

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2019-10

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING CHAPTERS 3.04, 3.08, 3.12, 3.16, 3.20, 3.24, 3.28, 3.32, 3.36, 3.40, 3.44, 3.48, 3.52, 3.56, AND 3.60 AND ADOPTING A NEW CHAPTER 3.22, OF THE UNALASKA MUNICIPAL CODE TITLE 3 PERSONNEL

BE IT ENACTED by the City Council of the City of Unalaska:

Section 1: Form. Sections 2-16 of this ordinance are a Code ordinance.

Section 2: Amendment of Chapter 3.04. Chapter 3.04 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.04.010 DEFINITIONS.

In this title, unless otherwise provided for or the context otherwise requires:

(A) "Appointment" means the hiring of a new employee, the rehiring of a former employee or the promotion of an existing employee.

(B) "Acting appointment" means the appointment of an existing and qualified employee required to serve temporarily in and accept responsibility for work in an unoccupied or vacant higher level position, in addition to their current position, which, from the standpoint of the city's business, cannot be left unoccupied or vacant for any but the shortest period of time, no qualified applicant is available for its filling, announcement of the position is delayed, current employee is on extended leave, or for some other reason it is not feasible to make a regular appointment.

(C) "Anniversary Date" means the annual anniversary of the date of hire.

(D) "Anniversary Year" means the 364 days immediately following the date of hire and, thereafter, the 364 days immediately following subsequent anniversary dates.

(E) "Break in Service" means any period of absence of an employee from work as a result of resignation, retirement, termination, suspension (with or without pay), layoff, or leave without pay for 30 consecutive calendar days.

(F) "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same test of fitness and the same range of compensation apply to each position in the group.

(G) "Classification" means the process of obtaining adequate position descriptions, gathering necessary additional information, making comparison with other position descriptions and with class specifications, and finally, of taking official action by allocating a position to a particular class and of assigning a pay range.

(H) "Classification plan" means the orderly arrangement into classes of all positions in the city service.

(I) "Classified service" shall be comprised of all positions except those positions filled by persons who serve at the discretion of the City Manager or the City Council.

(J) "Demotion" means the change of an employee from a position in one class to a position in another class with a lower pay range.

(K) "Emergency" means a critical situation over which neither the employee nor the city has control.

(L) "Emergency Appointment" means an appointment, typically not to exceed 30 calendar days, which may be authorized by the City Manager, or his/her designee, without recourse to usual certification procedures. Emergency appointments are for unoccupied positions which, from the standpoint of the city's business, cannot be left unoccupied for any but the shortest period of time, usually when the current employee filling the position is on extended leave.

(M) "Employee" means any person in the employ of the city who is subject to this Personnel Ordinance and whose activities are directed by the city.

(N) "Employee with regular status" means an employee who has successfully completed the probationary period for their position.

(O) "Executive position" means a full-time or part-time position which involves principal responsibility for carrying out policies and programs, including, but not limited to the following:

- (1) City Manager;
- (2) Assistant City Manager;
- (3) All department directors;
- (4) City Clerk;
- (5) Chief of Police;
- (6) Fire Chief.

(P) "Executive employee" means an employee appointed to an executive position regardless of status and nature of appointment.

(Q) "Family members" means the employee's spouse or domestic partner, children or step children, son or daughter in-law, father, mother, parent or parent-in-law or stepparent, brother or brother-in-law, sister or sister-in-law, or grandfather, grandmother, grandparent, father in-law, or mother in-law. It also means other family members who reside permanently with the employee.

(R) "General personnel files" means all documents dealing with, but not limited to, recruiting, placement, benefits, administration, classification and pay plans, investigative correspondence, administrative investigation not related to specific employees or which do not result in disciplinary action, files, statements, reports, correspondence relating to investigations of violations of these rules, and general examination materials held by the city.

(S) "Grievance" means any dispute involving the interpretation, application or alleged violation of any section of this title, except for disputes which are expressly excluded from the grievance procedure.

(T) "Health care provider" means a dentist licensed under AS 08.36, a physician licensed under AS 08.64, ~~or a psychologist licensed under AS 08.86,~~ a naturopath licensed under AS 08.45, nurse licensed under AS 08.68, or a licensed Doctor of Chiropractic.

(U) "Just cause" means that sufficient justification exists for the proposed action against an employee with regular status. "Just cause" applies to behavior by an employee with regular status which is detrimental to the discipline, public image or efficiency of the city as an employer. As so defined, "just cause" includes, but is not limited to, a single instance of any one of the following:

- (1) Incompetence;
- (2) Inefficiency;
- (3) Lack of any of the qualifications required;
- (4) Insubordination;
- (5) Excessive absenteeism or tardiness;
- (6) Harassment of other employees or the public;
- (7) Violation of a city policy, procedure or regulation, which was known or reasonably should have been known to the employee;
- (8) Conviction of a crime involving moral turpitude;

(9) Substance abuse on the job; ~~or~~

(10) Misuse or abuse of city funds, work time, or position for personal gain; or

~~(11)~~ Any other conduct commonly recognized by reasonable persons as justification for serious discipline, including dismissal.

(V) "Layoff" means removal from active work status of an employee for reasons beyond ~~his/her~~ the employee's control that do not reflect discredit on ~~his/her~~ the employee's services, and where certain re-employment or other rights may exist.

(W) "Nonrepresented" means an employee, other than an executive employee, who is assigned to a position which is not represented by a bargaining agent.

(X) "Parallel class" means a class that is substantially similar to another class in duties, responsibilities and qualification requirements.

(Y) "Part-time appointment" means appointment to a regular part-time position ~~in which the work involved will usually total less than 40 hours a week.~~

(Z) "Personnel records" means those documents which reflect an individual's complete status as an employee from hiring to termination. Personnel records include, but are not limited to, the employee's application, reports of medical examinations, reports of results from employment investigations, reports of work performance, progress and disciplinary actions, personnel actions, employee withholding exemption certificates and survivor benefits forms.

(AA) "Position" means the duties and responsibilities assigned to an employee requiring full-time or part-time employment.

(BB) "Professional employee" means an employee whose work requires knowledge of an advanced type in a field of science or learning acquired through extensive specialized instruction or study who uses this education or training to perform daily work that requires the theoretical or practical application of this knowledge or training, and whose work requires the consistent exercise of discretion and judgment in its performance.

(CC) "Promotion" means a change in status of an employee from a position of one class to a position of another class having a higher salary range.

~~(DD) "Reappointment" means rehire of an employee in a different class than previously occupied or rehire of an employee more than one year after the date of last separation.~~ Reserved.

(EE) "Regular appointment" means appointment in the classified service for which completion of a probationary period is required.

(FF) "Regular full-time position" means a position established for providing city service on a full-time, ongoing basis into the indefinite future.

~~(GG) "Regular less than part-time position" means the same as regular full-time except that work involved will usually total less than 40 hours a week. a position established as a full time equivalent position of less than 0.50 in which the work involved will usually total less than 20 hours per week. Such work may be of an irregular nature such as short shifts at various times and on various days of the week.~~

~~(HH) "Regular part-time position" means a position established as a full time equivalent position of 0.50 - 0.99 in which the work involved will usually total at least 20 hours per week and less than 40 hours a week. Such work may be of an irregular nature such as short shifts at various times and on various days of the week.~~

(II) "Reinstatement" means replacement of an employee into a position in the same class occupied previously or a parallel class when there has been a break in service, for one of the following reasons:

(1) Timely return from military leave;

(2) Return to a position in a class an employee held when suspended, demoted or dismissed, after successful appeal;

(3) Return of an employee from authorized disability leave or leave without pay.

(JJ) "Seniority" means the period starting from the last date when the employee is hired. Seniority shall be terminated and the employee's service shall be broken under the following conditions:

(1) Resignation or retirement;

(2) Discharge or termination;

(3) Layoff in excess of one year;

(4) Failure to return from leave of absence or vacation on agreed date unless approval has been obtained from the ~~employer~~ immediate supervisor or Director.

(KK) "Separation" means cessation of the work relationship between the city and an employee for any reason including death, dismissal, layoff, resignation or retirement.

(LL) "Suspension" means ~~an enforced-being placed on~~ paid or unpaid leave for disciplinary reasons or pending investigation of charges made against an employee.

(MM) "Temporary or Seasonal appointment" means an appointment for short-term employment for not more than six consecutive months except where the City Manager, or ~~his/her~~ designee, grants an extension because of extenuating circumstances. These are typically positions that are recruited for in the City's standard recruitment process.

(NN) "Transfer" means a lateral movement from one position to another position in the same or a parallel class at the same range, without any break in service.

§ 3.04.020 AUTHORITY.

The following policies and procedures are promulgated under the authority of the city, as a general law municipality.

§ 3.04.030 PURPOSE.

(A) It is the purpose of this title to establish a personnel ordinance consistent with good ~~that shall improve the quality of personnel administration practices consistent with~~ —such merit principles as:

(1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

(2) Providing equitable and adequate compensation;

(3) Training employees, as needed, to assure high quality performance;

(4) Retaining employees on the basis of the adequacy of their performance, and separating employees whose inadequate performance cannot be corrected;

(5) Assuring fair treatment of applicants and employees in selection, promotion, training and all other aspects of personnel administration without regard to political affiliation, race, national origin, sex, age or religious creed and with proper regard for their privacy;

(6) Assuring that employees are protected against coercion for partisan 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.

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

(C) It shall be the policy of the city to preserve confidentiality in matters touching on the reputation of all employees of the city and to protect each employee's right to privacy. To this end, personnel records shall be confidential and shall not be disclosed by an officer or employee of the city except as may be necessary for legitimate business reasons or as required by law. Only one set of personnel records shall be maintained. The official personnel records shall be maintained in a secure area by the Department of Administration. Nothing in this

subsection, however, shall abridge the right of any employee to disclose the contents of ~~his/her~~ the employee's own records.

§ 3.04.040 SCOPE.

(A) This title shall apply to all nonrepresented employees in positions in the classified service.

(B) Chapters 3.16, 3.20, 3.22, 3.40, 3.48, 3.52, 3.56 and 3.60 are the only portions of this title which apply to executive employees. In cases of conflict between Chapters 3.16, 3.20, 3.22, 3.40, 3.48, 3.52, and 3.60 and the discretionary powers of the City Manager under Chapter 3.56, the provisions of Chapter 3.56 shall govern.

(C) This title shall apply to represented employees unless the contract of the collective bargaining unit is in direct conflict with the title.

§ 3.04.050 POLICE STANDARDS ACT.

The Department of Public Safety shall be covered by this title and, ~~in addition, shall be covered~~ the applicable provisions of AS 18.65 and by the rules and regulations of the State of Alaska Police Standards Council in the Police Standards Act.

§ 3.04.060 AMENDMENTS.

Amendments to this title shall be made by ordinance. ~~Copies~~ Access to of any amendments shall be ~~distributed~~ provided to each employee. ~~for insertion in his/her copy of the title~~

§ 3.04.070 CITY COUNCIL RESPONSIBILITY AND AUTHORITY.

The City Council shall have overall responsibility and authority regarding personnel matters as set forth in this title including, but not limited to, the following:

- (A) Approve the city's budget including requests for personnel management funds;
- (B) Approve personnel ordinance; and
- (C) Approve all collective bargaining agreements and individual employment agreements.

§ 3.04.080 CITY MANAGER RESPONSIBILITY AND AUTHORITY.

The City Manager shall have the responsibility and authority to:

- (A) Administer the personnel ordinance approved by the City Council; and
- (B) Establish personnel policies and procedures where needed in order to ensure more precise and consistent execution of this personnel ordinance.

§ 3.04.090 PERSONNEL RECORDS.

(A) An employee shall have access to ~~his/her~~ the employee's own personnel records or to any information pertaining to him/her which is maintained in the personnel records by the Department of Administration at any reasonable time. Such personnel records shall be held confidential to the extent permitted by this title, Chapter 2.72 of this code, and other applicable laws.

(B) A record of all disciplinary actions must be contained in the employee's personnel records.

(C) Any authorized person examining personnel records shall sign for the personnel records, and the signature shall be dated.

(D) Review of all personnel records shall be conducted in the presence of the City Manager, or ~~his/her~~ designee, and no documents shall be removed without the specific approval of the City Manager, ~~or his/her~~ designee.

(E) All documents placed in an employee's personnel file which ~~pertain in any way to~~ document an employee's disciplinary action history shall first be initialed by the employee. An employee's initials shall indicate only that the employee has seen the document and shall not indicate an employee's agreement with the contents of the document. In the event an employee refuses to initial or sign a document, the Personnel Officer shall so note in the file.

(F) The Personnel Officer shall ensure that no document is placed in an employee's personnel file that has not been seen and/or signed or initialed by the employee.

