City Code (KCC) is released from jail per the statewide bail order and issued an arraignment date. This release includes conditions of release that must be followed pending further court proceedings. Currently, the City of Kodiak does not have an ordinance with language similar to that of the Alaska State Statute (AS 11.56.757) called “Violation of Condition of Release” (VCOR). This creates a gap in the level of service the Kodiak Police Department could be providing.

PREVIOUS COUNCIL ACTION: No previous Council action on this matter.

DISCUSSION: The Kodiak District Attorney’s Office has changed its policy and will no longer accept a State charge for VCOR when the original accusation only alleges a crime under KCC. Since the Kodiak District Attorney’s Office has changed its policy, our Police Officers can no longer take action when someone has been arrested for a crime under KCC and violates a court ordered release condition. Not being able to enforce lawful conditions of release will undermine the overall administration of the criminal justice system in Kodiak.

After a person is arrested, the issue of bail arises. In December 2017, the presiding judges in Alaska issued an Administrative Order referred to as “the statewide bail order,” which dictates when bail is applicable before the arraignment date. For the purposes of this memorandum, the statewide bail order directs all persons arrested under KCC to be released on their own recognizance. In other words, they do not have to post any monetary bail amount. In addition to being released on their own recognizance, a person cannot be ordered to follow conditions of their release because the KCC does not support it.

Conditions of Release are an essential part to pretrial release and prohibit a person from committing additional crimes. The offender must maintain contact with their attorney and can prohibit conduct that led to the original crime, i.e. consuming alcohol or being where alcohol is sold or consumed. When a condition of release is violated, it is considered a new and separate

crime called VCOR. A person arrested for violating court ordered conditions of release will have to appear in court before they are released on bail again.

ALTERNATIVES:

- 1) The Council may choose to amend the KCC and add a new charge called Violation of Conditions of Release. This will fill a gap in the Kodiak criminal justice system and allow Kodiak Police Officers to arrest persons who have allegedly violated court ordered conditions.
- 2) The Council may choose not to add a Violation of Conditions of Release offense to the Kodiak City Code.

FINANCIAL IMPLICATIONS: Adding another arrestable offense to the KCC could increase costs associated with court procedures and incarceration. The City would pay their attorneys to prosecute this offense and would also have to pay the attorney fees for the arrested person who cannot afford to hire their own attorney and who elects to get help from an appointed attorney.

LEGAL: The City attorney has drafted an ordinance if the Council desires to add Violation of Condition of Release to the City Code.

**CITY OF KODIAK
ORDINANCE NUMBER XXXX**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING
CHAPTER 8.12 OF THE KODIAK CITY CODE WITH THE ADDITION OF A NEW
SECTION 8.12.070 – VIOLATION OF CONDITION OF RELEASE**

WHEREAS, when a person charged with a City of Kodiak criminal offense is released pending trial, a judicial officer may impose conditions of release under Alaska Statute Chapter 12.30; and

WHEREAS, conditions of release are intended to ensure a defendant's attendance at court proceedings and protect the community, victims, witnesses or other persons and to maintain the integrity of the judicial process; and

WHEREAS, violating a condition of release is offensive to the community and public justice; and

WHEREAS, conditions of release are important for public safety and justice, warranting a strong deterrent from violating such conditions; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Form. This ordinance is of a permanent and general nature and shall be included in the Kodiak City Code.

Section 2: Amendment to Chapter 8.12. Chapter 8.12 Offenses Against Public Justice, of the Kodiak City Code is hereby amended with the addition of a new Section 8.12.070 to read as follows:

8.12.070. Violation of Condition of Release.

- (a) A person commits the crime of violation of condition of release if the person
- (1) has been charged with a City of Kodiak criminal offense;
 - (2) has been released under AS 12.30; and
 - (3) violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.
- (b) Violation of condition of release is a misdemeanor punishable by a maximum of 10 days in jail and a fine of \$500, plus any surcharge required to be imposed by law.

Section 3: **Effective Date.** This ordinance shall be effective one month after final passage and publication.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date:

DRAFT

**CITY OF KODIAK
RESOLUTION NUMBER 2018-08
OPTION A**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK
AUTHORIZING PAYMENT OF FISCAL YEAR 2019 NONPROFIT ORGANIZATION
GRANTS AND IN-KIND CONTRIBUTIONS**

WHEREAS, the City Council recognizes and supports local nonprofit organizations and has made provisions in the Fiscal Year 2019 budget for cash contributions to these organizations; and

WHEREAS, the City Council supports these nonprofit organizations because they supplement and complement services provided by the City; and

WHEREAS, the funding criteria for cash grants from the General Fund Non-Departmental Contributions Account to nonprofit organizations is based on the criteria established in Resolution No. 2018-06; and

WHEREAS, the City Council reviewed FY2019 nonprofit grant applications at the July 10, 2018, work session and voiced a consensus to provide funding.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Kodiak, Alaska, hereby authorizes payment of the following nonprofit organization grants and in-kind contributions for fiscal year 2019:

Section 1. General Fund-Non-Departmental FY2019 Cash Contributions

Cash

Youth Recreation Programs	11,526.50 <u>11,427.59</u>
Alutiiq Museum & Archaeological Repository	4,489.00 <u>4,456.03</u>
Kodiak Girl Scouts	3,000.00 <u>2,967.03</u>
Kodiak Hockey League	4,037.50 <u>4,004.53</u>
Adult Recreation Programs	17,500.00 <u>14,901.09</u>
Hope Community Resources, Inc.	5,000.00 <u>4,967.03</u>
Kodiak Arts Council	5,000.00 <u>4,967.03</u>
Kodiak Maritime Museum	2,500.00
Special Olympics - Kodiak Area (received late)	5,000.00 <u>4,967.03</u>
Public Safety Support Programs (Shelter/Food)	98,000.00 <u>97,703.23</u>
Brother Francis Shelter – Kodiak	15,000.00 <u>14,967.02</u>

Hospice and Palliative Care of Kodiak ~~10,000.00~~9,967.03
Public Safety Support Programs (continued)

Humane Society of Kodiak ~~6,000.00~~5,967.03
 Kodiak Area Mentor Program, Inc. ~~5,000.00~~4,967.03
 Kodiak Baptist Mission ~~10,000.00~~9,967.03
 Kodiak Teen Court, Inc. ~~7,000.00~~6,967.03
 Kodiak Women’s Resource and Crisis Center ~~15,000.00~~14,967.02
 Senior Citizens of Kodiak, Inc. ~~15,000.00~~14,967.02
 The Salvation Army ~~15,000.00~~14,967.02

Emergency Response Support Programs ~~51,100.00~~50,968.09

American Red Cross of Alaska ~~6,100.00~~6,067.03
 Kodiak Area Transit System (KATS) ~~15,000.00~~14,967.02
 Kodiak Public Broadcasting Corporation ~~15,000.00~~14,967.02
 Providence Kodiak Is Counseling/Safe Harbor ~~15,000.00~~14,967.02

Total Grant Funding ~~Requested 178,126.50~~175,000.00

Section 2. Tourism Development Fund. The Fiscal Year 2019 Tourism Development Fund Budget is amended by appropriating the use of additional funds in the amount of \$2,500.00 and authorizing payment to the Kodiak Maritime Museum as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
<u>251.260.100.440.100</u>	<u>Contributions</u>	<u>2,500.00</u>
<u>251.001.000.385.100</u>	<u>Appropriation From Tourism</u>	
	<u>Fund Balance</u>	<u>(2,500.00)</u>

Section 23. In-Kind Contributions.

In-Kind

Alaska Wing Civil Air Patrol	35,545.44
Brother Francis Shelter	96,326.28
Humane Society of Kodiak – Animal Shelter	26,916.12
Kodiak Chamber of Commerce	46,257.36
Kodiak Head Start	46,665.36
Kodiak Historical –Society Baranof Museum	103,336.68
Kodiak Public Broadcasting Corporation	1,624.68
Kodiak Women’s Resource and Crisis Center (2 buildings)	1,624.68 + 1,624.68
Senior Citizens of Kodiak	6,498.72

Section 34. Reporting Requirements. All grantees shall submit two written reports annually to the City Manager, one not later than January 15 and one not later than July 15 to document expenditure of grant funds. Grantees that fail to comply with grant reporting requirements may be ineligible for future grant funding.

MAYOR

ATTEST:

CITY CLERK

Adopted:

DRAFT

**CITY OF KODIAK
RESOLUTION NUMBER 2018-08
OPTION B**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK
AUTHORIZING PAYMENT OF FISCAL YEAR 2019 NONPROFIT ORGANIZATION
GRANTS AND IN-KIND CONTRIBUTIONS**

WHEREAS, the City Council recognizes and supports local nonprofit organizations and has made provisions in the Fiscal Year 2019 budget for cash contributions to these organizations; and

WHEREAS, the City Council supports these nonprofit organizations because they supplement and complement services provided by the City; and

WHEREAS, the funding criteria for cash grants from the General Fund Non-Departmental Contributions Account to nonprofit organizations is based on the criteria established in Resolution No. 2018-06; and

WHEREAS, the City Council reviewed FY2019 nonprofit grant applications at the July 10, 2018, work session and voiced a consensus to provide funding.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Kodiak, Alaska, hereby authorizes payment of the following nonprofit organization grants and in-kind contributions for fiscal year 2019:

Section 1. General Fund-Non-Departmental FY2019 Cash Contributions

Cash

Youth Recreation Programs	<u>11,526,507,037.50</u>
Alutiiq Museum & Archaeological Repository	4,489.00
Kodiak Girl Scouts	3,000.00
Kodiak Hockey League	4,037.50
Adult Recreation Programs	<u>17,500.00</u>
Hope Community Resources, Inc.	5,000.00
Kodiak Arts Council	5,000.00
Kodiak Maritime Museum	2,500.00
Special Olympics - Kodiak Area	5,000.00
Public Safety Support Programs (Shelter/Food)	<u>98,000.00</u>
Brother Francis Shelter – Kodiak	15,000.00
Hospice and Palliative Care of Kodiak	10,000.00

Public Safety Support Programs (continued)

Humane Society of Kodiak	6,000.00
Kodiak Area Mentor Program, Inc.	5,000.00
Kodiak Baptist Mission	10,000.00
Kodiak Teen Court, Inc.	7,000.00
Kodiak Women’s Resource and Crisis Center	15,000.00
Senior Citizens of Kodiak, Inc.	15,000.00
The Salvation Army	15,000.00

Emergency Response Support Programs **51,100.00**

American Red Cross of Alaska	6,100.00
Kodiak Area Transit System (KATS)	15,000.00
Kodiak Public Broadcasting Corporation	15,000.00
Providence Kodiak Is Counseling/Safe Harbor	15,000.00

Total Grant Funding Requested ~~178,126.50~~ **173,637.50**

Section 2. Tourism Development Fund. The Fiscal Year 2019 Tourism Development Fund Budget is amended by appropriating the use of additional funds in the amount of \$4,489.00 and authorizing payment to the Alutiiq Museum & Archaeological Repository as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
251.260.100.440.100	Contributions	4,489.00
251.001.000.385.100	Appropriation From Tourism	
	Fund Balance	(4,489.00)

Section 23. In-Kind Contributions.

