

**CITY OF KODIAK
ORDINANCE NUMBER 1426**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK ADOPTING
AN UPDATED AND REVISED VERSION OF THE CITY PERSONNEL RULES AND
REGULATIONS**

WHEREAS, the City has conducted a thorough review of its employee policies contained in the Personnel Rules and Regulations (“PR&R”) and prepared extensive revisions to reflect changing working conditions, modern best management practices, and to provide clarity and certainty for employees; and

WHEREAS, it is appropriate to periodically revise and update the Personnel Rules and Regulations by replacing obsolete provisions, correcting errors and ambiguities, updating policies and implementing new provisions; and

WHEREAS, 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:** This ordinance, Ordinance Number 1426, is a non-code ordinance and does not amend, alter, or change Kodiak City Code.
- Section 2:** The Personnel Rules and Regulations attached herein as APPENDIX I are adopted by reference. The prior version of the PR&R is replaced in its entirety by the PR&R attached as APPENDIX I.
- Section 3:** The City Clerk hereby is authorized to make minor formatting and clerical corrections as appropriate and deemed necessary for the implementation of the revised personnel rules and regulations.
- Section 4:** This ordinance shall be effective one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.



CITY OF KODIAK

Pat Brna

MAYOR

ATTEST:

Michelle Swarovski-Nelson
CITY CLERK

First Reading: January 27, 2022

Second Reading & Public Hearing: February 10, 2022

Effective Date: March 16, 2022

**CITY OF KODIAK
PERSONNEL RULES AND REGULATIONS**

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CHAPTER 1

OBJECTIVES AND SCOPE

101 AUTHORITY

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, age, disability, genetic information, or 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.

104 AMENDMENTS

Amendments to this manual of personnel policies and procedures shall be made by ordinance only. The City Clerk and other staff shall arrange to update the manual upon passage of each such ordinance and the City shall promptly make the new manual available to all employees.

CHAPTER 2

ORGANIZATION AND DELEGATION OF AUTHORITY

201 PURPOSE

Proper organization and delegation of authority are essential to effective and efficient City government administration and management. The responsibilities and authorities delineated in this Chapter are intended to establish a clear understanding of the role that each segment of City government must play in order to create and administer a sound personnel management program.

202 ORGANIZATION OF THE PERSONNEL BOARD

The City Council shall appoint a Personnel Board consisting of three members serving overlapping two-year terms, with terms commencing on January 1. The City Council shall fill vacancies in unexpired terms.

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.

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.

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;
- (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;
- (g) administer discipline and ensure uniformity in the application of discipline and processing of employee grievances;
- (h) appoint and dismiss all employees under the department directors' 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 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; and
- (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.

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

- (a) serve as the deputy chief administrative officer who reports to the City Manager;
- (b) assist the City Manager in providing administrative oversight of daily operations of the City, ensuring implementation of and adherence to policies;
- (c) ensure organizational compliance with applicable laws, codes, regulations and standards and provide direct management and oversight of assigned functional areas;
- (d) assist the City Manager in administering the City's human resources program;
- (e) assist department directors and the City Manager in making hiring, dismissal, and disciplinary recommendations;
- (f) provide oversight and participate in the development and implementation of short and long range strategic plans, programs, policies and procedures for the City;
- (g) research, analyze, prepare and present management studies, reports, plans, resolutions, ordinances and other information as directed by the City Manager;
- (h) manage and participate in project activities as assigned by the City Manager; and
- (i) perform functions of the City Manager and other duties when assigned.

203.5 Department Directors. Department directors 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 issue to each the current personnel regulations and position description that outlines job duties; the 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.

203.6 City Clerk. As the director 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:

- (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 discipline and dismissal authority over employees in the Clerk's department;
- (i) classify positions in the Clerk's department, subject to approval of the City Council; and
- (j) fulfill all the duties required of the City Clerk, including but not limited to the following:
 - (1) serving as clerical officer of the Council, keeping the journal of the proceedings of the Council and all ordinances and resolutions passed by it;
 - (2) serving as custodian of the seal of the City and attesting and affixing the seal to documents when required;
 - (3) maintain a correct and up-to-date record of the City boundaries and changes therein; and
 - (4) supervise municipal elections and such other elections as may be required, including maintaining voter registration and records, unless the City Council vests the supervision of elections in a board.

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 when appropriate (see Chapter 14);

- (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).

203.8 Human Resources Manager. The Human Resource Manager shall have the responsibility and authority to:

- (a) develop, plan, implement, and administer goals and objectives, and policies and procedures regarding City employees to meet the City Manager's objectives and City goals;
- (b) coordinate, review, and administer a wide variety of programs affecting City employees;
- (c) ensure compliance with federal, state, and local laws, regulations, codes, and/or standards;
- (d) interpret and apply federal, state, and local laws, rules, and regulations pertaining to City employees; and
- (e) provides orientation to new employees.

203.9 All Employees. Employees of the City shall receive and sign for a copy of the personnel rules in effect on the hiring date and 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 in which they work 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) have access to their personnel files.

CHAPTER 3

POSITION CLASSIFICATION

301 THE CLASSIFICATION PLAN

The classification plan is a system by which individual positions are evaluated and assigned a salary grade, and steps within that grade, to provide internal and external equity for pay purposes.

302 PURPOSE OF THE CLASSIFICATION PLAN

The classification plan is a management tool that is intended to facilitate consistent decisions with respect to employee wages. It is a key component of effective administration of personnel activities such as:

- (a) workforce planning and budgeting;
- (b) establishing job performance standards; and
- (c) establishing fair and equitable pay.

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. In developing the classification plan, the City Manager shall consult department directors, key staff, employees, and other technical resources as appropriate.

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 salary grade. Any employee who is dissatisfied with the allocation of their position may submit a request for reconsideration of the allocation to the City Manager, whose decision on the request shall be final.

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 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 the classification plan as needed.

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 director shall provide the City Manager with a written proposal to include the cost to fill the proposed position. The City Manager shall determine the proper salary grade and steps and develop a corresponding position description.

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 director 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 may confirm the existing classification or reclassify the position to the appropriate salary grade, provided that any reclassification that would result in the approved budget for the department being exceeded must first be approved by the City Council. Reclassification shall not be used to avoid the provisions of the personnel rules dealing with layoffs, demotions, promotions, or dismissals.

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.

303.7 Effective Date of Change. Classification changes shall take effect on the effective date of the enacting ordinance unless the ordinance specifies otherwise.

304 STATUS OF INCUMBENTS IN RECLASSIFIED POSITIONS

In all cases of reclassification, the employee in the position shall be entitled to examine and compete for the reclassified position. If ineligible for appointment to the reclassified position, the employee shall be transferred, promoted, or demoted by appropriate action in accordance with the provisions of these rules. If the incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted the provisions of these rules regarding separation shall apply.

CHAPTER 4

SALARY ADMINISTRATION

401 PAY PLAN

The City pay plan is attached to this Personnel Rules and Regulations. The pay plan shall include schedules of pay for pay grades, consisting of pay steps 1 through 15, 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;
- (b) provide appropriate pay incentives for high employee productivity; and
- (c) provide consistency and certainty for employees.

402 STANDARDS FOR DEVELOPMENT OF THE PAY PLAN

The development of the pay plan shall be directly linked with the classification plan and shall be based on the principle of equal pay for equal work. Pay grades within the pay plan shall be determined with due regard to such factors as:

- (a) the relative relationship between pay grades;
- (b) the relative difficulty and responsibility of work;
- (c) the availability of applicants; and
- (d) the prevailing rates of pay in public service in similar communities in Alaska.

403 DEVELOPMENT OF THE PAY PLAN AND PAY SCHEDULE

The City Manager shall be responsible for the development of the pay plan and pay schedule through the use of one or more of the standards described above based on consultation with the City Council and employees.

404 ADMINISTRATION OF THE PLAN

The City Manager shall be responsible for administering the pay plan and keeping it current through periodic reviews and comparative studies of pertinent factors affecting levels of pay. The City Manager shall have ultimate responsibility for administering the requirements of this chapter, except that the City Clerk shall have such responsibility within the City Clerk Department. Throughout this chapter, references to the City Manager shall instead be treated as a reference to the City Clerk for actions that are within the Clerk's department and authority and/or where context so requires.

405 ENTRANCE PAY RATE

The entrance pay rate for regular full and part-time employees shall normally be at step 1 in the pay grade for the position. The City Manager may approve an initial pay rate at steps 2 or 3 of the corresponding grade based on exceptional qualifications or other factors deemed to be in the best interest of the City. In such instances, the department director shall provide a written hiring recommendation to the City Manager, documenting the applicant's qualifications for a higher starting pay rate. In no instance, shall an appointment be made above step 3 except at

the department director level, who may be assigned an initial rate up to step 5 with City Manager approval.

The initial pay rate for temporary employees shall be at step 1 in the pay grade for the position unless an assignment at a higher step is justified based on exceptional qualifications or if the temporary employee was previously employed at a higher step (or equivalent). All temporary appointments are subject to the approval of the City Manager.

406 MERIT STEP INCREASE

406.1 Regular Merit Step Increases – Schedule. Regular full-time employees will be eligible for a regular merit step increase on the anniversary of their date of hire (or the conclusion of their probationary period) until they reach the final step of the relevant grade.

406.2 Satisfactory Performance. An eligible employee shall be granted a merit step increase according to the schedule above based on satisfactory performance and subject to annual appropriation by the City Council. Merit increases shall not be granted if the department director finds that an employee has not demonstrated satisfactory service of a progressively greater value to the City during the annual performance review period. Upon such a finding by the department director, and with the approval of the City Manager, the merit step increase may be denied or delayed for a period of time during which certain specific improvements must be made. Notice of such denial or delay and reasons for it shall be given to the employee in writing (with a copy to the City Manager) as required by Chapter 7. A delayed step increase may be approved at any time during the extended period if the department director believes the employee has achieved satisfactory improvement and the City Manager agrees. A delayed merit step increase is *not* retroactive when finally given (see Section 705).

406.3 Step Increase at Conclusion of Probationary Period. All employees who are required to serve a probationary period shall be granted a regular merit step increase immediately upon successful completion of the probationary period (or, if a probationary period is extended, upon successful completion of the extended probationary period). This applies to new hires and any employee who has transferred or been promoted to a new position who serves a probationary period in that position. All employees will be eligible for their next merit step increase on the anniversary date in the new position. Notwithstanding other clauses of this chapter, Police Officer, Corrections Officer and Firefighter new hires are in a probationary status for one year. Police Officer, Corrections Officer and Firefighter shall also receive a one (1) step increase at the successful completion of six (6) months of service.

406.4 Special Merit Increase. A special merit increase 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 requested in writing by the employee's department director and approved by the City Manager. Additionally, employees will be eligible for special merit increases when they receive eligible certifications and/or qualifications. A list of such eligible certifications and qualifications will be maintained by the Human Resource office and reviewed and approved annually by the City Manager. These special merit increases are in addition to regular merit increases and do not affect the anniversary date.

406.5 Longevity Bonus. Effective, March 21, 2022, all regular employees shall be eligible to receive a longevity bonus on the anniversary of their start date according to the following schedule:

Years of Service	Percent of Gross Annual Base Pay
5	2.5%
10	4%
15	5.5%
20	7%
25	10%
30	12.5%

The length of service for an employee who remains continuously employed by the City shall be measured from the date of the employee's most recent date of hire or rehire to City employment, unless required otherwise by law.

The bonus is to be paid as a one-time payment as soon as practicable after the anniversary date of the employee's hire. The bonus is in addition to the employee's regular pay and is calculated based on the gross compensation paid to the employee during the preceding calendar year, without including any merit or special increases granted simultaneously or any previous bonuses. The bonus is contingent upon a satisfactory supervisory evaluation and may be denied or delayed at the City Manager's discretion based on disciplinary actions or other considerations at the time of the proposed bonus.

407 REGULAR PART-TIME EMPLOYMENT

Regular part-time employees shall be compensated for the actual number of hours worked in each period at the step or hourly rate that is established for the position or employee at the time of hire. A part-time employee shall serve a probationary period for the first six calendar months after the date of hire. Section 406.3 applies to a regular part-time employee who successfully completes a probationary period. Thereafter, regular part-time employees shall be eligible for a merit step increase on the same annual schedule and subject to the same conditions that are described in Sections 406.1 and 406.2.

408 TEMPORARY EMPLOYMENT

Temporary employment is for short-term periods, not to exceed six months without City Manager approval, 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 benefits (including but not limited to insurance, leave accrual, and retirement benefits) or step increases. Probationary periods shall not be served, but all temporary employees are considered at-will employees, notwithstanding any other Section in these Personnel Rules and Regulations. Pay for temporary employees shall be determined as described in Section 405. A person who serves as a temporary employee for six months may be eligible to apply to fill the position through the City's internal recruitment process if the job is to be advertised to be filled by a permanent or regular employee. A probationary period shall not be required if a temporary employee serves six months before becoming a regular employee.

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 position in which the employee has never held regular status, the employee will serve a probationary period in the new position and shall be assigned within the pay grade for the position to the step that is closest to the employee's rate of pay prior to transfer, provided the pay shall not be decreased if the transfer is not a demotion. When an employee is transferred from one position to another position in which the employee has already successfully completed a probationary period, the employee will not be required to serve a probationary period in the new position and shall be assigned the appropriate step in the manner described in the previous sentence. Section 406.3 applies to probationary periods served as a result of a transfer. If a probationary period is served after a transfer, the employee's anniversary date for purposes of Section 406.1 and 406.2 becomes the date of transfer; otherwise, there will be no change.

409.2 Promotion. A promotion occurs when an employee assumes a new position with greater responsibilities than the employee previously had and which is compensated at a higher pay grade. When an employee is promoted from one position to another, the employee shall be assigned to the grade appropriate to the position and shall maintain their step from the prior position. For purposes of Section 406.1 and 406.2, the anniversary date shall change to the effective date of promotion.

409.3 Demotion and Demotion for Cause.

- (a) When an employee is demoted for administrative purposes, the department director will work with the City Manager to decide probationary status and step placement.
- (b) When an employee is demoted for cause, the City Manager will decide probationary status and step placement.
- (c) When an employee accepts a voluntary demotion, the employee's pay will be determined based on the appropriate grade for the new position, while taking the employee's step placement in the former position into account.

409.4 Reinstatement.

- (a) Regular employees who have previously resigned or separated from employment will normally, upon rehire, serve the normal required probationary period and be placed in the grade and step that is appropriate to their position and qualifications as if the employee were new, without considering previous step increases from prior service. Prior periods of service shall not be considered for purposes of Section 406.1, 406.5, or 1002 unless an exception is agreed to in writing pursuant to subsection (b) or where required by law (*e.g.*, a reinstatement under Section 1015).
- (b) The City Manager and employee may agree to exceptions to the rule in Section 409.4(a) for special circumstances, such as, but not limited to, family illness or education leave. Probationary periods will apply as described in Section 606.3.

409.5 Reinstatement of Veteran. A regular City employee who returns from military leave shall be reappointed in accordance with Section 1015 of this Personnel Rules and Regulations.

409.6 Layoff. When a regular employee following layoff is re-employed in the same position from which the layoff occurred, re-employment shall be in the same pay status-occupied at the time of layoff. When the employee is re-employed in a position with a different salary grade

and step, the rate of pay shall be the step within the new grade that is closest to the employee's former rate.

410 COMPENSATION DURING TEMPORARY ASSIGNMENT

A regular employee who is temporarily assigned (by the department director or City Manager) to a position with a higher pay grade for a period of 15 calendar days or more shall be paid at a rate of 5% more than the employee's regular pay for the full period worked in the temporary assignment. A regular employee who is temporarily assigned to a position with a lower pay grade for any period shall not receive a reduction in pay. No temporary assignment shall exceed six months without approval by the City Manager. After six months (or longer, with appropriate approval), a person serving in a temporary assignment may be eligible to apply to fill the position through the City's internal recruitment process if the job is to be advertised to be filled by a permanent or regular employee.

411 HOURS OF WORK

- (a) Unless a different schedule is established in accordance with the second paragraph of this section, regular working hours of full-time City employees shall consist of 40 hours per work 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 1601(a).
- (b) Different schedules may be established and altered by department directors 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 director. The department director will inform the employee of shift changes at least one week in advance; provided that in unforeseen or unavoidable circumstances, the department director may inform employees of upcoming changes less than one week before the change.
- (c) Non-exempt employees (i.e, those who are compensated on an hourly basis and are generally eligible for overtime pay) must clock out for any absence or break from work exceeding 20 minutes.