Section 3: Amendment of Chapter 3.08. Chapter 3.08 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.08.010 POLICY OF RECRUITMENT.

It shall be the policy of the city to recruit and select the most qualified persons for positions in city service. It shall be the responsibility of the City Manager to insure that this policy is carried out by the following means:

(A) Conduct recruitment and selection in an affirmative manner to insure open competition;

(B) Provide equal employment opportunity;

(C) Prohibit discrimination because of race, age, politics, religion, sex, national origin, mental or physical handicap, or any other non-merit factors.

§ 3.08.020 RECRUITMENT.

The City Manager, or ~~his/her~~ designee, shall develop and conduct an active recruitment program designed to meet current and projected personnel needs. Recruitment will be tailored to the various classes of positions to be filled and will be directed to sources likely to yield qualified candidates.

§ 3.08.030 JOB ANNOUNCEMENTS AND PUBLICITY.

In order to attract an adequate number of candidates for present or anticipated vacancies and to permit successful competition with other employees, the City Manager, or ~~his/her~~ designee, will issue job announcements and otherwise publicize vacancies. All job announcements shall include the job title, salary range, job qualifications and requirements, ~~date the time~~, place and manner of completing applications, selection devices to be used in determining the successful applicant, and other pertinent information. Publicity for all job vacancies shall be conducted for a sufficient period of time to insure reasonable opportunity for persons, both internally and externally, to apply and to be considered for employment. Job vacancies shall be formally announced for at least ten working days prior to the closing date for filing applications listed on the job announcement. If an insufficient number of qualified and satisfactory applicants and/or

~~unsatisfactory applications have applied by the closing dates as a result of closing the position, the announcement can be re-advertised for another period. The first five working days of the ten working day filing period may be restricted to applications from current city employees. At the completion of this five day period, city applicants may be hired for the vacant position.~~

§ 3.08.040 APPLICATION FORM.

All applications for employment shall be made on forms prescribed by the City Manager, or ~~his/her~~ designee. Such forms may require background information to include training, experience and other pertinent information. All applications must be signed, and the City Manager, or ~~his/her~~ designee, may require proof of statements. Application forms shall not elicit any information concerning age, race, political affiliation, sex, religion, the existence of any mental or physical disability, or national origin.

3.08.050 REJECTION OF APPLICANTS.

(A) The City Manager, or ~~his/her~~ designee, may reject any application which indicates that the applicant does not have the minimum qualifications established for the position. Applications may also be rejected if the applicant:

(1) Has deliberately falsified any information on the application form;

(2) Is unable even with reasonable accommodations by the city (as the term “reasonable accommodations” is interpreted for purposes of the Americans with Disability Act, 42 USC 12101 et seq.) to meet the physical or other requirements which have been demonstrated as required to perform the work of the position;

(3) Does not meet the legal age limits or other requirements established by state law; or

(4) Has established an employment record which indicates an unsuitability for the position.

(5) Receives a positive result on a pre-employment drug and/or alcohol test.

(6) For any other legitimate business reason which indicates the applicant does not meet the requirements for the position.

(B) Whenever an application is rejected, notice of such rejection shall be promptly made in writing to the applicant.

§ 3.08.060 SELECTION DEVICES.

The City Manager or ~~his/her~~ designee shall be responsible for determining the selection device to be used to obtain the best qualified candidate for each class of positions. Selection devices may be utilized separately or in various combinations as appropriate to the class and to available personnel resources. Such selection devices may include interviews, work samples, performance tests, or written tests, background and reference inquiries, and evaluation of training and experience.

Section 4: Amendment of Chapter 3.12. Chapter 3.12 of the Unalaska Code of Ordinances is hereby amended –to read as follows: [additions are underlined, deletions are ~~overstruck~~]

CHAPTER 3.12: APPOINTMENTS

Section

- 3.12.010 Appointments allowed
- 3.12.020 Acting appointment
- 3.12.030 Emergency appointment
- 3.12.035 Temporary or Seasonal appointment
- 3.12.040 Part-time appointment
- ~~Reserved~~ 3.12.050 Less than part-time appointment
- 3.12.060 Selection of current employees
- 3.12.070 Probation
- 3.12.080 Probation for former and current employees
- 3.12.090 Status upon completion of probation

§ 3.12.010 APPOINTMENTS ALLOWED.

The following types of appointments and positions as defined in § 3.04.010 may be made:

- Acting Appointment
- Emergency Appointment
- Temporary or Seasonal Appointment
- Part-time Appointment
- Less than Part-time Appointment
- Regular Appointment
- ~~Seasonal Appointment.~~

§ 3.12.020 ACTING APPOINTMENT.

An acting appointment of expected duration of five working days or more requires the prior written approval of the City Manager.

§ 3.12.030 EMERGENCY APPOINTMENT.

Emergency appointments shall be made only in case of an unforeseen emergency and when necessary to prevent impairment of city service. Emergency appointments are not entitled to any fringe benefits.

§ 3.12.035 TEMPORARY OR SEASONAL APPOINTMENT.

Temporary or seasonal appointments shall be made after completion of a regular recruitment process. Temporary and seasonal appointments are not entitled to any fringe benefits.

§ 3.12.040 PART-TIME APPOINTMENT.

A part-time appointment may be made to any position.

§ 3.12.050 LESS THAN PART-TIME APPOINTMENT RESERVED.

A less than part-time appointment may be made to any position. Less than part-time appointments are not entitled to any fringe benefits.

§ 3.12.060 SELECTION OF CURRENT EMPLOYEES.

(A) *Reinstatement.*

(1) *Return from military leave.* A city employee who returns from military leave in a timely manner shall be reappointed in accordance with applicable law.

(2) *Rehire after layoff.* An employee with regular status who has been laid off may be rehired within one year from the effective date of layoff.

(3) *Reinstatement as a result of successful appeal.* An employee who has been dismissed, demoted or suspended for insufficient reasons, as determined through ~~arbitration~~ appeal, may be reinstated as specified in the appeal decision~~arbitration award~~.

(B) *Promotion.* Vacancies in the classified service may be filled by promotion whenever practicable and in the best interest of the city. Promotions shall be based upon merit and shall be made in accordance with the procedures established in ~~these rules~~ this title. Major factors in determining promotions are:

(1) Establishing that employee meets the minimum qualifications of the recruitment announcement;

(2) Results of competitive examination when applicable;

(3) Personnel evaluation reports;

(4) Education, experience and training;

(5) Length of service.

(C) *Transfer.* An employee may be transferred within a department, or from one department to another with the consent of the employee, the Department Director, and the City Manager.

(1) An employee hired by a temporary appointment may not be transferred to a regular position.

(2) An employee who desires a transfer shall send a written request to the Department Director, the City Manager, and the Personnel Officer.

(3) A pregnant employee may request a transfer as allowed by applicable law.

(D) *Demotion.* An employee may be demoted into a lower level position vacancy for which the employee is qualified for lack of work, for cause, or at the employee's request. If an employee requests a demotion in writing the Department Director, with the approval of the City Manager, may make such a demotion. In such cases, the demotion will be deemed to have been made on a voluntary basis.

§ 3.12.070 PROBATION.

During the probationary period the ~~individual employee~~ demonstrates their ability and fitness to perform their job. During the probationary period, the employee is an at-will employee and

can be disciplined, demoted, dismissed or separated from their position for any reason with or without just cause and without recourse to the grievance procedure. The probationary period for regular full or regular part time employees varies from six months for some classes of positions to 12 months for others for regular full or part time employees. Probation does not apply to a emergency, seasonal, or temporary appointment appointments. Employees hired by emergency, seasonal or temporary appointment are at will employees.

§ 3.12.080 PROBATION FOR FORMER AND CURRENT EMPLOYEES.

(A) Employees rehired after layoff shall be subject to a probationary period only to the extent of completing any previously incomplete probationary period, except that employees re-employed to a position in a different class or department shall be subject to a full probationary period consistent with the position to which placement has been made.

(B) An employee promoted to a position shall complete a probationary period of 3 months if the position to which they are promoted is non-supervisory or a probationary period of 6 months if the position to which they are promoted is supervisory ~~of six months in the position to which they are promoted.~~

(C) When an employee transfers to a different position in the same class within a department, a new probationary period shall be served. When an employee transfers from one department to another a new probationary period designated for the class of the position to which transfer has been made shall be served.

~~In the above two cases, †~~The probation period shall be 3 months if the position to which they are transferred is non-supervisory or a probationary period of 6 months if the position to which they are transferred is supervisory ~~be six months.~~

(D) When an employee is demoted to a position in a class where they previously held regular status, no probationary period shall be served, except in the case of demotion for disciplinary reasons in which case the demoted employee shall serve a new, full probationary period consistent with the class of the position to which placement has been made. When an employee is demoted to a position in which they did not hold regular status, any remaining portion of the original probationary period shall be served.

(E) The employee in a reassigned position, whether by reclassification or range change, shall not serve a new probationary period.

(F) No probationary period shall be required when serving in an acting appointment. An employee initially serving in an acting appointment who is then promoted directly into that position shall have acting time count toward completion of probation.

§ 3.12.090 STATUS UPON COMPLETION OF PROBATION.

(A) Regular appointment to a position in the classified service shall be made only upon satisfactory completion of the probationary period. Unless action is taken by the Department Director with the approval of the City Manager to dismiss, separate or demote the employee or to request extension of the probationary period prior to the end of the probationary period, the appointment shall become a regular appointment and the employee shall become an employee with regular status on the first working day following completion of the probationary period.

(B) The probationary period of an employee may be extended for a period of time usually not to exceed three months. Notice of such extension and the reasons for it shall be given in writing to the employee prior to the end of the established probationary period.

(C) At any time during the probationary period, an employee who has not completed their probationary period may be disciplined, dismissed, demoted, or separated from their position for any reason with or without just cause and without recourse to the grievance procedure. Written notice shall be given to the probationary employee prior to taking action.

Section 5: Amendment of Section 3.16.040 Section 3.16.040 of the Unalaska Code of Ordinances is hereby amended— to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.16.040 DEVELOPMENT AND ADMINISTRATION.

(A) The City Manager, or ~~his/her~~ designee, shall analyze and evaluate the duties, responsibilities and qualifications required for each position in the classification plan and then assign each position to the appropriate class. Any employee who believes the position classification of ~~his/her position~~ to be incorrect may request a review by the City Manager.

(B) The City Manager shall periodically (but no less often than every ~~seven~~ three years) review the classification plan and shall make a report to the City Council. The purpose of such review and report shall be:

- (1) To ascertain whether or not the classification plan accurately reflects existing conditions;
- (2) To determine the accuracy of class specifications; and
- (3) To assure that positions are properly classified.

The City Manager shall recommend to the City Council changes needed in the classification plan to keep it current.

(C) When a new position is proposed or established, the Department Director shall provide a written position description to the City Manager, or ~~his/her~~ designee, who shall determine the proper classification or prepare a new classification description if an appropriate classification does not exist.

(D) Whenever the duties of a position change, the City Manager, or the Manager's designee, shall review the matter and, if necessary, reclassify the position to the appropriate class. In considering whether to reclassify any position, the City Manager shall be provided a written request for reclassification by the Director of the Department in which the position is located. The City Manager shall issue a written procedure governing reclassification requests and the information that must be provided to the City Manager by the Department Director. The City Manager shall notify the City Council of any pending reclassification request before acting on the request. In making a decision on any reclassification request, the City Manager shall consider the potential impacts of reclassification on all Departments of the city. Any reclassification shall not be effective until the first date of the pay period following the effective date of either a budget amendment or a budget ordinance appropriating funds for the reclassified position. Reclassification shall not be used to avoid the provisions of the personnel policy dealing with layoffs, demotions, promotions or dismissals.

~~(E) Classification actions shall be effective on the first date of the pay period following a classification determination.~~

Section 6: Amendment of Chapter 3.20. Chapter 3.20 of the Unalaska Code of Ordinances is hereby amended –to read as follows: [additions are underlined, deletions are ~~overstruck~~]

CHAPTER 3.20: EMPLOYEE DEVELOPMENT PROGRAM

Section

3.20.010 Purpose of employee development program

3.20.020 Development and administration

3.20.030 Program elements

§ 3.20.010 PURPOSE OF EMPLOYEE DEVELOPMENT PROGRAM.

The purpose of the employee development program shall be 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.

§ 3.20.020 DEVELOPMENT AND ADMINISTRATION.

The City Manager, ~~or his/her~~ designee, shall have overall responsibility for the development, administration and coordination of the employee development program.

§ 3.20.030 PROGRAM ELEMENTS.