In-Kind

Alaska Wing Civil Air Patrol	35,545.44
Brother Francis Shelter	96,326.28
Humane Society of Kodiak – Animal Shelter	26,916.12
Kodiak Chamber of Commerce	46,257.36
Kodiak Head Start	46,665.36
Kodiak Historical –Society Baranof Museum	103,336.68
Kodiak Public Broadcasting Corporation	1,624.68
Kodiak Women’s Resource and Crisis Center (2 buildings)	1,624.68 + 1,624.68
Senior Citizens of Kodiak	6,498.72

Section 3. Reporting Requirements. All grantees shall submit two written reports annually to the City Manager, one not later than January 15 and one not later than July 15 to document expenditure of grant funds. Grantees that fail to comply with grant reporting requirements may be ineligible for future grant funding.

MAYOR

ATTEST:

CITY CLERK

Adopted:

DRAFT



MEMORANDUM

TO: Mayor Branson and City Councilmembers

FROM: Mike Tvenge, City Manager

DATE: August 7, 2018

RE: Waterline Extension to Natives of Kodiak Tract A Property

The most recent meeting with Natives of Kodiak Representative David Anderson and City of Kodiak staff (Glenn Melvin-Engineering; Craig Walton-Public Works; Constantino Bormuel- Public Works and I was held June 15, 2018. The purpose of the meeting was the discussion of the details of such a waterline, the State of Alaska Department of Transportation and Public Facilities Utility Permit, a Memorandum of Agreement between the City of Kodiak and Natives of Kodiak.

The proposed project would extend the City of Kodiak water distribution system approximately 3630 feet from Gibson Cove to a future development site, Tract A, a lot owned by Natives of Kodiak. 2,690 feet of the proposed length is on DOT property, 750 feet is on City of Kodiak property and 180 feet is on Natives of Kodiak property. The alignment will cross Rezanof Drive near Dead man's Curve and follow along the North side of Rezanof Drive to Tract A.

Details of a Memorandum of Agreement were discussed and now must be included in a draft agreement prior to the City as the permittee, authorizing the DOT Utility permit. This MOA is expected to be completed and acceptable to all parties by December 2018.

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
UTILITY PERMIT
(MAJOR)

Permit No.
3-068000-18-45

Page No. 1 of 21

Approval
Recommended: Martin Peters

Date: 2/21/2018

Title: Regional Permit Officer

Region: Southcoast

THE STATE OF ALASKA, acting by and through the DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, hereinafter called the DEPARTMENT, under provisions of AS 19.25.010 19.25.020, grants a Utility Permit to **City of Kodiak of 710 Mill Bay Road, Room 219 Kodiak, AK 99615-** hereinafter called the PERMITTEE, permission to construct, install and thereafter perform routine maintenance, use and operate **12 inch Water Main Extention** hereinafter called the FACILITY, located as follows: State Route **068000, Rezanof Drive** Route Mileage **5.95 to 6.46** across, along or under property of the DEPARTMENT, acquired and utilized in the operation and maintenance of a State Transportation System, at the aforementioned locations and/or positions and in strict conformance with plans, specifications and special provisions attached hereto and made a part hereof, and not otherwise.

A. In accepting this Utility Permit for the Facility, the PERMITTEE agrees to comply with the provisions of AS 02.15.102, AS 02.15.106, AS 19.25.010, AS 19.25.200, AS 35.10.210, and AS 35.10.230; the terms, requirements and regulations as set forth in 17 AAC 15 as authorized under Administrative Procedures Act, AS 44.62.010 - 44.62.650 and the applicable policies, directives and orders issued by the Commissioner of the Department.

B. The entire cost of routine maintenance operations of the FACILITY are to be paid for by the PERMITTEE, and said FACILITY shall comply with all applicable codes.

C. The PERMITTEE's construction, installation and maintenance operations of the FACILITY shall be accomplished with minimum interference and interruption of the use, operation and maintenance of the DEPARTMENT's right of way and/or public facility; or as hereinafter provided in the DEPARTMENT's Special Provisions, attached hereto and made a part hereof, and shall at all times in no way endanger the general public in its use of the public property. Utility Permits expire if construction or installation of the facility has not started within one year after the date of approval, unless the applicant obtains an extension of time in writing from the department. 17AAC15.011(d)

D. The DEPARTMENT, in granting the Utility Permit, reserves the right to use, occupy and enjoy its property for a public transportation system and for public transportation purposes in such a manner and at such times as it deems necessary, the same as if this instrument had not been executed by the DEPARTMENT. If any such use by the DEPARTMENT shall at any time necessitate any change in location or manner of use of said FACILITY, or any part thereof, such change or alteration shall be made by the PERMITTEE according to the terms of one of the two clauses set out below as identified by a check mark before the applicable clause.

_____ (1) The PERMITTEE will be reimbursed in full by the DEPARTMENT for all costs incurred in making such changes or alterations to the FACILITY that qualified under the provisions of AS 02.15.104(c), AS 19.25.020(c), or AS 35.10.220(c).

 X (2) The PERMITTEE shall promptly remove or relocate said FACILITY at no cost to the DEPARTMENT in accordance with the provisions of AS 02.15.104(c) (4) or (5), AS 19.25.020(c) (4) or (5), AS 35.10.220(c) (4) or (5).

E. On public property being utilized for right of way on highways originally established as, or converted to, controlled access highways, ingress and egress thereto for maintenance and operation of the FACILITY is limited to the locations as designated by the DEPARTMENT. However, the DEPARTMENT may allow the PERMITTEE ingress and egress whenever such is necessary to effect repairs and maintenance of the FACILITY and when no other access is available. If the DEPARTMENT determines such access is in conflict with the use of the controlled access highway, the FACILITY will be relocated.

F. The State of Alaska and the DEPARTMENT for the purpose of this Utility Permit, hereby disclaim any representation of implication to the PERMITTEE that the DEPARTMENT has any title in any property other than the interest conveyed to the DEPARTMENT for specific purposes as described by the instrument conveying the land to the DEPARTMENT.

G. The PERMITTEE by these presents accepts notice and agrees that any expenses or damages incurred by the PERMITTEE through the abandonment, removal, reconstruction or alteration of any public facility, or incurred by said PERMITTEE as a result of this disclaimer shall be borne by said PERMITTEE at no expense whatsoever to the DEPARTMENT or the State of Alaska.

H. The waiver or breach of any terms or conditions of this Utility Permit or Provisions of the Administrative Code, by the DEPARTMENT shall be limited to the act or acts constituting such breach, and shall never be construed as being continuing or a permanent waiver of any such term or condition, unless expressly agreed to in writing by the parties hereto, all of which shall remain in full force and affect as to future acts or happenings, notwithstanding any such individual waiver or any breach thereof.

I. Only the Commissioner of the DEPARTMENT or his delegate shall have the authority to waive any term or condition herein contained.

J. The PERMITTEE shall not assign or transfer any of the rights authorized by this Utility Permit except upon notification to and approval by the DEPARTMENT.

K. The PERMITTEE agrees to comply with all regulations concerning present and future use of the public property acquired, or reimbursed by Federal-Aid funds.

L. The PERMITTEE shall give the DEPARTMENT not less than ten (10) days prior written notice, unless otherwise agreed to by the parties hereto, of the PERMITTEE's intention to enter upon the DEPARTMENT's property for the purpose of major maintenance, reconstruction, altering or removal of the FACILITY, provided, however, that normal routine maintenance is excepted from this provision, and provided further, that in any instance of sudden emergency requiring prompt and immediate action to protect the public safety, or to mitigate damage to private or public property, no prior notification to the DEPARTMENT will be required. The PERMITTEE shall notify the DEPARTMENT and the Alaska State Troopers, of the location of the emergency and extent of work required by the most expeditious means of communication as soon as reasonably possible to do so, and the PERMITTEE shall take such measures as are required to protect the health and safety of the traveling public or public facility users for the duration of such emergency operations.

M. The PERMITTEE shall indemnify and hold harmless the State of Alaska and the DEPARTMENT, or either of them, from all liability for damage to property, or injury to or death of persons, arising wholly or in part from any action taken by the PERMITTEE in relation to the PERMITTEE's FACILITIES on DEPARTMENT rights of way or other permitted locations.

N. The PERMITTEE is subject to all previous Easements and Utility Permits and any damage to any other utility will be the PERMITTEE's responsibility.

- O. The PERMITTEE agrees to be responsible for the compliance with all applicable Federal, State, and local laws, regulations, codes and ordinances.
- P. The PERMITTEE agrees to be responsible for obtaining all other appropriate permits or letters of non-objection needed from Federal, State and local agencies, or conflicting lessees, property owners or utilities.
- Q. The PERMITTEE may be required, within thirty (30) days after completion of any improvement placed upon or in the premises herein, deliver to the DEPARTMENT as-built drawings showing the location and construction specifications of said improvement.
- R. This Utility Permit is issued under the provisions of applicable Alaska Statutes and Administrative Code, effective as of the date of execution of this instrument by the DEPARTMENT.
- S. The PERMITTEE agrees that the FACILITY will be constructed in accordance with the attached:
1. **Plans dated 1/4/2018**
 2. **Specifications consisting of; Amerinan Water Works Association (AWWA) Department of Environmental Conservation (DEC) and Department of Transportation and Public Facilities (AKDOT&PF) standard specifications.**
 3. Other *See Below.

which, by this reference, are made a part hereof, and in accordance with the applicable codes pertaining to the FACILITY, and not otherwise, unless prior written authorization is obtained from the DEPARTMENT to do so.

- T. The PERMITTEE agrees to reimburse the DEPARTMENT for actual costs of inspection and testing as required during the performance of work proposed by the PERMITTEE. The scope of inspection and testing shall be determined by the Regional Utilities Engineer. The costs billed to the PERMITTEE will be the actual DEPARTMENT's costs incurred while performing the inspection and testing.
- U. The PERMITTEE agrees by entering on the DEPARTMENT's property to indemnify the DEPARTMENT and its contractors of all costs tangible or intangible that would be the result of any delay in a construction project of the DEPARTMENT caused by work done under this permit.
- V. The PERMITTEE agrees to reimburse the DEPARTMENT for the length of the facility to be installed in excess of 200 feet (as indicated on the attached plans referenced to in paragraph "S" above) which is calculated to be 2493 linear feet at \$1.00 per foot = \$2,493.00 (but not to exceed \$10,000) payable at the time the permit is executed by the DEPARTMENT unless arrangements have been made for the PERMITTEE to be billed on a monthly basis.

Added Special Conditions:

It is the responsibility of the PERMITTEE to assure that their contractor has fully read and understands the permit.