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 shall be paid in accordance with applicable state or federal laws and must have the approval of the department director before its performance unless emergency circumstances prevent prior authorization. If emergency overtime is worked, the department director shall see that it is accurately and timely recorded.

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.

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 40 hours in a standard work week, or in excess of eight hours in a standard work day, as each is defined in Section 411; except in the case of positions that are scheduled to work 10 or 12 hour shifts, in which case overtime pay shall be paid in accordance with policies applicable to those positions and schedules;
- (b) while working in the Fire Department platoon system under Section 1605, an employee will receive overtime pay only as provided in subsection 1605(b); and
- (c) an employee is paid for hours worked on a City holiday only as provided in Section 412.2, "Holiday Pay."

412.2 Holiday Pay. For purposes of calculating compensation, a holiday is an eight hour period. All regular employees shall receive eight 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 24 hour period is that no overtime will be paid for shift rotation, provided the employee has had at least 12 hours off work between the shifts.

413 SHIFT DIFFERENTIAL

- (a) Employees who are assigned to a shift that is scheduled to begin before 8:00 a.m or at 4:00 p.m. or later shall be entitled to a shift differential for hours worked, as further described in this section.
- (b) An employee who qualifies under (a) shall receive 4% additional pay, plus the regular salary, for the hours worked between 4:00 p.m. and 12:00 a.m. ("swing shift").
- (c) An employee who qualifies under (a) shall receive 6% additional pay, plus the regular salary, for the hours worked between 12:00 a.m. and 8:00 a.m. ("graveyard shift").
- (d) An employee who works a 12 hour shift and qualifies under (a) shall receive 5% additional pay, plus the regular salary, for the hours worked between 6:00 p.m. and 6:00 a.m. ("overnight shift").
- (e) For 24 hour shifts (platoon system) see Chapter 16.
- (f) The schedule and shifts above shall be modified with respect to harbor employees as follows: Section (a) above is modified to refer to any shift that begins before 8:00 a.m. or at 5:00 p.m. or later. With respect to sections (b) and (c), a "swing shift" shall run from 5:00 p.m. to 12:00 a.m., and a "graveyard shift" shall run from 12:00 a.m. to 8:00 a.m.

414 EMERGENCY CALL-OUT TIME

An emergency call-out is any instance where an employee is unexpectedly asked or required to report for duty outside the employee's normally-scheduled shift or hours (and does not include unexpectedly beginning a shift early or staying late). An employee on an emergency call-out shall be paid at the employee's overtime rate (even if the employee would not otherwise be

entitled to overtime pay for the time worked) for a minimum of two hours. 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. Only a department director may institute an emergency call-out.

415 STANDBY PAY

Standby duty is defined as any time that an employee is required to remain on call at their job location or so close to the job location that the time cannot be used effectively for the employee's own purposes, but does not include the time an employee is not required to remain on or near their job location but is merely required to leave word where the employee may be reached by cell phone or other means. Any non-exempt employee who is assigned standby duty status shall be paid at a rate equal to minimum wage for every hour of such assigned standby duty. Standby pay will not be paid for regular hours worked, overtime, or call-out hours. The time spent on standby duty status shall be treated as hours worked within the meaning of the Fair Labor Standards Act, the Alaska Wage and Hours Act, and the associated regulations.

416 CHANGING PAY GRADE ASSIGNMENTS

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

416.1 Reclassified to Higher Grade. If the position is re-evaluated and assigned to a higher salary grade, all employees in positions affected shall be assigned a base rate at the first step of the higher grade or the step within that grade that most closely approximates their former wage, whichever is greater.

416.2 Reclassified to a Lower Pay Grade. If the position is re-evaluated and assigned to a lower salary grade, no employees in positions affected shall have their base salaries reduced upon salary grade reassignment, but such employees shall not receive a regular merit increase until their salary at the new level has met or exceeded their present salary.

417 RETIREMENT

The City participates in the Alaska Public Employees' Retirement System (PERS) and shall make available such information as is necessary for all employees who are eligible to participate in that program.

418 INSURANCE AND MEDICAL BENEFITS

418.1 Group Life Insurance. The City of Kodiak will pay all City group life insurance premiums for its regular employees working 30 or more hours per week.

418.2 Group Health Insurance. The City values its employees and believes it is important to provide reasonable health insurance coverage to those employees, while also balancing the increasing costs of providing that coverage. The City of Kodiak will pay City group health insurance premiums for its regular employees working 30 or more hours per week at the coverage costs in effect July 1 each year if provided for in the adopted budget.

419 EFFECTIVE DATE OF CHANGES IN PAY

The effective date of personnel actions implementing classification, reclassification, regular and special merit increases, promotions, demotions, and reinstatements shall be the date indicated by the supervisor or other person making the decision. Nothing in this chapter shall prohibit retroactive pay approved by Council or required because of administrative oversight or error and approved by the City Manager.

CHAPTER 5

RECRUITMENT

501 POLICY

It 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 to ensure open competition;
- (b) provide equal employment opportunity;
- (c) ensure decisions are based on merit principles of qualifications and performance and to prohibit discrimination based on age, race, sex, religion, marital status, changes in marital status, pregnancy, parenthood, color, national origin, genetic information, veteran status, physical or mental disability or any other protected class, or any other non-merit factors; and
- (d) give preference to local hire when legally permissible.

502 RECRUITMENT

The City Manager shall develop and conduct an active recruitment program designed to meet current and projected staffing needs. Recruitment will be tailored to the salary grades of positions to be filled and will be directed to all sources likely to yield qualified candidates. The City Manager may authorize payment of a signing bonus in order to recruit and fill hard to fill positions.

503 JOB ANNOUNCEMENTS AND PUBLICITY

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 or their designee will issue job announcements and otherwise publicize vacancies. 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 ensure reasonable opportunity for persons to apply and be considered for employment. In all cases, job vacancies shall be formally announced and posted on one or more electronic forums or other distribution methods maintained by the City at least 10 working days before the closing date for filing applications. The City Manager may also initiate continuous recruitment programs for positions as appropriate. All job announcements shall be publicized first to all City employees at least five working days before being advertised publicly. If, in the judgment of the City Manager, an adequate number of candidates have applied for a given vacancy 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).

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. 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. The City may conduct background checks or request any relevant documentation to verify eligibility for employment. Failure to provide such documentation may result in revocation of an employment offer or termination if appropriate. Application forms shall comply with Equal Employment Opportunity Commission regulations.

CHAPTER 6

SELECTION

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 criteria listed in Section 602, to provide a basis for determining a candidate's potential for successful performance in the position.

602 MINIMUM EVALUATION CRITERIA

All of the following methods, and any designated by the City Manager 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 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 are candidates who rank at the top when compared with other eligible candidates.

Normally, three to five of the best-qualified applicants will be referred to the person (or persons) assigned to select and recommend an applicant to fill a position (the "selecting official"). The selecting official will not refuse to make selections from this list without justifying such action, indicating specific reasons for non-selection for each referred candidate. The justification for selecting or not selecting each candidate shall be available for inspection and/or duplication, for up to 30 days, in the City Manager's office. Each candidate will be able to review only that candidate's own justification. All applicants shall be notified by the City of selection or non-selection within five 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.

603 PROMOTIONAL SELECTION

All City employees in the classified service who meet the prescribed minimum qualifications for an open position may apply for such position and shall be considered along with all other applicants.

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 criteria used in the selection process. The final rating shall be determined for applicants with passing ratings in accordance with the weight established for each criteria as set out in the job announcement.

605 RE-EMPLOYMENT LISTS

A regular employee who is involuntarily separated from the City service as a result of layoff shall be placed on a re-employment list for two years for the position the employee occupied at the time of separation. The order of names on re-employment lists shall be governed first by performance and second by length of classified service with the City.

606 PROBATIONARY PERIOD

All employees, upon hiring, promotion, or demotion, shall serve a probationary period of at least six months, but no more than twelve months; provided, however, that the City Manager may authorize any employee's probationary period to be extended by no more than six additional months. 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 receive at least a satisfactory performance rating at the completion of their probationary period in order to attain regular status. New hires, not including promoted employees in probationary status, may be dismissed at any time during their probationary period; Section 1407 does not apply to any dismissal during a probationary period.

606.1 Promoted Employee Probation. When it becomes clear that a regular employee serving a promotional probationary period is not performing adequately in the new position, the department director, in consultation with the City Manager, will inform the employee in writing of the performance issues. If demotion is found to be appropriate, the employee shall be demoted to a position in the previously held salary grade, and the employee's anniversary date shall remain unaffected. Such 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 Probation. When a regular employee is demoted to a position where regular status was held previously, the employee returns to the pay status previously held and no probationary period will be served unless the City Manager directs otherwise. Where an employee is demoted to a position not held before, the department director shall decide subject to approval of the City Manager whether a probationary period shall be served. The employee shall be notified in writing whether the appointment will be probationary before demotion occurs, and in either case, the employee's anniversary date shall remain unaffected. The decision whether to require a probationary period for a demotion appointment is not grievable.

606.3 Reinstated Employee Probation. A regular employee reinstated within two years after separation shall be required to serve a probationary period regardless of whether the employee is rehired into the same or a different position than previously served. The City Manager may waive this requirement for good cause in his or her sole discretion.

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

607 TEMPORARY EMPLOYMENT

Temporary employment does not count toward a probationary period, and is not considered or credited as time in service toward anniversary length of service dates if temporary employees are later appointed to regular positions. Persons serving in temporary positions shall not be considered internal candidates when applying for a regular full- or part-time position. However, time served in a temporary capacity may count toward experience requirements in minimum qualifications for a position.

608 EMERGENCY EMPLOYMENT

Emergency employment, not to exceed 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 benefits.

CHAPTER 7

PERFORMANCE EVALUATION

701 PURPOSE

The employee performance evaluation program for regular 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.

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 10 days before completing the probationary period. The employee must receive an overall evaluation of at least "satisfactory" before becoming a classified employee (see also Section 406).

702.2 Annual. Each regular employee shall receive an annual performance evaluation approximately one month 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;
- (b) a supervisor leaves their position. The supervisor shall complete a performance report on each employee under their supervision who has not been evaluated within six months before the date the supervisor is to leave their position; or
- (c) deemed appropriate in order to assess whether an employee needs to become subject to a performance improvement plan, or whenever an evaluation under such a plan is deemed appropriate.

703 PERFORMANCE EVALUATORS

703.1 Rating Officer. The rating officer is the employee's direct supervisor and must have supervised the employee for not less than six months. The rating officer shall be responsible for completing a performance evaluation report, which shall be reviewed and approved by the department director 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 director. 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.

When the rating officer is the department director, the reviewing officer shall be the City Manager. When the City Manager or City Clerk is the rating officer, there shall be no review.

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 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 before review with the employee (see Section 406).

705 UNSATISFACTORY EVALUATION

A regular employee who receives an overall rating of "unsatisfactory" on the 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).

706 EMPLOYEE APPEAL PROCEDURE

Performance evaluations are not grievable.

CHAPTER 8

EMPLOYEE DEVELOPMENT

801 PURPOSE

The employee development program 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 directors 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 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 employee development activities to ensure fair consideration for placements, transfers, and promotions.

802.2 Department Director. Department directors 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 have sufficient time to participate in career development programs.

CHAPTER 9

GRIEVANCE PROCEDURE

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 that the employee documents as 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 specific complaint by an employee or group of employees that has not been resolved, alleging a violation of one or more specific sections of the City Charter, ordinances, Personnel Rules and Regulations, or department rules and regulations that pertain to the terms or conditions of employment. Performance evaluation is not grievable; nor is dismissal, consideration of dismissal, suspension without pay, or any other disciplinary action.

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 10 working days after its occurrence, not including the day of the occurrence. The supervisor shall give a written reply within 10 working days 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 on a form designated by the City Clerk. The written grievance shall 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 grievant or grievants and shall be presented along with any supplementary information or other relevant material to the department director within five working days after the supervisor's written reply is given, not including the day the reply is given. The department director shall reply in writing to the grievant(s) within 10 working days 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 grievant(s) may pursue it by presenting the written grievance with copies of all pertinent correspondence, records, and information to the City Manager within five working days after the department director's written response is delivered to the grievant(s). The City Manager shall

reply in writing to the grievant(s) within 15 working days of the date of the presentation of the written grievance, not including the day of presentation. If the Council has not appointed a personnel board, and does not do so within 15 working days of the City Manager's decision (not including the day of the decision), then the Manager's decision shall be considered final.

Step 4. (a) If the grievance is not settled in Step 3, the grievant(s) may pursue it by presenting the written grievance along with copies of all pertinent correspondence, records, and information to the City Clerk within five working days after the City Manager's written response was delivered to the employee(s). If no personnel board is appointed at the time the Step 3 grievance is filed, the grievant(s) must also submit a written request to the Mayor to convene the City Council for the purpose of deciding whether to appoint members of a personnel board or panel pursuant to KCC 2.08.165-.180. The Mayor shall decide whether to convene the City Council for such purpose. If the Council appoints a panel, 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 director, and the City Manager. The department director and City Manager have five 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.

(b) The Personnel Board will convene when a quorum is established and will promptly conduct a hearing involving all necessary parties.

(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 10 working days of the hearing. The deadline for rendering a recommendation may be extended by the Personnel Board or the chairman of the Personnel Board when necessary.

Step 5. Within five 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 decides by 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 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.

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 4 of the grievance procedure, the employee may be accompanied by any representative of the employee's choice. Employees shall contact and discuss 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 Attorney, except the Board may select a different attorney if the Board by majority vote determines that legal advice and counsel from the City Attorney 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 PERSONNEL BOARD AND GRIEVANCE HEARINGS

Grievance hearings may be conducted by the Personnel Board pursuant to KCC 2.08.180. In the event the Personnel Board is not available, an ad-hoc panel for employee issues will be appointed pursuant KCC 2.08.165.

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 grievant(s), the immediate supervisor, the department director, 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 908.

907 TIME LIMITS

If the grievance procedures are not initiated within the time limits established by this Chapter, the employee has waived the right to grieve 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 that is not observed as a recognized City holiday (see Chapter 12).

908 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. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing.

909 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 this Chapter. Supervisors shall keep the department director informed of all grievances in progress; the department director shall keep the City Manager so informed.

CHAPTER 10

LEAVE BENEFITS

1001 LEAVE ENTITLEMENT

Classified employees shall be entitled to leave accrual benefits. Leave provisions of these regulations also 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 Annual Leave and Sick Leave benefits. Sick Leave benefits are addressed in Chapter 11. All references to "Leave" in this chapter refer to Annual Leave unless otherwise stated or required by context.

- (a) Annual Leave and Sick Leave accrue at separate rates.
- (b) Employees enrolled in the Combined Personal Leave Program as of 2021 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 directors.

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 Leave accrual rate of 4.62 hours per pay period when appointing new department directors, 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 one hundred twentieth month

1003 LEAVE ACCRUAL WHILE EMPLOYEE IS ON PAID LEAVE

Leave continues to accrue while an employee is on paid leave. Leave **does not** accrue during periods of leave without pay and unpaid suspension.

1004 COMPUTATION OF LEAVE ACCRUAL FOR REGULAR PART-TIME EMPLOYEES

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

1005 TEMPORARY EMPLOYMENT LEAVE ACCRUAL

Temporary employees do not accrue leave.

1006 MAXIMUM CARRY-OVER OF ACCRUED LEAVE

The maximum amount of accrued unused leave that 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.

1007 EXCESS HOURS OF ANNUAL LEAVE CONVERT AUTOMATICALLY INTO SICK LEAVE

Repealed by Ord. 1058, 1998

1008 USE OF LEAVE

1008.1 Timing of Use. Employees who accrue Annual Leave shall receive credit for leave accrued from the date of appointment. Leave shall be usable upon completion of at least three months of the probationary period following the date of hire (see Section 1103 for exception).

1008.2 Regular Use of Annual Leave. Annual Leave may be used for any purpose. The employee has the right to use accrued leave, but not the right to determine when it shall be used. The employee may use any amount of accrued leave at the time desired, if it is not detrimental to departmental operations as determined by the department director. 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 Leave, Combined Personal Leave, or Sick Leave shall not be counted as a day of leave.

1009 EXCEPTIONS Repealed by Ord. 1058, 1998

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 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 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.

1011 TERMINAL LEAVE Repealed by Ord. 1058, 1998

1012 RETIREMENT LEAVE Repealed by Ord. 1058, 1998

1013 REINSTATED EMPLOYEE LEAVE

Reinstated employees hired within two years after separation, who have successfully completed a probationary period in previous City service, shall be permitted to use 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 director, 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. Repealed and replaced by Section 1015.

1014.2 Administrative Leave for Jury or Witness Duty. 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 written proof of the 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 connection with such witness service.