The City's Employee Development Program will include elements such as the following:

- (A) The ability to earn and maintain applicable occupational or professional certifications as departmental staffing and budgets allow;
- (B) The opportunity to receive tuition assistance with relevant coursework in accordance with city policy and as departmental budgets allow;
- (C) Potential to attend professional conference and training events as departmental staffing and budgets allow;
- (D) Supervisory, management, and leadership training for managers, supervisors and directors;
- (E) Periodic onsite review of new, updated, or mandated city policies and procedures or regulations;
- (F) Special onsite training on timely and relevant topics.

Section 7: Amendment of Title 3. Title 3 of the Unalaska Code of Ordinances is hereby amended by adoption of a new Chapter 3.22 to read as follows:

§ 3.22.010 PURPOSE OF SAFETY PROGRAM.

The purpose of the safety program is to protect the lives and property of city residents and to provide a safe work environment for employees with minimal property damage, accidents, injuries and illness. All employees shall be provided with a work place adhering to the standards of the Occupational Safety and Health Act (OSHA).

§ 3.22.020 DEVELOPMENT AND ADMINISTRATION.

- (A) The City shall make reasonable provisions to ensure that work places are free from safety and health hazards. No employees shall be required to perform unsafe and/or illegal work, or be directed to do so by another employee. The City will protect any employee who comes forward with information about having been directed to perform illegal or unsafe work from retaliation.
- (B) The City will establish ongoing health and safety training and education for all employees. The City shall furnish such safety equipment as is reasonably necessary for the safety of employees.
- (C) Responsibilities for safety are shared, specifically:
 - (1) The City Manager or designee is responsible for the leadership of the safety program and shall be responsible for its effectiveness and improvement.
 - (2) Departmental Directors, supervisory personnel, and lead workers are responsible for developing the proper attitudes toward safety in themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety of all individuals involved, including themselves.
 - (3) Employees are responsible for genuine cooperation with all aspects of the safety program, including compliance with all rules and regulations and for continuously practicing safety while performing their duties.

§ 3.22.030 PROGRAM ELEMENTS.

The City's Safety Program will include elements such as the following:

- (A) Providing mechanical and physical safeguards to the maximum extent that it is reasonable;
- (B) Conducting a program of safety surveys to attempt to find and eliminate unsafe working conditions or unsafe practices, to control health hazards, and to fully comply with the relevant safety and health standards;
- (C) Training all employees in good safety practices;
- (D) Providing necessary personal protective equipment and instructions for its use and care whenever reasonably necessary at city expense;
- (E) Developing and enforcing safety rules, and requiring that employees cooperate with these rules as a condition of employment;
- (F) Investigating incidents to find their cause and to correct the problem.

§ 3.22.040 SAFETY COMMITTEE.

A Safety Committee, consisting of at least one representative from each department who will serve as a liaison between the department and the committee, shall be established. The safety committee shall periodically:

- (A) Review safety and loss prevention programs; city and departmental policies and procedures and departmental manuals;
- (B) Conduct safety surveys of city facilities and make appropriate recommendations to the city manager;
- (C) Review and evaluate departmental safety issues, inspection reports, accident and incident reports, complaints, make suggestions and recommendations regarding safety operations and training programs, plan and implement safety incentive programs, provide status of progress towards past goals and objectives, and make appropriate recommendations regarding new goals and objectives;
- (D) Serve as a source of safety information for their department and as a departmental contact for the City Manager or designee for safety matters.

Section 8: Amendment of Chapter 3.24. Chapter 3.24 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.24.010 ADMINISTRATION.

The City Manager, ~~or his/her~~ designee, shall advise and assist employees, rating officers, and reviewing officers to see that performance evaluation procedures are conducted in accordance with the provisions stated in this chapter.

§ 3.24.020 PURPOSE OF EMPLOYEE PERFORMANCE EVALUATION PROGRAM.

The primary purpose of the employee performance evaluation program is to inform employees how well they are performing and to offer constructive criticism on how they can improve their work performance. Performance evaluation shall also be considered in decisions affecting salary advancement, promotions, demotions, dismissals, order of layoff, order of reemployment, placement and training needs. ~~Nothing in this section shall be construed as changing the nature of the employment from that of at-will employment.~~

§ 3.24.030 PERIODS OF EVALUATION.

All performance evaluations shall be in writing, with one copy given to the employee and one copy to be placed in the employee's personnel file. Each employee's performance shall be evaluated at the following periods:

- (A) ~~End of p~~Probationary period~~Period.~~ Each employee appointed to a regular full-time, regular part-time, or regular less than part-time position shall be evaluated prior to or near the conclusion of their at-will probationary term. An evaluation shall be completed and documented by the employee's direct supervisor or designee and submitted to the personnel officer. The employee must have at least an overall satisfactory evaluation in order to become a regular employee. Failure to have at least an overall satisfactory evaluation can result in an extension of the probationary period or termination.~~Each employee appointed to a regular full-time, regular part-time, or regular seasonal position may be evaluated at the end of the completion of the~~

~~probationary period. The employee must have an overall evaluation of at least satisfactory in order to become a regular employee.~~

~~(B) *Annual.* Each employee in a regular full-time, or regular part-time position, or regular less than part-time position shall receive an annual performance evaluation, generally between April and May. A regular seasonal employee shall receive an evaluation at the end of their seasonal assignment. The employee's performance must be rated at least satisfactory in order to be eligible for a merit increase. The granting of an annual wage increase is a merit increase based on performance and not an automatic longevity increase.~~

~~(C) *Special.* A special performance evaluation may be completed whenever there is a significant change either upward or downward in the employee's performance or to initiate a 360 Performance Review as a supplemental tool to obtain performance feedback.~~

~~(D) *Exception.* If an employee's initial evaluation has been conducted after November 1 and before April 1, the next evaluation will be completed in October unless an earlier evaluation is requested by either the supervisor or employee.~~

§ 3.24.040 PERFORMANCE EVALUATIONS.

~~(A) *Annual Performance.* The annual performance evaluation is a key component of employee development and is intended to be a fair and balanced assessment of an employee's performance. The object of the annual review is to provide all regular employees and their supervisors an opportunity to:~~

- ~~1) Discuss job performance and identify areas of potential improvement;~~
- ~~2) Set goals for professional development;~~
- ~~3) Establish objectives for contributing to the department and City's overall mission;~~
- ~~4) Discuss expectations and accomplishments; and~~
- ~~5) Review job descriptions to ensure accuracies in tasks being expected.~~

~~(B) *City Manager Responsibility.* The City Manager or designee is responsible for issuance of forms and procedures concerning all aspects of performance evaluations.~~

~~(AC) *Rating officer/Supervisor Responsibility.* The rating officer shall be the Annual evaluations must be done by an employee's immediate supervisor. If circumstances are such that it is not feasible for the immediate employee's supervisor to be the rating officer, the City Manager/Director may designate a different rating officer/supervisor. The rating officer shall be responsible for completing a performance evaluation report at the time prescribed for each employee under his/her their supervision. The supervisor's role is to help the employee grow professionally by identifying performance improvement opportunities.~~

~~(BD) *Reviewing officer/Director or Designee Responsibility.* The reviewing officer/Director or assigned designee shall be the rating officer's immediate supervisor. The reviewing officer shall review the performance evaluation report completed by each rating officer/supervisor or under his/her jurisdiction in the Department before the report is discussed with the employee. The reviewing officer shall consider the performance evaluations completed by the rating officer when evaluating the rating officer's performance. It is the responsibility of the Director to ensure the Supervisor has fairly and accurately completed the employee's performance in its entirety and suggest any changes necessary. If the performance evaluation report has been initially completed by a Department Director, the reviewing officer shall be the City Manager or designee.~~

~~(E) Personnel officer~~Human Resources Manager Responsibility. The Human Resources Manager is responsible for reviewing the ~~After completion of the draft performance evaluation as completed by the rating officersupervisor and the reviewing officerdirector~~ after the report has been discussed, ~~and prior to the discussion with the employee, the evaluation shall be forwarded to the personnel officer for review.~~ The Human Resources Manager may provide assistance in the development or review of a draft performance evaluation. The Human Resources Manager has the authority to suggest changes to the supervisor and director if deficiencies in the evaluation are identified and to suggest improvements to the supervisor and director for future performance reviews.

(F) 360 Performance Reviews. 360 Performance Reviews are in intended to allow for an opportunity for comments about management's performance from a variety of sources to aid in the review of Supervisors, Directors, and Managers.

1. Those asked to complete a 360 Performance Review will not be identified to the individual being evaluated and will have direct knowledge and interact routinely with the person being reviewed.
2. All information included in the review shall be true and include concrete data that focuses on attitude, teamwork, ability and communication.
3. The information provided to the employee being reviewed will be a summary without names or dates and is provided to help the individual understand their strengths and weaknesses and contribute insights into aspects of their work. 360 Performance Reviews shall not be the basis for any disciplinary action or determination of eligibility for a merit increase but can be the basis for initiation of an administrative investigation. A 360 performance review will be included in the employee's personnel records.

§ 3.24.050 REVIEW OF PERFORMANCE REPORT.

~~The rating officer~~ personnel completing the performance evaluation shall discuss the performance evaluation report with the employee before the report is made part of the employee's permanent record.

§ 3.24.060 UNSATISFACTORY EVALUATION.

Employees who receive an overall rating of unsatisfactory on their annual evaluation shall not be eligible to receive a merit increase, and may be subject to appropriate measures necessary to bring performance up to acceptable standards, including demotion or termination based on an inability to satisfactorily perform the necessary and essential functions of the job.

§ 3.24.070 EXCLUSION OF EVALUATIONS FROM GRIEVANCE PROCEDURE.

Performance evaluations and 360 performance reviews shall not be subject to the grievance procedure set forth in Chapter 3.36; however an employee shall be allowed to submit written comments responding to that employee's performance evaluation or 360 performance review. Such comments shall be submitted within five working days from the date the ~~rating officer~~person completing the report discusses the performance evaluation report or 360 performance review with the employee. Such comments shall be included with the performance evaluation in the employee's personnel records.

Section 9: Amendment of Chapter 3.28. Chapter 3.28 of the Unalaska Code of Ordinances is hereby amended– to read as follows: [additions are underlined, deletions are ~~overstruck~~]

CHAPTER 3.28: DISCIPLINARY ACTIONS

Section

3.28.010 General policy

3.28.020 Forms of discipline

3.28.030 Disciplinary reporting

3.28.040 Investigations

§ 3.28.010 GENERAL POLICY.

(A) —The City Manager, or the Manager's designee, shall approve all disciplinary actions concerning suspension, demotion or dismissal prior to the action, unless, in the judgment of the Department Director, immediate disciplinary action is required. The basis for taking immediate action shall be limited to reasons of just cause or of immediate danger to the health, safety or welfare of city employees or the public. In instances of immediate disciplinary action, the Department Director shall have the authority to suspend the employee (with or without pay) pending investigation and approval of the action by the City Manager. Nothing in this chapter shall be construed as changing the nature of probationary employment from that of at-will employment.

(B) The City Attorney shall be consulted prior to any dismissal.

§ 3.28.020 FORMS OF DISCIPLINE.

Progressive discipline shall be followed when practicable. When the severity or frequency of the inappropriate conduct warrants and it is in the best interest of the city, any of the following forms of discipline may be imposed at any time so long as such discipline is supported by just cause:

- (A) Oral reprimand;
- (B) Written reprimand;
- (C) Suspension with or without pay and with or without conditions on reinstatement;
- (D) Demotion when possible and applicable to the situation; and
- (E) Dismissal.

This section does not apply to probationary employees.

§ 3.28.030 DISCIPLINARY REPORTING.

(A) All disciplinary actions shall be maintained in the employee's personnel file for the entire duration of the employee's employment and per the City's retention policy. All disciplinary actions shall be documented on a disciplinary action report form provided by the City. A record of the date, time and subject of an oral reprimand shall be maintained. The employee shall be given an opportunity to review the report with ~~his/her~~ the employee's Department Director. If the employee disagrees with the acts or conclusions contained in the report, ~~he/she~~ the employee shall be permitted to submit, within five working days after reviewing the report ~~with his/her~~ Department Director, a statement of disagreement. The statement shall clearly and concisely set forth the employee's reasons for disagreeing with the report. One copy of the employee's statement shall be appended to the report and shall become a part of it. If the employee has no

comment or has not responded within the required time frame, it shall be so noted and the report shall be forwarded to the City Manager, or ~~his/her~~ designee.

(B) The Department Director may, if appropriate, complete periodic reviews of the employee's progress in correcting the cause of the original discipline. Such reports shall be made a part of the employee's personnel file for the entire duration of the employee's employment and per the City's retention policy.

§ 3.28.040 INVESTIGATIONS.

(A) The City Manager or designee may investigate the conduct of any employee with or without notice to the employee being investigated.