PIPE CARRIERS

TRANSMITTANT: Potable Water FLASH POINT: N/A

WORKING PRESSURE: 60 psi TEMPERATURE: N/A

NUMBER OF CONDUITS (PIPES): 2(Two)

DIAMETER OF PIPE: 12-inch and 8-inch

TYPE AND CLASS OF PIPE: PVC, DR18

ENCASEMENT DIAMETER AND TYPE: N/A

VENT LOCATIONS: N/A LEFT N/A RIGHT OF HIGHWAY CENTERLINE

CATHODIC PROTECTION: N/A

CROSSING ANGLE: 90-deg LENGTH: 60-feet

DEPTH BELOW ROAD SURFACE (MIN 48"): 7-ft

DEPTH BELOW DITCH BOTTOM (MIN 36"): 6-ft

METHOD OF CROSSING INSTALLATION: BORING _____ JACKING _____ OPEN CUT X

LONGITUDINAL FACILITY LENGTH: 2,690-feet

OFFSET FROM HIGHWAY CENTERLINE: 25 to 30-feet DEPTH OF BURIAL (MIN 36"): 6-ft minimum

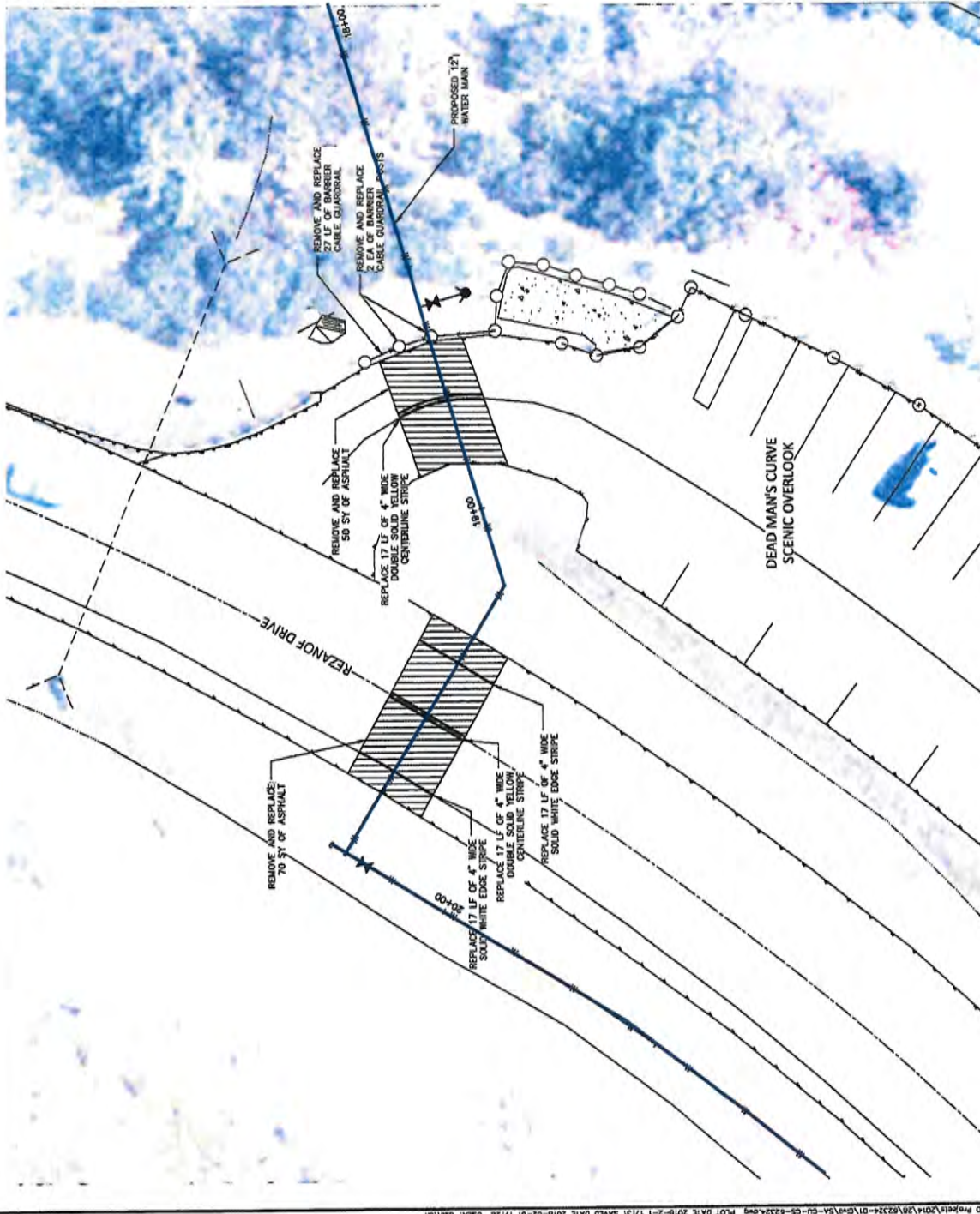
METHOD OF LONGITUDINAL INSTALLATION: TRENCHING _____ X _____ PLOWING _____

CONSTRUCTION CODE(S) APPLICABLE: 2012 City of Kodiak Standard Specifications, Special Provisions

ADDITIONAL INFORMATION: _____

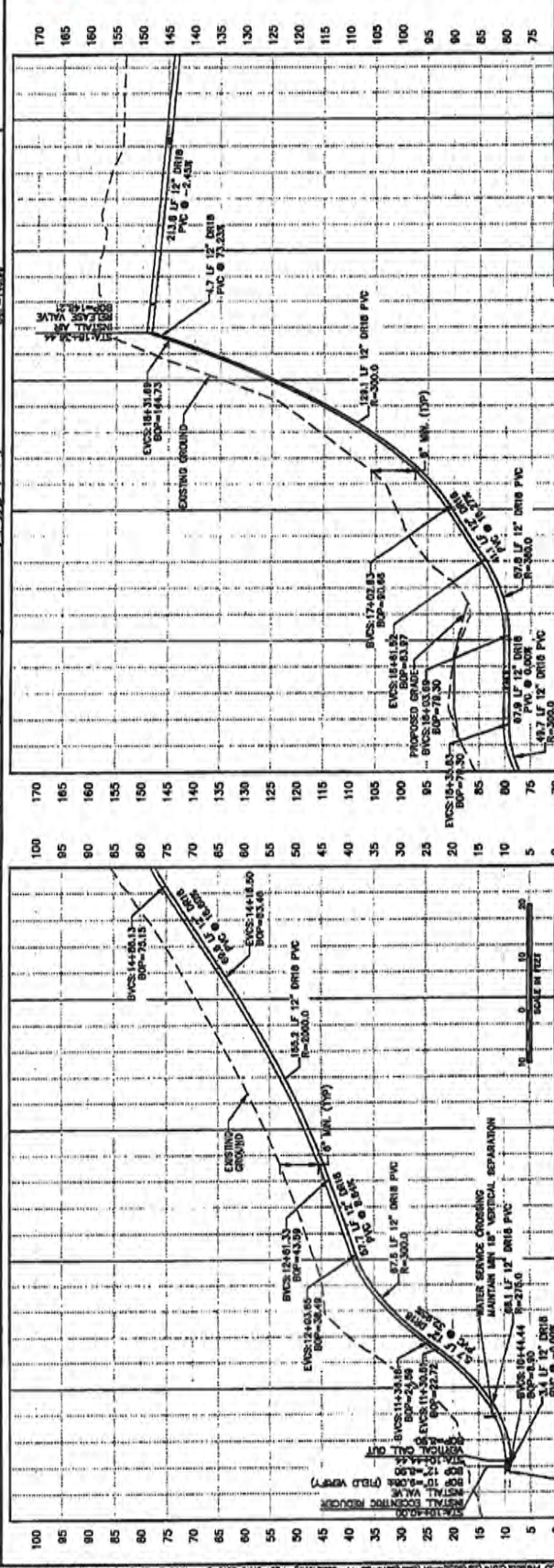
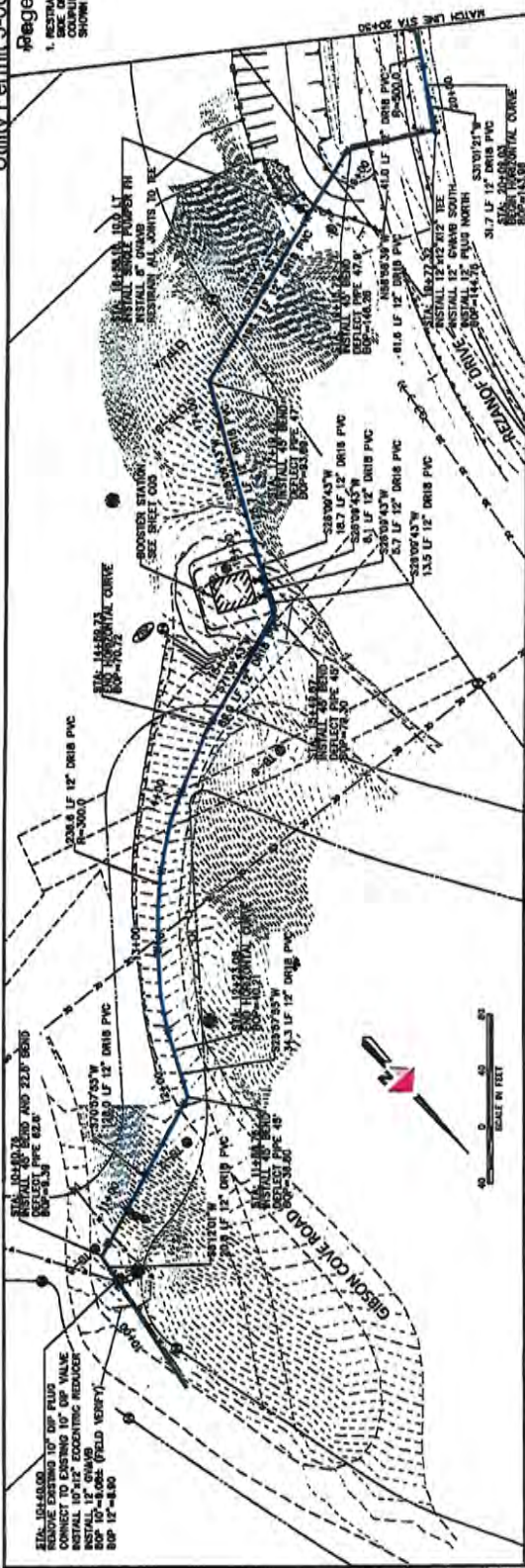
The project extends the City of Kodiak water distribution system approximately 3630 feet from Gibson Cove to a future development at Tract A, a lot owned by Natives of Kodiak. 2,690 feet of the proposed length is on DOT property, 750 feet is on City of Kodiak property, and 180 feet is on Natives of Kodiak property. The alignment will follow along the north side of Rezanof Drive, per comment from DOT&PF, to avoid loosening up the narrow shoulder between the road and the top of the slope on the south side of the road. The road crossing at about Station 19+75 will require an open cut across Rezanoff Drive because of shallow bedrock in the area. Shallow bedrock along the north side of Rezanof Drive may require blasting or difficult excavation. The use of trench boxes and steep rock slope excavation will limit impacts to Rezanof drive.

NOTE:
REFER TO CDM WATERLINE DETAILS SHEET C08 FOR
1. SITE RESTORATION DETAILS.



				SITE RESTORATION PLAN TRACT A WATER MAIN EXTENSION NATIVES OF KODIAK	
4041 E Street Anchorage, Alaska 99503 907-622-0000 WWW.DOWL.COM		AS21148		PERMIT: 3-068000-18-21 DATE: 08/29/2017	
REVISIONS NO. DATE DESCRIPTION BY		C09 SHEET		DEC SUBMITTAL	

- RESTRAIN PIPE 20' EACH SIDE OF ALL EXISTING CURBWAYS AND WALKWAYS SHOWN IN PLAN & PROFILE.