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. Such costs may include, but are not limited to, 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.

1015 MILITARY LEAVE

1015.1 Purpose and Policy. The purpose of this policy is to provide for the administration of requirements of USERRA and Alaska law for employees requesting a military leave of absence.

1015.2 Eligibility for Military Leave of Absence. City employees who serve in the uniformed services are entitled to a military leave of absence from their positions, subject to the limitations and restrictions set forth in federal and state laws and City policy.

- (a) **Covered Service Branches.** Uniformed Services includes the Army, Navy, Marine Corps, Air Force, Coast Guard, and the commissioned corps of the Public Health Service. This includes the Reserve components of these services and the Army National Guard and Air National Guard as well as persons who serve as Intermittent Disaster Response Appointees (IDRAs) of the National Disaster Medical System.
- (b) **Uniformed Service.** Active duty, active duty for training, initial active duty training, inactive duty training, full-time National Guard duty, absence from work for fitness for duty examinations, certain funeral honors duty, and attendance at the U.S. Military Academy (West Point), the U.S. Naval Academy, the U.S. Air Force Academy and the U.S. Coast Guard Academy all fall within the umbrella of uniformed service under USERRA.
- (c) **Eligibility.** Individuals who are covered by the USERRA must meet the following conditions for reemployment:
 - (1) The service member must have been employed by the City in a full-time or part-time position. Temporary, emergency, and intern positions are not of a recurrent nature with reasonable expectation of continuation for a significant period of time and therefore would not qualify as an employee for coverage under USERRA.
 - (2) The employee (or an appropriate officer of the uniformed service) should provide their supervisor with as much advance notice of uniformed service as possible (30 days). The notice should be in writing and include copies of orders. Advance notice is not required in those rare cases where advance notice is precluded by military necessity or otherwise impossible or unreasonable.
 - (3) The length of uniformed service that causes the employee's absence from their position may not exceed five years. Such absences may be intermittent but cumulatively, may not exceed five years.
 - (4) The employee must have completed the period of service without having received a punitive or other than honorable discharge or having been dismissed or dropped

from the rolls of the uniformed service.

- (5) The employee must report back to their previous job in a timely manner or request reemployment within time limits established by law. See Section 1015.6 of this policy.
- (6) The reporting or application deadlines are extended for up to two years for employees who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service.

1015.3 Paid Military Leave Entitlement.

- (a) An employee who is a member of a reserve or auxiliary component of the United States Armed Forces and the Uniformed Services is entitled to a leave of absence without loss of pay for that time during which the employee is ordered to training duty, as distinguished from active duty, with troops or at field exercises, or for instruction, or when under direct military control in the performance of a search and rescue mission. An employee is entitled to 16.5 paid workdays of military leave per year (January 1 through December 31).
- (b) If an employee is called to active duty by the governor, an employee otherwise qualified under section 1015.3(a) is entitled to five (5) paid workdays of military leave per year (January 1 through December 31).

1015.4 Unpaid Military Leave Entitlement.

- (a) An employee is entitled to leave without pay to serve in the Uniformed Services. The unpaid military leave entitlement is generally for the duration of the service, up to five years. Employees on military leave will be placed on military leave without pay (LWOP) and not separated from employment. If the employee does not return from service within five years, the employee will be separated.
- (b) Affected employees are not required to use annual leave in lieu of paid or unpaid military leave, however, they may elect to use accrued annual leave or earned compensatory time at their discretion.

1015.5 Benefits During Military Leave Without Pay.

- (a) **Leave.** Employees do not accrue leave when they are in a leave without pay status but they will continue to earn City service credit as if they were actively employed.
- (b) **Health Insurance Benefits.** Employees on unpaid military leave will have health and life benefits maintained for the first 30 days of military leave as if the employee was actively employed. The employee must continue to pay his or her portion of any benefit(s) premiums in order to keep the benefits active. For leave in excess of 30 days the employee may either waive insurance coverage or elect to continue health and life benefits for up to 24 months, however the City will charge up to 102% of the full premium. If the employee does not return to work at the end of the military leave, the employee may be required to reimburse the City for the cost of the benefit premiums paid by the City for maintaining applicable coverage.

1015.6 Reinstatement of Employment.

- (a) Requests for reinstatement must be made to the City either orally or in writing. The request should state that the employee is seeking reinstatement to his or her former

position upon return from military service. In order to establish that the reemployment application is timely, the employee did not exceed the five-year service limitation, and that the employee's separation from service was honorable, one of the following must be submitted with the application for reemployment:

- (1) Department of Defense Certificate of Release or Discharge from Active Duty;
 - (2) duty orders prepared by the facility where the orders were fulfilled carrying an order of endorsement;
 - (3) letter from the employee's commanding officer or someone of comparable authority;
 - (4) military training school certificate of completion;
 - (5) discharge certificate showing character of service with a copy of excerpts from payroll documents showing the periods of service; or
 - (6) letter from the National Disaster Medical System team leader or administrative officer verifying dates and times of NDMS training of federal activation.
- (b) If the returning employee is unable to provide satisfactory documentation because it is not readily available or does not exist, he or she will be reemployed. If, after reemployment, documentation becomes available indicating that one or more of the reemployment requirements were not satisfied, the employee may be terminated.
- (c) An employee returning from uniformed service who meets the criteria set forth in section 1015.2(c) above shall be entitled to prompt reinstatement of employment.
- (1) **For periods of 1-30 Days of Service.** If the employee's military service was less than 31 days, the employee must report for work no later than the next regularly scheduled workday following completion of service. This must also include the time reasonably required for safe transportation from the place of service to the individual's residence, and a period of eight hours (for rest). If reporting that next day is impossible or unreasonable because of factors beyond the individual's control (like an accident on the return trip), the individual is required to report for work as soon as reasonably possible thereafter. The employee must also provide documentation that the separation from military service was not disqualifying as defined in section 1015.6(d) below.
 - (2) **For Periods of 31 to 180 Days of Service.** If the period of service is greater than 30 days but less than 181 days, the employee must request reemployment within 14 days following completion of military service or "as soon as possible" if the failure to make timely application is through no fault of the returning employee. The employee must also provide documentation that the separation from military service was not disqualifying as defined in section 1015.6(d) below.
 - (3) **For Periods of more than 180 Days of Service.** If the period of service is greater than 180 days, the employee must request reemployment within 90 days following completion of military service or "as soon as possible" if the failure to make timely application is through no fault of the returning employee. The employee must also provide documentation that the separation from military service was not disqualifying as defined in section 1015.6(d) below.
- (d) Reinstatement rights are terminated if the service member is:
- (1) separated from uniformed service with a dishonorable or bad conduct discharge;
 - (2) separated from uniformed service under other than honorable conditions, as characterized by uniformed service regulations;
 - (3) a commissioned officer dismissed in situations involving a court martial or by order of the president in time of war; or

- (4) a commissioned officer who was absent without authority for at least three months or imprisoned by a civilian court.

1015.7 Effects on Leave, Pay, and Other Benefits.

- (a) **Benefits:** Benefits earned through the passing of time shall, upon reemployment, be credited to the employee as if he or she was regularly employed during the period of military service.
- (b) **Leave:** Leave does not accrue during unpaid military leave. Upon return to work the leave accrual rate is adjusted as though the employee had been continuously in pay status.
- (c) **Merit Anniversary Date:** When an employee incurs leave without pay due to military service, the employee's review date and merit anniversary date is not advanced if it is determined that with reasonable certainty the employee would have been granted the merit increase had it not been for the military service.
- (d) **Wage rate:** The employee would be eligible for any across-the-board increase that may have been implemented in their absence.
- (e) **PERS:** Time spent on military leave (whether paid or unpaid) is not considered a break in employment for retirement benefit purposes. Upon reemployment, the employee should contact the Human Resources Manager and the State of Alaska Retirement and Benefits Division regarding the employee's options for PERS credits and contributions.
- (f) **Seniority:** The employee accrues seniority as if he or she had been continuously employed.
- (g) **Training or retraining:** The returning employee is entitled to the training or retraining that he or she would have received if continuously employed.

1015.8 Reemployment Rights of the Disabled Service Member. When employees become disabled during military service and cannot perform duties of their previous positions, and reasonable accommodations are not possible without undue hardship to the City, efforts will be made to place them in the most closely comparable positions for which they qualify with no loss of seniority in accordance with the Americans With Disabilities Act.

1015.9 Probationary Period. When a probationary employee returns from military leave, the employee's permanent status eligibility and merit anniversary dates will be advanced one pay period for every accumulation of 10 days of leave without pay. Once the employee successfully completes the probationary period, permanent status and the subsequent merit increase, if appropriate, shall be granted retroactive to the date the employee would have been eligible had it not been for military service.

1015.10 Reinstatement of Health Insurance Coverage. An employee returning from service, and who meets the USERRA eligibility criteria, is entitled to immediate reinstatement of health and life insurance coverage upon reemployment. This applies to coverage for the employee and for family members who would have been covered if the employee had been continuously employed. This includes children born or adopted during the employee's military-related absence from work. There must be no waiting period, and no exclusion of "pre-existing conditions" except for conditions that the U.S. Department of Veterans Affairs has determined to be service-connected.

1015.11 Prohibition Against Discrimination. The City prohibits discrimination against

individuals on the basis of past, present or future military obligations. This prohibition includes initial employment, reemployment, retention, promotion, or any benefits of employment.

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 18 years of age, or who is 18 years of age or older and incapable of self-care because of mental or physical disability. Employees who have day-to-day responsibility to care for or financially support a child may also be entitled to leave.
- (b) "Eligible employee" means an employee who has been employed for at least 35 hours a week for at least six consecutive months, or for at least 17.5 hours a week for at least 12 consecutive months immediately preceding the leave; provided, however, that with respect to any benefits or provisions of the Section 1016 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 12 months and for at least 1,250 hours of service during the 12 consecutive months immediately preceding the leave.
- (c) "Health-care provider" includes but is not limited to 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, foster parent, a parent-in-law, a step-parent. Under FMLA, a person who stood *in loco parentis* to the employee when the employee was a child may qualify as a 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 which requires continuing treatment or continuing supervision by a health-care provider.
- (g) "Spouse" means a husband or wife, as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage.

1016.2 Leave Requirements.

(a) In General.

- (1) An eligible employee is entitled to a maximum of 24 workweeks of leave during any 24-month period for a serious health condition of the employee or the employee's spouse, child, or parent, but no more than 18 workweeks in any 12-month period.
- (2) An eligible employee is entitled to 18 workweeks of family leave for pregnancy and birth of a child of the employee, or the placement of a child (other than a stepchild of the employee) with the employee for adoption or foster care. The entitlement to leave for birth or placement of a child expires at the end of the 12-month period beginning on the date of such birth or placement.
- (3) The City will grant an eligible employee up to 12 workweeks of job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been

notified of an impending call or order to covered active duty. Alternatively, an employee may take up to 26 weeks of unpaid, job-protected leave in a single 12 month period to care for a covered service member with certain serious illnesses or injuries.

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

- (1) **In general.** Leave for a birth or placement of a child may be taken intermittently, or on a reduced leave schedule, if the employee and the City Manager agree 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. An employee who takes leave intermittently, or on a reduced leave schedule, pursuant to this paragraph is entitled to the same total amount of leave as an employee who takes all their leave at once.
- (2) **Alternative position.** If an employee requests intermittent leave or leave on a reduced leave schedule for planned medical treatment, 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. When the employee no longer needs to continue on intermittent or reduced schedule leave, the employee must be restored to the same or equivalent job as the job that the employee left when the leave started.

(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 Leave and accrued Annual Leave or Combined Personal Leave available, and when the leave authorized under Section 1016 is for a purpose that would otherwise entitle the employee to use accrued sick leave under the standards in Section 1104, then the Section 1016 leave shall be charged first against accrued Sick Leave, then against accrued Annual Leave or Combined Personal Leave, and then to leave without pay. Nothing in this Section 1016 shall be construed, however, as entitling an employee to use Sick 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 eligible to apply for withdrawals from the Sick Leave Bank authorized by Section 1107 if leave is 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 planned medical treatment or an expected birth or placement, the employee shall provide not less than 30 days notice, before the date the leave is to begin, of the employee's intention to take leave. If 30 days advance notice is not possible because the foreseeable situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical.
- (2) **Duty of employee.** In any case in which the necessity for leave is foreseeable based on planned medical treatment, the employee shall consult with his or her supervisor and/or the City Manager and 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 treating health-care provider.

- (e) **When Both Spouses are Employed by City.** When both spouses are 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 director or, if the employee is a department director, from the City Manager, a request for leave under Subsection 1016.2(a) 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 when approved by the City Human Resources office. The employee shall be provided a reasonable opportunity to correct any deficiencies in the certification.
- (c) **Second Opinion.** If the City has reason to doubt the validity of 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.** 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 third health-care provider is final.
- (e) **Subsequent Recertification.** The City may require an employee to provide 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.

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 before the date 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 gives written notice to the employee at the time the employee gives notice of the need for leave (or when FMLA commences, if earlier) that he or she is a key employee and informs the employee of potential consequences with regard to reinstatement and health benefits;
- (3) the City notifies the employee of the intent not to restore the employee to the position when at the time the City determines that such injury would occur; and
- (4) in any case in which the leave has commenced, the City gives the employee a reasonable opportunity to return to work after providing 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.
- (2) **Failure to return from leave.** If 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 Section 1016.2 (a)(1), or (ii) other circumstances beyond the control of the employee, the City may take steps to recover the premiums 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 Intent and Interpretation.

- (a) Section 1016 is intended merely to memorialize and interpret the requirements of the Family and Medical Leave Act of 1993 and 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.
- (b) There are differences in eligibility and benefits between the Alaska Family Leave Act and the Family and Medical Leave Act. For example, the Family and Medical Leave Act definition of "parent" is narrower than the Alaska Family Leave Act definition; Family and Medical Leave Act does not include parents-in-law. Alaska Family Leave Act is narrower than Family and Medical Leave Act in some respects. For example, Family and Medical Leave Act allows leave to care for a child for whom someone has day-to-day responsibilities (*in loco parentis*), but Alaska Family Leave Act does not. This policy incorporates both Family and Medical Leave Act and Alaska Family Leave Act for convenience. The employee is entitled to the most generous benefit provided by any applicable source. When an employee is eligible under both Acts, the entitlements run concurrently.

1017 LEAVE WITHOUT PAY

1017.1 Purpose and Conditions. Leave without pay may be granted to an employee upon recommendation of the department director 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 light of the circumstances and the needs of the organization. Leave without pay shall not be 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, not more than 60 calendar days leave without pay may be granted. No benefits other than health insurance will accrue while on leave without pay (see Section 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. No benefits shall accrue while on 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 use leave only for the appropriate waiting period as determined by the insurance carrier. The employee (claimant) will not receive any supplemental compensation from the City, other than the compensation for leave during the appropriate waiting period.

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 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 30 days.

1019 UNAUTHORIZED LEAVE

Any absence not authorized and approved in accordance with provisions of these regulations shall be without pay for the period of absence, and may be grounds for disciplinary action.

1020 EDUCATION LEAVE WITH PAY Repealed by Ord. 1098, 1999

1021 MATERNITY LEAVE Repealed by Ord. 973 §2, 1993

1022 ADOPTIVE LEAVE Repealed by Ord. 973 §3, 1993

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 recipient based on the dollar value of the donation.

CHAPTER 11

LEAVE FOR ILLNESS OR INJURY

1101 PURPOSE OF SICK LEAVE

The City provides Sick Leave to eligible employees as a benefit to provide compensation during times of illness or injury. The decision to approve or disapprove requests for Sick Leave from eligible employees may be made by the department director in consultation with the City Manager or Manager's designee and must be consistent with current federal and state laws and City policies.

1102 SICK LEAVE ACCRUAL

Sick Leave accrues separately from Annual Leave at the rate of 4 hours per pay period, except Fire Department personnel on the platoon system (see Section 1603), but shall never exceed 720 accrued hours for regular full-time employees, and the equivalent pro-rata amount for part-time employees. Fire Department employees (platoon employees) shall never exceed 958 accrued hours. Sick Leave accrued, but not used, shall remain credited to the employee until separation from employment with the City. Annual Leave may always be used as Sick Leave when the employee's Sick Leave account balance is zero.

Regular part-time employees shall accrue Sick Leave 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.

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, if accrued annual leave is necessary to cover an approved absence consistent with the provisions of this section.