(B) Any employee may be required to cooperate with an investigation including participation in an interview conducted by the Human Resources Manager or designee. Failure to cooperate with an investigation may be grounds for disciplinary action.

(C) Any discipline imposed based on an investigation will follow applicable procedures of Chapter 3.36.

(D) Regardless of whether the conduct of any employee is being investigated, any supervisor or the Human Resources Manager may ask an employee about any matter relating to city business. Failure to cooperate with such inquiries may be grounds for disciplinary action.

Section 10: Amendment of Chapter 3.32. Chapter 3.32 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.32.010 RESIGNATION.

(A) An employee ~~at wage range nine or above~~ who desires to resign and serves as a deputy director, supervisor or manager shall give at least 30 days written notice to ~~his/her~~ the employee's immediate supervisor. An employee ~~at wage range eight or below~~ who desires to resign and does not serve as a deputy director, supervisor or manager shall give at least two weeks written notice to ~~his/her~~ the employee's immediate supervisor. The period of notice may be reduced or waived by the City Manager. The notice of resignation shall become part of the personnel files.

(B) An employee may withdraw ~~his/her~~ their resignation prior to the effective date stated in the notice of resignation only with the written approval of the Department Director and the City Manager.

(C) Failure to give adequate notice shall be noted on the employee's separation documents.

(D) The effective date of termination pursuant to a notice of resignation shall be the last day on which the employee works, or utilizes previously approved accrued leave.

§ 3.32.020 LAYOFF.

(A) Layoff may be appropriate due to the following:

(1) Elimination of a position in the work force;

(2) Failure of an employee to successfully complete the probationary period following promotion or transfer when the City Manager determines that there is no other position available for which the employee is qualified;

(3) Material change in the duties of the position for which the employee lacks the necessary skills, knowledge or aptitude when the City Manager determines that there is no other position available for which the employee has the necessary skills, knowledge or aptitude;
or

(4) Completion of a temporary appointment; or

(5) Any legitimate business reason.

(B) When it is appropriate to layoff employees, the Department Director shall decide which employees are to be laid off, and shall report ~~his/her~~their findings and recommendations to the City Manager. Employee performance shall be the major factor in determining the order in which employees are ~~released~~laid off. Employees who are laid off shall be given preference when new appointments are made.

(C) A layoff of more than one year shall constitute a break in service for the purpose of preferential appointment under ~~the personnel ordinance~~this title.

(D) Employees who are laid off shall be given either 30 days written notice before being laid off or 160 hours of severance pay.

§ 3.32.030 MEDICAL SEPARATION.

An employee who is unable to return to work following expiration of approved family and medical leave or disability leave without pay shall be separated in good standing from city employment.

Section 11: Amendment of Chapter 3.36. Chapter 3.36 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.36.010 SCOPE.

This chapter shall not apply to represented employees or employees who have not successfully completed the probationary period at the time of the alleged action or omission, or to disputes involving a performance evaluation. Sections 3.36.020 and ~~3.36.030~~ shall not apply to employees who have ~~requested and~~ received a pre-disciplinary hearing.

§ 3.36.020 GRIEVANCE PROCEDURE.

Any employee having a problem regarding employment shall first discuss the problem with the immediate supervisor. If the problem is not settled, and it can be defined as a grievance as set forth in § 3.04.010(S), the employee has the right to present a grievance in accordance with the procedures and within the time limits set forth in this chapter. The time limits set forth in this chapter ~~procedure~~ may be extended in writing by mutual agreement of the parties.

(A) *Step 1.* The aggrieved employee shall discuss the grievance with their immediate supervisor. If the grievance cannot be resolved informally through discussion, it shall then be reduced to writing as a formal grievance, and the written grievance shall be submitted to the Department Director. The written grievance must be submitted within ten calendar days of the date that the employee knows or has reason to know of the conduct or actions upon which the

grievance is based. Failure to notify the city within this time limit shall constitute a bar to further action on the alleged grievance. The written grievance shall describe the actions or omissions that are alleged to constitute improper conduct by the city and shall indicate the rule or rules that have allegedly been misapplied, misinterpreted or violated by the city.

(B) *Step II.* Upon receipt of a written grievance, a Department Director shall notify the City Manager and Human Resources Manager and, within 14 calendar days, respond in writing to the employee. If the Department Director fails to respond to the employee's written grievance within this time limit, the grievance shall proceed to Step IV without further action of the employee.

(C) *Step III.* Upon receipt of the Department Director's response, the employee shall have 14 calendar days to appeal the decision in writing to the City Manager. If the employee fails to appeal the Department Director's decision within this time limit, such failure to respond shall serve to declare the grievance as settled based upon the Department Director's decision.

(D) *Step IV.* Within 14 calendar days of receipt of a written appeal of the decision of the Department Director, the City Manager, or his/her designee, shall review the matter and respond in writing to the employee's grievance.

(E) Nothing in this section shall be construed to prevent settlement of a grievance by mutual agreement of the parties at any time.

~~(E) *Step V.* Upon receipt of the City Manager's decision, the employee shall have 14 calendar days to submit a written request for arbitration to the City Manager. If the employee fails to file a written request for arbitration within this time limit, such failure shall serve to declare the grievance as settled based upon the City Manager's decision.~~

§ 3.36.030 [RESERVED] ARBITRATION.

~~(A) If a timely request for arbitration is received, the City Manager, or his/her designee, and the employee shall meet within five days to agree on a mutually acceptable arbitrator. If no agreement can be reached at such a meeting, the parties shall select an arbitrator by the striking method from a list of arbitrators. This list will be supplied to the parties by the Federal Mediation and Conciliation Service and will have at least five names. The arbitrator shall be selected within five days from receipt of the list. Arbitration shall commence as soon as possible following the appointment of the arbitrator.~~

~~(B) The arbitrator shall conduct a hearing according to generally accepted procedures for grievance arbitration. The arbitrator shall have no authority to add to, alter, delete or modify any statute, regulation, ordinance or labor agreement or to issue any award on a matter not raised in the grievance filed by the employee. The arbitrator shall not make any award involving payment to a party for events, actions or omissions preceding the events, actions or omission recited in the grievance. The expenses of the arbitrator shall be borne by the city. The expenses of each party in presenting its case to the arbitrator shall be borne by the respective party. The decision of the arbitrator shall be final and binding on all parties and shall only be subject to appeal to the Superior Court in accordance with applicable law. Either party may make application to the Superior Court to enforce a decision of the arbitrator.~~

~~(C) Nothing in this section shall be construed to prevent settlement of a grievance by mutual agreement of the parties at any time.~~

~~(D) Submission of a grievance to arbitration shall not act as a stay of any action unless a stay is expressly approved by the City Manager.~~

§ 3.36.040 PRE-DISCIPLINARY HEARING.

A dismissal, demotion with reduction in pay or suspension without pay for ~~greater than ten days~~ of an employee in the classified service with regular status shall be accomplished and reviewed only in accordance with the procedures stated in this section:

(A) Before a Department Director may dismiss, demote with a reduction in pay or suspend without pay an employee, the employee shall receive written notice of intent to discipline containing a reasonably specific statement of the basis for the intended discipline, the proposed time for a pre-disciplinary hearing and an explanation of the employee's entitlement right to participate in the hearing. ~~to ask for either a pre-disciplinary hearing or to submit a grievance pursuant to § 3.36.020 at which such intended discipline may be reviewed.~~ If the employee is unavailable, the notice shall be given by certified mail.

(B) ~~The employee may request a pre-disciplinary hearing only by submitting a written request to their Department Director no later than 5:00 p.m. on the seventh calendar day following the day on which he/she received the notice of intent to discipline. Failure of the employee to participate in the pre-disciplinary hearing timely submit a written request for a pre-disciplinary hearing waives the employee's rights to a pre-disciplinary hearing. and The City may take disciplinary action based on evidence previously received. shall constitute a waiver of the employee's right to pre-disciplinary hearing.~~

(C) ~~The City Manager, or his/her designee, shall promptly schedule a pre-disciplinary hearing after such a hearing is requested by an employee. The City Manager or designee shall conduct designate an impartial individual to serve as a hearing officer at the pre-disciplinary hearing. The City Manager shall not designate as a hearing officer any individual who is a city employee unless otherwise agreed upon by the parties~~

(D) Existing pay status shall not be provided beyond the date initially set for the hearing if the employee or ~~his/her~~ representative requests and is granted an extension of the hearing date for any reason. If the city requests, and is granted, an extension of the hearing date for any reason, the employee shall be continued in pay status.

~~(E) The hearing officer may exercise independent judgment as to the weight of the evidence and on legal issues raised by the parties. The city shall prove the existence of just cause to discipline the employee by a preponderance of the evidence presented.~~

~~(E)F) The city hearing officer shall issue a written notice to the employee of the decision on whether to impose discipline no later than three working days after the close of the hearing. The decision shall include a statement of the reasons for the decision.~~

~~(G) The hearing officer is limited to either upholding or denying the discipline based upon the existence of just cause to support it, and is not authorized to provide any other remedy.~~

~~(H)F) If the hearing officer denies the existence of just cause to support the discipline, tThe City Manager may decide the city will then impose a lesser form of discipline for the conduct at issue at the hearing. If the lesser form of discipline is to be either suspension or demotion, the hearing officer shall retain jurisdiction to review and rule on that discipline. The employee may receive such review only by submitting a written request within seven calendar days of notice or date of mailing of such notice of the lesser discipline. The hearing officer shall issue a written decision within three working days of receipt of the petition for review.~~

~~(I) The affected employee may appeal the hearing officer's pre-disciplinary decision by filling a written notice of appeal with the Superior Court. The Superior Court shall have no jurisdiction~~

~~to hear the appeal unless the employee files the notice of appeal within 30 days after the employee's receipt of the hearing officer's decision. The Superior Court shall limit its review to whether or not substantial evidence in the record supports the decision and to legal issues necessarily decided by the hearing officer.~~

§ 3.36.050 Appeals. The affected employee may appeal a Step IV decision on a grievance, or any decision made following a pre-disciplinary hearing by filing a written notice of administrative appeal with the Superior Court. The Superior Court shall have no jurisdiction to hear the appeal unless the employee files the notice of appeal within 30 days after the employee's receipt of either the Step IV grievance decision or the pre-disciplinary hearing decision. The Superior Court shall limit its review to whether or not substantial evidence in the record supports the decision and to legal issues necessarily decided by the City Manager or designee.

Section 12: Amendment of Chapter 3.40. Chapter 3.40 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.40.010 OBJECTIVES OF PAY PLAN.

The pay plan shall include the schedule of pay for all classes of positions in the classification plans. The percentage amount of any pay increases to be provided to any regular full time employee whose performance merits an increase in pay shall be determined solely by the City Council and shall be accomplished if at all, only by adoption of a non-code ordinance at the time the annual budget ordinance is adopted. Each year at the time the annual budget is initially presented to the City Council, the City Manager shall prepare a written review of the overall economic conditions of the city and projected economic conditions for the coming year. Said written review shall also contain information regarding the annual inflation rate for Anchorage for the previous year and any actual or anticipated increase in health insurance premiums and shall make a specific recommendation as to whether the existing economic conditions allow the city to provide a general merit increase to city employees whose job performance merits an increase in pay during the upcoming fiscal year.

The objectives of the plan are:

(A) To provide an appropriate salary structure to recruit and retain an adequate supply of competent employees.

(B) To provide appropriate pay incentives for productivity and quality.

§ 3.40.020 REVIEW OF PAY PLAN.

The City Manager shall periodically (but no less often than every ~~four~~three years) review the pay plan and shall make a report to the City Council. The purpose of such review and report shall be:

(A) To ascertain whether or not the pay plan accurately reflects existing conditions; and

(B) To determine the accuracy of pay ranges.

The City Manager shall recommend to the City Council changes needed in the pay plan to keep it current.

§ 3.40.030 PAY RANGES.

A pay range is a level of pay that is assigned to a class. It comprises a wage range through which an employee may progress. Pay ranges are assigned to classes based upon the following factors:

- (A) Duties and responsibilities of position or class;
- (B) Internal equity-maintenance of pay ranges of classes in appropriate relations to one another;
- (C) Prevailing rates for comparable work in both public and private employment, including comparative fringe benefits;
- (D) Pay relationships between supervisors and employees;
- (E) Employee recruitment and retention problems;
- (F) Economic trends and forecasts; and
- (G) Availability of funds.

§ 3.40.040 PAY RANGE MATRIX.