DEC SUBMITTAL

C01

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION

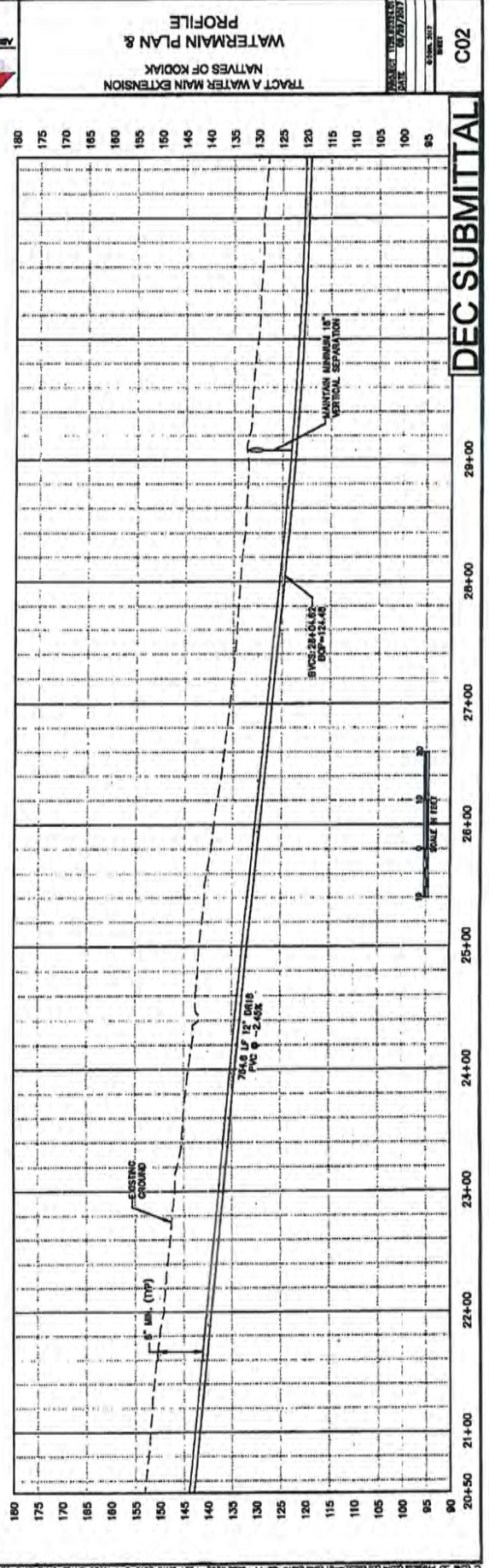
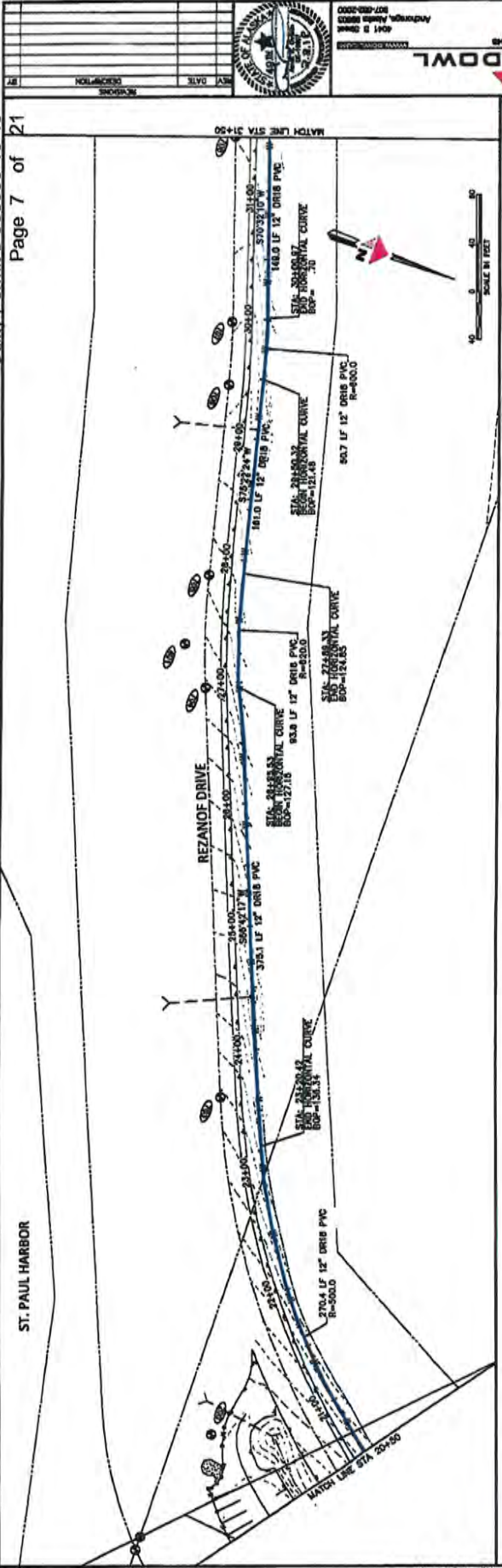
DOWL

4041 B Street
Juneau, Alaska 99801
907-586-0000

PROFILE

WATERMAIN PLAN &
NOTES OF KODIAK
TRACT A WATER MAIN EXTENSION

DATE: 02/14/2018
DRAWN BY: [Name]



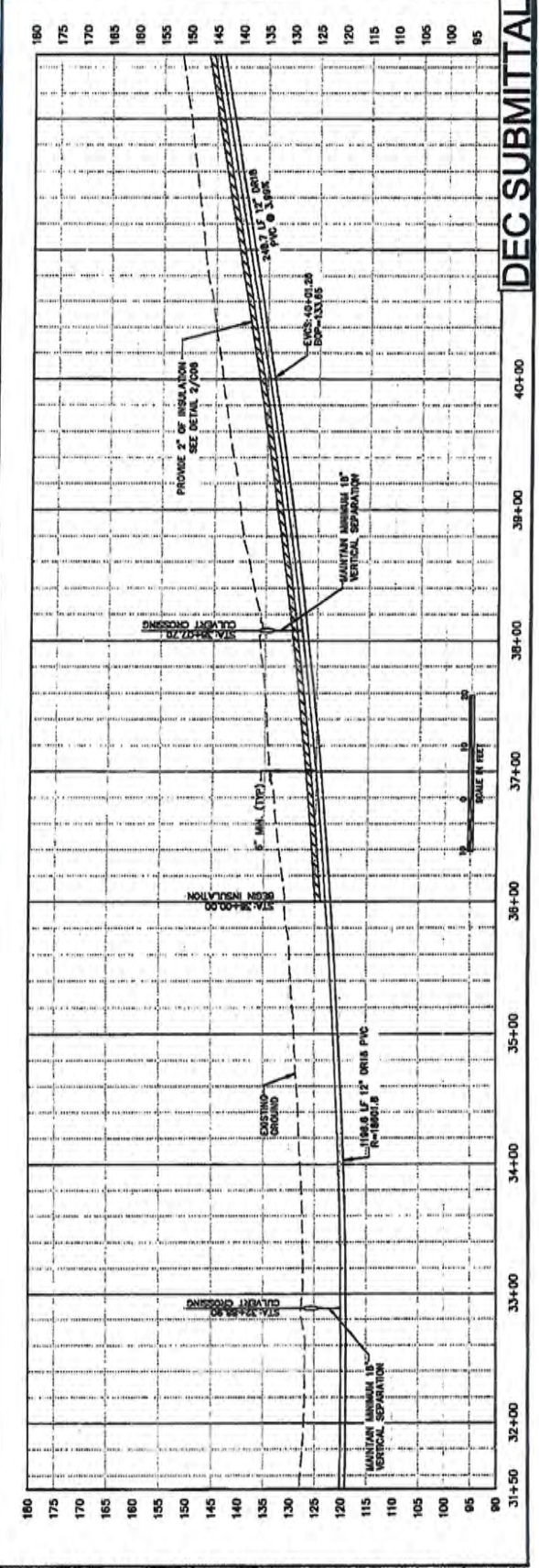
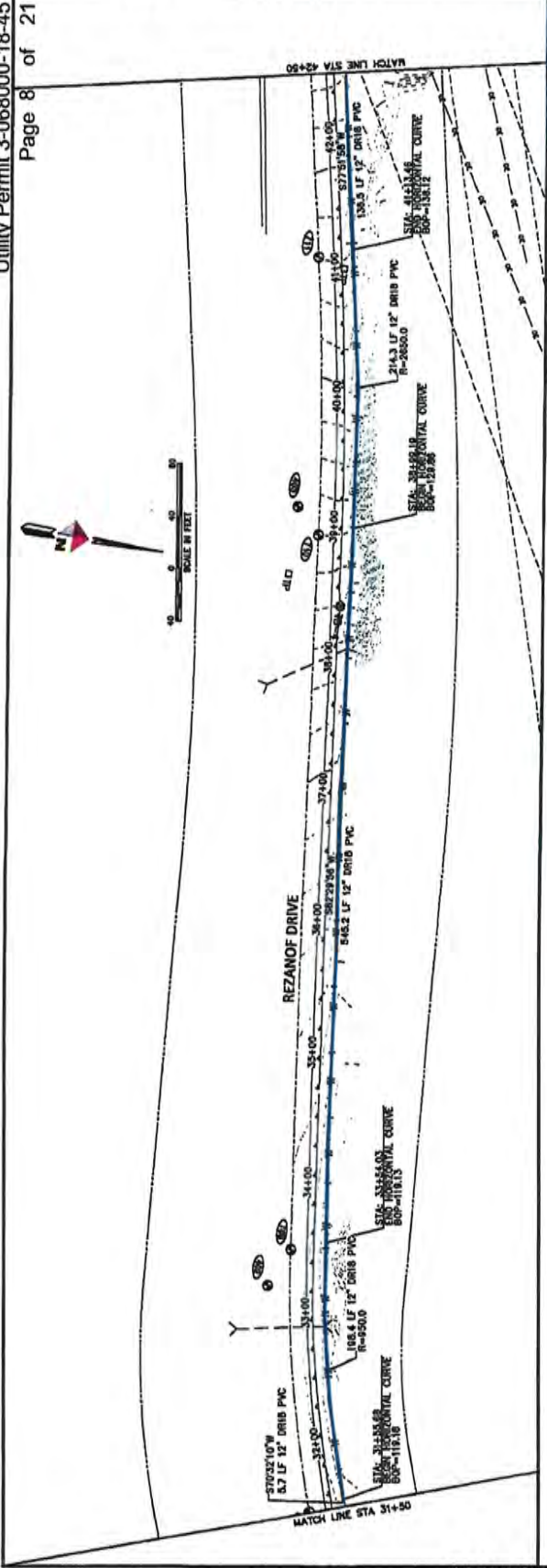