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 unable to report for duty at the employees regular or scheduled time. Accrued sick or combined personal leave shall also be granted for medical, dental, or optical examinations or treatment. Except in an emergency when an employee is unable to submit an electronic leave request form in advance, an employee shall submit a leave request for approval 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 such an appointment should not exceed the time necessary for examination or treatment. Employees are expected to return to work upon completion of such appointments. Exceptions may be made at the department director's discretion.

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.

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) days for employees traveling outside of the Kodiak Archipelago per immediate family member; or
- (b) Up to five (5) days within the Kodiak Archipelago per immediate family member.

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, the employee may be placed on sick leave even if the employee refuses.

1105 BEREAVEMENT LEAVE

In the event of death in an employee's immediate family, up to five (5) consecutive days of non-accumulative paid leave days, not to exceed 40 total hours (or 53 hours for fire department platoon employees), may be allowed for an absence by an employee. In cases of travel outside the Kodiak Archipelago, an additional two (2) consecutive days of non-accumulative paid leave, not to exceed 16 additional hours (or 21 additional hours for fire department platoon employees), may be allowed.

Non-accumulative paid leave may be combined with Section 1104.3 for additional death in the immediate family leave.

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 director no later than one hour before the start of the employee's 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 director 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) If an employee fails to provide the required notice of absence due to illness or injury, the employee will be on unauthorized leave status until the employee contacts the supervisor or department director with the required information. An employee who fails to report to work and does not contact the City for three consecutive days is considered to have resigned the job through "abandonment".

1106.2 Requesting Leave for Illness or Injury.

- (a) The City may require a certification from an employee's health care provider for an absence of five 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 on leave without pay. Leave without pay must be approved by the City Manager or Manager's designee.

1107 SICK LEAVE BANK

1107.1 Administration of Bank. The Sick Leave Bank shall be administered by the City Manager or designee. The Sick Leave Bank is an employee benefit intended to be used in cases of catastrophic or unusually lengthy illnesses.

1107.2 Enrollment and Mandatory Contributions. All regular classified employees who have completed at least three months of employment 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 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 January.

1107.3 Additional (Voluntary) Contributions. 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.

1107.4 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.

1107.5 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 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 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 when the employee will be able to return to work;
- (b) The date 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 the employee seeks from the Sick Leave Bank;

Upon verification of the information on the application, the City Manager will decide whether to grant the request.

1107.6 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 request is received.

1107.7 Maximum Withdrawal of Sick Leave Bank Days. In no event shall an employee be granted more than 18 weeks 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.

1107.8 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.

1107.9 Eligibility. Only employees enrolled in the Sick Leave Bank are entitled to sick leave from the Bank.

CHAPTER 12

HOLIDAYS WITH PAY

1201 RECOGNIZED CITY HOLIDAYS

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

- (a) January 1, New Year's Day
- (b) January (3rd Monday), Martin Luther King Jr.'s Birthday
- (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) November (4th Friday), day after Thanksgiving; and
- (l) December 25, Christmas Day

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).

1203 HOLIDAY DURING LEAVE

A recognized City holiday that occurs during an employee's paid leave shall not be counted as a day of leave.

1204 HOLIDAY IN RELATION TO LEAVE WITHOUT PAY

An employee shall not receive holiday pay for a holiday that occurs immediately preceding or immediately following a full working day of leave without pay.

1205 HOLIDAY PAY FOR REGULAR PART-TIME EMPLOYEES

Holiday pay for regular part-time employees shall be prorated, based on the number of hours the employee works per week in relation to the standard work week. Holiday hours for regular part-time employees will be rounded up to the nearest quarter of an hour where necessary (for example, an employee averaging 29 hours per week would be credited with 6 hours of holiday pay).

CHAPTER 13

SEPARATIONS

1301 NOTICE OF RESIGNATIONS AND RETIREMENTS

1301.1 Written Notice Required. To resign or retire in good standing, an employee must present a written resignation to their supervisor at least 14 calendar days before the resignation date, except that department and deputy directors (including lieutenants) must give at least one month's notice to the City Manager. This requirement may be waived, in writing, by the department director 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 due to unexpected military orders of the spouse, etc. A copy of the employee's resignation shall be forwarded to the City Manager as well as any waiver by the department director. The City Manager may investigate for the purpose of verifying the reason for such waiver.

1301.2 Failure to Give Adequate Notice. If the notice requirement is not waived, an employee's failure to give adequate notice may be considered in the event the employee later applies to be re-hired by the City. Such failure shall not, by itself, prevent the employee from being eligible for rehire.

1302 LAYOFFS

Examples of circumstances that may lead to layoffs are:

- (a) Abolition of a position or shortage of work or funds;
- (b) Completion of seasonal work for seasonal employees; or
- (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 director 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 director shall then recommend to the City Manager which employees should be released. Employee performance shall be the major factor in determining the order of layoffs; the second factor shall be 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 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 responsible for deciding which employees to layoff and the order of layoff. When an employee is laid off, the City shall give the employee two weeks' notice or severance pay not to exceed two weeks' pay.

1303 DISMISSAL WITHOUT PREJUDICE

A department director may recommend dismissing an employee without prejudice when the employee demonstrates a 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 2004), or whenever the employee fails to obtain, or loses, a certification or license that is required in order to perform the job. A dismissal without prejudice based on this Section 1303 is not a disciplinary action and is not considered a "for cause" dismissal that is subject to the procedural requirements of Section 1407. The City Manager has the sole authority to dismiss without prejudice.

1304 RETIREMENT

See Section 417.

CHAPTER 14

DISCIPLINARY ACTIONS

1401 KNOWLEDGE OF DISCIPLINARY ACTION REGULATIONS

All employees shall be informed of standards of performance and conduct, as well as the various provisions for discipline. All regular City employees shall receive a copy of the updated Personnel Rules and Regulations. A copy is always available in the Human Resource Manager's office and the City Clerk's office. All employees are deemed to have knowledge of the standards of performance and conduct, the Personnel Rules and Regulations, the employee's job duties, and these disciplinary procedures.

1402 DISCIPLINARY ACTION PROCEDURE

1402.1 Basis for Disciplinary Actions. Whenever possible, disciplinary actions shall be a progressive system to maximize the opportunity for employees to correct adverse, incorrect, or inappropriate conduct and performance. Disciplinary actions shall be taken whenever the City determines it is warranted and in the City's best interest. Disciplinary actions are not grievable. Examples of behaviors and actions warranting disciplinary actions include, but are not limited to, the following: 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 or which reflects negatively upon the employee's character, trustworthiness, or ability to continue serving the City effectively; reckless or willful damage to or loss of City property; violation of departmental rules of conduct or safety regulations; disrespectful conduct or use of profane, abusive, or threatening language toward coworkers or the public; sexual harassment or any violation of Addendum B; the use of racial or sexual slurs or innuendoes; unprofessional conduct; inappropriate use of City resources and employee's working time; falsification or misrepresentations on an employee's time sheets; malicious conduct directed towards a fellow employee; misconduct or neglect of duties or care that puts the safety of the employee or others at risk; and any other conduct that reasonably justifies the proposed form of discipline, up to and including dismissal.

1402.2 Progressive Discipline. When an employee's department director or supervisor determines disciplinary action is necessary for any employee, the department director 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 after consultation with the City Attorney.

1402.3 Review of Disciplinary Actions with Employee. The employee shall be given an opportunity to read Verbal Reprimands and Disciplinary Action Memoranda. These documents shall 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 Memoranda shall be revised 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 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). These reports shall be made on the Performance Evaluation Report form.

If it becomes necessary at any time to inform a regular employee of impending demotion or dismissal, 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.

1403 LEAVE PENDING INVESTIGATION OF POTENTIAL DISCIPLINARY ACTION

Any employee may be placed on Leave With Pay pending an investigation of any disciplinary matter. Designation of Leave Without Pay pending investigation shall not be considered a disciplinary action. If the City Manager determines, in his or her complete discretion, that a disciplinary investigation is likely to extend beyond 30 days, the employee may be placed on Leave Without Pay status pending the outcome of the investigation, provided that the employee is provided an opportunity to discuss and object to the proposed Leave Without Pay designation with the City Manager prior to such designation being made.

1404 SUSPENSION

1404.1 Suspension With or Without Pay. Upon approval of the City Manager, a department director may at any time suspend a regular employee without pay for cause for a period not to exceed 30 consecutive calendar days, subject to Section 1404.3. When an employee is behaving in an unsafe manner or creating an unsafe work environment, the department director may suspend the employee immediately, with pay, to maintain a safe working environment before consulting with the City Manager, and the department director shall inform and consult the City Manager as soon as the situation permits regarding this suspension.

1404.2 Criminal Prosecutions. Employees who are arrested or against whom charges are filed may, at the complete discretion of the City Manager and department director, be suspended from duty with or without pay pending final disposition of charges. An employee may face additional disciplinary action before or after the charges are finally disposed of if the City Manager determines that it is in the best interest of the City to do so.

1404.3 Hearing Prior to Suspension. No employee may be suspended without pay without first being provided the opportunity to participate in a pre-decisional hearing.

1404.4 Suspension to be Documented. 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 to the personnel file.

1405 DEMOTION FOR DISCIPLINARY REASONS

A department director may demote a regular employee for disciplinary reasons in accordance with other provisions of these regulations. Demotion is considered to be 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).

1406 DISMISSAL FOR DISCIPLINARY REASONS

A department director may recommend dismissing an employee for any just cause, including but not limited to documented inefficiency, failure to perform competently, insubordination, habitual tardiness, violations of the alcohol and drug policies or other provisions of these Personnel Rules and Regulations, or any other reason that the department director determines is in the best interest of the City. Such a recommendation shall be in writing and shall describe the facts and circumstances upon which it is based. The City Manager shall have the sole authority for 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 director.

1407 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) decides whether to dismiss an employee for disciplinary reasons, the employee shall be afforded an opportunity for a hearing on the matter.

1407.1 Notice to Employee. An employee considered for dismissal under this section shall be given a written statement that adequately informs the employee of the general facts and circumstances the City Manager (or City Clerk) believes may justify the employee's dismissal. The written statement shall (a) include a copy of the department director's written recommendation, if applicable, or provide a brief summary of the basis upon which dismissal is being considered; (b) notify the employee that dismissal for cause is under consideration; (c) notify the employee of the date, time, and place set for the pre-decisional hearing as provided below; and (d) inform the employee that if the employee declines or fails to attend the hearing, he or she will be deemed to have waived the right to a hearing and the City Manager will make a decision based on the information available.

1407.2 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 director 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 with an earlier date. The hearing shall be informal but shall be conducted in such a manner as to afford the employee a fair opportunity to respond to the reasons offered in support of the proposed disciplinary action. The sole purpose of the hearing shall be to provide the employee with an opportunity to be heard prior to a decision being made. The employee may dispute the facts upon which the proposed disciplinary action is based or may argue that a lesser disciplinary action is appropriate, and explain the basis therefore. 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 who have relevant knowledge or information, and offer other relevant evidence for the City Manager to consider. The hearing shall be recorded and the audio record kept for at least six months.
- (b) If the employee wishes to question another City employee who has relevant knowledge or information, the City Manager shall make best efforts to 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 proposed disciplinary action against the employee. The City Manager may, but is not required to, 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, state or federal law, or department rules and regulations pertaining to the dismissal under consideration, the employee shall specify the alleged violation with particularity no later than the close of the pre-decisional hearing. Failure to raise an issue of fact or law constitutes a waiver of the issue for all future purposes and proceedings.
- (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 and a disciplinary decision shall be made based on the information available.
- (e) After considering the information available and known to the City Manager as of the conclusion of the hearing, including any information and arguments presented at the pre-decisional hearing, the City Manager shall make a decision based on the information available. The decision shall include a determination whether just cause for disciplinary action exists and whether such disciplinary action is in the best interest of the City. If the decision is to dismiss, it shall specify an effective date, subject to the provisions below.

Confidential copies of the City Manager's determination shall immediately be provided to the employee, the City Attorney, City Insurance Provider, the Mayor, and the City Council.

1408 DEMOTION WITHOUT PREJUDICE

Demotion without prejudice is not a disciplinary action. With approval of the City Manager, a department director 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 necessary; or
- (b) Lack of work or funds leads to abolishing the position (when regular employees are laid off, the department director shall consider the advisability of demoting the employees to vacant positions at lower salary grades for which they are qualified).

CHAPTER 15

SAFETY AND HEALTH PROTECTION

1501 PURPOSE

- (a) The City abides by the State Division of Occupational Safety and Health regulations. Department directors are 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 directors will promote and encourage safety and health protection on the job.
- (b) A copy of applicable occupational, health, and safety regulations is available for review by any employee upon request.
- (c) Employees must use required Personal Protective Equipment to work in the conditions experienced in the course of their duties. Supervisors are responsible for determining safe and unsafe working conditions in accordance with Alaska Occupational Safety and Health statutes.

1502 SAFETY EQUIPMENT

The City supplies all safety equipment required by the Division of Occupational Safety and Health statutes to ensure job safety.

CHAPTER 16

FIRE DEPARTMENT SHIFT PERSONNEL

1601 PERSONNEL SHIFT ASSIGNMENTS

- (a) Fire Department employees assigned to the platoon system shall work a 24 hour shift schedule within a 28 day work period as determined by the Fire Chief. Within any 28 day work period the Fire Chief may designate as off-duty time any period a Fire Department shift employee otherwise would have spent on duty. The employee is not 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 working fewer than 212 hours during any given 28 day work period.
- (b) Employees on such a shift schedule, referred to herein as “the platoon system” shall be subject to this chapter.
- (c) Notwithstanding the other provisions of this Section 1601, the Fire Chief may change the shift schedule at any time to best suit the needs of the Department.

1602 STANDBY DUTY RESPONSIBILITY

Shift employees shall be subject to standby duty as determined by the Fire Chief. Such duty shall be assigned fairly and equitably.

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 40 hour work week. Leave shall be taken hour-for-hour in accordance with the employee's normally scheduled duty cycle.

1604 HOLIDAYS

- (a) Every employee subject to the platoon system shall be paid for 10.6 hours for each holiday.
- (b) Employees working normally scheduled shifts between the hours of 8:00 a.m. and midnight on a holiday shall receive their regular pay in addition to 10.6 hours holiday pay at the regular rate.

1605 WAGES FOR FIRE DEPARTMENT PLATOON SYSTEM WORKERS

- (a) Straight time shall be paid to employees who work up to 212 hours during a 28 day work period.
- (b) 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 28 day work period.

CHAPTER 17

EMPLOYEE ORGANIZATIONS

1701 EMPLOYEES' RIGHTS OF ASSOCIATION Repealed by Ord. 1383

1702 PUBLIC EMPLOYMENT RELATIONS ACT

1702.1 Recognition. The City recognizes the right of its public employees to organize for the purpose of collective bargaining, to form or join employee organizations, and to negotiate with and enter into written agreements with the City on matters of wages, hours, and other terms and conditions of employment.

1702.2 Adoption. The terms on which City employees may organize and on which the City and its employees will engage in collective bargaining shall be governed by the Public Employment Relations Act (AS 23.40.070-23.40.260) and the regulations promulgated by the Alaska Public Relations Agency pursuant to AS 23.05.380 or other authority granted by the Alaska legislature. The Alaska Labor Relations Agency is designated the administrative agency having jurisdiction to hear and decide questions affecting the employees of the City of Kodiak arising under the Public Employment Relations Act.

1703 STAFF MEETINGS

Department directors are encouraged to meet with their employees regularly to promote free and open communication of information relevant to employee concerns.

1704 APPLICABILITY OF THESE REGULATIONS

These Personnel Rules and Regulations (PR&R) shall apply to all employees unless the employee is covered by a Collective Bargaining Agreement (CBA) that conflicts with these PR&Rs, in which case the applicable Agreement controls. In any instance where a CBA is silent, these PR&Rs shall apply.

CHAPTER 18

FEDERALLY MANDATED ALCOHOL AND DRUG TESTING

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.

1802 INFORMATION AVAILABLE TO EMPLOYEES

Each affected employee and applicant shall receive a summary of federally-mandated alcohol and drug testing that is produced by the U.S. Department of Transportation, the federal agency responsible for administering mandatory alcohol and drug testing for commercial driver's license (CDL) holders and other safety sensitive positions that are subject to mandatory testing under Section 1801 and the laws referenced therein. The summary is not a substitute for the laws governing mandatory testing, but employees should review the summary and seek additional information from the Human Resources Manager if necessary. All employees shall acknowledge receipt of this information and shall be deemed to have knowledge of the policies and laws that apply to their position, regardless of whether such acknowledgement is received by the City.