WAGE RANGES - ANNUAL

Wage Range	Minimum	Midpoint	Maximum
A10	\$30,886.86	\$29,565.22	\$35,538.36
A11	\$38,320.57	\$36,679.81	\$47,906.14
A12	\$40,689.79	\$38,931.77	\$50,862.24
A13	\$43,037.28	\$41,183.74	\$53,796.60
B21	\$45,406.50	\$43,442.46	\$56,752.70
B22	\$47,753.99	\$45,694.43	\$59,687.06
B23	\$50,101.48	\$47,946.39	\$62,621.42
B24/B31	\$53,057.58	\$50,766.42	\$66,316.54
B25/B32	\$56,578.81	\$54,147.75	\$70,728.94
C41	\$59,534.90	\$56,967.77	\$74,424.06
C42	\$62,512.74	\$59,816.16	\$78,140.92
C43	\$65,642.72	\$62,806.97	\$82,031.66
C44/C51	\$68,924.86	\$65,947.32	\$86,139.77
C45/C52	\$72,359.14	\$69,244.68	\$90,095.72
D61	\$73,054.70	\$69,910.50	\$94,964.58
D62	\$76,706.34	\$73,406.02	\$99,724.77

D63	<u>\$80,553.62</u> \$77,076.32	<u>\$104,702.31</u> \$100,199.22	<u>\$128,872.74</u> \$123,322.12
E81	<u>\$84,422.62</u> \$80,786.92	<u>\$109,745.06</u> \$105,022.99	<u>\$135,067.50</u> \$129,259.07
E82	<u>\$88,639.41</u> \$84,826.26	<u>\$115,244.27</u> \$110,274.14	<u>\$141,827.40</u> \$135,722.02
E83	<u>\$93,073.55</u> \$89,067.58	<u>\$121,004.31</u> \$115,787.85	<u>\$148,913.34</u> \$142,508.12
E84	<u>\$97,725.06</u> \$93,520.95	<u>\$127,046.92</u> \$121,577.24	<u>\$156,368.78</u> \$149,633.53

WAGE RANGES - SEMIMONTHLY

Wage Range	Minimum	Midpoint	Maximum
A10	<u>\$1,286.95</u> \$1,231.88	<u>\$1,480.77</u> \$1,416.67	<u>\$1,673.67</u> \$1,601.45
A11	<u>\$1,596.69</u> \$1,528.33	<u>\$1,996.09</u> \$1,910.41	<u>\$2,395.49</u> \$2,292.49
A12	<u>\$1,695.41</u> \$1,622.16	<u>\$2,119.26</u> \$2,027.70	<u>\$2,543.11</u> \$2,433.24
A13	<u>\$1,793.22</u> \$1,715.99	<u>\$2,241.53</u> \$2,144.99	<u>\$2,689.83</u> \$2,573.98
B21	<u>\$1,891.94</u> \$1,810.10	<u>\$2,364.70</u> \$2,262.63	<u>\$2,837.45</u> \$2,715.15
B22	<u>\$1,989.75</u> \$1,903.93	<u>\$2,486.96</u> \$2,379.92	<u>\$2,984.17</u> \$2,855.90
B23	<u>\$2,087.56</u> \$1,997.77	<u>\$2,609.23</u> \$2,497.21	<u>\$3,131.80</u> \$2,996.65
B24/B31	<u>\$2,210.73</u> \$2,115.27	<u>\$2,763.19</u> \$2,644.08	<u>\$3,315.65</u> \$3,172.90
B25/B32	<u>\$2,357.45</u> \$2,256.16	<u>\$2,947.04</u> \$2,820.20	<u>\$3,536.63</u> \$3,384.23
C41	<u>\$2,480.62</u> \$2,373.66	<u>\$3,101.00</u> \$2,967.07	<u>\$3,720.48</u> \$3,560.49
C42	<u>\$2,604.70</u> \$2,492.34	<u>\$3,255.87</u> \$3,115.43	<u>\$3,907.05</u> \$3,738.51
C43	<u>\$2,735.11</u> \$2,616.96	<u>\$3,417.99</u> \$3,271.20	<u>\$4,101.76</u> \$3,925.44
C44/C51	<u>\$2,871.87</u> \$2,747.81	<u>\$3,589.16</u> \$3,434.76	<u>\$4,307.35</u> \$4,121.71
C45/C52	<u>\$3,014.96</u> \$2,885.20	<u>\$3,753.99</u> \$3,592.62	<u>\$4,522.90</u> \$4,327.79
D61	<u>\$3,043.95</u> \$2,912.94	<u>\$3,956.86</u> \$3,786.82	<u>\$4,870.68</u> \$4,660.70
D62	<u>\$3,196.10</u> \$3,058.58	<u>\$4,155.20</u> \$3,976.16	<u>\$5,138.75</u> \$4,893.74
D63	<u>\$3,356.40</u> \$3,211.51	<u>\$4,362.60</u> \$4,174.97	<u>\$5,369.70</u> \$5,138.42
E81	<u>\$3,517.61</u> \$3,366.12	<u>\$4,572.71</u> \$4,375.96	<u>\$5,627.81</u> \$5,385.79
E82	<u>\$3,693.31</u> \$3,534.43	<u>\$4,801.84</u> \$4,594.76	<u>\$5,909.48</u> \$5,655.08
E83	<u>\$3,878.06</u> \$3,711.15	<u>\$5,041.85</u> \$4,824.49	<u>\$6,204.72</u> \$5,937.84
E84	<u>\$4,071.88</u> \$3,869.71	<u>\$5,293.62</u> \$5,065.72	<u>\$6,515.37</u> \$6,234.73

WAGE RANGES - HOURLY

Wage Range	Minimum	Midpoint	Maximum
A10	\$14.85\$14.21	\$17.09\$16.35	\$19.31\$18.48
A11	\$18.42\$17.63	\$23.03\$22.04	\$27.64\$26.45
A12	\$19.56\$18.72	\$24.45\$23.40	\$29.34\$28.08
A13	\$20.69\$19.80	\$25.86\$24.75	\$31.04\$29.70
B21	\$21.83\$20.89	\$27.28\$26.11	\$32.74\$31.33
B22	\$22.96\$21.97	\$28.70\$27.46	\$34.43\$32.95
B23	\$24.09\$23.05	\$30.11\$28.81	\$36.14\$34.58
B24/B31	\$25.51\$24.41	\$31.88\$30.51	\$38.26\$36.61
B25/B32	\$27.20\$26.03	\$34.00\$32.54	\$40.81\$39.05
C41	\$28.62\$27.39	\$35.78\$34.24	\$42.93\$41.08
C42	\$30.05\$28.76	\$37.57\$35.95	\$45.08\$43.14
C43	\$31.56\$30.20	\$39.44\$37.74	\$47.33\$45.29
C44/C51	\$33.14\$31.71	\$41.41\$39.63	\$49.70\$47.56
C45/C52	\$34.79\$33.29	\$43.32\$41.45	\$52.19\$49.94
D61	\$35.12\$33.61	\$45.66\$43.69	\$56.20\$53.78
D62	\$36.88\$35.29	\$47.94\$45.88	\$59.29\$56.74
D63	\$38.73\$37.06	\$50.34\$48.17	\$61.96\$59.29
E81	\$40.59\$38.84	\$52.76\$50.49	\$64.94\$62.14
E82	\$42.62\$40.78	\$55.41\$53.02	\$68.19\$65.25
E83	\$44.75\$42.82	\$58.18\$55.67	\$71.59\$68.51
E84	\$46.98\$44.96	\$61.08\$58.45	\$75.18\$71.94

§ 3.40.050 BASIS OF PAY RATES.

(A) *Minimum-Hiring wage rate.* An appointment to any position shall ~~can~~ be made ~~at the~~ from the minimum to the midpoint of the wage range based on the applicant's experience and ability over and above the qualification requirements specified for the class, prior creditable city service, or on a critical shortage of applicants, ~~and advancement~~ Advancement from the minimum wage rate to the maximum wage rate within a pay range shall be by successive merit increases. Upon recommendation of a Department Director, the City Manager may approve initial compensation at a wage rate higher than the minimum in the range for the class when the needs of the city make such action necessary; provided, that any such exception is based on

the applicant's experience and ability over and above the qualification requirements specified for the class, prior creditable city service, or on a critical shortage of applicants. Such a Approval by the City Manager shall be made in writing prior to appointment. In no instance shall an appointment be made above midpoint of the wage range, except at the Department Director level.

(B) *Promotion.*

(1) ~~*Promotion which recognizes exceptional skill and qualifications*~~Normal promotion. Promotion is defined as the movement of an employee from one class and wage range, to a different class at a higher wage range, as the result of being selected for a position through the job posting process. Unless otherwise provided in this subsection, for an employee who is promoted, ~~his/her~~the employee's wage rate in the new range can be made from the minimum to the midpoint of the wage range ~~shall be the minimum for that range or that wage rate providing for at least a three percent incremental increase, considering the employee's qualifications, previous performance in their current job, and those factors outlined in subsection (A).~~ In no instance shall an appointment be made above midpoint of the wage range, except to executive positions or if the current wage of a non-executive employee who accepts a promotion is above the midpoint of the new wage range. If the current wage of an employee who accepts a promotion is above the midpoint of the new wage range, and the employee is being promoted into a non-executive position, the employee may receive up to a 3% increase from their current rate of pay. Advancement to the maximum wage rate by subsequent promotion will be on the same basis as described in § 3.40.060.

(2) *Promotion following demotion in lieu of layoff.*

(a) If an employee is promoted back to ~~his/her~~the employee's former pay range within one year following a demotion in lieu of layoff, ~~he/she~~the employee shall be placed at that wage rate in the higher pay range which equates with ~~his/her~~the employee's pay rate prior to the demotion in lieu of layoff.

(b) If an employee is promoted within one year to a pay range lower than that which applied before a demotion in lieu of layoff, ~~he/she~~the employee shall be placed either at that wage rate in the new pay range which equates with the pay rate prior to the demotion in lieu of layoff or to the maximum pay rate in that new pay range, whichever is lower.

~~(3) *Promotion which recognizes exceptional skill and qualifications.* Promotion is defined as the movement of an employee from one class and wage range, to a different class at a higher wage range, as the result of being selected for a position through the job posting process. If an employee demonstrates that he/she holds qualifications significantly above the minimum required for a promotional opportunity, and the employee has demonstrated above average performance in the execution of their current job, then, upon the recommendation of the Department Director and the Personnel Officer, and upon the approval by the City Manager, the promotional increase may be granted that exceeds the minimum of the new wage range or 3%. But in no case will it exceed the midpoint of the new range.~~

(C) *Transfer.*

(1) When an employee is assigned to a new position in the same class and wage range and department, ~~he/she~~the employee shall be transferred at the same pay rate received~~he/she was receiving~~ at the time of before the transfer.

(2) When an employee is assigned to a new position in a different class or department, but at the same wage range, ~~his/her~~ the employee's pay rate in the range of the new position shall be the same pay rate received at the time of transfer ~~which the employee was receiving before he/she was transferred.~~

(D) *Demotion.* When an employee is demoted, ~~his/her~~ the employee's pay rate in the range for the lower class shall be that pay rate which is determined by the Department Director and the Personnel Officer, and approved by the City Manager.

(E) *Reclassification.*

(1) An employee occupying a position which has been reclassified to a class which carries a higher pay range shall be paid at a pay rate equal to or greater than the employee's pay rate prior to reclassification.

(2) When a position is reclassified to another class at the same level, the employee shall have no change in status.

(3) An employee occupying a position which has been reclassified to a class which carries a lower pay range shall be treated as follows:

(a) If ~~his/her~~ the employee's present pay rate is the same as that of any pay rate in the lower range, he/she shall enter the lower range at that rate;

(b) If the present pay exceeds the maximum pay rate for the lower class, the employee's pay rate shall remain the same until the employee is eligible for advancement within the pay range pursuant to § 3.40.050(B).

§ 3.40.060 ADVANCEMENTS WITHIN A PAY RANGE.

On July 1 following the annual performance evaluation, an employee's salary may be increased by an amount previously ~~approved~~ approved by the City Council. A merit increase must be earned and is not granted automatically. Merit increases shall be based upon objective evaluation of an employee's work performance, recorded on a performance evaluation report. When the overall report shows a satisfactory or higher rating, and when it is shown that the employee has demonstrated satisfactory performance of a progressively greater value to the city, a merit increase shall be approved.

(A) Such advancement may be made annually until the employee has reached the maximum pay rate of the salary range for ~~his/her~~ the employee's position. ~~During the first year of employment, an employee may be advanced to a higher pay rate on the July 1 following the date of hire only if his/her date of hire is before April 1. For employees hired after April 1, but before June 30, eligibility for a merit increase shall be October 1 of that year, and then July 1 thereafter.~~ During a year when the wage range is increased, employees hired between April 1 and June 30 shall also move up to the new minimum of the wage range on July 1, in which case they will not be eligible for an increase on October 1.

