

KENAI PENINSULA BOROUGH

ORDINANCE NO. 61

AN ORDINANCE ENTITLED: AN ORDINANCE ESTABLISHING A BOROUGH
PERSONNEL SYSTEM

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH:

Section 1. Title 19 of the Code of Ordinances of the
Kenai Peninsula Borough including sections 19.05.05, 19.05.015,
is repealed and reenacted to read as follows:

TITLE 19. PERSONNEL.

Chapter 05. Borough Personnel System.

Section 19.05.005. Authority. This chapter is adopted
pursuant to AS 07.25.100 and AS 07.25.030 and may be
referred to as the "Borough Personnel System".

Section 19.05.010. Purpose. This ordinance has been
adopted in order to provide a fair and equitable basic
personnel system in keeping with the current practices
of governments within the State of Alaska.

Section 19.05.015. Employee Responsibility. Borough
employees are required at all times to conduct them-
selves in an exemplary manner befitting the public
service in which they are employed.

Section 19.05.020. Appointment, Suspension and Dis-
charge of Borough Employees.

- (a) Classified Service. The Chairman or any
administrative officer designated by him
shall make all appointments and promotions
in the classified service on the basis of
merit and may suspend or discharge such
employees subject to review under Section
19.05.120 hereof.
- (b) Partially Exempt Service. The partially
exempt service shall consist of the heads
of departments and any administrative assis-
tant to the Chairman and the principal sec-
retary to the Chairman and any other admin-
istrative officers of the borough so classified.

The Chairman may suspend or discharge employees in the partially exempt service in his sole discretion when he deems it necessary for the good of the service. Employees in the partially exempt service are otherwise subject to provisions of this chapter in all respects unless the context clearly indicates otherwise.

- (c) Totally Exempt Service. The totally exempt service shall consist of employees of the assembly performing staff functions of a legislative nature and judicial officers of the borough, if any, members of the totally exempt service shall be subject to the provisions of this title only as specifically indicated.

Section 19.05.025. Types of Employment.

- (a) Probationary. All employees appointed to permanent positions of the borough will be considered on probation for a period of ninety (90) days. Within this period, the borough Chairman, or the borough officer to whom this responsibility has been delegated, may terminate any employee whose performance he believes to be unsatisfactory, without hearing or appeal to the assembly.
- (b) Permanent. Any employee, not temporary, who has completed the probationary period.
- (c) Temporary. Any employee appointed to a position which is shorter than six (6) months in duration or less than forty (40) hours per week. Temporary employees will not be eligible for group insurance, paid annual leave, paid sick leave, or pay increases. If a temporary employee becomes a permanent employee time served as a temporary employee will be considered towards satisfying the probationary requirements and seniority.

Section 19.05.030. Hours of work. The normal work week shall be forty (40) hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. with a one-hour lunch period. Other hours may be designated by the Chairman or a department head for a particular position or to meet particular circumstances.

Section 19.05.035. Holidays. The following holidays will be recognized by the borough as legal holidays:

January 1, New Year's Day; February 12, Lincoln's Birthday; February 22, Washington's Birthday; March 30, Seward's Day; May 30, Memorial Day; July 4, Independence Day; the first Monday of September, Labor Day; October 18, Alaska Day; November 11, Veterans' Day; Thanksgiving Day; December 25, Christmas Day. In addition, the borough will recognize any day designated by the President of the United States or the Governor of Alaska as a legal holiday. When a holiday falls on a Saturday, the preceding Friday shall be declared as a holiday. When a holiday falls on a Sunday, the following Monday shall be declared a holiday.

Section 19.05.040. Annual Leave.

- (a) Permanent employees shall accrue leave at the following rates:

<u>LENGTH OF SERVICE</u>	<u>EARNED MONTHLY</u>	<u>ANNUAL TOTAL</u>
0 through 2 years	1 1/4 days	15 working days
Over 2 years but less than 10	1 3/4 days	21 working days
Over 5 years but less than 10	2 days	24 working days
10 years and over	2 1/2 days	30 working days

- (b) Annual leave will not begin to accrue until an employee has completed his probationary period. Thereafter, he will accrue leave retroactive to the day of employment. Leave will accrue on a proportional basis for a fraction of a month. Leave will not accrue while an employee is on leave without pay.
- (c) Annual leave may be taken only on the permission of the supervisor of the employee. Annual leave may be accrued to a total of sixty (60) working days. Leave in excess of sixty (60) days on the employee's anniversary date, will become sick leave. Upon termination accrued annual leave will be paid in full.

Section 19.05.045. Sick Leave.