CHAPTER 19

GENERAL ALCOHOL AND DRUG TESTING

1901 POLICY

Inasmuch as the improper use of drugs and the misuse of alcohol by employees can increase the risk of injuries, deaths and other losses to the City, its employees, and the community at large, the City of Kodiak is committed to providing a safe, effective and productive work environment for all employees. The unlawful use or possession of alcohol and drugs by any City employee is prohibited.

1902 AFFECTED INDIVIDUALS

1902.1 Reasonable Suspicion. Supervisors are responsible for monitoring employees for alcohol and drug use. If a supervisor has reasonable suspicion that any 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, communication, or odor, immediately before, while, or immediately after the employee is on duty, the employee shall be subject to the provisions for reasonable suspicion testing included in this chapter.

1902.2 Job Applicants Nominated for Hire. Any person who is offered regular, classified employment with the City shall be subject to the Pre-Employment testing provisions of this chapter. Each potential new hire shall complete and sign a pre-employment drug testing consent form.

1902.3 Employees Involved in an Accident While Operating a Motor Vehicle on City Business.

- (a) As soon as practicable following an occurrence involving a City-owned vehicle being driven by a City employee, the driver shall be tested for alcohol if:
 - (i) the accident involves the loss of human life; or
 - (ii) the employee driver
 - (A) receives a citation for a moving violation within 8 hours of the accident; and
 - (B) the accident involved (1) bodily injury to any person requiring medical treatment away from the scene of the accident, or (2) disabling damage to one or more motor vehicles.
- (b) As soon as practicable following an occurrence involving a City-owned vehicle being driven by a City employee, the driver shall be tested for prohibited drugs if:
 - (i) the accident involves the loss of human life; or
 - (ii) the employee driver
 - (A) receives a citation for a moving violation within 32 hours of the accident; and
 - (B) the accident involved (1) bodily injury to any person requiring medical treatment away from the scene of the accident, or (2) disabling damage to one or more motor vehicles.

1903 PROGRAM ADMINISTRATOR

The City Manager is responsible for the overall operation of this program as the Program Administrator.

1904 SELF-REFERRAL AND EMPLOYEE ASSISTANCE

1904.1 Self-Referral Before 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 the signed, written request for leave to their supervisor. This referral program is allowed once. Before 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 insurance benefits that may be available for participation in such a treatment program.

1904.2 Employee Assistance Program. The City of Kodiak offers an Employee Assistance Program (EAP) designed to assist employees and their family members 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.

1905 GENERAL PROHIBITIONS

1905.1 Prohibited Drugs. For the purposes of this policy, prohibited drugs include marijuana (THC), amphetamines, methamphetamine, opiates, cocaine, phencyclidine (PCP), and propoxyphene.

1905.2 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 after using alcohol or a prohibited drug, report for or remain on duty in any capacity. Employees are cautioned that refraining from drug or alcohol use for 4 hours before reporting for duty does not assure an acceptable blood alcohol level or a negative drug test.

1905.3 Employees Not to Use Alcohol Before 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.

1905.4 Employees May Not Refuse Test. No employee may refuse to submit to a lawfully required alcohol or drug 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.

1905.5 Possession of Alcohol and Drugs Prohibited. No employee shall possess or carry alcohol or prohibited drugs, including marijuana and marijuana-based products, in a City-owned motor vehicle or in a City office, shop, or other workplace. The only exception is for drugs that meet the requirements of Section 1905.7 below (*i.e.*, prescribed, approved as safe,

and the employee's immediate supervisor receives a copy of the employee's doctor's written certification).

1905.6 Prohibitions Specific to Alcohol.

- (a) Any employee with a blood alcohol level of 0.02% to 0.04% is prohibited from operating City-owned motor vehicles, 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 once the employee's blood alcohol level tests below 0.02%. 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 employee shall report for duty or remain on duty with a blood alcohol level of greater than 0.04%.

1905.7 Prohibitions Specific to Prohibited Drugs. No employee shall report for duty or remain on duty while any level of a prohibited drug is in their blood, breath, or urine unless:

- (a) the drug was medically prescribed by a state licensed medical doctor; and
- (b) the prescribing doctor has certified in writing, provided to the City, that use of the drug(s) will not adversely affect the employee's ability to perform the employee's job duties.

1906 TESTING

All affected individuals as identified in Section 1902 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.

1906.1 Pre-Employment Testing. Any person not already employed by the City who is offered regular, classified employment with the City shall be tested for drug use before hire. No applicant shall be hired unless the test result is negative (i.e., any offer of employment to a person not already employed by the City is a conditional offer of employment and shall be withdrawn or rescinded if the prospective employee refuses a test or 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.

1906.2 Reasonable Suspicion Testing. If a supervisor has reasonable suspicion that an employee is 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 odor, immediately before, during, or immediately after the employee has been on duty in any job, the supervisor shall;

- (a) immediately stop the employee's work;
- (b) complete the Supervisor Reasonable Suspicion Checklist;
- (c) 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 practical, the supervisor will arrange for the presence of a second supervisor during this notification to the employee.);
- (d) contact the program administrator to arrange for the employee to be tested; and
- (e) have the employee transported directly to and from the testing facility and driven home or, if the test is known to be negative, returned to the work site 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 shall complete a Reasonable Suspicion Checklist within 24 hours after the supervisor's initial determination that an employee appears to be under the influence of alcohol or drugs, or before the results of the test are released, whichever is earlier.

If the test does not occur within 2 hours after the supervisor's initial determination, the supervisor shall document the facts and circumstances giving rise to the delay, following the procedures specified below in Section 1907 Delays in Testing.

To ensure the safety of others, any employee who knows or suspects that another employee is under the influence of drugs or alcohol shall report this suspicion to the observing employee's supervisor immediately.

1906.3 Return-to-Duty Testing. An employee who engages in conduct prohibited by this chapter will be evaluated by a Substance Abuse Professional (SAP) to determine the assistance needed to resolve the problem. If the City plans to consider reinstating the employee, the SAP and the supervisor will develop a return-to-duty contract outlining specific objectives the employee must complete in order to be considered for reinstatement. Before reinstatement, the employee will be re-tested. This return-to-duty test must register below 0.02% for alcohol and negative for drugs. An employee who tests positive on a return-to-duty drug test or above 0.04% on a return-to-duty alcohol test required by this section shall be dismissed. An employee whose test result on a return-to-duty alcohol test is between 0.02% and 0.04% blood alcohol content may be subject to discharge.

1906.4 Follow-up Testing. An employee will receive at least six unannounced tests during the first 12 months after returning to duty following a positive test. Further testing may continue for up to 60 months, if recommended by the SAP. An employee who, after returning to duty following a positive test, tests positive on a follow-up drug or alcohol test required by this section shall be dismissed.

1906.5 Confirmation Testing. All positive drug and alcohol tests shall be verified via approved confirmation test methods, as required.

1906.6 Post-Accident Testing.

- (a) A driver who is subject to post-accident testing under section 1902.3 shall remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary

medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- (b) Supervisors shall comply with Section 1911 and shall provide employee drivers with necessary information, procedures, and instructions regarding post-accident testing requirements prior to the employee operating a City-owned vehicle so that employees will be able to comply with the requirements of this section.
- (c) The results of a test for the use of prohibited drugs or alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of section 1902.3, provided such tests conform to the applicable Federal, State or local alcohol testing requirements and that the results of the tests are obtained by the City.

1907 DELAYS IN TESTING

If a required test is not administered within two hours after notice of a reasonable suspicion or follow-up test, the supervisor, in cooperation with the administrator, shall document the reason the test was not administered within that time.

If a required alcohol test is not administered within eight hours, or a required drug test is not administered within 32 hours, the test in question shall not be conducted. The administrator shall document the reason(s) the test(s) were not conducted within the required time.

1908 TYPE OF TESTING REQUIRED

Drug testing is required for each of the above test types. Alcohol testing is also required for each test type, except Pre-Employment Testing. An original alcohol test reading below 0.04% excuses the employee from the alcohol testing requirement of the return-to-duty and follow-up tests.

1908.1 After-Hours Testing. If testing is needed outside normal hours of operation of the designated collection site, a supervisor or manager will be responsible for following the procedures established by the testing lab.

1908.2 Refusal to Be Tested. The City will treat a refusal to be tested as a positive test. Each of the following constitutes refusal to submit to testing:

- (a) Failure to provide adequate breath for testing without a valid medical excuse from a state-licensed medical doctor;
- (b) Failure to provide adequate urine for testing within a reasonable time without a valid medical explanation from a state-licensed medical doctor;
- (c) Failure to report on time, or to sign or initial testing documents, as required;
- (d) Refusal to be tested; or
- (e) Leaving the scene of an accident without a valid reason before tests are conducted.

An employee who refuses to make themselves available for, or to submit to, a drug or alcohol test mandated or authorized by these policies shall be dismissed.

1909 CONSEQUENCES OF A POSITIVE TEST OR PERFORMANCE OF A PROHIBITED ACT

The following table summarizes the consequences of an employee's positive drug or alcohol test or refusal to be tested under the specified circumstances.

Reason for Test	Positive Test Consequences	Refusal to Test Consequences
Pre-Employment	Not hired/transferred	Not hired/transferred
Reasonable Suspicion	Dismissed/rehabilitation*	Dismissed
Return-to-Duty	Dismissed	Dismissed
Follow-up	Dismissed	Dismissed
Post-Accident	Dismissed	Dismissed

*Indicates a potential opportunity for rehabilitation, subject to the limitations set out in this chapter.

1909.1 Immediate Removal from Duty. An employee who tests positive, refuses to be tested, or performs an act prohibited under this chapter will be removed from duty immediately. The employee will be placed on administrative leave pending determination of the appropriate discipline.

1909.2 Referral for Evaluation. An employee who tests positive (regardless of whether dismissed or retained) will receive a referral to a substance abuse professional (SAP) for evaluation.

1909.3 City's Option for Rehabilitation and Retention. The City may choose to work with the SAP to rehabilitate an employee who has tested positive or otherwise committed one or more acts prohibited by this policy, but the City is under no obligation to retain the employee, even if the rehabilitation is successful. Determination whether to retain the employee will depend on the employee's history of conduct and performance. An employee who participates in a rehabilitation plan approved by the SAP and Program Administrator may take leave in accordance with Section 1016.2(a) and (c) for the purpose of undergoing the approved dependency treatment program.

Other than any City Employee Assistance Program, no rehabilitation program or treatment services will be paid by the City for the purposes outlined in this section.

1909.4 Blood Alcohol Level Between 0.02% to 0.04%. An employee whose test results indicate a blood alcohol concentration of 0.02% to 0.04% shall be prohibited from driving a City-owned motor vehicle until the start of the employee's next regularly scheduled duty period, which shall not be less than 24 hours after the administration of the test. Other disciplinary actions may apply.

1910 TRAINING FOR SUPERVISORS

Every individual who is in the position of determining “reasonable suspicion” of alcohol misuse or drug abuse will receive a minimum 120 minutes of training (60 minutes alcohol related and 60 minutes drug related) within six months of his or her hire date, and approximately every two years thereafter. The training must cover the physical, behavioral, speech, and performance indicators of alcohol misuse and drug abuse. Supervisors shall sign a sheet acknowledging training.

1911 CONSENT AND TRAINING FOR AFFECTED EMPLOYEES

Before testing, employees and job applicants shall receive a copy of this policy. Employees shall sign forms acknowledging receipt of this policy and participation in any required training. Job applicants shall sign a testing consent form that includes acknowledgment that they understand the drug testing requirement.

1912 RECORD RETENTION AND REPORTING

1912.1 Security of Records. All records pertaining to employee and applicant drug and alcohol testing shall be maintained in a secure location, and access shall be controlled in the same manner as other confidential personnel records.

1912.2 Records Available to Future Employers. Records pertaining to an employee’s drug and alcohol testing will be made available to future employers upon written request by the employee.

1912.3 Employee's Right to Copies. Upon written request, employees will receive copies of the drug and alcohol records pertaining to them.

1912.4 Disclosure of Records in Lawsuit, Grievance, Etc. The City may disclose information pertaining to an employee that it is required to maintain under this policy to the decision-makers in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee.

CHAPTER 20

SPECIAL PROVISIONS

2001 EMPLOYEE DEVELOPMENT

2001.1 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 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 director that the proposed course is related to the employee's present duties, and that successful completion of the course will benefit both the City and employee. 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 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, the employee shall furnish the department director with evidence of successful completion and the amount of course fee. Upon approval of the City Manager, the reimbursed cost is made from funds available in the employee's department's budget. The City may also pay the tuition directly if all appropriate conditions in this section are met and the City Manager approves. The approval will include a stipulation that the employee will repay the cost of the course to the City if the course is not completed with a passing grade or notation. In the event of tuition reimbursement to staff identified in subsection 203.6 City Clerk, responsibility for approving the reimbursement shall be assumed by the City Clerk.

2001.2 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 attending training lasting seven or more training days (not including travel time) shall sign an agreement specifying the obligation for repayment of training in the event of separation from City employment within 12 months from date of course completion.

2002 GIFTS AND GRATUITIES

It shall be the responsibility of each City employee to remain free from indebtedness or favors that would tend to create a conflict of interest or the appearance of a conflict of interest between personal and official interests, or which might reasonably be interpreted as affecting the impartiality of the 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.

2003 OUTSIDE EMPLOYMENT

No employee shall engage in any 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 enforcing it.

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

- (a) Preparing financial reports subject to City audit or review;
- (b) For department or division directors, or comparable level positions, serving 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 in 2021;
- (c) Actively participating in management of any business organization that obtains, or is attempting to obtain, funds or business from the City; or
- (d) Other employment that could involve the use of data or information to which access is provided by City employment.

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

2004 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, the employee may be assigned to a different supervisor at the discretion of the department director. 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. An immediate family member is defined in the Definitions section of these Personnel Rules and Regulations.

2005 RELOCATION STIPEND FOR NEW EMPLOYEES

Whenever a newly hired employee is required to relocate for the purpose of accepting employment with the City, the employee may be eligible for a relocation stipend consistent with the conditions set forth in this subsection.

- (a) The employee must be appointed to a position or salary grade for which the City Manager certifies that such expenditure is necessary to recruit qualified employees.
- (b) The allowable employee relocation stipend amount is \$2,000. The allowable employee with family relocation stipend is \$4,000. The allowable relocation stipend for a newly hired employee at the department director level must be authorized by the City Manager and may not exceed \$7,500 unless the Council approves otherwise.
- (c) A new employee may not receive an advance relocation stipend. The relocation stipend will be processed through payroll and shall be subject to all required taxation.

2006 DRUG-FREE WORKPLACE

Repealed by Ord. 1054, 1997 (See Chapters 18 and 19.)

DEFINITIONS

ADMINISTRATIVE LEAVE. This leave is granted by the City Manager without the loss of sick leave, annual leave, combined personal leave or pay.

ALLOCATION. The original assignment of a position to the current classification plan.

ANNIVERSARY DATE. The date of an employee's hire or the effective date of promotion from one position to another consistent with the current classification plan and pay plan.

ANNUAL LEAVE. Paid leave that may be used for any purpose.

APPEAL. A request by an employee to a supervisor, department director, or the City Manager for reconsideration of a decision or ruling on a problem or situation.

APPLICANT. Any person who applies for any authorized vacant position.

APPOINTING AUTHORITY. The City Manager or City Clerk having the authority to appoint an individual to a position in the City service.

APPOINTMENT. The official act of designating a person to an authorized position after successful completion of an appropriate probationary period.

AUTHORIZED POSITION. A position which is funded and allocated to an appropriate and approved classification plan and pay plan.

BREAK IN SERVICE. Means any period of absence of an employee from work as a result of resignation, retirement, dismissal, suspension without pay, or leave without pay for more than 30 calendar days.

CALENDAR YEAR. Twelve month period beginning January 1 and ending December 31.

CDL/CMV EMPLOYEE. An employee whose job requires possession of a commercial driver's license or performance of a safety sensitive function on a commercial motor vehicle.

CENTRAL PERSONNEL FILES. Files maintained by the City Manager which contain complete personnel records of City employees.

CITY. City of Kodiak.

CITY COUNCIL. The governing body of the City of Kodiak.

CITY MANAGER. The chief administrative officer and head of the administrative branch of the City government who is directly responsible to the City Council for the proper administration of all affairs of the City or a person whom the City Manager designates to exercise the authority of the City Manager under the personnel rules and regulations.

CLASSIFICATION PLAN. A system of evaluating individual positions in an orderly system of bands and grades for pay determination purposes.

CLASSIFIED EMPLOYEES. Regular full-time, and regular part-time employees who are subject to the personnel rules and regulations.

CLASSIFIED SERVICE. All positions in the City service subject to appointing authority of the City Manager.