(B) When an employee reaches the maximum pay rate in their pay range, or if the percentage increase granted to other employees who are still within their pay ranges will cause the employee to reach or exceed the maximum pay rate in their pay range merit increases equal to one-half the percentage increase granted to other employees who are still within their pay ranges may be granted annually on July 1.

(C) When the Department Director determines that an employee has not demonstrated satisfactory performance of a progressively greater value to the city during ~~his/her~~the employee's past merit anniversary year, the Department Director may defer the merit increase for a stipulated time during which certain specific improvements must be made, or deny the increase. Notice of such deferral and reasons shall be given to the employee on the performance evaluation report. The deferred merit increase may be approved any time during the deferral period that the Department Director determines that the employee has demonstrated satisfactory improvement.

(D) Cost of living increases may be authorized by the City Council by non-code ordinance. All employees shall be entitled to receive the full cost of living percentage increase even if this increase will cause an employee's pay to exceed the maximum pay in their pay range.

§ 3.40.070 ACTING IN A HIGHER POSITION.

Upon approval by the City Manager, or their designee, when an employee has been named to fill an Acting Appointment and performs the duties and responsibilities of their current position and an executive, supervisory, or managerial position or in circumstances where an emergency hire would otherwise be required ~~and of a position for which specified minimum certifications are identified in the job description for the position~~ for a period of five or more working days, then the employee may receive the minimum of the wage range, not to exceed a 10% increase, of the position for which the employee is performing duties and responsibilities or a 3% increase in the employee's current rate of pay, effective as of the first working day of acting in the higher position, whichever is higher.

§ 3.40.080 EFFECTIVE DATE OF CHANGE IN PAY.

The effective date of a change in pay due to personnel actions shall be as follows:

(A) *Regular merit increases.* July 1, or October 1 of the first year of employment if hired between April 1 and June 30 of that year, or such later date as a deferred increase is acted upon.

(B) *Promotions, demotions and reinstatements.* The date the personnel action is intended to take effect as indicated on the relevant personnel action form, or such later date as indicated by the City Manager.

Section 13: Amendment of Chapter 3.44. Chapter 3.44 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.44.010 HOURS OF WORK.

(A) Unless otherwise provided in subsection (B) or specifically stated in the job description, regular working hours of city employees shall consist of a five-day week, eight hours a day, forty hours a week. 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.

(B) Different schedules to meet department operation needs may be established by Department Directors with the approval of the City Manager. Temporary shifting of employee's working hours to meet routine needs may be done as necessary and approved by the Department Director.

§ 3.44.020 OVERTIME PROCEDURES.

Overtime payment will be received by all employees except for those employees who, by the nature of their work, are deemed by the city to be overtime exempt. ~~All overtime worked must have the approval of the Department Director, or his/her designee, prior to its performance.~~ All overtime records are subject to review by the City Manager. Department Directors will seek to minimize overtime wherever practicable. Overtime shall be scheduled as fairly and equally as practicable among employees, based first on qualifications to perform the work and secondly on seniority.

§ 3.44.030 TIME AND ONE-HALF OVERTIME.

Overtime hours shall be paid and shall be defined as follows:

(A) Hours worked in excess of eight regular time hours worked in one day if working a five-day work week shall be paid at time and one-half. Hours worked in excess of ten regular time hours worked in one day if working a four-day work week shall be paid at time and one-half.

(B) Hours worked, ~~including observed holidays (other than floating holidays),~~ in excess of forty regular time hours of hours worked shall be paid at time and one-half. If an employee is compensated for a city holiday or for personal leave hours taken during the regular city work week, those hours of compensation for time worked shall not count as hours worked within the meaning of this section.

(C) Hours worked on recognized city holidays shall be paid at time and one-half, in addition to holiday pay.

(D) All overtime must be approved by the supervisor and the Director prior to its performance.

§ 3.44.040 EXCEPTIONS FOR SHIFT ROTATION.

An exception to overtime pay for work over eight regular hours in a twenty-four hour period is that due to shift rotation, provided there has been off time of at least eight hours between shifts.

§ 3.44.050 CALL OUT TIME.

Once an employee's shift is completed and ~~he/she~~the employee has physically left the confines of ~~his/her~~the employee's centralized work area, any call out for additional work will be at the overtime rate of time and one half for a minimum of two hours time accrual.

§ 3.44.060 RECOGNIZED CITY HOLIDAYS.

(A) The following days shall be recognized as holidays with pay for all employees in regular full-time, ~~and regular part-time, and regular seasonal~~ and regular part-time positions who are in pay status the day before and the day following such days:

New Year's Day

Martin Luther King's Birthday - Third Monday in January

President's Day - Third Monday in February

Memorial Day - Last Monday in May

Independence Day

Labor Day

Veteran's Day - November 11

Thanksgiving Day

Christmas Day

(B) Each regular full-time, ~~and regular part-time, and regular seasonal~~ employee is entitled to up to three floating holidays. An employee will be entitled to a floating holiday if the employee is in a regular full-time, ~~or regular part-time, regular seasonal~~ position in pay status the day before and the day following Lincoln's Birthday (2/12), Seward's Day (last Monday in March) or Alaska Day (10/18). Floating holidays may be used only on or after the holiday itself, and upon approval of the Department Director. Floating holidays do not accrue past December 31 of the year in which they occur ~~and they are not included in cash-in provisions.~~ Hours not used by this date will be cashed out to the employee in the pay period ending December 31. This cash out will be based on the employee's rate of pay on December 31 and will not be counted as one of the employee's Personal Leave cash outs. Employees must be employed with the City on December 31 to receive the cash out for unused floating holiday hours. Unused hours are eligible for cash out at the time of employment separation if the holiday itself has passed.

§ 3.44.070 HOLIDAYS FALLING ON A REGULARLY SCHEDULED DAY OFF.

When a recognized holiday falls on a regularly scheduled day off, ~~the an~~ employee classified as non-exempt shall receive off either the work day immediately preceding or a work day during the week immediately following the regularly scheduled day in lieu of the holiday. If the day in lieu of the holiday is worked, pay shall be computed pursuant to § 3.44.030(C).

§ 3.44.080 HOLIDAY DURING PERSONAL LEAVE.

A recognized city holiday, occurring during an employee's personal leave, shall not be counted as a day of personal leave.

§ 3.44.090 COMPUTATION OF HOLIDAY PAY.

For regular full-time ~~and regular full-time seasonal~~ employees, holiday pay is computed ~~for as~~ the actual eight hours a day the employee would normally have worked on that particular day. For regular part-time, ~~or regular part-time seasonal~~ employees, holiday pay is computed ~~based on the number of hours in pay status in the current pay period, excluding overtime, as a percentage of full-time~~ as four hours a day. Temporary, seasonal, emergency hire, and regular less than part-time employees are not eligible for holiday pay.

Section 14: Amendment of Section 3.48.020. Section 3.48.020 of the Unalaska Code of Ordinances is hereby amended- to read as follows: [additions are underlined, deletions are ~~overstruck~~]

§ 3.48.020 INSURANCE AND MEDICAL BENEFITS.

(A) ~~All regular full-time employees, and all regular part-time employees of the city who were regular part-time employees of the city as of March 9, 1999.~~ Subject to insurability requirements as defined in the city health insurance summary plan description, all regular full-time

employees, and all regular part-time employees of the city who were regular part-time employees of the city as of March 9, 1999 shall be covered by the group policy at no expense to the employee.

(B) All regular part-time employees of the city who began employment with the city after March 9, 1999 in that status and who are hired for a position budgeted for at least 20 hours but less than 40 hours per week subject to insurability requirements as defined in the city health insurance summary plan description and as administered by the trust administrator may, at the employees option, to the extent allowed by the city health insurance plan, be covered by the group policy but shall pay one-half of the premium for said coverage.

~~(C) All regular part time employees who began employment with the city after March 9, 1999 in that status and who work less than 20 hours per week may, at the employees option to the extent allowed by the city health insurance plan and subject to insurability requirements as defined in the health insurance summary plan description and as administered by the trust administrator, be covered by the group policy but all premiums for said coverage shall be paid solely by the employee.~~

~~(D)~~ Temporary, seasonal, and emergency hire, and regular less than part-time employees are not eligible for health insurance benefits.

Section 15: Amendment of Chapter 3.52. Chapter 3.52 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are ~~overstruck~~]

CHAPTER 3.52: LEAVE

Section

3.52.010 Personal leave accrual plan

3.52.020 Personal leave accrual while employee is on paid leave

3.52.030 Computation of personal leave accrual for regular part-time employees

3.52.035 Regular less than part-time employees leave accrual

3.52.040 Temporary, Seasonal, or Emergency appointments personal leave accrual

3.52.050 Personal leave use

3.52.060 Personal leave bank

3.52.070 [RESERVED]

3.52.080 Personal leave cash in possibilities

3.52.090 Recognized holiday during personal leave period

3.52.100 Personal leave payment upon separation

3.52.110 Leave without pay

3.52.120 Change of anniversary date because of leave without pay

3.52.130 Unauthorized leave

- 3.52.140 Education leave with pay
- 3.52.150 Military leave
- 3.52.160 Disability leave/family and medical leave
- 3.52.180 Workers compensation leave
- 3.52.190 Death in the immediate family
- 3.52.200 Jury leave

§ 3.52.010 PERSONAL LEAVE ACCRUAL PLAN.

~~(A) Existing full time employees. All regular full time employees who were regular full time employees as of March 9, 1999 and who are eligible to accrue leave shall accrue personal leave at the rate of:~~

~~—(1) First year of service beginning on the date of hire and ending on the date before the first anniversary date, 22 hours per month.~~

~~—(2) Second, third and fourth years of service beginning on the first anniversary date and ending on the day before the fourth anniversary date, 28 hours per month.~~

~~—(3) Fifth year and beyond beginning on the fourth anniversary date and ending on the date of separation from city service, 32 hours per month.~~

~~(BA) Newly hired full time employees. All regular full-time employees who commence employment with the city after March 9, 1999, and who are eligible to accrue leave, shall accrue personal leave at the rate of:~~

(1) First and second years of service beginning on the date of hire and ending on the date before the second anniversary date, 16 hours per month.

(2) Third and fourth years of service beginning on the third anniversary date and ending on the day before the fourth anniversary date, 20 hours per month.

(3) Fifth and sixth years of service beginning on the fourth anniversary date and ending on the date before the sixth anniversary date, 24 hours per month.

(4) Seventh and eighth years of service beginning on the sixth anniversary date and ending on the date before the eighth anniversary date: 28 hours per month.

(5) Ninth year of service and beyond beginning on the eighth anniversary date and ending on the date of separation from city service, 32 hours per month.

~~(CB) Accrued unused personal leave shall not exceed 768 hours. Once any employee has accrued 768 hours of unused personal leave, the employee shall stop accruing personal leave until the employee's accrued unused personal leave is less than 768 hours.~~

§ 3.52.020 PERSONAL LEAVE ACCRUAL WHILE EMPLOYEE IS ON PAID LEAVE.

Personal leave continues to accrue during the period of time an employee is on paid leave. Personal leave does not accrue during the period of time an employee is on leave without pay.

§ 3.52.030 COMPUTATION OF PERSONAL LEAVE ACCRUAL FOR REGULAR PART-TIME EMPLOYEES.

All employees holding regular part-time positions ~~who work at least 20 hour per week shall~~ accrue personal leave at half a proportion of an equivalent full-time position. ~~The proportion shall be computed by dividing the number of actual hours in pay status, excluding overtime, in the current pay period of a part time position by the number of normal work hours of an equivalent full-time position. All employees holding regular part-time positions who work less than 20 hours per week shall not accrue personal leave.~~

§ 3.52.035 REGULAR LESS THAN PART TIME EMPLOYEES LEAVE ACCRUAL.

Regular less than part-time employees shall not accrue personal leave.

§ 3.52.040 TEMPORARY, SEASONAL, OR EMERGENCY APPOINTMENTS PERSONAL LEAVE ACCRUAL.

Employees hired by temporary, ~~or~~ seasonal or emergency appointment shall not accrue personal leave.

§ 3.52.050 PERSONAL LEAVE USE.

(A) Upon successful completion of six months of continuous employment with the city, an employee may request to use accrued personal leave for non-medical purposes at any time that will not be detrimental to department operations and subject to the approval of the Department Director. Prior to completion of six months of continuous employment with the city an employee may be granted personal leave benefits for non-medical purposes, as determined by the Department Director and approved by the City Manager.

(B) Accrued personal leave may be used when the employee is sick or injured. Any absence on personal leave for medical purposes may be required to be certified by a licensed medical professional.

~~(C) At least 80 hours of personal leave must be used after the first complete calendar year worked and every calendar year thereafter pursuant to § 3.52.050(A).~~

~~(D)~~ Personal leave does not accrue until the end of each pay period. Personal leave may not be used before the personal leave has accrued. Personal leave that will accrue during any particular pay period may not be used during the pay period in which the personal leave will accrue.