DOWL
Design & Construction

4011 B Street
Creston, Idaho 83416
877-862-0900

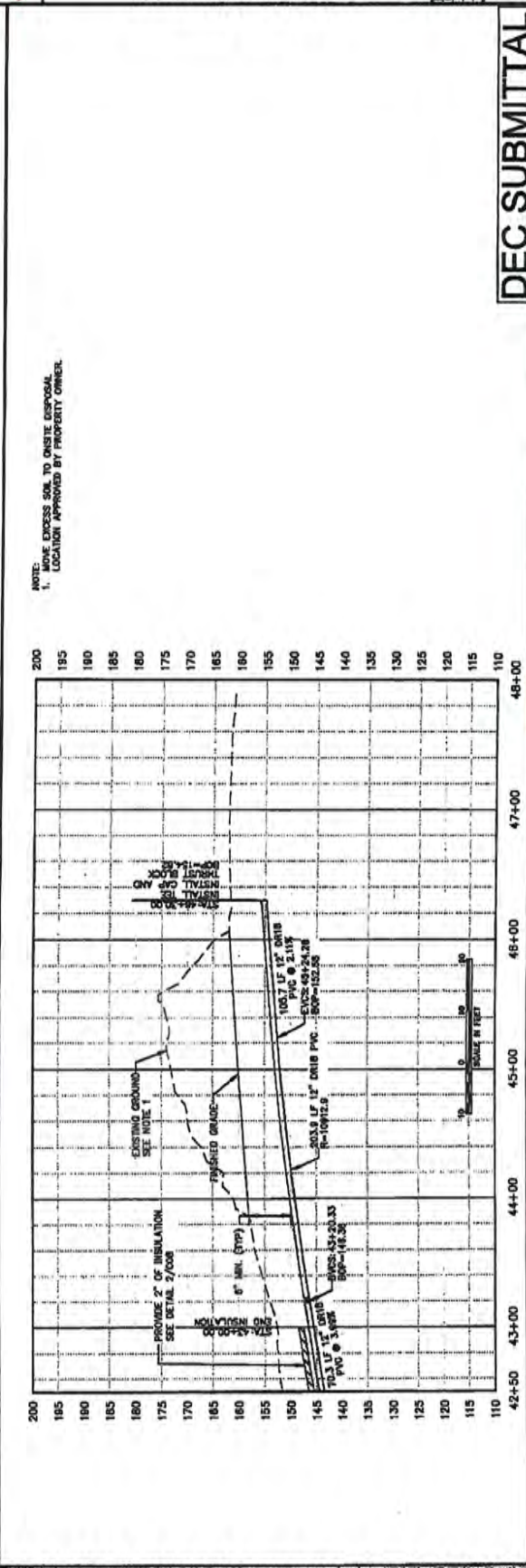
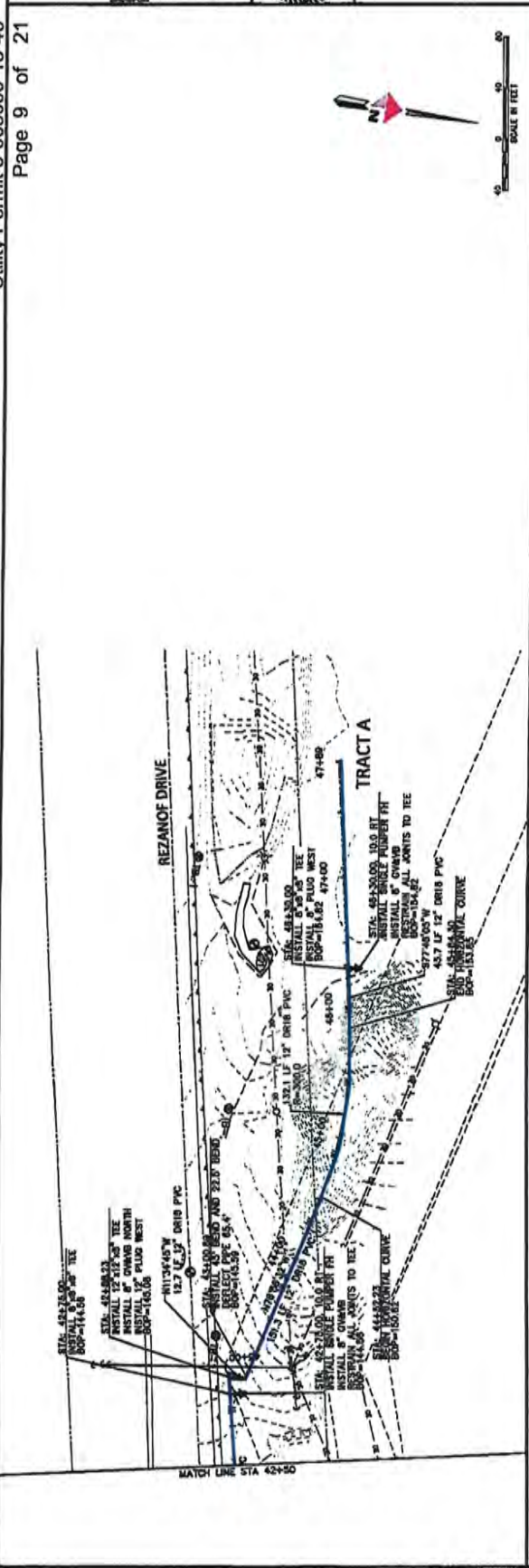
PROFILE
WATERMAIN PLAN &
NATIVES OF KODIAK
TRACT A WATER MAIN EXTENSION

PROJECT: WATERMAIN
DATE: 09/29/2017
SHEET: 707
C03



DEC SUBMITTAL

	DMWL Kodiak Water & Sewer 4041 B Street Kodiak, Alaska 99588 907-459-4000	WATERMAIN PLAN & PROFILE TRACT A WATER MAIN EXTENSION NATIVES OF KODIAK	SHEET NO. 18 DATE: 10/25/2017 SCALE: 1"=40' C04
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NOTE:
1. EXCESS SOIL TO ON-SITE DISPOSAL
2. LOCATOR APPROVED BY PROPERTY OWNER.

DEC SUBMITTAL

SPECIAL PROVISIONS

1.0 GENERAL AND ADMINISTRATION

- 1.1 The Permittee shall have a copy of this permit at the work site at all times.
- 1.2 The permit, together with these Special Provisions shall take precedence over any additional plans, exhibits, attachments, and/or schedules should discrepancies appear.
- 1.3 All contact between the Department and the Permittee's Contractor shall be through a representative of the Permittee. If the Permittee chooses to perform the work with other than its own forces, a representative of the utility shall be present at all times unless otherwise agreed to by the Department. Failure to comply with this provision is grounds for restricting any further work by the Permittee in the Department's right of way.
- 1.4 Any rights granted by this permit may not be assigned or transferred to another entity without prior written approval from the Department. If the utility is sold to another utility or merges with another utility, the new utility shall inform the Department in writing within 30 days after the date of transaction.
- 1.5 Any request for waiver or exception of Special Provision(s), or any request for change in location, alignment, or construction method, shall be submitted in writing to the Regional Utilities Engineer.
- 1.6 The Permittee agrees to furnish the Department with a set of as built plans within sixty (60) days from the completion of the work covered by this Permit.
- 1.7 The Permittee agrees to provide design locates, at no cost to the Department, upon request. If a utility locate service is not available, reference markers shall be installed and maintained at both ends of underground highway crossings, and at angle points in the alignment of the underground Facility. Where utilities are attached to a bridge, the Permittee will attach a plate on the conduit at each abutment describing the content of the pipe or conductor, and the name and phone number of the owning utility.
- 1.8 The Regional Utilities Engineer may assign an inspector or inspectors in order to insure compliance with the provisions of this utility permit. The inspector has the authority to suspend all work in the event of noncompliance.
- 1.9 The Permittee agrees to reimburse the Department for actual costs of inspections during construction of the Facility. Inspection activities will include on-site review of traffic control, highway crossings, and restoration of the right of way. Inspection may also include any testing required to verify conformance to the Department's standards, and responding to questions and/or complaints from the public or agencies. Actual direct and indirect charges shall provide the basis for billings, which include wages, benefits, per diem, travel and vehicle expenses, and lodging.

1.10 This permit will expire if construction or installation of the Facility has not started within one year after the date of approval, unless the Permittee obtains an extension of time in writing from the Department.

2.0 COORDINATION

2.1 The Permittee shall notify the Department's Regional Utility Permit Officer ten (10) days prior to beginning work:

Southeast Region
(907)465-4544
(907)465-6216 (fax)

2.2 The Permittee agrees to coordinate their work with other projects, both public and private that may occur within the project limits covered by this permit. The Permittee agrees not to interfere or hinder the work being performed by other contractors.

2.3 The Permittee shall coordinate and obtain the necessary temporary driveway permits for access to travel way from haul routes or staging areas where existing access does not exist. Contact the Department's Right-Of-Way Section at (907) 465-2838 for the driveway permit application or apply on line at www.dot.state.ak.us/permits

3.0 ENVIRONMENTAL

3.1 The Permittee is responsible for obtaining authorization from the U.S. Army Corps of Engineers for any ground disturbing activities in areas designated as wetlands.

3.2 If the Permittee, its Contractor, or Agent discovers environmental contamination in the right-of-way while constructing the Facility, they shall immediately stop work and notify the Department's Regional Utility Engineer.

3.3 The Permittee is not responsible for the cost of investigation, cleanup, or disposal of any contaminated soils it discovers during work on the Facility within the Department's right-of-way, **unless:**

a. The Permittee, its Contractor, or Agent fails to immediately notify the Department of the contamination, or;

b. The contamination is attributed to the Permittee's Facility, or actions of the Permittee, its Contractors, or its Agents.

3.4 If the Permittee, its Contractor, or Agent discovers cultural, historic or archeological resources as a result of ground altering activities, all work that would disturb these resources shall be stopped and the State Historic Preservation Office shall be contacted immediately at (907) 269-8721.

3.5 The Permittee shall not hold the Department responsible for any delay, redesign, rerouting, or additional cost due to encountering environmental contamination, or cultural, historic, or archeological resources.

3.6 The Permittee shall provide an Alaska Certified Erosion and Sediment Control Lead (AK-CESCL) trained person, with the authority to direct activities required by the SWPPP, APDES permit or other permit conditions, during all construction and maintenance activities authorized by this permit that involve ground disturbing activities. Provide proof of current AK-CESCL certification upon request.

3.7 The Permittee, on behalf of itself and its contractors, officers, officials, employees, and agents, shall indemnify, hold harmless, and defend at its sole cost and expense, the Department, its contractors, officers, officials, employees, and agents from any and all fines, costs, claims, damages, liquidated damages, judgments, or civil penalties assessed by the Department of Environmental Conservation pursuant to AS 46.03.760(E), arising wholly or in part from any action taken by the Permittee in relation to the Permittee's Facilities on Department rights of way or other permitted locations. This indemnification provision is in addition to and shall be construed as consistent with General Provision M.

4.0 NOTIFICATIONS

4.1 The Permittee is responsible for notifying businesses and residents that front the project of scheduled road and driveway closures, or any work that may affect them. Property owners shall receive the notices a minimum of 48 hours prior to commencement of the work. Notices shall include a detailed description and map of the project, anticipated construction schedule and contact name and number of a representative of the Permittee.