COMBINED PERSONAL LEAVE. Paid leave that may be used for the employee's personal use; i.e., days off, vacation, illness, appointments during regularly scheduled workdays, etc.

CONTINUOUS RECRUITMENT. Positions which are on continuing advertising status because of the number of vacancies.

DATE OF HIRE. The date on which a new employee is placed on the City payroll. See ANNIVERSARY DATE.

DEMOTION. The voluntary or involuntary assignment of an employee from one classification plan and pay plan to another with a lower pay range.

DEPARTMENT DIRECTOR. An employee with the designated responsibility for the operation of a City department.

DEPUTY CITY MANAGER. The deputy chief administrative officer who reports to the City Manager and assists in the proper administration of affairs of the City.

DISMISSAL. The involuntary dismissal of an employee from the City service by an appointing authority.

DISCIPLINARY ACTION. Imposition of certain personnel actions; e.g., written reprimand, suspension, demotion, dismissal, as a result of violation of departmental rules or regulations or of conduct detrimental to the City.

DRUG, PROHIBITED. For the purposes of this policy, prohibited drugs include marijuana (THC), amphetamines, methamphetamine, opiates, cocaine, and phencyclidine (PCP), and propoxyphene.

EMPLOYEE. Any person on the payroll of the City.

EXAMINATION. All tests that are applied to determine eligibility of applicants for positions in the City service.

FAMILY. See Immediate Family Member, below.

GRIEVANCE. A dispute involving the interpretation, application, or alleged violation of any section of the Personnel Rules and Regulations, except for disputes which are expressly excluded from the grievance procedure.

HOLIDAY. A holiday is the day designated as the holiday by the City, not necessarily the day on which the actual holiday falls.

IMMEDIATE FAMILY MEMBER. Persons related to an employee by blood or marriage, or legal adoption as follows: spouse, father, mother, grandfather, grandmother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any person for whose financial or physical care the employee is principally responsible.

LAYOFF. The involuntary dismissal of an employee because of the lack of work, lack of funds, or abolition of a position.

LEAVE OF ABSENCE. Time off from work for reasons within the scope and purpose of these rules and regulations upon prior approval of the employee's supervisor, department director, or City Manager.

LEAVE WITHOUT PAY. A break in service not covered by annual or sick leave for which the employee is not paid.

LENGTH OF SERVICE DATE. The date of original hire to City service, except as adjusted by regulations on leave without pay and time not worked between separation and reinstatement, or reappointment. This date is used for calculating annual, combined personal, and sick leave accrual, and retirement benefits.

LOCAL. For the purposes of possible hiring preference, local shall mean residing within the Kodiak Island Borough.

OPEN COMPETITIVE EXAMINATION. An examination which permits competition for a position, and is not restricted to persons currently employed in the City service.

OVERTIME. Time worked in excess of the City's regularly scheduled work day or week.

PART-TIME POSITION. A position requiring the services of a regular part-time employee for less than a regular work week on a continuous basis.

PAY PLAN. The salary schedules and pay matrices for all positions in the City service.

PAY RANGE MATRIX. The rates of pay established for each classification.

PAY RATE. The dollar amount within a pay grade paid to an employee for work performed. Does not include overtime or other financial benefits.

PERSONNEL ACTION. Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or other action affecting the status of employment.

POSITION. A group of specific duties, tasks and responsibilities assigned or delegated by the appointing authority to be performed by an employee. A position may be regular part-time or full-time, and in some cases temporary.

POSITION DESCRIPTION OR SPECIFICATION. A standard prescribed by the City Manager containing the position title, a statement of the nature of work indicating the duties and responsibilities, representative examples of work, and general minimum recruiting qualifications of an existing or proposed position.

PROBATIONARY EMPLOYEE. An employee hired in a regular full-time or part-time position who is serving a probationary period. Temporary employees do not serve probationary periods.

PROBATIONARY PERIOD. A working test period which is part of the examination process during which a regular full-time or part-time employee may demonstrate fitness and ability to perform the work of the position.

PROMOTION. A change in status of a classified employee from one classification grade and step identified in the classification plan to another classification grade and step with a higher maximum rate of pay.

REALLOCATION OR RECLASSIFICATION. A change in classification of a position by raising it to a higher classification grade or reducing it to a lower classification grade.

REGULAR CLASSIFIED EMPLOYEES. Regular full- and part-time employees.

REGULAR FULL-TIME EMPLOYEE. A regular employee who is employed for 40 hours in a regular work week on a continuous basis and is eligible for benefits.

REGULAR PART-TIME EMPLOYEE. A regular employee who is employed for less than the regular number of working hours on a continuous basis and is eligible for benefits.

REINSTATEMENTS. The return of an employee to a position previously occupied after layoff, military leave, or at any time after successful appeal of a suspension, demotion, or termination.

RESIGNATION. A voluntary action by an employee of terminating employment in the City service.

SEPARATION. The removal of an employee from the payroll for either voluntary or involuntary reasons, to include dismissal, resignation, layoff, retirement, or death.

SICK LEAVE. Paid leave that may be used only in the event of illness, injury, medical appointments during regular work hours, and death in the immediate family.

SUSPENSION. An enforced leave of absence, with or without pay, for disciplinary reasons or pending investigation of charges made against an employee.

TEMPORARY APPOINTMENT. An appointment for a period not to exceed six (6) months. Such hires are not eligible for benefits, do not serve probationary periods, do not have access to the grievance process, and may be terminated at any time.

TEMPORARY ASSIGNMENT. The temporary or acting assignment of an employee to perform the duties and responsibilities of a position other than the position regularly assigned.

TEMPORARY EMPLOYEE. An individual hired to work full-time or part-time on a seasonal, irregular basis, or who has been appointed for a limited period not to exceed six (6) months or 1,040 regular hours of employment in any given calendar year. A temporary employee is not eligible for employee benefits, does not serve a probationary period, is not eligible for benefits, does not have access to the grievance process, and may be terminated at any time.

TEMPORARY POSITION. A position authorized for a duration not to exceed six months.

TRANSFER. The lateral movement of an employee from one position to another in the same classification grade within the City service.

WORKDAY. The regularly scheduled workday.

WORK WEEK. The standard City workweek consisting of 40 hours in the period from midnight Sunday to the following midnight Sunday, except for those Fire Department employees subject to the platoon system.

Salary Schedule

Effective March 21, 2022 through June 30, 2023

STEP	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
GRADE															
A	\$18.00	\$18.45	\$18.91	\$19.38	\$19.87	\$20.37	\$20.87	\$21.40	\$21.93	\$22.48	\$22.93	\$23.39	\$23.86	\$24.33	\$24.82
B	\$21.75	\$22.29	\$22.85	\$23.42	\$24.01	\$24.61	\$25.22	\$25.85	\$26.50	\$27.16	\$27.71	\$28.26	\$28.83	\$29.40	\$29.99
C	\$22.00	\$22.55	\$23.11	\$23.69	\$24.28	\$24.89	\$25.51	\$26.15	\$26.80	\$27.47	\$28.02	\$28.58	\$29.16	\$29.74	\$30.33
D	\$23.00	\$23.58	\$24.16	\$24.77	\$25.39	\$26.02	\$26.67	\$27.34	\$28.02	\$28.72	\$29.30	\$29.88	\$30.48	\$31.09	\$31.71
E	\$24.00	\$24.60	\$25.22	\$25.85	\$26.49	\$27.15	\$27.83	\$28.53	\$29.24	\$29.97	\$30.57	\$31.18	\$31.81	\$32.44	\$33.09
F	\$24.25	\$24.86	\$25.48	\$26.11	\$26.77	\$27.44	\$28.12	\$28.83	\$29.55	\$30.28	\$30.89	\$31.51	\$32.14	\$32.78	\$33.44
G	\$25.00	\$25.63	\$26.27	\$26.92	\$27.60	\$28.29	\$28.99	\$29.72	\$30.46	\$31.22	\$31.85	\$32.48	\$33.13	\$33.80	\$34.47
H	\$25.25	\$25.88	\$26.53	\$27.19	\$27.87	\$28.57	\$29.28	\$30.01	\$30.76	\$31.53	\$32.16	\$32.81	\$33.46	\$34.13	\$34.82
I	\$26.25	\$26.91	\$27.58	\$28.27	\$28.98	\$29.70	\$30.44	\$31.20	\$31.98	\$32.78	\$33.44	\$34.11	\$34.79	\$35.48	\$36.19
J	\$26.50	\$27.16	\$27.84	\$28.54	\$29.25	\$29.98	\$30.73	\$31.50	\$32.29	\$33.09	\$33.76	\$34.43	\$35.12	\$35.82	\$36.54
K	\$27.00	\$27.68	\$28.37	\$29.08	\$29.80	\$30.55	\$31.31	\$32.09	\$32.90	\$33.72	\$34.39	\$35.08	\$35.78	\$36.50	\$37.23
L	\$27.50	\$28.19	\$28.89	\$29.61	\$30.35	\$31.11	\$31.89	\$32.69	\$33.51	\$34.34	\$35.03	\$35.73	\$36.45	\$37.17	\$37.92
M	\$28.00	\$28.70	\$29.42	\$30.15	\$30.91	\$31.68	\$32.47	\$33.28	\$34.12	\$34.97	\$35.67	\$36.38	\$37.11	\$37.85	\$38.61
N	\$29.00	\$29.73	\$30.47	\$31.23	\$32.01	\$32.81	\$33.63	\$34.47	\$35.33	\$36.22	\$36.94	\$37.68	\$38.43	\$39.20	\$39.99
O	\$29.25	\$29.98	\$30.73	\$31.50	\$32.29	\$33.09	\$33.92	\$34.77	\$35.64	\$36.53	\$37.26	\$38.01	\$38.77	\$39.54	\$40.33
P	\$29.50	\$30.24	\$30.99	\$31.77	\$32.56	\$33.38	\$34.21	\$35.07	\$35.94	\$36.84	\$37.58	\$38.33	\$39.10	\$39.88	\$40.68
Q	\$30.75	\$31.52	\$32.31	\$33.11	\$33.94	\$34.79	\$35.66	\$36.55	\$37.47	\$38.40	\$39.17	\$39.95	\$40.75	\$41.57	\$42.40
R	\$31.75	\$32.54	\$33.36	\$34.19	\$35.05	\$35.92	\$36.82	\$37.74	\$38.68	\$39.65	\$40.44	\$41.25	\$42.08	\$42.92	\$43.78
S	\$32.00	\$32.80	\$33.62	\$34.46	\$35.32	\$36.21	\$37.11	\$38.04	\$38.99	\$39.96	\$40.76	\$41.58	\$42.41	\$43.26	\$44.12
T	\$33.00	\$33.83	\$34.67	\$35.54	\$36.43	\$37.34	\$38.27	\$39.23	\$40.21	\$41.21	\$42.04	\$42.88	\$43.74	\$44.61	\$45.50
U	\$34.00	\$34.85	\$35.72	\$36.61	\$37.53	\$38.47	\$39.43	\$40.42	\$41.43	\$42.46	\$43.31	\$44.18	\$45.06	\$45.96	\$46.88
V	\$35.00	\$35.88	\$36.77	\$37.69	\$38.63	\$39.60	\$40.59	\$41.60	\$42.64	\$43.71	\$44.58	\$45.48	\$46.39	\$47.31	\$48.26
W	\$36.75	\$37.67	\$38.61	\$39.58	\$40.57	\$41.58	\$42.62	\$43.68	\$44.78	\$45.90	\$46.81	\$47.75	\$48.70	\$49.68	\$50.67
AA	\$40.00	\$41.00	\$42.03	\$43.08	\$44.15	\$45.26	\$46.39	\$47.55	\$48.74	\$49.95	\$50.95	\$51.97	\$53.01	\$54.07	\$55.15
BB	\$42.00	\$43.05	\$44.13	\$45.23	\$46.36	\$47.52	\$48.71	\$49.92	\$51.17	\$52.45	\$53.50	\$54.57	\$55.66	\$56.78	\$57.91
CC	\$46.00	\$47.15	\$48.33	\$49.54	\$50.78	\$52.04	\$53.35	\$54.68	\$56.05	\$57.45	\$58.60	\$59.77	\$60.96	\$62.18	\$63.43
DD	\$48.00	\$49.20	\$50.43	\$51.69	\$52.98	\$54.31	\$55.67	\$57.06	\$58.48	\$59.95	\$61.14	\$62.37	\$63.61	\$64.89	\$66.18
EE	\$50.75	\$52.02	\$53.32	\$54.65	\$56.02	\$57.42	\$58.85	\$60.33	\$61.83	\$63.38	\$64.65	\$65.94	\$67.26	\$68.60	\$69.98
FF	\$53.50	\$54.84	\$56.21	\$57.61	\$59.05	\$60.53	\$62.04	\$63.59	\$65.18	\$66.81	\$68.15	\$69.51	\$70.90	\$72.32	\$73.77
GG	\$56.00	\$57.40	\$58.84	\$60.31	\$61.81	\$63.36	\$64.94	\$66.57	\$68.23	\$69.94	\$71.34	\$72.76	\$74.22	\$75.70	\$77.22

Salary Schedule

Effective July 1, 2023 through June 30, 2024

STEP	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
GRADE															
A	\$18.27	\$18.73	\$19.19	\$19.67	\$20.17	\$20.67	\$21.19	\$21.72	\$22.26	\$22.82	\$23.27	\$23.74	\$24.21	\$24.70	\$25.19
B	\$22.08	\$22.63	\$23.19	\$23.77	\$24.37	\$24.98	\$25.60	\$26.24	\$26.90	\$27.57	\$28.12	\$28.68	\$29.26	\$29.84	\$30.44
C	\$22.33	\$22.89	\$23.46	\$24.05	\$24.65	\$25.26	\$25.90	\$26.54	\$27.21	\$27.89	\$28.44	\$29.01	\$29.59	\$30.19	\$30.79
D	\$23.35	\$23.93	\$24.53	\$25.14	\$25.77	\$26.41	\$27.07	\$27.75	\$28.44	\$29.15	\$29.74	\$30.33	\$30.94	\$31.56	\$32.19
E	\$24.36	\$24.97	\$25.59	\$26.23	\$26.89	\$27.56	\$28.25	\$28.96	\$29.68	\$30.42	\$31.03	\$31.65	\$32.28	\$32.93	\$33.59
F	\$24.61	\$25.23	\$25.86	\$26.51	\$27.17	\$27.85	\$28.54	\$29.26	\$29.99	\$30.74	\$31.35	\$31.98	\$32.62	\$33.27	\$33.94
G	\$25.38	\$26.01	\$26.66	\$27.33	\$28.01	\$28.71	\$29.43	\$30.16	\$30.92	\$31.69	\$32.32	\$32.97	\$33.63	\$34.30	\$34.99
H	\$25.63	\$26.27	\$26.93	\$27.60	\$28.29	\$29.00	\$29.72	\$30.46	\$31.23	\$32.01	\$32.65	\$33.30	\$33.97	\$34.65	\$35.34
I	\$26.64	\$27.31	\$27.99	\$28.69	\$29.41	\$30.14	\$30.90	\$31.67	\$32.46	\$33.27	\$33.94	\$34.62	\$35.31	\$36.02	\$36.74
J	\$26.90	\$27.57	\$28.26	\$28.97	\$29.69	\$30.43	\$31.19	\$31.97	\$32.77	\$33.59	\$34.26	\$34.95	\$35.65	\$36.36	\$37.09
K	\$27.41	\$28.09	\$28.79	\$29.51	\$30.25	\$31.01	\$31.78	\$32.58	\$33.39	\$34.23	\$34.91	\$35.61	\$36.32	\$37.05	\$37.79
L	\$27.91	\$28.61	\$29.33	\$30.06	\$30.81	\$31.58	\$32.37	\$33.18	\$34.01	\$34.86	\$35.56	\$36.27	\$36.99	\$37.73	\$38.49
M	\$28.42	\$29.13	\$29.86	\$30.61	\$31.37	\$32.15	\$32.96	\$33.78	\$34.63	\$35.49	\$36.20	\$36.93	\$37.67	\$38.42	\$39.19
N	\$29.44	\$30.17	\$30.93	\$31.70	\$32.49	\$33.30	\$34.14	\$34.99	\$35.86	\$36.76	\$37.50	\$38.25	\$39.01	\$39.79	\$40.59
O	\$29.69	\$30.43	\$31.19	\$31.97	\$32.77	\$33.59	\$34.43	\$35.29	\$36.17	\$37.08	\$37.82	\$38.58	\$39.35	\$40.13	\$40.94
P	\$29.94	\$30.69	\$31.46	\$32.24	\$33.05	\$33.88	\$34.72	\$35.59	\$36.48	\$37.39	\$38.14	\$38.90	\$39.68	\$40.48	\$41.29
Q	\$31.21	\$31.99	\$32.79	\$33.61	\$34.45	\$35.31	\$36.20	\$37.10	\$38.03	\$38.98	\$39.76	\$40.55	\$41.36	\$42.19	\$43.04
R	\$32.23	\$33.03	\$33.86	\$34.70	\$35.57	\$36.46	\$37.37	\$38.31	\$39.26	\$40.25	\$41.05	\$41.87	\$42.71	\$43.56	\$44.44
S	\$32.48	\$33.29	\$34.12	\$34.98	\$35.85	\$36.75	\$37.67	\$38.61	\$39.57	\$40.56	\$41.37	\$42.20	\$43.05	\$43.91	\$44.78
T	\$33.50	\$34.33	\$35.19	\$36.07	\$36.97	\$37.90	\$38.84	\$39.82	\$40.81	\$41.83	\$42.67	\$43.52	\$44.39	\$45.28	\$46.18
U	\$34.51	\$35.37	\$36.26	\$37.16	\$38.09	\$39.04	\$40.02	\$41.02	\$42.05	\$43.10	\$43.96	\$44.84	\$45.74	\$46.65	\$47.58
V	\$35.53	\$36.41	\$37.32	\$38.26	\$39.21	\$40.19	\$41.20	\$42.23	\$43.28	\$44.37	\$45.25	\$46.16	\$47.08	\$48.02	\$48.98
W	\$37.30	\$38.23	\$39.19	\$40.17	\$41.17	\$42.20	\$43.26	\$44.34	\$45.45	\$46.58	\$47.52	\$48.47	\$49.44	\$50.42	\$51.43
AA	\$40.60	\$41.62	\$42.66	\$43.72	\$44.81	\$45.94	\$47.08	\$48.26	\$49.47	\$50.70	\$51.72	\$52.75	\$53.81	\$54.88	\$55.98
BB	\$42.63	\$43.70	\$44.79	\$45.91	\$47.06	\$48.23	\$49.44	\$50.67	\$51.94	\$53.24	\$54.30	\$55.39	\$56.50	\$57.63	\$58.78
CC	\$46.69	\$47.86	\$49.05	\$50.28	\$51.54	\$52.83	\$54.15	\$55.50	\$56.89	\$58.31	\$59.48	\$60.67	\$61.88	\$63.12	\$64.38
DD	\$48.72	\$49.94	\$51.19	\$52.47	\$53.78	\$55.12	\$56.50	\$57.91	\$59.36	\$60.84	\$62.06	\$63.30	\$64.57	\$65.86	\$67.18
EE	\$51.51	\$52.80	\$54.12	\$55.47	\$56.86	\$58.28	\$59.74	\$61.23	\$62.76	\$64.33	\$65.62	\$66.93	\$68.27	\$69.63	\$71.03
FF	\$54.30	\$55.66	\$57.05	\$58.48	\$59.94	\$61.44	\$62.97	\$64.55	\$66.16	\$67.82	\$69.17	\$70.56	\$71.97	\$73.41	\$74.87
GG	\$56.84	\$58.26	\$59.72	\$61.21	\$62.74	\$64.31	\$65.92	\$67.56	\$69.25	\$70.99	\$72.41	\$73.85	\$75.33	\$76.84	\$78.37