§ 3.52.060 PERSONAL LEAVE BANK.

An employee may voluntarily donate accrued unused personal leave ~~he/she has accrued to~~ another employee of the city who requires an extended absence from work and; 1) is eligible for Family and Medical Leave (FML) or Alaska Family Leave (AFL) under State or Federal laws; or 2) is under the care of a physician ; or 3) is in danger of exhausting all personal leave due to a is seriously illness or injured injury, or has or an immediate family member's who is seriously illness or injured, or is attending to a death in his/her the employee's immediate family, or is eligible for Family and Medical Leave (FML) or Alaska Family Leave (AFL) under State or Federal laws, or is under that care of a physician, requiring absence from work for more than 20 consecutive days and has exhausted all his/her personal leave. Personal leave which is being donated under this section shall be donated at the donating employee's current rate of pay and that sum of money shall be paid to the city employee to whom the sick leave is being

donated. All taxes and other required withholdings from pay are the responsibility of the employee receiving the donation. Any unused portion of donated leave remains with the employee receiving the donation.

§ 3.52.070 [RESERVED]

§ 3.52.080 PERSONAL LEAVE CASH IN POSSIBILITIES.

(A) After 12 months of continuous service, an employee may cash in personal leave two times per fiscal year, provided that the employee shall retain at least 80 hours of leave in ~~his/her~~the employee's account.

(B) In addition to the provisions in this section, cash in lieu of accrued personal leave may be obtained under emergency conditions, as defined in § 3.04.010(K), outlined in writing and approved by the City Manager.

§ 3.52.090 RECOGNIZED HOLIDAY DURING PERSONAL LEAVE PERIOD.

A recognized holiday occurring when an employee is on personal leave status shall be counted as a holiday.

§ 3.52.100 PERSONAL LEAVE PAYMENT UPON SEPARATION.

Upon separation, accrued personal leave shall be paid in a lump sum to employees with 12 months of continuous employment with the city.

§ 3.52.110 LEAVE WITHOUT PAY.

(A) Leave without pay may be granted to an employee upon recommendation of the Department Director and approval of the City Manager, or ~~his/her~~ designee. Each request for such leave shall be considered in light of the circumstances involved and the needs of the department. Leave without pay shall not be requested nor granted until such time as all accrued personal leave has been exhausted, except when an employee is absent and drawing workers' compensation pay. Benefits do not accrue while on leave without pay, except insurance which will continue through the first month of leave without pay beyond the end of the calendar month in which leave without pay status began. Employees remain responsible for required and voluntary deductions and shall make alternate arrangements when they are in leave without pay status.

(B) 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 years shall be considered for such leave, providing the work situation permits a temporary absence without serious effect upon the department's operations. A maximum of one year of college work, or the equivalent thereof, may be granted in such cases. No benefits shall accrue while on this type of leave without pay.

§ 3.52.120 CHANGE OF ANNIVERSARY DATE BECAUSE OF LEAVE WITHOUT PAY.

If an employee uses more than 30 calendar days of leave without pay during an anniversary year, ~~his/her~~the employee's anniversary and length of service dates shall be extended by the number of days such leave without pay exceeds 30.

§ 3.52.130 UNAUTHORIZED LEAVE.

Any absence not authorized and approved in accordance with provisions of these regulations shall be without pay for the period of the absence and shall be grounds for disciplinary action, up to and including termination for abandonment of job.

§ 3.52.140 EDUCATION LEAVE WITH PAY.

Leave with pay, not to exceed three months, may be authorized to include time to complete advanced training programs. Should an employee voluntarily terminate prior to working one year after completion of an approved training program, other than a mandatory program, the employee shall reimburse to the city all costs directly related to the training program.

§ 3.52.150 MILITARY LEAVE AND FURLOUGH.

(A) —Military Leave for Reserve Training Duty. An employee who belongs to a reserve or auxiliary component of the United States Armed Forces is entitled to a leave of absence without loss of pay, time or performance rating on all days during which the employee is ordered to training duty with troops or at field exercises, or for instruction, up to a maximum of 10 working days in any calendar period beginning January 1 and ending December 31. Such military leave shall not be deducted from accrued personal leave. An employee ordered to attend additional periods of military duty may take personal leave or leave without pay for such duty, subject to Sections 3.52.050 and 3.52.110 of this Chapter. The employee shall give as much advance written or verbal notice to the City as possible and shall provide documentation substantiating the dates for which leave is requested or taken unless precluded by military necessity or if the giving of such notice is otherwise impossible or unreasonable.

The City may, at the discretion of the employee's supervisor, change an employee's weekend schedule to accommodate the employee's required training, field exercises, or instruction. The employee shall be given five (5) days' notice if such shift changes occur.

(B) Military Furlough for Active Duty. An employee ordered to active military duty shall, upon request, be furloughed without pay for the period of the employee's military service, not to exceed five (5) years, in order to fulfil the employee's military commitment. Upon discharge from active duty service, an employee shall be re-hired in the same or similar position that he or she would have had attained if the employee had not been absent (including seniority credit), provided the employee (i) is qualified to perform the job, (ii) re-applies for the position within the time required by the Uniform Service Employment and Reemployment Rights Act (USERRA), and (iii) is otherwise eligible and entitled to be re-hired for the position under USERRA.

An employee who is furloughed without pay under this subsection will:

- (1) Not be considered a City employee for the duration of the furlough;
- (2) Have the opportunity to purchase health insurance through COBRA in accordance with and subject to any and all limitations set forth in the health plan and federal and state law;
- (3) May elect to use or cash out paid annual leave; and
- (4) Not accrue personal leave or other benefits during the furlough.

An employee placed on military furlough may be replaced by a regular or temporary employee at the discretion of the City depending on the needs of the department and the anticipated duration of the leave. A former employee who is eligible and applies to be re-hired pursuant to this section shall be given priority to the employee's former position as required by AS 39.20.350 and USERRA notwithstanding any other provision of this Title. In such instances, the

City may be required to reassign or terminate without prejudice an employee occupying the same position. The City shall be under no obligation to employ more people than necessary as a result of a rehire required by this section and applicable law. An employee who is reinstated to the same or substantially similar position under this section shall not be required to serve a probationary period.

~~Employees shall be granted military leave consistent with applicable law.~~

§ 3.52.160 DISABILITY LEAVE/FAMILY AND MEDICAL LEAVE.

(A) An eligible employee shall be granted leave during periods of non-occupational disability, or other medical condition of the employee or eligible members of ~~his/her~~the employee's family, consistent with applicable federal and state statutes and regulations regarding Family and Medical Leave, if a certified medical professional certifies that the employee's, or eligible family member's, condition prohibits a return to work.

(B) Upon return to work, the employee will be restored to the previous departmental classification without loss of seniority, upon the city's verification of a written release to work of ~~at~~the certified medical professional.

(C) Disability leave shall be charged first to personal leave and then to leave without pay for the balance of the disability period.

§ 3.52.180 WORKERS COMPENSATION LEAVE.

Employees shall be granted worker's compensation leave to the extent required by the Alaska Workers' Compensation Act.

§ 3.52.190 DEATH IN THE IMMEDIATE FAMILY.

Paid bereavement leave not to exceed ~~five~~ seven days may be used upon the death ~~of~~ the employee's family members as defined in § -3.04.010(Q) or for the related burial or memorial services. Recognizing that "family" does not always conform to the definitions of § 3.04.010(Q), an employee may utilize paid bereavement leave for the death of individuals who acted in a parental capacity to the employee by completing the immediate family member form that will be included in the employee's personnel file. —Bereavement leave will not be deducted from the chargeable leave account.

§ 3.52.200 JURY LEAVE.

(A) Jury duty shall be treated as jury leave, without loss of ~~seniority/longevity~~, personal leave, or pay. In order to be entitled to jury leave, the employee shall provide ~~the~~their Department Director with written proof of the requirement of ~~his/her~~their presence for the hours claimed. Fees paid by the court, other than travel and subsistence allowance, while the employee is on jury leave shall be turned in for deposit to the City. For jury duty that occurs on the employee's normal non-work days, fees paid by the court may be retained by the employee.

(B) Service in court 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, will be treated the same as jury duty. Witness service for purposes other than just described will be covered by personal leave or leave without pay, and any fees received may be retained by the employee.

Section 15: Amendment of Chapter 3.56. Chapter 3.56 of the Unalaska Code of Ordinances is hereby amended— to read as follows: [additions are underlined, deletions are overstruck]

§ 3.56.010 CLASSIFICATION.

Executive positions shall be included in the classification plan and allocated to an executive pay level as defined in the pay plan. Should the City Manager reassign the duties of an executive position in such a manner as to necessitate placement at a higher or lower executive pay level, such action shall require approval of the City Council.

§ 3.56.020 RECRUITMENT AND APPOINTMENT.

Executive positions by their nature and complexity are not subject to the normal procedures of recruitment and selection applicable to classified service positions. The City Manager may utilize any appropriate recruitment and referral sources and techniques, including, but not limited to, offering a lump sum payment of a hiring bonus not to exceed \$10,000 less applicable withholdings to obtain the highest caliber employees for these positions and may appoint whomever the City Manager has determined can best discharge the duties of an executive position at ~~his~~their discretion. Any lump sum payment shall be contingent on agreement of the employee to reimburse the full amount of the incentive payment if the employee resigns before the employee's first anniversary date.

§ 3.56.030 COMPENSATION.

(A) Executive positions are assigned to an executive pay level based on the relative responsibility of the position.

(B) Executive employees shall be evaluated annually. The employee's performance must be rated at least satisfactory in order to be eligible for consideration of a wage increase on July 1 (or as otherwise provided for as defined in 3.40.0860(A)) following the annual evaluation. The granting of an annual wage increase is a merit increase based on performance and not an automatic longevity increase. Merit wage increases for executive employees shall be provided only if the City Council by non-code ordinance adopted during consideration of the annual budget has authorized merit wage increases. Said increases shall be limited to the amount provided by the City Council. When an executive employee reaches the maximum pay rate in their pay range or if the percentage increase granted to other employees who are still within their pay ranges will cause the executive employee to reach or exceed the maximum pay rate in their pay range, merit increases equal to one-half the percentage increase granted to other employees who are still within their pay ranges may be granted annually on July 1. During the first year of employment, an executive employee will be advanced to a higher pay level on the July 1 following the date of hire only if ~~his/her~~the employee's date of hire is before April 1.

(C) With the exception of a hiring bonus, cost of living adjustments, merit increases, and travel allowance authorized by City Council, ~~B~~bonuses and special merit awards are not available to executive employees.

(D) ~~Before an executive employee may be hired, the proposed~~The negotiated salary and any hiring incentive for executive employees shall be reported to the City Council upon the acceptance of the offer letter.

§ 3.56.040 LEAVE.

The provisions of Chapter 3.52 shall govern leave for executive employees.

§ 3.56.050 DISMISSAL, DEMOTION AND SUSPENSION.

(A) Employees occupying an executive position are appointed by the City Manager, and serve at the Manager's discretion. The City Manager may dismiss, demote or suspend any employee occupying an executive position for any reason with or without just cause.

~~(B) For an executive employee who began employment in that status after March 9, 1999, any dismissal, demotion or termination of an executive employee without cause will be taken only after first placing the executive employee on paid leave for a period of up to five days during which time the City Manager shall consult with the City Attorney and any dismissal, demotion or termination with cause will be taken only after : 1) provision of a written statement of reasons for termination with cause to the executive employee at least five (5) days before the effective date of termination; and 2) consultation with the City Attorney and City Council in executive session with the City Manager present and unless the executive employee requests a public discussion. The executive employee will be provided an opportunity to respond to the statement of reasons both in writing and in person either in a public session or an executive session at the employee's option. The final decision on dismissal of an executive employee will be made by the City Manager. present if the employee so chooses.~~

~~(C) For an executive employee who was employed in that status on March 9, 1999, any dismissal, demotion or termination will be taken only after consultation with the City Council in executive session with the City Manager present, and the executive employee present if the employee so chooses.~~

~~(D)~~ (C) An executive employee who is demoted to a classified service position shall serve a probationary period.

§ 3.56.060 DEMOTION UPON REQUEST.

An executive employee who previously held status in the classified service and who requests demotion, may be placed in a vacant classified position at the same or a lower level position than the one in which status was previously held.

§ 3.56.070 EXCEPTION TO RULES.

The requirements of this chapter apply fully to all executive employees and are the only rules, other than the sections listed in 3.04.040, which apply to executive employees except as otherwise provided by this title.

§ 3.56.080 SEVERANCE PAY.