4.2 The Permittee shall submit weekly public information notices that identify road closures, restrictions to traffic, and detours. Coordinate this effort with the State DOT/PF Navigator Information Program.

5.0 TRAFFIC CONTROL

5.1 The Permittee shall submit a Traffic Control Plan (TCP) to the Department for approval a minimum of ten (10) days before beginning construction.

5.2 The Permittee or the Permittee's contractor shall designate a Traffic Safety Supervisor who shall be responsible for the maintenance of traffic operations on a 24-hour basis. This individual shall have received formal work zone traffic control training. The Department must be supplied with the name of this individual along with written verification of his/her credentials as well as a 24-hour telephone number where he/she can be reached.

5.3 The Permittee shall insure that flagmen are certified by either the International Municipal Signal Association (IMSA) or the American Traffic Services Association (ATSSA). Documentation of certification shall be provided if requested.

5.4 The Permittee shall provide traffic control devices, conforming to the latest addition of the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation and Alaska Traffic Manual Supplement while constructing the Facility, or thereafter performing routine maintenance.

5.5 All traffic control devices required by the approved Traffic Control Plan, including signs, barricade, and flagmen, shall be in place prior to beginning work within the right of way.

5.6 The Permittee shall remove or cover all temporary traffic control devices as soon as practical when they are no longer needed or when work on the Facility is suspended for short periods of time.

5.7 The Permittee shall not park vehicles, equipment, or store materials on road or pathway surfaces at any time, unless specifically allowed by the traffic control plan.

5.8 At the close of each work day the construction site on non-detoured roadways shall be restored to a condition that allows two-way traffic to flow in conformance with the normal traffic patterns in that area, unless otherwise approved by the Regional Utilities Engineer.

5.9 The Permittee shall conduct periodic inspections of temporary traffic control devices left in place during non working hours. A 24 hour telephone contact number for the traffic control supervisor shall be provided to the local State Troopers or Police Departments.

5.10 All illumination and signalization shall remain operational during the construction of the Facility.

5.11 Reduced speed and two-way traffic shall be maintained on non-detoured roadways between the peak traffic hours of 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 5:30 p.m.

6.0 EXCAVATION AND BACKFILL

6.1 The Permittee shall backfill and compact all trenches within road prisms and pathways in 6-inch lifts or as accepted by the Department. 6-inch lifts are required if no inspector is present. The backfill shall be of suitable non-frost susceptible, non-organic material (0-6% passing No. 200 sieve). All excavated non-acceptable material shall be removed from the State right-of-way or property by the Permittee.

6.2 The road prism is defined to include the finished roadway surface and underlying structural layers out to, and including, any unpaved shoulders, curbs, and attached pathways.

6.3 The Permittee shall compact all trenches within or crossing road prisms and pathways at a minimum of 95% of the optimum density. All compaction tests shall be at the Permittee's expense. A copy of each test will be submitted to the Department.

6.4 The Permittee shall backfill all trenches, bore pits, and other excavations located outside road and pathway prisms with clean, non-organic, and compactable material meeting the requirements of Select Material, Type C, as defined in the Department's Standard Specifications for Highway Construction. Existing material is acceptable as backfill provided it meets the requirements of Select Material, Type C.

6.5 The Permittee shall remove material not suitable for use as backfill from the site, t. The Permittee shall replace unsuitable backfill material with imported material meeting the requirements of Select Material, Type C.

6.6 All backfill shall be compacted to existing undisturbed soil densities or better, and graded to blend with the existing ground surface. All costs associated with removal of unusable material and placement of import material is the responsibility of the Permittee.

6.7 The top six (6) inches of the road surface or surface under pavement shall be crushed aggregate D-1

7.0 PAVEMENT REPLACEMENT AND TRAFFIC MARKINGS

7.1 Pavement cuts may be authorized from May 1st to September 30th and will only be permitted on an emergency basis from October 1st through April 30th unless the Regional Utilities Engineer approves a request for exception. Planned pavement cuts must be repaired by September 30th. No more than 2500 feet of pavement by project stationing can be disturbed without final repair

7.2 All asphalt cuts shall be permanently repaired with hot asphalt. Asphalt concrete pavement shall be Type II, Class B installed in conformance with Section 401 of the Alaska DOT&PF Standard Specifications dated 2002. The proposed job mix design shall be submitted for review and approval by the department.

7.3 If the edge of the pavement is damaged during this construction the permittee shall have his contractor replace the pavement to the centerline of the roadway at least 10 feet each side of the damaged area. If the damage is intermittent and less than 50 feet between damaged areas the permittee shall make the repair continuous to cover the damage.

7.4 For service crossings, pre-saw the area to be excavated. After completion of the utility, saw back the existing pavement a minimum of 1-1/2' over undisturbed earth on each side of the trench. Install 6" of asphalt installation hot mix which shall be spread and compacted in layers. The top layer shall not exceed a 2" compacted depth. Paint the entire area of all top-lift longitudinal joints with a 1/8" thick band of polymerized bituminous joint adhesive prior to placement the abutting lanes. The modified joint adhesive materials shall be Crafcro Pavement Joint Adhesive No. 34524, or an approved equal. The temperatures and application method of the joint adhesive shall be per manufacturer's recommendations.

7.5 For lane replacement, pre-saw the area of pavement effected by the utility installation. Cut the pavement so that the edges are vertical, the sides are parallel and the ends are perpendicular to the direction of traffic. The depth of pavement to be replaced will match the depth of the existing pavement unless otherwise specified. The pavement will be spread in layers not to exceed 2" to the seam nearest the centerline of the roadway. Paint the entire area of all top-lift longitudinal joints with a 1/8" thick band of polymerized bituminous joint adhesive prior to placement the abutting lanes. The modified joint adhesive materials shall be Crafcoc Pavement Joint Adhesive No. 34524, or an approved equal. The temperatures and application method of the joint adhesive shall be per manufacturer's recommendations.

7.6 If the contract quantity is less than 1500 tons, the asphalt concrete pavement will be accepted based upon the engineers approval of the job mix design and the placement and compaction of the asphalt concrete to the specified depth and finished surface requirements and tolerances. The engineer's approval of the job mix design does not relieve the permittee or their contractor from the responsibility to produce the approved mix and is subject to field verification testing for oil content, density and gradation. The gradation, density and asphalt content shall be determined in accordance with section 410-4.02. If a calibrated nuclear content gauge is not available, asphalt content of the mix may be determined by extraction in accordance with AASHTO T-164. A minimum of two tests shall be taken for each approved mix design or as designated by the engineer.

7.7 The finished pavement surface will be tested after final rolling at selected locations using a 16-foot straightedge. Variations of more than 3/16 inch from the testing edge between any two contacts will be corrected.

7.8 Temporary Patches

a. A Polymer modified cold mix asphalt or concrete patch may be used as a temporary patch subject to written approval of the Regional Utilities Engineer. The temporary patch will be replaced as soon as hot asphalt is available. For crossings, saw back existing pavement a minimum of 1' over undisturbed earth on each side of the trench. Paint edges with STE-1 tack coat and install 4" of polymer-modified cold asphalt. Damage to the pavement surface at locations other than crossings will be repaired by replacement of asphalt to the seam nearest centerline of the roadway with 4" of polymer-modified cold asphalt. All edges are to be saw cut and painted with STE-1 tack coat. The polymer-modified cold asphalt shall be spread and compacted in 2" lifts, each compacted to a minimum of 94% of maximum density. Asphalt patch density shall be field controlled utilizing a calibrated nuclear densometer at two locations per patch. Field testing results shall be certified by a registered engineer and forwarded to DOT&PF.

b. Temporary concrete patches shall be a minimum of 6" thick with heavy micro/macro synthetic fiber reinforcement additive or equal. Concrete shall be Class A, six sack mix, with a slump range of 2"-4".8

7.9 Asphalt concrete mixture that becomes contaminated with foreign material, is segregated or is in any way determined to be defective will be removed. Defective materials will be removed for the full thickness of the course.

7.10 The Permittee shall replace all damaged or removed pavement markings in kind.

8.0 DRAINAGE

8.1 The Permittee shall be responsible for assuring that all water entering the Department's storm drain facility meets the minimum criteria for water quality standards as set forth in the Alaska Administrative Code(18 AAC 70.010-.110).

8.2 The Permittee shall maintain existing drainage patterns during construction of the Facility. Ditches will be restored to the originally designed flow lines unless otherwise agreed to by the Department.

8.3 The Permittee shall be responsible for all erosion control prior to slopes becoming stabilized.

8.4 The Permittee is responsible for installing and maintaining BMPs required by the NDPEs permit throughout the duration of the project.

8.5 The Permittee shall notify the Department of Transportation of drainage problems caused by the work under this Permit and will remedy the problem as directed by the Department of Transportation.

8.6 The Permittee shall replace all culverts damaged by work under this Permit with a culvert. of the same size, or 18-inch, whichever is greater.

9.0 RIGHT OF WAY PROTECTION, MAINTENANCE, AND RESTORATION

11.1 The Permittee shall cleanup within one day behind installation of the facility. The Permittee will not be allowed to trench or plow more than can be cleaned up the following day.

11.2 The Permittee or their contractor shall immediately repair any damage of existing utilities, storm drainage or other highway structures caused as a result of construction authorized by this permit.

11.3 Heavy tracked equipment operation will not be permitted on a paved roadway or shoulder, unless approved in writing by the Regional Utilities Engineer. If approved, planking or rubber tires shall be utilized between the vehicle tracks and the pavement. The Permittee shall repair damage to the pavement as a result equipment operation as directed by the Department.

11.4 The Permittee or his contractor will be responsible for winter and spring maintenance of the road shoulders, ditch lines, backslopes, road surfaces, taxiways, and runways that have not been left in a neat and clean condition, satisfactory to the Maintenance Section of the Department of Transportation.

11.5 The Permittee shall dispose of trees, brush or other natural growth by mechanical chipping or hauling away. Stumps and grubbing piles shall be loaded and hauled to a disposal site outside the Department's right of way. Trees left for the public shall be limbed and stacked in a location where loading does not interfere with the safe operation of the travel way.

11.6 Guardrail that is removed or damaged during construction shall be replaced in accordance with Section 606 AKDOT&PF Standard Specifications dated 2004, and Standard Drawings Manual.

11.7 Any Survey monument or monument accessory that will be disturbed or destroyed during construction of the Facility shall be referenced prior to beginning work, and restored or replaced by a Registered Land Surveyor licensed in accordance with AS 34.65.040. All monument records shall be reviewed by the Department prior to filing with the District Recorder.

11.8 Highway signs that are in conflict with construction shall be relocated on a temporary basis and reinstalled at the original location as soon as possible. Signs that are damaged during construction shall be replaced in kind to the Department's standards, and at no cost to the Department.

11.9 The Permittee shall replace all curbs and gutters to an existing undisturbed joint.

11.10 The Permittee shall maintain all roadways, pedestrian and bicycle facilities affected by the pavement removal in a smooth and passable condition at all times.

11.11 The Permittee shall provide street sweeping to keep free of loose material all paved portions of the roadway and haul routes open to the public, including sections of roadway off the project where your operations have deposited loose material. Use a street sweeper that can collect materials rather than eject them on the shoulder of the road.