- (a) Each full time employee shall accrue sick leave from the date of employment at the rate of one and one-quarter (1 1/4) days per month regardless of length of service. When sick leave exceeds three (3) consecutive work days, a physician's statement may be required to substantiate the leave taken. An employee taking sick leave shall immediately cause his supervisor to be notified that the leave is being taken. No sick leave will be granted unless the supervising officer is satisfied that the absent officer or employee was actually sick.
- (b) When a member of an employee's immediate family is afflicted with an illness requiring the attendance of the officer or employee, or where his presence at his job would jeopardize the health of fellow employees, and either of these contingencies is supported by a doctor's certificate, the officer or employee may, with the consent of his supervisor, avail himself of sick leave with pay, within the limits prescribed by this section, the same as if he were personally ill.
- (c) Upon his separation, the unused sick leave of an officer or employee is automatically cancelled without pay for it.
- (d) Upon the death of a member of the immediate family of an officer or employee, the officer or employee may avail himself of not more than five (5) days of accrued sick leave with pay.

Section 19.05.050. Military Leave.

- (a) Permanent or probationary employees shall be entitled to a Military leave of absence without pay to serve in the Armed Forces of the United States and shall be entitled to re-employment benefits granted under Section 9 of the Universal Military Training and Service Act, as amended, 50 USC Section 459.
- (b) An officer or employee of the Borough who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without loss of pay or time on all days during which he is ordered to training duty, as distinguished from active duty, with troops or at field exercises or for instruction. The leave of absence may not exceed sixteen and one-half working days in any one calendar year.

- (c) The filling of a position made vacant by the granting of a military leave of absence of less than six months shall be by temporary appointment. If such authorized leave is for a period of six months or more it may be filled by a substitute appointment.

Section 19.05.055. Court Leave.

- (a) An Officer or employee appointed to a full-time position who is called to serve as a juror or subpoenaed as a witness, shall be entitled to court leave.
- (b) Court leave shall be supported by written documents such as a subpoena, marshall's statement of attendance, and compensation for services, per diem and travel.
- (c) The officer or employee shall turn over to his department head, or the Chairman, for deposit to borough funds all monies received from the court as compensation for service and in turn shall be paid his current salary while on court leave.

Section 19.05.060. Maternity Leave.

- (a) A female employee who has been employed for not less than ten consecutive months is entitled to take a total of nine (9) weeks leave of absence immediately preceding and following childbirth. This leave shall be charged first to sick leave, and if that is not sufficient then to annual leave, then to leave without pay.

Section 19.05.065. Other Leaves of Absence.

- (a) Employees may be granted leave without pay, not to exceed a total of ten (10) working days in any anniversary year, for any compelling reason, at the discretion of the Chairman.
- (b) Permanent employees may be allowed to be absent from duty without pay, in excess of two weeks, on the basis of applications for leave without pay approved by their respective department heads and the Chairman under the following conditions: Such leave shall be granted only when it will not result in undue prejudice to the interests of the borough beyond any benefits to be realized. An application

for a leave of absence for travel or study calculated to equip the employee to render more effective service to the borough may be deemed to involve such compensating benefits to be measured against the loss of prejudice to the interest of the borough involved in keeping open the position or filling it temporarily until the return of the employee.

- (c) Sick leave and annual leave will not accrue during the term of any leave without pay.

Section 19.05.070. Cancellation of Leaves of Absence.

- (a) All leaves of absence shall be subject to the condition that the department head may cancel the leave at any time upon prior written notice to the employee and the Chairman specifying a reasonable date of termination of leave. The Chairman, upon prior notice to the employee and the department head may cancel an approved leave of absence at any time he finds the employee is using the leave for purposes other than those specified at the time of approval.

Section 19.05.075. Pay Days.

- (a) All salaried employees will be paid once a month on the last working day of the month. For partial months, the number of hours worked will be multiplied by the rate obtained when the annual salary is divided by 2080 hours.

Section 19.05.080. Compensation.

- (a) Job Classification. Each existing position will be defined in writing. A pay grade and step position will be assigned to each employee in the salary schedule provided for in Section 19.05.135 hereof. Job descriptions may be reviewed and revised by the Chairman as necessary.
- (b) As new positions are created, the functions and responsibilities of the position will be defined and a range in the salary schedule shall be assigned to it.
- (c) The range on the salary schedule for each position shall be selected considering the minimum qualifications in experience or education, the

responsibility of the position, and the equivalent salary in the same or similar position in other government employment and industry.

Section 19.05.085 Payroll Deductions.