Salary Schedule

Effective July 1, 2024

STEP	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
GRADE															
A	\$18.54	\$19.01	\$19.48	\$19.97	\$20.47	\$20.98	\$21.51	\$22.04	\$22.59	\$23.16	\$23.62	\$24.09	\$24.58	\$25.07	\$25.57
B	\$22.41	\$22.97	\$23.55	\$24.13	\$24.74	\$25.36	\$25.99	\$26.64	\$27.31	\$27.99	\$28.55	\$29.12	\$29.70	\$30.30	\$30.90
C	\$22.66	\$23.23	\$23.81	\$24.41	\$25.02	\$25.64	\$26.28	\$26.94	\$27.62	\$28.31	\$28.87	\$29.45	\$30.04	\$30.64	\$31.25
D	\$23.70	\$24.29	\$24.90	\$25.52	\$26.16	\$26.81	\$27.49	\$28.17	\$28.88	\$29.60	\$30.19	\$30.79	\$31.41	\$32.04	\$32.68
E	\$24.73	\$25.34	\$25.98	\$26.63	\$27.29	\$27.97	\$28.67	\$29.39	\$30.13	\$30.88	\$31.50	\$32.13	\$32.77	\$33.42	\$34.09
F	\$24.98	\$25.60	\$26.24	\$26.90	\$27.57	\$28.26	\$28.97	\$29.69	\$30.43	\$31.20	\$31.82	\$32.46	\$33.10	\$33.77	\$34.44
G	\$25.76	\$26.40	\$27.06	\$27.74	\$28.43	\$29.15	\$29.87	\$30.62	\$31.39	\$32.17	\$32.82	\$33.47	\$34.14	\$34.82	\$35.52
H	\$26.01	\$26.66	\$27.33	\$28.01	\$28.72	\$29.43	\$30.17	\$30.92	\$31.70	\$32.49	\$33.14	\$33.80	\$34.48	\$35.17	\$35.87
I	\$27.04	\$27.72	\$28.41	\$29.12	\$29.85	\$30.59	\$31.36	\$32.14	\$32.95	\$33.77	\$34.44	\$35.13	\$35.84	\$36.55	\$37.28
J	\$27.30	\$27.99	\$28.69	\$29.40	\$30.14	\$30.89	\$31.66	\$32.46	\$33.27	\$34.10	\$34.78	\$35.48	\$36.19	\$36.91	\$37.65
K	\$27.82	\$28.52	\$29.23	\$29.96	\$30.71	\$31.48	\$32.26	\$33.07	\$33.90	\$34.74	\$35.44	\$36.15	\$36.87	\$37.61	\$38.36
L	\$28.33	\$29.04	\$29.76	\$30.51	\$31.27	\$32.05	\$32.85	\$33.67	\$34.52	\$35.38	\$36.09	\$36.81	\$37.54	\$38.29	\$39.06
M	\$28.85	\$29.57	\$30.31	\$31.06	\$31.84	\$32.64	\$33.45	\$34.29	\$35.15	\$36.03	\$36.75	\$37.48	\$38.23	\$38.99	\$39.77
N	\$29.88	\$30.63	\$31.39	\$32.18	\$32.98	\$33.81	\$34.65	\$35.52	\$36.41	\$37.32	\$38.06	\$38.83	\$39.60	\$40.39	\$41.20
O	\$30.14	\$30.89	\$31.66	\$32.45	\$33.26	\$34.10	\$34.95	\$35.82	\$36.72	\$37.63	\$38.39	\$39.16	\$39.94	\$40.74	\$41.55
P	\$30.39	\$31.15	\$31.93	\$32.73	\$33.54	\$34.38	\$35.24	\$36.12	\$37.03	\$37.95	\$38.71	\$39.49	\$40.27	\$41.08	\$41.90
Q	\$31.68	\$32.47	\$33.28	\$34.11	\$34.97	\$35.84	\$36.74	\$37.66	\$38.60	\$39.56	\$40.35	\$41.16	\$41.98	\$42.82	\$43.68
R	\$32.71	\$33.53	\$34.37	\$35.23	\$36.11	\$37.01	\$37.94	\$38.89	\$39.86	\$40.85	\$41.67	\$42.51	\$43.36	\$44.22	\$45.11
S	\$32.97	\$33.79	\$34.64	\$35.50	\$36.39	\$37.30	\$38.23	\$39.19	\$40.17	\$41.17	\$41.99	\$42.83	\$43.69	\$44.57	\$45.46
T	\$34.00	\$34.85	\$35.72	\$36.62	\$37.53	\$38.47	\$39.43	\$40.42	\$41.43	\$42.46	\$43.31	\$44.18	\$45.06	\$45.96	\$46.88
U	\$35.03	\$35.90	\$36.80	\$37.72	\$38.66	\$39.63	\$40.62	\$41.64	\$42.68	\$43.74	\$44.62	\$45.51	\$46.42	\$47.35	\$48.30
V	\$36.06	\$36.96	\$37.89	\$38.84	\$39.81	\$40.80	\$41.82	\$42.87	\$43.94	\$45.04	\$45.94	\$46.86	\$47.79	\$48.75	\$49.73
W	\$37.86	\$38.81	\$39.78	\$40.77	\$41.79	\$42.83	\$43.91	\$45.00	\$46.13	\$47.28	\$48.23	\$49.19	\$50.18	\$51.18	\$52.20
AA	\$41.21	\$42.24	\$43.30	\$44.38	\$45.49	\$46.62	\$47.79	\$48.98	\$50.21	\$51.46	\$52.49	\$53.54	\$54.61	\$55.71	\$56.82
BB	\$43.27	\$44.35	\$45.46	\$46.60	\$47.76	\$48.96	\$50.18	\$51.43	\$52.72	\$54.04	\$55.12	\$56.22	\$57.35	\$58.49	\$59.66
CC	\$47.39	\$48.58	\$49.79	\$51.03	\$52.31	\$53.62	\$54.96	\$56.33	\$57.74	\$59.18	\$60.37	\$61.58	\$62.81	\$64.06	\$65.34
DD	\$49.45	\$50.69	\$51.95	\$53.25	\$54.58	\$55.95	\$57.35	\$58.78	\$60.25	\$61.76	\$62.99	\$64.25	\$65.54	\$66.85	\$68.19
EE	\$52.28	\$53.59	\$54.93	\$56.30	\$57.71	\$59.15	\$60.63	\$62.15	\$63.70	\$65.29	\$66.60	\$67.93	\$69.29	\$70.68	\$72.09
FF	\$55.11	\$56.49	\$57.90	\$59.35	\$60.84	\$62.36	\$63.92	\$65.51	\$67.15	\$68.83	\$70.21	\$71.61	\$73.04	\$74.50	\$75.99
GG	\$57.69	\$59.13	\$60.61	\$62.13	\$63.68	\$65.27	\$66.91	\$68.58	\$70.29	\$72.05	\$73.49	\$74.96	\$76.46	\$77.99	\$79.55

TEMPORARY POSITION	HOURLY RATE
Lifeguard	\$15.50
Maintenance Assistant	\$16.75
Recreation Assistant	\$15.50
Student Library Assistant	\$15.50

Table of Ordinances

The City of Kodiak Personnel Rules and Regulations (PR&R) are derived from the original "Personnel Regulations" established with Ordinance No. 352 in 1971, rescinded and re-enacted with Ordinance No. 472 in 1976, again rescinded and re-enacted with Ordinance No. 734 in 1984, and subsequently amended.

The following ordinances relating to the City of Kodiak Personnel Rules and Regulations (PR&R) have been considered by the Kodiak City Council.

• **"Personnel Regulations," 1971 edition:**

352 377 423 427

• **"Personnel Regulations," 1976 edition:**

472 485 504 511 515 517 525 526 530 (*failed*) 542
 543 544 545 546 (*failed*) 547 (*failed*) 550 (*failed*) 555 560
 561 569 570 572 574 (*tabled*) 577 580 (*failed*) 581 583 (*failed*)
 585 587 592 (*failed*) 594 600 (*failed*) 612 614 615 616
 617 627 628 638 641 643 644 645 (*tabled*) 646 647
 658 670 683 688 690 701 707 724

• **"Personnel Rules and Regulations," 1984 and beyond editions:**

Ord.	Effective	Description
734	10/13/84	Rescission and re-adoption of Personnel Rules and Regulations
759	4/27/85	Amends class titles and pay ranges
764	7/13/85	Overtime exemption and uniforms provided
773	9/5/85	Fire Department 24-hour shift personnel
793		<i>Vetoed</i>
804	12/28/87	Hours of work; Fire Dept. platoon system; pay scale for platoon system
805		<i>Failed</i>
834	6/25/88	Job announcements; demotions; employee organizations
835	5/28/88	Amends class titles and pay ranges; adds job descriptions (Public Works and Fire Departments)
844	8/27/88	Adds listing, pay range, job description for Assistant City Engineer
869	9/23/89	Overtime; establishment of Sick Leave Bank
870		<i>Failed</i>
893	1/26/91	Workers' Compensation Leave
900	3/16/91	Amends class titles and pay ranges; adds job descriptions (Library, Parks and Recreation, and Public Works Departments)
905	3/30/91	Amends class titles and pay ranges; adds job descriptions (Administrative, Fire, Port and Harbor, and Public Safety Departments)
909	5/16/91	Tuition and training costs reimbursement
911		<i>Failed</i>
916	7/27/91	Amends class titles and pay ranges; adds job descriptions (Engineering Department)
923		<i>Failed</i>

931	3/28/92	Repeals intradepartmental standards; amends lead worker duties; establishes two-tier insurance program; corrects math errors for sick leave; holiday while on leave without pay; drug-free workplace
953	2/27/93	Minimum leave usage; workers' compensation leave
973	9/25/93	Conformance with Family Leave Act
978	12/30/93	Amends class titles and pay ranges
981	1/7/94	Adds listing, pay range, job description for Humane Officer
982		<i>Failed</i>
1008	3/25/95	Rescinds lead worker, clothing allowance, and part-time employee health insurance provisions; amends probationary period and grievance procedure; establishes Combined Personal Leave program; donation of leave; holiday pay for part-time employees; appeal of involuntary separation; amends tuition reimbursement
1013	7/21/95	Amends schedules of pay ranges
1024	7/1/96	Effective date of pay increases; leave cash-in; workers' compensation leave exception to change of anniversary date; use of birthday holiday
1033	8/24/96	Amends special merit increase for EMT III training
1038	11/24/96	Adopts salary compensation plan
1042	1/11/97	Rescinds double-time provisions
1048		<i>Postponed indefinitely</i>
1054	7/25/97	Establishes Chapters 18, Federally Mandated Alcohol and Drug Testing Policy, and 19, General Alcohol and Drug Testing Policy
1058	2/28/98	Rescission of Combined Personal Leave program, terminal leave, retirement leave, excess leave conversion to sick leave; computation of leave by pay period rather than by month; rescission of maximum leave accrual; establishes maximum leave cash-in; rescission of minimum annual leave usage
1061	3/28/98	Amends timing of merit step payroll increases; excludes training from overtime; clarifies positions exempt from overtime pay; eliminates two-tier system of health insurance benefits and establishes City contribution for health insurance; expands application of effective dates of changes in pay; amends maximum leave cash-in for platoon system employees
1082	11/7/98	Establishes provisions for 12-hour shifts
1088	4/10/99	Increase City contribution for health insurance benefits
1090	4/24/99	Deputy City Clerk position responsible directly to City Clerk
1094	7/1/99	Amends classification and salary grades
1098	9/25/99	Amends health insurance rates; clarifies merit step increases; amends grievance procedure; combines military leave, jury and witness leave, and training into Administrative Leave; establishes a flexible system of repayment for tuition and other training costs; clarifies language; changes job titles, as requested by department heads; updates the salary schedules to include a 2% increase
1108	2/26/00	Amends Firefighter classifications and salary grades
1110	3/11/00	Amends Engineer classifications and salary grades
1112	5/27/00	Adds Martin Luther King Jr.'s Birthday as a recognized holiday; amends administrative leave for military service and jury or witness duty
1116	7/29/00	Amends Treatment Plant Operator classifications and salary grades