11.12 The Permittee shall furnish, haul, and place water for dust control and pavement flushing. Use water trucks that can provide a high-pressure water stream to flush the pavement and a light-water spray to control dust. If the flushing operations contaminate or fill adjacent catch basins, clean and restore them to their original condition. Pavement flushing and dust control is required in sections off the project where flushing is required.

11.13 Upon completion of the work within the State right-of-way or State property, the Permittee shall remove all equipment, dispose of all waste material and shall leave the premises in a neat and clean condition satisfactory to the Department of Transportation.

10.0 TOPSOIL AND SEEDING

10.1 The Permittee shall replace and restore all vegetation disturbed. Unless otherwise required, re-vegetation shall consist of establishing seeded grassed slopes over the disturbed ground. The Permittee shall use all means necessary to maintain and protect the disturbed slopes from erosion until such time as the vegetation is established.

10.2 The Permittee shall replace any topsoil lost as a result of construction under this permit.

10.3 The Permittee shall re-seed all areas within the Department's right-of-way disturbed by work under this permit with a seed mix approved by the Department.

10.4 The Permittee shall re-grade all disturbed areas to blend with the existing ground surface and re-seed after completing backfill of pipe.

10.5 If re-seeding is not complete by August 15th, then re-shaping of all disturbed areas shall be completed by July 1st of the following year. The Permittee is responsible for all erosion control measures and cleaning of ditches and culverts.

11.0 OVERHEAD FACILITIES

11.1 New and relocated aerial facilities shall maintain a minimum vertical clearance of twenty feet (20') in all locations within the right of way. (17 AAC 15.201)

11.2 The Permittee shall install guy guards on all down guys installed within the right of way.

11.3 The Permittee shall remove all overhead lines abandoned as the result of this Permit.

11.4 Guy/Anchor attachment shall not be located within clear zone.

12.0 UNDERGROUND FACILITIES

12.1 The depth of burial for underground facilities constructed or installed under pavement, roadway or runway surfaces must be at least four feet measured from the surface of the pavement to the top of the cable, conduit, pipeline or encasement.

12.2 Underground facilities constructed under other surfaces, including unlined ditches must be buried at least three feet, measured in any direction from the surface to the top of the cable, conduit, pipeline or encasement.

12.3 The Permittee shall place buried caution tape one foot directly above the Facility being installed.

12.4 The Permittee shall obtain locates for any existing traffic signals, traffic interconnect cables, street light facilities, or FAA cables prior to construction. Damages shall be repaired and restored to working order within eight hours at the Permittee's expense. Any splice must be located within a Type II Junction Box or as directed by the Department.

13.0 WARRANTY

13.1 Warrant and Warranty, for the purposes of this Permit, shall mean the Department's concurrence block authority on any warranty release issued by the Permittee.

13.2 The Permittee shall warrant the materials and workmanship of the road, and road right-of-way, to ensure completion of the construction, including the restoration of surfacing, slopes, slope treatment, drainage facilities, pathways, and right-of-way cleanup for the warranty period.

13.3 The Department will notify the Permittee of any surface deformity. The Permittee shall prepare a corrective action plan for review and approval by the Department. The corrective action plan shall include:

- a) A methodology to determine if the pavement surface deformation is due to subsurface forces, such as subsidence or drainage, and;
- b) A proposal for correcting the surface variation.

13.4 The Permittee shall remedy promptly, without cost to the Department, any and all defects in materials and workmanship resulting from defective materials and workmanship. If the defect, in the opinion of the Department, is of such a nature as to demand immediate repair, the Department shall have the right to take corrective action and the cost thereof shall be borne by the Permittee.

13.5 The Permittee or his designee and the Department shall perform construction inspection of the road. The Permittee or his designee shall handle any coordination with respect to inspection activities involving both the Department and Permittee.

13.6 The Warranty period shall mean a period of two (2) years from the acceptance of the road. The Warranty shall remain in effect until final inspection and acceptance by the Department.

14.0 RELEASE OF WARRANTY

14.1 The Permittee and the Department shall perform an inspection prior to the end of the warranty period. The Permittee or his designee is responsible to schedule and coordinate with the Department the final warranty inspection. The Permittee shall correct any defect in the work revealed by the warranty inspection.

14.2 Upon the Permittee's satisfactory performance of all its obligations under this Permit, the Department shall execute a written statement acknowledging performance and release of the warranty obligations. Release of the warranty shall not release the Permittee of all other provisions of the permit.

14.3 Any damage to the roadway prism, fill slopes, ditches, backslopes, structures or underground utilities determined to be a result of work authorized by this permit that becomes apparent within two (2) years after project completion and acceptance by the department shall be repaired by the Permittee.

15.0 MAINTENANCE AND OPERATIONS

15.1 The permittee shall perform routine maintenance on the utility facility on a continuing basis. Routine maintenance may be performed without prior notification of the department however closure of a highway, pedestrian facility, pathway, sidewalk or creating a detour to perform routine maintenance must be specifically authorized by permit. The permittee shall apply for an annual lane closure permit to cover routine maintenance operations. Prior authorization must be obtained from the department before performing any maintenance that requires excavation, plowing, jacking or boring within the right of way.

15.2 The Permittee may perform emergency maintenance without prior notice to the department as long as appropriate traffic control is established and maintained. If the project requires major reconstruction and or placement of traffic control devices for an extended period a lane closure permit is required. If the road surface is affected by the emergency maintenance, contact the local maintenance foreman as soon as possible and place pavement break warning signs in advance of the site until such time as the pavement has been repaired.

15.3 The Permittee is responsible for maintenance and adjustment of manhole frames, valve boxes, junction boxes or other structures located in the pavement or sidewalk.

15.4 The Permittee shall apply for a new utility permit if the facility authorized by this permit is to be reconstructed or modified substantially. If the proposed modifications are not substantial, the permittee need only apply for an amended permit. A utility permit application is required for all new service connections.

In consideration of the benefits accruing to the Permittee by reasons of the foregoing agreement, this permit is hereby accepted by the Permittee and the Permittee hereby agrees to comply with all of the terms, provisions, conditions, stipulations therein contained. Dated this _____ day of _____, 20 _____

The State of Alaska, acting by and through its Department of Transportation and Public Facilities has caused this Utility Permit to be executed on this _____ day of _____, 20 _____

City of Kodiak

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

Southcoast Region

By: _____

By: _____
Title: Regional Utility Engineer

Title: _____

Attest: _____

Title: _____

ACKNOWLEDGEMENT OF
COMPANY OR PERMITTEE

ACKNOWLEDGEMENT OF DEPARTMENT

STATE OF ALASKA)
_____ JUDICIAL DISTRICT)ss

STATE OF ALASKA)
1 st. JUDICIAL DISTRICT)ss

BE IT REMEMBERED that on this _____ day of _____, 20 _____, before me the undersigned, a Notary Public of the State of Alaska, personally appeared

BE IT REMEMBERED that on this _____ day of _____, 20 _____, before me, the undersigned, a Notary Public of the State of Alaska, personally appeared

_____ and _____ both to me personally known and known to me to be the identical individuals named in and who executed the foregoing permit, and acknowledged the said instrument to be the free and voluntary act and deed of the above named company for the uses and purposes therein expressed and on oath stated that they were authorized to execute said instrument.

_____ of the Department of Transportation and Public Facilities known to me to be the identical individual who executed the foregoing permit, and he acknowledged to me that he executed the same for and on the behalf of the State of Alaska Department of Transportation and Public Facilities with full authority so to do, and for uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office the day and year first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office the day and year first above written.

My Commission Expires: _____

My commission Expires _____

A Notary Public

A Notary Public

Fill out this side.

25D-263 (5/86)

Permit No.3-294020-16-36

Page No. 18 of 18

In consideration of the benefits accruing to the Permittee by reasons of the foregoing agreement, this permit is hereby accepted by the Permittee and the Permittee hereby agrees to comply with all of the terms, provisions, conditions, stipulations therein contained. Dated this 24 day of FEBRUARY, 20 16

The State of Alaska, acting by and through its Department of Transportation and Public Facilities has caused this Utility Permit to be executed on this 3 day of March, 20 16

Petersburg Borough

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

By: Karl Wagner

Southcoast Region

Title: PUBLIC WORKS DIRECTOR

By: [Signature]
Title: Regional Utility Engineer

Attest: [Signature]

Title: Asst. Public Works Dir.

ACKNOWLEDGEMENT OF
COMPANY OR PERMITTEE

ACKNOWLEDGEMENT OF DEPARTMENT

STATE OF ALASKA)
PSA JUDICIAL DISTRICT)ss

STATE OF ALASKA)
1 st. JUDICIAL DISTRICT)ss

BE IT REMEMBERED that on this 24th day of FEBRUARY, 20 16, before me the undersigned, a Notary Public of the State of Alaska, personally appeared

BE IT REMEMBERED that on this 3 day of 3, 20 16, before me, the undersigned, a Notary Public of the State of Alaska, personally appeared

KARL MATHERMAN

Ligan Carabala

and CHRIS COTTA
both to me personally known and known to me to be the identical individuals named in and who executed the foregoing permit, and acknowledged the said instrument to be the free and voluntary act and deed of the above named company for the uses and purposes therein expressed and on oath stated that they were authorized to execute said instrument.

of the Department of Transportation and Public Facilities known to me to be the identical individual who executed the foregoing permit, and he acknowledged to me that he executed the same for and on the behalf of the State of Alaska Department of Transportation and Public Facilities with full authority so to do, and for uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office the day and year first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office the day and year first above written.

My Commission Expires: 04/24/2017

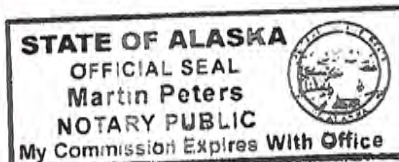
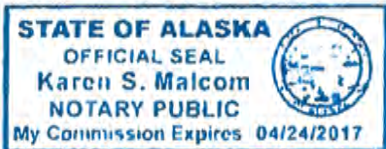
My commission Expires with office

Karen S. Malcom

[Signature]

A Notary Public

A Notary Public



Introduced by: Manager Powers
Drafted by: Special Projects Support
Introduced on: July 19, 2018
Adopted on: July 19, 2018

**KODIAK ISLAND BOROUGH
RESOLUTION NO. FY2019-07**

**A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH ESTABLISHING
A CONSOLIDATION COMMITTEE**

WHEREAS, the October 4, 2016 local election included an advisory question on the ballot that asked, “Should the Kodiak Island Borough pursue the idea of consolidating the Kodiak Island Borough and City of Kodiak into a single unit of government?”; and

WHEREAS, the results of the advisory question were in favor with 1,235 Yes and 919 No votes; and

WHEREAS, consolidating the Kodiak Island Borough and City of Kodiak into a single unit of government would require a petition to the Local Boundary Commission; and

WHEREAS, the petition requires detailed information about how the two governments would be combined and the new government that would be formed; and

WHEREAS, Resolution No. FY2018-25 approved the solicitation of proposals for research and analysis services for the possible consolidation of the City of Kodiak and Kodiak Island Borough governments, but there were no proposers; and

WHEREAS, Assembly members have voiced agreement that a coordinated effort between the two local governments and members of the public is needed to gather information and propose a plan for consolidating the two governments, and prepare a petition to the Local Boundary Commission; and

WHEREAS, the intent of this consolidation is to combine only the City of Kodiak and Kodiak Island Borough governments, leaving the island’s second class cities powers and duties unaffected; and

WHEREAS, the Assembly is creating a Consolidation Committee to prepare a draft petition that will address the details of consolidating the two local governments and forming a new Home Rule Borough and Charter; and

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that there is established a Kodiak Consolidation Committee.