- (a) The following deductions, as required by law, will be withheld from each employee's pay check: Federal Income tax, Alaska state income tax, Social Security, Alaska school tax, and any other taxes provided for by state or federal law to be deducted from an employee's pay check. Other deductions may be provided for on a voluntary basis by regulation.

Section 19.05.090. Overtime Compensation.

- (a) As a general rule, the necessity for frequent and considerable overtime service in a department shall be considered evidence of understaffing or improper organization and shall be subject to investigation by the Chairman.
- (b) Where an employee is required to work in excess of forty (40) hours in a week, compensation time off shall be granted at the earliest possible time. Only designated supervising officers may authorize overtime.

Section 10.05.095. Salary Increases.

- (a) Each permanent employee shall be initially paid at the rate described in Step A of the range assigned to his position. After satisfactory completion of the probationary period, a pay increase to Step B may be given. The performance of each employee shall thereafter be reviewed annually for the purpose of determining whether he shall be promoted to the next step.
- (b) Step increases are not automatic and are given only upon the recommendation of the employee's supervisor. Persons reaching the top limit of their range will remain at Step F unless promoted to another position with a higher pay range.

Section 19.05.100. Official Travel.

- (a) Employees of the borough, while travelling on

official business and away from their homes or designated posts of duty, may be allowed, instead of their actual expenses for subsistence and all fees or tips, a per diem allowance of not to exceed thirty-five dollars (\$35.00). For particular classes of employees a lesser per diem may be prescribed by regulation. In particular cases, employees may, upon proper documentation, be allowed actual expenses in excess of thirty-five dollars (\$35.00).

- (b) In addition to per diem, reimbursement for travel expenses shall be allowed at the following rate: Fifteen cents (15¢) per mile for occasional use of privately owned vehicles, the common carrier fare or the cost of charter or other special hire if essential in the public interest, taxi, airport limousine and other similar fares as necessary for the efficient performance of official duties. Reimbursement for the actual cost of ferry fares, bridge, road and tunnel tolls shall be granted. Where two or more employees are travelling in the same direction, and it is possible to share a privately owned automobile or airplane, the mileage permitted shall be allowed only once. No reimbursement shall be allowed for more than the lowest tourist class fare for the most direct route unless (1) tourist class accommodation was not available; (2) waiting for tourist class accommodation would occasion a delay harmful to the borough; or (3) the chairman finds that travel by tourist class accommodation is not in the best interests of the borough and authorizes other accommodation.
- (c) On specific jobs requiring over fifty percent (50%) use of a privately owned vehicle, seventy five dollars (\$75.00) per month plus eight cents (.08) per mile of official use shall be paid to the employee.
- (d) Reimbursement will be made upon approval by the Chairman of vouchers submitted on the form specified by him.

Section 19.05.105. Other Employment.

- (a) Full time employees shall not engage in occupations or outside activity which are incompatible with their employment by the borough or adversely affect

the performance of municipal duties. Each officer or employee undertaking any employment for compensation outside his employment for the borough shall report the same to the Chairman in writing and obtain his approval. Normally, officers and employees of the borough shall not be permitted substantial outside employment.

Section 19.05.110. Gifts and Gratuities.

- (a) An employee shall not accept a gift, gratuity, consideration or extra ordinary favor from any person doing business or likely to do business with the borough and shall immediately report to the Chairman any offer, promise or suggestion that such a gift be made. Any person either offering or receiving such a gift, gratuity, consideration or extraordinary favor is subject to criminal penalties prescribed in AS 11.30.040 and AS 11.30.050.
- (b) This section does not apply to the giving of ceremonial gifts of nominal value or gifts received from an employees family or ordinary circle of friends when not offered or accepted for a corrupt purpose.

Section 19.05.115. Resignations.

- (a) Employees are requested to give at least two (2) weeks notice of anticipated resignation. The supervisor will note on any reference requested, any shorter term of notice. Thirty days (30) notice is expected of administrative officers. Where a resignation is requested for other than extreme cause, the requirement of notice may be waived and severance pay in lieu of notice will be granted.

Section 19.05.120. Dismissal and Appeal.

- (a) Any employee in the classified service may be dismissed by a department head or other authorized officer of the borough for cause. The discharged may appeal his dismissal to the borough Chairman or a hearing officer appointed by the Chairman. If so requested, the Chairman shall hold a hearing within 15 working days at which

the charges against the employee shall be inquired into. The employee will be permitted to present witnesses on his own behalf in answer to such charges. Any employee in the classified service may appeal an adverse decision of the Chairman or hearing officer designated by the Chairman to the assembly. The assembly may order the reinstatement of the employee upon a finding that the evidence presented to the chairman or hearing officer designated by the Chairman did not support his action in affirming the dismissal of the employee. No appeal may be taken to the assembly without the Chairman first having the opportunity to review the action taken. This procedure applies to suspensions, pay reductions or other disciplinary action taken by the borough.