~~(A) An executive employee who was employed by the city in that status as of March 9, 1999 and who is dismissed without just cause shall receive severance pay in an amount equal to 24 weeks of the executive employee's pay rate at the time of dismissal.~~

~~(B)~~ (A) An executive employee who began employment with the city after March 9, 1999 and who is dismissed without just cause shall receive severance pay in an amount up to 12 weeks of the executive employee's pay rate at the time of dismissal.

~~(C)~~ (B) The City Manager shall report all instances in which severance pay is granted to the City Council in a public document ~~to the City Council.~~

§ 3.56.090 RESIGNATION.

(A) An executive employee who desires to resign shall give at least 30 days written notice to the City Manager.

(B) An executive employee may withdraw ~~his/her~~their resignation only with the approval of the City Manager.

Section 16: Amendment of Chapter 3.60. Chapter 3.60 of the Unalaska Code of Ordinances is hereby amended— to read as follows: [additions are underlined, deletions are overstruck]

§ 3.60.010 TUITION REFUNDS.

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 100% of the tuition expense in accordance with the Tuition Reimbursement policy. In order to receive consideration for reimbursement of tuition, the employee shall obtain the written concurrence of ~~his~~the employee's Department Director that the proposed course is related to the employee's present duties, and that successful completion of the course will be of mutual benefit to both the city and the employee involved. This concurrence shall be obtained before beginning the pertinent course of study. The Department Director shall render ~~his/her~~their decision on this matter prior to the commencement of the requested class. The employee shall also sign an agreement that the reimbursed tuition will be returned to the city in the event of separation from city employment within 12 months from the date of completion of the course. Upon successful completion of the course involved, the employee shall furnish ~~his—their~~ Department Director with evidence of successful completion and amount of the course fee.

§ 3.60.020 GIFTS AND GRATUITIES.

It shall be the responsibility of each city employee to remain free from indebtedness or favors which would tend to create a conflict of interest between personal and official interests, or which might reasonably be interpreted as affecting the impartiality of the individual employee. If an employee is tendered or offered a gift or gratuity which would, in the eyes of the public, be construed to be an attempt to bribe, influence or to encourage special consideration with respect to city operations, such offer shall be reported without delay to the employee's immediate superior who in turn will inform the Department Director. If any employee shall knowingly accept any gift or gratuity that creates the appearance of undue influence or that results in special considerations benefiting the giver, then that employee may be disciplined and/or dismissed from the city service as determined by the City Manager.

§ 3.60.030 OUTSIDE EMPLOYMENT.

(A) —No employee shall engage in any other employment, whether public, private or self-employment during scheduled work hours, nor shall any employee engage in any other employment outside scheduled work hours if such employment conflicts with the city's interests or adversely affects the employee's availability and usefulness. Employees ~~shall be required to~~ discuss any outside employment intentions with their supervisor and Department Director prior to assuming such employment.

(B) Prior to accepting outside employment, an employee shall complete and submit a notice of outside employment form that will be included in the employee's personnel file.

(C) An employee shall not accept outside employment without written approval of their supervisor and Department Director.

(D) An employee shall not solicit work or business related to their outside employment during scheduled work hours.

~~(A)(E)~~A Department Director shall not approve outside employment related to potential or existing city contracts for which the employee requesting approval may participate in that person's capacity as a city employee.

§ 3.60.040 PROHIBITION FROM SERVICE AS AN ELECTED OR APPOINTED OFFICIAL.

(A) No employee shall be allowed to remain an employee and serve as an elected or appointed Mayor or City Council member.

(B) No employee shall be appointed as a member to the City of Unalaska Planning Commission or Platting Board. Any member of the City of Unalaska Planning Commission or Platting Board who accepts employment with the city shall be deemed to have submitted a resignation from the Commission or Board effective the date of employment.

§ 3.60.050 EMPLOYMENT OF FAMILY MEMBERS.

No person may be employed in a position directly supervised by a family member; this provision, however, does not prevent continued employment with the city of persons who are employed at the time of adoption of this section. Additionally, family members shall not be placed in a position such that one member is required ~~or authorized~~ to review the work, personnel documents, expense account or time records of another family member. Should such situations arise the review shall be done by a non-family member.

§ 3.60.060 MOVING EXPENSES FOR NEW EMPLOYEES.

(A) Whenever, in the opinion of the City Manager, it is necessary to recruit qualified employees from outside the city, the city employee will receive a lump sum payment not to exceed \$5,000, less applicable withholdings, to assist with moving related expenses, shall reimburse the employee for actual and necessary moving expenses in an amount not to exceed \$3,500 for shipment of personal belongings, plus an additional \$500 for authorized moving expenses with supporting receipts, plus airfare for the employee and dependents residing with the employee, as defined by the Internal Revenue Service.

(B) If the employee voluntarily leaves the employment of the city before completing 12 continuous months of employment, the employee will be required to repay the city for all moving expenses ~~reimbursed~~. The repayment of the moving expenses may be waived by the City Manager.

(C) The city shall be responsible for return transportation of an employee only as required by applicable state law.

~~(D) Executive employees shall not be reimbursed for moving expenses.~~

§ 3.60.070 CITY VEHICLE POLICY.

The City Manager shall maintain a city vehicle policy which has been approved by resolution of the City Council.

§ 3.60.080 CITY HOUSING POLICY.

As long as the City Council considers the housing shortage within the community critical and deems it necessary for the city government to provide some housing accommodations for

certain employees, then the City Council shall periodically adopt by resolution a city housing policy to be administered by the City Manager, or his/her designee.

§ 3.60.090 INDIVIDUAL EMPLOYMENT AGREEMENTS.

Any individual employment agreement between the city and the City Manager or between the city and any Department Director or professional employee which has been approved by the City Council supersedes the provisions of Title 3, except that within an individual employment agreement specific sections of this title may be incorporated by reference.

§ 3.60.100 DRUG FREE WORKPLACE.

The city will comply with the requirements of the Drug-Free Workplace Act of 1988 (41 USC 8101704 et seq.).

§ 3.60.110 HARASSMENT.

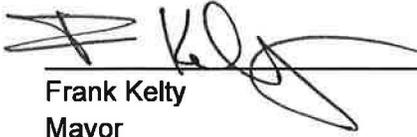
~~—The city recognizes the right of all employees to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment. It is the policy of the City of Unalaska to provide a work environment free from workplace bullying, harassment, and discrimination. All employees have the right to be treated with dignity and respect at work. Abusive or offensive conduct; workplace bullying or harassment; harassment of a sexual nature; and/or discrimination or harassment based on a protected characteristic is prohibited in the workplace. Employees shall not engage in workplace bullying, discrimination, or harassment of any kind toward any other employee or member of the public who enters the City workplace. The City of Unalaska and employees will comply with the requirements of Title VII Civil Rights Act of 1964; AS 18.80.220; Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990 as they relate to this subject.~~

§ 3.60.120 TRAVEL ALLOWANCE.

~~Upon completion of 12 consecutive months of regular full-time service and once during each anniversary year thereafter, regular full-time employees shall receive a travel allowance in the amount of \$4,5002,000, less applicable withholdings. Upon completion of 12 consecutive months of regular part-time service and once during each anniversary year thereafter, regular part-time employees shall receive a travel allowance in the amount of Travel allowance for regular part-time employees shall be \$1,000, less applicable withholdings, computed at a proportion of an equivalent full-time position. The proportion shall be computed by dividing the number of actual hours in pay status, excluding overtime, in the previous year of a part-time position by the normal work hours of an equivalent full-time position. The travel allowance is included with the paycheck following the employee's anniversary date, or on the employee's anniversary date if that day is a payday. Only regular full and regular part-time employees are eligible for this travel allowance.~~

Section 17: Effective Date. This ordinance shall be effective September 16, 2019.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 10 DAY OF September, 2019.



Frank Kelty
Mayor

ATTEST:



Marjorie Veeder
City Clerk



MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: August 27, 2019
Re: Title 3 Ordinance Update

SUMMARY: Ordinance 2019-10 amends Title 3, the City of Unalaska's personnel ordinance. The proposed updates are divided into four main categories: Standardization & Clarifications, Expanded & New Sections, Pay Plans, and Benefit Refinements. Staff recommends approval.

PREVIOUS COUNCIL ACTION: Staff briefed Council on this topic in May 2019. In 2013, the City commissioned a comprehensive Compensation and Benefits Analysis, the result of which was an update of the classification and pay plans and Council amended Title 3 by ordinance. 2006 was the last time there were more widespread changes to Title 3. Council was provided an overview of the proposed changes to Title 3 at the July 23, 2019 Council meeting.

BACKGROUND: Title 3 compliments the Collective Bargaining Units (CBAs) for most employees, but this is the only governing document regarding personnel matters for employees not represented by a Collective Bargaining Unit or Union. Collective Bargaining Unit Agreements, otherwise known as Union Contracts, typically follow a three year review cycle. The last time Council took action on Title 3 was in 2013, and the time before that in 2006.

Unalaska Municipal Code § 3.40.020 currently states that the City Manager shall periodically, but not less often than every four years, review the pay plan, and make a report to City Council with a recommendation regarding the necessary changes to keep the pay plan current. A review of the pay plan was done in coordination with these Title 3 updates. The 4.5% increase to the entire scale discussed in July has been incorporated into Section 3.40.040, the Pay Range Matrix.

Unalaska Municipal Code § 3.16.040 currently states that a review of the classification plan shall be done at least every seven years. Since the Compensation and Benefits Analysis in 2013 that included an update to the classification plan, there have been six reclassifications and three initial classifications due to the creation of new positions. DPS Office Manager was reclassified from B23 to B31 in 2016; Deputy Police Chief and Fire Chief were reclassified from D61 to D63 in 2016; IS Supervisor was reclassified from C43 to D61 in 2016; Controller was reclassified and retitled from D61 to D63 in 2017; and the Fire Chief was again reclassified from a D63 to E83 in 2019.

Although a review of the classification plan addressed in the future as a separate project, five positions will be reclassified at this time. Risk Manager is reclassified from C41 to C45; Human Resources Manager is reclassified from C44/51 to D62; IS Supervisor is reclassified from D61 to D62; City Engineer is reclassified from C45/C52 to D63; and Deputy DPU Director is reclassified from C45/C52 to D63. These adjustments better reflect the roles and responsibilities these positions play within the organization. Some of these positions are currently vacant, or are planned to be soon, and we are hopeful that reclassifying will assist in recruitment. No budget

amendment is required for these reclassifications and, therefore, no action is required by Council.

DISCUSSION: The goal of City Administration is to help with the recruitment and retention of qualified and dedicated team members. Additionally, it is our goal to provide for a safe, positive and equitable working environment for all our employees. We also continue to explore sustainable solutions that have lasting impact and are beneficial to both community members and employees.

The proposed updates to Title 3 can be broken up into four main categories. The categories include: Standardization & Clarifications, Expanded & New Sections, Pay Plans, and Benefit Refinements. Changes that have been incorporated since the July meeting, besides grammatical corrections and phrasing improvements, are highlighted below.

Standardization & Clarifications

- The Acting Appointment section was refined to state that acting pay would begin on the first day and highlight that this could be used in cases where an external emergency hire would otherwise be required.
- Recruitment section was refined to have a set 10-day posting.
- The grievance procedure has been refined based on Human Resources Manager and City Attorney recommendations. This includes a standardized pre-disciplinary hearing section, a new appeals section, and the resulting elimination of the arbitration section.
- For increased consistency, Family Medical Leave and Alaska Family Leave are now referenced as another time when employees may utilize their personal leave bank.
- For increased clarity, unused hours from floating holidays are now eligible for cash out at the time of employment separation, so long as the holiday has passed.

Expanded and New Sections

- The Risk Manager has provided additional refinements to the Safety section, with particular attention paid to the details of the safety committee portion.

Pay Plans

- The previously discussed 4.5% increase to the wage scale has now been incorporated into the draft proposals for the Pay Range Matrix.

ALTERNATIVES: This is presented for information purposes. Staff is open to guidance, questions and feedback.

FINANCIAL IMPLICATIONS: Council will also be asked to take action on Ordinance 2019-11, the budget amendment to implement the additional expense for the annual travel allowance associated with these changes. Ordinance 2019-11 also amends the budget and authorizes a 4.5% cost of living adjustment to the base pay for all existing Title 3 employees. The cost directly associated with these changes and the COLA is \$145,803. The total cost to the City (including taxes, PERS and Workers Compensation) is \$192,605.

LEGAL: Staff consulted the City Attorney on this issue, and the City Attorney's office produced the Ordinance document being considered this evening.

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to approve Ordinance 2019-10, and set it for public hearing and second reading on September 10, 2019.

ATTACHMENTS: Memo to Council from July 23, 2019 Meeting