45 **Section 1: Created Membership.** The formation of the committee will consist of the following
46 nine members:

- 47
48 1 Borough government representative and 1 alternate
49 1 City government representatives and 1 alternate
50 1 Borough 2nd class city/village representative and one alternate
51 Up to 6 At-large members
52

53 The Borough Manager and City Manager, or their designees, shall serve as Ex-Officio members.
54

55 **Section 2: Organization.** The chairperson shall be assigned by the Borough Mayor and the vice
56 chairperson shall be elected by the committee. The chairperson shall report to the entire
57 Assembly on behalf of the committee.
58

59 **Section 3: Appointments.** The Mayor shall appoint the members of the committee subject to
60 confirmation of the Assembly.
61

62 **Section 4: Powers and Duties.** The responsibilities of the committee are to offer
63 recommendations to the Assembly related to consolidating the Kodiak Island Borough and City
64 of Kodiak governments into a new local government; and to prepare a draft petition for the Local
65 Boundary Commission.
66

67 The committee will meet regularly to research, discuss and recommend decisions regarding the
68 details required for the consolidation of the Kodiak Island Borough and the City of Kodiak; and
69 report periodically to the Assembly the findings of the committee.
70

71 **Section 5: Administrative Assistance.** The Manager shall provide staff assistance to the
72 committee including scheduling, meeting space, a work plan, preliminary research on topics of
73 concern, and document creation/tracking/editing.
74

75 **Section 6: Reporting.** The committee chairperson shall report to the Assembly during a public
76 meeting.
77

78 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
79 **THIS NINETEENTH DAY OF JULY, 2018.**
80

KODIAK ISLAND BOROUGH



Daniel A. Rohrer, Mayor

ATTEST:



Nova M. Javier, MMC, Clerk

81

82 **VOTES:**

83 Ayes: Skinner, Smiley, Symmons, Crow, Schroeder

84 Absent: Kavanaugh, Van Daele

DRAFT
WORKPLAN FOR ONSOLIDATION

Purpose:

Provide a plan and timeline for approaching the possible consolidation of the City of Kodiak and Kodiak Island Borough governments into one new local government.

Introduction:

The issue of consolidating the Kodiak Island Borough and the City of Kodiak into one local government is one that has arisen on occasion in the past.

In October 1987 the Kodiak Island Borough Assembly placed on the ballot of the regular Borough election the following question:

"Shall a committee be established to investigate the advantages and disadvantages of consolidation and present these facts to the public at the 1988 Regular Election with the question of forming a Charter Commission to prepare a charter for the consolidation of the Kodiak Island Borough and the City of Kodiak as a single home rule government for submission to the voters for their approval or rejection?"

The question was passed by a vote of 1392 to 771.

The Borough Assembly and City Council appointed a Consolidation Committee of eleven members representing both the areas within and outside the city limits and the villages. The committee commenced meeting in January 1988 and produced a report on their findings that we are currently referring to as "the 1989 Consolidation Report."

There was much discussion and several resolutions related to consolidation between 1987 and 1993 but it was eventually discontinued in early 1993 in favor of letting the people initiate the consolidation and petition process.

On October 4, 2016 the Kodiak Island Borough Assembly placed an advisory question on the local election ballot which asked, "Should the Kodiak Island Borough pursue the idea of consolidating the Kodiak Island Borough and City of Kodiak into a single unit of government?" The results were in favor with 1,235 Yes and 919 No votes.

In early 2018 the Assembly approved the advertising of a Request for Proposals to gather information about the pros and cons, savings and expenses the community could expect from consolidating the two local governments, however there were no respondents.

The Assembly now favors the establishment of a committee to flesh out the details of consolidation and provide advice to the Assembly about related decisions and developing a petition to be submitted to the Local Boundary Commission.

Goals, Objectives and Schedule

Meeting #1: Learn the rules

Consult state Local Boundary Commission website

(<https://www.commerce.alaska.gov/web/dcra/localboundarycommission.aspx>)

Review state constitution, Article X, Local Government

(<http://ltgov.alaska.gov/services/alaskas-constitution/>)

Review relevant state statute: AS 29.06.090-29.06.170

(<http://www.akleg.gov/basis/statutes.asp#29.06.060>)

Review Alaska Administrative Code 3 AAC 110.240 – 3AAC 110.255

(<http://www.akleg.gov/basis/aac.asp#3.110.240>)

Meeting #2: Compare government types

Sec. 29.04.010. Home rule.

A home rule municipality is a municipal corporation and political subdivision. It is a city or a borough that has adopted a home rule charter, or it is a unified municipality. A home rule municipality has all legislative powers not prohibited by law or charter.

A HOME RULE BOROUGH MUST HAVE A CHARTER; MUST ELECT A CHARTER COMMISSION

Sec. 29.04.020. General law.

A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law.

Sec. 29.04.030. Classes of general law.

General law municipalities are of five classes:

- (1) first class boroughs;
- (2) second class boroughs;
- (3) third class boroughs;
- (4) first class cities;
- (5) second class cities.

See attached comparison provided by LBC

It should be noted that the preferred option by the Borough Assembly and City Council is to form a new Home Rule Borough

Meeting #3: Review 1989 Consolidation Report

Meeting #4: Discuss info from meetings 1-3.

If the committee finds disagreement with forming a Home Rule Borough and associated charter then prepare a discussion to share with the Assembly

UPDATE ASSEMBLY

Meeting #5: Review petition questions

Meeting #6: Review Ketchikan or similar petition

Meeting #7: Continue to review Ketchikan or similar petition

Meeting #8: Identify items/questions of concern

UPDATE ASSEMBLY

Meeting #9: Review proposed workplan schedule for appropriate order and items

Meeting #10: Examine options and decide upon recommendation for Assembly composition and apportionment (Voter Rights Act)

Districts

At-large

Combination

Meeting #11: Discuss Powers and Services Required of all boroughs by the State:
Education, Assessment & Collection of Taxes, Platting & Land Use (currently KIB
Community Development Department)

Meeting #12: Review and Discuss other services currently provided by City and Borough whether they are area-wide or non-area-wide and how they are paid for

UPDATE ASSEMBLY

Meeting #13: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Water/sewer

Meeting #14: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Animal control

Meeting #15: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Parks & Rec

Meeting #16: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Solid Waste

UPDATE ASSEMBLY

Meeting #17: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Port and Harbor

Meeting #18: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Continue Port and Harbor

Meeting #19: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Road services, continue w similar RSA boundaries? Combine?

Meeting #20: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Continue Road Services discussion and decide upon recommendation to the Assembly

UPDATE ASSEMBLY

Meeting #21: Review and Discuss any feedback and/or direction from Assembly

Meeting #22: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Fire & EMS Response - paid and volunteer fire departments

Meeting #23: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Continue Fire & EMS Response discussion

Meeting #24: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Continue Fire & EMS Response discussion and decide upon recommendation to the Assembly

UPDATE ASSEMBLY

Meeting #25: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Discuss public safety

Meeting #26: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Discuss public safety

Meeting #27: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Discuss public safety and decide upon recommendation to the Assembly

Meeting #28: Determine Adopted Powers and Services (areawide, non-areawide + area boundaries) and revenue source(s):
Are there other services to be discussed?

UPDATE ASSEMBLY

Meeting #29: Review and Discuss any feedback and/or direction from Assembly

Meeting #30: Prepare for budget discussions
Overview of Borough and City budgets

Meeting #31: Budget Discussions
Effects on Revenue:
State municipal revenue sharing/Community Assistance
State fisheries taxes?
Other state or federal revenue sources that may be affected?

Meeting #32: Budget Discussions
Effects on Programs:
Rural home loan qualification (based on population, would no longer qualify per Karenia Hackett @ KIHA)
Other state or federal programs that will lose or gain qualification?

UPDATE ASSEMBLY

Meeting #33: Budget Discussions
Collective Bargaining

Meeting #34: Budget Discussions
Wage Scales

Meeting #35: Budget Discussions
Staffing Needs:
Positions not needed
Span of control for manager, clerk, department heads
Additional positions needed: Deputy Mgr, HR Asst, Safety Manager, Training & Development Coordinator?

Meeting #36: Budget Discussions
Staffing needs continued
Summarize staffing and pay discussions for recommendation to the Assembly

UPDATE ASSEMBLY

Meeting #37: Budget Discussions
Receivables:
Special Assessments
Grants

Other

Meeting #38: Budget Discussions

Debt and other liabilities:

Bonded debt

PERS

Leave accruals

Other?

Meeting #39: Budget Discussions

Unfunded maintenance and replacement needs

Water & sewer lines

Water treatment plant

Harbor

Facilities/Buildings

Meeting #40: Budget Discussions

Continue unfunded maintenance/replacement needs and summarize for Assembly

UPDATE ASSEMBLY

Meeting #41: Budget Discussions

Revenue/Taxes:

Property tax rate

Sales tax

Severance Tax

Transient Accommodations (Bed) Tax

Alcohol

Tobacco

Meeting #42: Budget Discussions

Revenue/Taxes continued

Estimated taxable values by area

Meeting #43: Budget Discussions

Revenue/Taxes continued

Tax rates

Meeting #44: Budget Discussions

Complete Revenue/Taxes discussion and prepare recommendations for Assembly

UPDATE ASSEMBLY

Meeting #45: Address Assembly feedback/concerns

Meeting #46: Discuss and decide upon Charter committee formation

Have we missed anything so far?

Meeting #47: Review and organize for moving forward

Meeting #48: Create plan for assembling 3 year budget

UPDATE ASSEMBLY

Meeting #49: Preparation of 3 year proposed budget

Meeting #50: Preparation of 3 year proposed budget

Meeting #51: Preparation of 3 year proposed budget

Meeting #52: Preparation of 3 year proposed budget

UPDATE ASSEMBLY

Meeting #53: Identify transition needs
Charter/Code
Combination/distribution of assets
Other

Meeting #54: Identify transition needs

Meeting #55: Identify transition constraints

Meeting #56: Finalize transition discussion

UPDATE ASSEMBLY

Meeting #57: Create transition plan – powers and services

Meeting #58: Create transition plan – integration of assets and liabilities

Meeting #59: Create transition plan – employees

Meeting #60: Create transition plan - budget

UPDATE ASSEMBLY

Meeting #61: Create Charter

Meeting #62: Create Charter

Meeting #63: Create Charter

Meeting #64: Create Charter

UPDATE ASSEMBLY

Meeting #65: Assemble Petition

Meeting #66: Assemble Petition

Meeting #67: Assemble Petition

Meeting #68: Complete Petition and prepare for submission to Assembly

UPDATE ASSEMBLY

Meeting #69: Follow up on Assembly feedback

Meeting #70: Prepare for submission to Local Boundary Commission if Assembly gives direction to proceed; or prepare after action report/summary of process.