- 1117 8/26/00 Amends Group Health Insurance rates, adds Information Systems Administrator to Schedule I at Salary Grade 25, increases Salary Schedules II and III by 2%, retroactive to 6/26/00
- 1119 10/14/00 Eliminates Harbor Accounting Clerk position and adds another Harbor Administrative Secretary position, and increases the Deputy Clerk salary grade from 19 to 20
- 1124 12/16/00 Amends Fire Marshal title to Fire Marshal/Deputy Chief, increases salary grade from 26 to 27; increases Harbormaster salary grade from 30 to 32
- 1130 9/8/01 Amends 419.2 Group Health Insurance by approving the premiums for regular, full-time employees through the budget process, thereby eliminating the need for an additional ordinance each time the rates change
- 1149 8/10/02 Amends Schedule I Classifications and Salary Grades; reorganizes the positions according to department; eliminates, adds, or re-titles positions; decreases and increases certain salary grades
- 1159 8/4/03 Reaffirms adoption of an amended salary compensation plan and amends Schedules I, (Manager, Senior Eng. Technician, Eng. Technician, Fire Chief, Deputy Fire Chief, Information Systems Administrator, Chief of Police, Deputy Chief of Police, Corrections Corporal, Community Services Officer, Communications Officer, Corrections Officer, and Humane Officer) and amends Schedules II and III
- 1230 11/30/07 Reaffirms the adoption of a salary compensation plan and amends Schedules II and III
- 1268(SUB) 2/28/13 Amends KCC 2.08 and PRR 3.04 and Schedule I by detaching Clerk from the salary schedule, changing the Administrative Assistant title to Assistant Clerk, and providing for a Deputy Clerk II classification at Salary Grade 27 or Deputy Clerk I at Salary Grade 24
- 1275 7/30/10 Amends 304.6 Position Review by requiring position evaluation review results, when a salary grade change is recommended, be made part of the public record when the recommendation is submitted to the Council. Clarifies language in 412 Overtime and 412.1 Overtime Pay; deletes 412.3 Double Time and 412.4 Non-Regular Hours Worked by Personnel Excluded From Overtime. Deletes previously repealed sections: 413, 414, and 417 and renumbers 413, 414, and 415 through 418 respectively. Amends 1006 to read Maximum Carry-Over of Accrued Leave and specifies the amount of accrued unused leave that can be carried over from one calendar year to the next and provides that employees shall be paid for excess accrued leave hours. Renumbers 1101 to read Purpose of Sick Leave and 1102 to read Sick Leave Accrual and clarifies language in those sections. Amends and clarifies language in 1103 Use of Leave During Probationary Period, 1104, Use of Sick Leave, 1105 Reporting and Requesting Leave for Illness or Injury, and 1106 Abuse of Leave for Illness or Injury

1307	6/1/13	Amends Chapters 1, 2, 3, 4, 6, and 7 of the City Personnel Rules and Regulations, amends the definitions in the Personnel Rules and Regulations, and adopts new Schedules I, II and III to adopt a new pay plan, and amends administration of the Personnel Rules and Regulations, position classification, pay plan administration, probationary and temporary employment, and performance evaluation and discipline
1322	10/3/2014	Enacts Kodiak city code 2.08.065, deputy city manager—appointment, powers and duties; amends chapters 2, 4, and 10 of the city personnel rules and regulations; amends the definitions in the city personnel rules and regulations; and adopts new schedules i and ii to the personnel rules and regulations; to provide for the appointment, duties and compensation of a deputy city manager
1353	7/15/16	Amends Schedules I, II, and III to the Personnel Rules and Regulations to Include a 2.38% Cost of Living Increase
1357	10/13/16	Amends Section 1702, lifting the PERA exemption and providing for collective bargaining
1383	1/19/2019	Amends 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; amends the definitions in the city personnel rules and regulations; and amends Kodiak City Code 2.08.065 deputy city manager-appointment, powers, and duties
1387	7/25/19	Replaces the Existing Addendum B, Sexual Harassment and Anti-Harassment Policy in the City Personnel Rules and Regulations with a New Addendum B, Non-Discrimination, Anti-Harassment and Equal Opportunity Policy
1426	2/10/22	Adopting an Updated and Revised Version of the City Personnel Rules and Regulations

Addendum A to PR&R

POSITION	GRADE
Library Assistant	A
Administrative Assistant	B
Firefighter/EMT I	C
Harbor Officer	C
Administrative Specialist	D
Firefighter/EMT II	D
Library Technician	D
Maintenance Technician	D
WWTP Operator in Training	D
Deputy Clerk I	E
Firefighter/EMT III	E
Senior Harbor Officer	E
Fiscal Specialist	F
Police Service Specialist	F
Public Safety Dispatcher	G
Recreation Coordinator	G
WWTP Operator I	G
Corrections Officer	H
Corrections Corporal	I
IT Technician	I
Lead Public Safety Dispatcher	I
Library Specialist	I
Maintenance Specialist	I
Fiscal Specialist - Harbor	J
Deputy Clerk II	K
Fleet Mechanic	K
Equipment Operator	L
Maintenance Specialist/Equipment Operator	L
WWTP Operator II	L
Heavy Fleet Mechanic	M
Fire Captain	N
Public Safety Dispatcher Supervisor	N
W/WW Treatment Specialist	N
WW Treatment/Compost Specialist	N
Corrections Sergeant	O
Police Officer	P
WWTP Operator III	Q
Deputy Building Official	R
Fiscal Analyst	S
Deputy Clerk III	T
Police Detective	T
Fleet Mechanic Supervisor	U
IT Administrator	U
Senior Fiscal Analyst	U
Police Sergeant	V
Building Official	W
Deputy Fire Chief	W
Deputy Harbormaster	W
HR Manager	W
Lieutenant	W
Maintenance Manager	W
WWTP Manager	W
Library Director	AA
Parks and Recreation Director	BB
Fire Chief	CC
Harbormaster	CC
Police Chief	DD
Public Works Director	DD
Engineer	EE
Finance Director	FF
Deputy City Manager	GG

**NON-DISCRIMINATION, ANTI-HARASSMENT,
AND EQUAL EMPLOYMENT POLICY**

The following sets forth the City of Kodiak's policy of non-discrimination, anti-harassment and equal employment.

All City employees are responsible for complying with this policy, for maintaining a high level of professional conduct in the workplace, and for treating others with respect and fairness. An employee who violates this policy may be subject to disciplinary action, up to and including dismissal.

EQUAL EMPLOYMENT OPPORTUNITIES

The City of Kodiak is committed to the principle of equal employment opportunities being available to everyone. Specifically, all employees will be afforded equal consideration for hiring, promotions, transfers, reassignments, employee benefits, and all other aspects of employment related activities. These decisions will be based on merit principles of qualifications and performance without regard to age, race, sex, religion, marital status, changes in marital status, pregnancy, parenthood, color, national origin, genetic information, veteran status, physical or mental disability or any other protected class.

DISCRIMINATION

The City strictly prohibits and does not tolerate discrimination of any kind, including harassment, against employees and applicants on the basis of age, race, sex, religion, marital status, changes in marital status, pregnancy, parenthood, color, national origin, genetic information, veteran status, physical or mental disability or any other protected class. This policy also prohibits discrimination against employees and applicants who are perceived to have any of the characteristics listed above or who associate with persons who have any of these characteristics. This policy applies to all employment practices and actions, including, but not limited to, recruitment, hiring, transfer and reassignment, training, discipline, compensation, promotion, dismissal, and any other term or condition of employment.

HARASSMENT

It is the City's policy that harassment relating to an employee's age, race, sex, religion, marital status, changes in marital status, pregnancy, parenthood, color, national origin, genetic information, veteran status, physical or mental disability or any other protected class or an affiliation with any other protected class is a violation of policy.

The City intends to provide a respectful work environment free from intimidation, hostility, or other conduct which might interfere with work performance.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of policy:

- Verbal harassment may include offensive, unwanted or unwelcome comments, slurs, jokes, or innuendoes regarding a person's national origin, race, color, religion, gender, gender identity, sexual orientation, age, body, disability or appearance.
- Nonverbal harassment may include the distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of age, race, sex, religion, marital status, changes in marital status, pregnancy, parenthood, color, national origin, genetic information, veteran status, physical or mental disability or any other protected class.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment.

SEXUAL HARASSMENT

In addition to prohibiting other forms of harassment, the City maintains a strict policy prohibiting sexual harassment. All such harassment is unlawful and will not be tolerated. The City is committed to taking all reasonable steps to prevent sexual harassment from occurring.

Federal and state laws define sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

The above definition includes many forms of offensive behavior. The following is a non-exclusive list of conduct that may constitute harassment:

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact that would be considered unacceptable by a reasonable individual.
- Verbal or written abuse, making jokes or comments of a sexual nature that would be considered unacceptable by a reasonable individual. This includes verbal, written, or electronically communicated comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless,

sexually oriented comments, innuendos, or actions that offend others. The harassment policy applies to employees' text messages, emails, social media posts, tweets, etc., that are directed to, about, or may be seen by other employees, customers, etc.

- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job or any term or condition of employment.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. The harasser can be the victim's supervisor, a supervisor in another area, a coworker, or someone who is not an employee of the City, such as a contractor.

REPORTING VIOLATIONS

The City of Kodiak strongly encourages employees to promptly report incidents of discrimination, harassment and retaliation. If you believe that you have been discriminated against or harassed, or if you witness someone discriminating against or harassing another person(s), you should promptly report such conduct to your immediate supervisor, manager, Human Resource Manager or Department Head. If your immediate supervisor, manager, Human Resource Manager, or Department Head is the subject of the complaint, or if you feel uncomfortable reporting within your chain of command or to the Human Resource Manager, the complaint should be reported to any supervisor, manager, Department Head or to the City Manager. Employees are encouraged to report incidents of discrimination, harassment and retaliation in writing, but may also report incidents verbally. Employees may also contact the Alaska State Commission for Human Rights or the Equal Employment Opportunity Commission.

DISCRIMINATION & HARASSMENT INVESTIGATION PROCEDURES

The City is committed to providing a prompt, thorough and impartial investigation of any claim of unlawful harassment or discriminatory treatment and administering appropriate corrective action. Appropriate remedies will be made available for any victim of harassment. Supervisors and/or the Human Resource Manager will use the following guidelines when receiving an allegation of harassment or discriminatory treatment:

Step 1: When an employee comes forward with a workplace complaint, supervisors should inform the employee that the City cannot guarantee complete confidentiality due to the need to conduct an effective investigation, which may require revealing certain information to the alleged violator and potential witnesses. Confidentiality of the information received, the privacy of the individuals involved, and the wishes of the employee will be protected to as great a degree as possible. The expressed wishes of the employee for confidentiality will be considered in the context of the City's obligation to act on the harassment allegations.

Step 2: The supervisor must notify his or her supervisor and the Human Resource Manager about the allegations (assuming the allegations do not involve the supervisor).

Step 3: If the nature of the allegations warrants a simple intervention, the supervisor will consult with the Human Resource Manager and the course of action may be to handle the matter informally. The supervisor and/or Human Resource Manager may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 4: If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. Typically, the investigator will obtain the following description of the incident(s), including date(s), time(s) and place(s):

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

Step 5: In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations, and the alleged violator will have the opportunity to answer questions and respond to the allegations. The alleged policy violator will be informed that retaliation is prohibited and that retaliating may result in disciplinary action up to and including dismissal. The individual conducting the investigation will follow any other applicable policies or laws in the investigatory process.

Step 6: After investigation and consultation with the appropriate personnel, a decision will be made regarding whether disciplinary action will be taken.

Step 7: The alleged violator and complainant will be advised of the findings and conclusions as soon as practical. Any employee who submits in bad faith a false claim of harassment will be subject to disciplinary action up to and including dismissal.

RETALIATION

The City will not knowingly permit any retaliation against any employee who complains of discrimination or harassment or who participates in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or other mistreatment towards an employee based on his or her decision to oppose or report harassment or another discriminatory practice.

Any report of retaliation by the person accused of harassment or by coworkers, supervisor/manager, will also be promptly, thoroughly and impartially investigated in accordance

with the investigation procedure outlined above. If a complaint of retaliation is substantiated, the City will take appropriate disciplinary action, up to and including dismissal.

For more information, contact your immediate supervisor or the City's Human Resource Manager. You may also contact the Alaska State Commission for Human Rights or the Equal Employment Opportunity Commission.

EQUAL ACCESS TO THE WORKPLACE

It is the City's policy to reasonably accommodate individuals with disabilities and individuals with religious beliefs or practices where the accommodation does not pose an undue hardship to the City or to fellow employees. The City commits to providing a qualified applicant with a disability a reasonable accommodation to ensure the person has an equal opportunity to compete for a job. Additionally, the City will provide a qualified employee with a disability a reasonable accommodation to enjoy equal access to the benefits and privileges of employment, to perform the essential function of the job, and/or to gain access to the workplace. Essential functions are the basic job duties that an employee must be able to perform.

Definition of a disability:

An individual with a disability is a person who:

1. Has a physical or mental impairment that substantially limits one or more major life activity; or
2. Has a condition that may require the use of a prosthesis, special equipment for mobility, or a service animal; or
3. Has a record of such an impairment; or
4. Is regarded as having such an impairment.

Definition of a religious belief:

Religious beliefs are those associated both with known, established religions, as well as those that are new, uncommon, and not part of a formal church or sect. All aspects of religious belief and observance that are sincerely held will be considered as part of this policy.

Definition of a service animal:

A service animal is a dog, or in some cases another animal, that has been trained to perform tasks or do work for the benefit of a person with a disability. A service animal may also be any animal that alerts a person with a disability to the present impairment of a vital function which is a condition of the individual's disability, and whose ability to alert is verified in writing by a licensed health care provider who has conducted a physical examination of the individual in person. The tasks or work the animal does must be directly related to the person's disability, such as alerting

the handler of a seizure or reminding handlers to take necessary medication. A comfort or support animal is not considered a service animal under the Americans with Disabilities Act (ADA).

ACCOMMODATION PROCEDURES

The City will use the following guidelines when an employee or applicant requests an accommodation based on a disability (including the use of a service animal) or religious belief or practice:

Step 1: The individual should make such a request to his or her supervisor or to the Human Resource Manager, who will then promptly engage in the interactive process to clarify the needs of the person making the request. Although employees are strongly encouraged to submit their requests in writing, they are not required to do so.

Step 2: An employee should clearly communicate to his or her supervisor or to the Human Resource Manager that the employee believes he or she needs a reasonable accommodation. Any such request shall initiate an interactive process by which the employee and the City will determine whether a reasonable accommodation is required and appropriate to allow the employee to carry out the essential functions of his or her job. The interactive process may require that the person requesting the accommodation submit medical documentation to allow the City to ascertain that the disability is protected by law, whether the disability requires an accommodation, and if so, what reasonable accommodation would be most appropriate consistent with the City's legitimate business needs. Any medical information received as part of an accommodation request or during the accommodation process will be kept confidential and in a separate medical file. The nature of the disability and requested accommodation will be kept as confidential as possible under the circumstances. However, the City may need to discuss potential or proposed accommodations with others in order to evaluate the potential impact of the request on other employees or the workplace in general, as well as the specifics of the implementation of the request.

A request to use a service animal will be evaluated just like any other request for an accommodation. Employees and the City will engage in the interactive process to determine whether the presence of the animal is a reasonable accommodation. The City may request information explaining how the service animal's presence will relate to the employee's ability to perform the duties of the job and will discuss potential options for effective accommodations. Service animals may be excluded from the workplace if they pose either an undue hardship or a direct threat in the workplace.

Step 3: If it is determined that the request should be denied, this decision will be explained to the person requesting the accommodation. The City will continue the interactive process with the employee or applicant and explore an alternative request for accommodation if the person making the request desires to do so.

Step 4: If it is determined the request is reasonable and will not impose an undue hardship, the City will provide the accommodation in a timely fashion, will not retaliate against an individual

for requesting an accommodation, and will not knowingly tolerate or permit retaliation against an employee or applicant requesting an accommodation by management, employees, or coworkers.

The following is a non-exhaustive list of accommodations that may be considered reasonable, depending on the circumstances:

- Granting breaks or providing a leave of absence
- Altering how, where, or when job duties are performed
- Removing and/or substituting a nonessential or marginal job function
- Providing assistive technology, including information technology and communication equipment, specially designed furniture, or modified tools
- Modification of work schedules
- Allowing for religious dress and grooming practices, such as religious clothing or hairstyles
- Allowing time for prayer during a work day and/or the ability to attend religious events or observe a religious holiday

Examples of accommodations that are not considered reasonable:

- Job assignments outside of an employee's seniority
- Indefinite leaves of absence
- Creating a different position for the employee to fill or a work schedule that is less than full-time if the employee's position is generally expected to be full-time
- Accommodations that would cause an undue hardship to the City or employees by creating significant difficulty or imposing unreasonable expense
- Accommodations that would pose a significant risk of substantial harm to the health and safety of the employee or others
- Altering the content of the job or job environment in such a manner as to alter the essential nature of the position

Employees or applicants may report discrimination related to reasonable accommodations (such as an improper denial of a reasonable accommodation request) using the same procedures outlined above for reporting harassment or discrimination.

SCOPE

This policy applies to all City of Kodiak temporary and regular employees and those individuals doing business with the City who have contact with City employees.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

I certify that I have received and read the above policy explaining the City of Kodiak policy of non-discrimination, anti-harassment and equal employment and understand that discipline, up to and including dismissal, may result from any violation of this policy.

IF YOU HAVE QUESTIONS ABOUT THIS POLICY, OR WISH TO REPORT A POTENTIAL VIOLATION, PLEASE CONTACT THE FOLLOWING OFFICE:

Human Resource Manager
City of Kodiak
Tel: (907) 486-8653

Employee Name Printed

Employee Signature

Date