Section 19.05.125. Judicial Review.

- (a) In adjudicating disciplinary cases, the decision of the assembly, or the hearing officer if no appeal is taken, are final. This act does not confer upon any officer or employee of the borough any judicial remedy to which he would not be entitled in the absence of a personnel system. This ordinance and the regulations promulgated hereunder are not a part of any employment agreement between the borough and the employee and may be amended by the assembly, or, in the case of regulations, by the chairman, as each sees fit.

Section 19.05.130. Regulations.

- (a) The chairman may adopt published regulations in furtherance of these provisions and may make additions to them by regulation so long as they do not conflict with this chapter. Such additional regulations may include, but are not limited to: Position classifications, a pay plan based upon the classifications, procedures for employee selection including examinations etc., promotion procedures, emergency, temporary and provisional appointments, transfers, transportation costs, reinstatement, layoffs, overtime procedures, delegation questions and similar matters; except however that nothing in this section shall authorize the Chairman to amend the general rules, policy of classifications.

Section 19.05.135. Salary Schedule. Monthly Rates.

<u>Range No.</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>	<u>Step F</u>
2	318	331	344	355	369	382
3	341	354	368	382	394	409
4	364	377	392	407	422	436
5	386	402	417	433	448	462
6	420	438	454	472	488	505
7	449	468	484	503	520	539
8	477	496	515	534	554	572
9	516	537	557	578	598	619
10	556	579	600	623	645	667
11	590	614	639	662	685	709
12	630	655	682	707	731	757
13	676	703	730	757	784	812
14	740	769	799	828	858	888
15	786	818	849	881	912	943
16	845	879	912	947	980	1014
17	903	938	975	1011	1048	1084
18	968	1007	1045	1084	1123	1162
19	1033	1074	1115	1158	1197	1239
20	1108	1153	1196	1241	1285	1331
21	1179	1227	1273	1319	1367	1414
22	1249	1299	1348	1400	1449	1499
23	1326	1379	1432	1485	1538	1591

<u>Range No.</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>	<u>Step F</u>
24	1403	1458	1515	1572	1627	1683
25	1485	1544	1604	1663	1700	
26	1574	1637	1700			
27	1668	1700				

Annual Rates:

2	3,816	3,972	4,128	4,260	4,428	4,584
3	4,092	4,248	4,416	4,584	4,728	4,908
4	4,368	4,524	4,704	4,884	5,064	5,232
5	4,632	4,824	5,004	5,196	5,376	5,544
6	5,040	5,256	5,448	5,664	5,856	6,060
7	5,388	5,616	5,808	6,036	6,240	6,468
8	5,724	5,952	6,180	6,408	6,648	6,864
9	6,192	6,444	6,684	6,936	7,176	7,428
10	6,672	6,948	7,200	7,476	7,740	8,004
11	7,080	7,368	7,668	7,944	8,220	8,508
12	7,560	7,860	8,184	8,484	8,772	9,084
13	8,112	8,436	8,760	9,984	9,408	9,744
14	8,880	9,228	9,588	9,936	10,296	10,656
15	9,432	9,816	10,188	10,572	10,944	11,316
16	10,140	10,548	10,944	11,364	11,760	12,168
17	10,836	11,256	11,700	12,132	12,576	13,008
18	11,616	12,084	12,540	13,008	13,476	13,944
19	12,396	12,888	13,380	13,896	14,364	14,868
20	13,296	13,836	14,352	14,892	15,420	15,972

<u>Range No.</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>	<u>Step F</u>
21	14,148	14,724	15,276	15,828	16,404	16,968
22	14,988	15,588	16,176	16,800	17,388	17,988
23	15,912	16,548	17,184	17,820	18,456	19,092
24	16,836	17,496	18,180	18,864	19,524	20,196
25	17,820	18,528	19,248	19,956	20,400	
26	18,888	19,644	20,400			
27	20,016	20,400				

Section 2. Officers and employees of the borough at the time this system goes into effect shall benefit from the seniority and sick leave provisions hereof but shall not be entitled to credit for accumulated annual leave except as may previously have been recognized administratively.

Section 3. This ordinance shall be effective upon enactment and passage according to law.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 21 DAY OF November, 1967.



Assembly President

ATTEST:



Assembly Clerk

