

City and Borough of Sitka Personnel Policies Handbook



Ordinances of the City and Borough of Sitka, Alaska

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I. INTRODUCTION

- 1.1 The purpose of these policies is to promote the following:
- a. To recruit and retain the best personnel available for the Municipal service;
 - b. To furnish sound training, supervision, and administrative direction;
 - c. To establish probationary periods for new regular employees and standards of work performance and conduct for all employees;
 - d. To promote opportunities in the Municipal service based on merit and fitness;
 - e. To provide a mechanism for Municipal employees to have their concerns and grievances heard and adjusted;
 - f. To create an exempt service not fully covered by these policies.

The Municipality's employment policies and procedures do not constitute a contract of employment with employees of the Municipality and are not contractual commitments by the Municipality to its employees. The Municipality retains the right to make changes, or to alter or amend its employment policies and procedures at any time.

1.2 APPLICABILITY. These policies apply to certain employees of the Municipality. They do not apply to Sitka Community Hospital and school district employees. Additionally, certain provisions included in these policies do not apply to all of the positions provided for in the Municipality's employment service. For example, many of the provisions do not apply to those positions in the Municipality's employment service, which are classified as exempt. Such provisions include, but are not limited to, the provisions related to just cause discipline and termination, grievance procedures, and the merit system. Employees appointed to exempt positions serve at will, and serve at the pleasure of the Administrator subject to the provision at Section 3.05 of the Charter that there shall be no arbitrary discharge of employees. Just cause is not required for any form of discipline, up to and including termination or other employment action, with respect to an employee serving in an exempt position. Additionally, not all provisions in this manual apply to temporary positions or to employees in probationary appointments, as explained further in other sections of these Personnel Policies.

The following positions are in the exempt service:

Municipal Administrator	Electric Utility Director
Municipal Attorney	Public Works Director
Municipal Clerk	Police Chief
Information Systems Director	Fire Chief
Assessor	Harbormaster
Planning Director	Finance Director
Government Relations Director	Library Director
Human Resources Director	Centennial Building Manager
Information Systems Analyst	Building Official
Electric System Engineer	Police Lieutenant
Electric Generation System Manager	Assistant Fire Chief
Municipal Engineer	Senior Accountant
Public Works Maintenance Superintendent	Budget Treasury Officer
Accountant	Environmental Superintendent
Project Manager	Planning Assistant
Project Engineer	Parks and Recreation Manager
Sawmill Cove Site Manager	Deputy Municipal Clerk

Except for the Administrator and Municipal Attorney, employees in the exempt service serve at the

pleasure of the Administrator and under such terms and conditions as the Assembly may from time to time specifically provide. With the exception of the Administrator and the Attorney, exempt service personnel may be terminated by the Administrator with the approval of the Assembly at a meeting at which the terminated employee shall be given an opportunity to present his or her position on the proposed termination. Exempt service personnel may be demoted or disciplined by the Administrator with the affected employee having a right of appeal to the Assembly.

1.2.5 APPLICABILITY OF CERTAIN PROVISIONS TO VOLUNTEERS AND AUXILIARY PERSONNEL. Notwithstanding any other provision of law, the following provisions of the City and Borough of Sitka Personnel Policies Handbook apply to volunteers and auxiliary personnel who have acknowledged the receipt of this Handbook:

3.4	No Discrimination
5.1	Discipline, Demotion, and Termination of Employees Who Have Obtained a Regular Appointment
5.3	Progressive Discipline Procedure
5.4	Protection for Whistleblowers
18.1	Duty of the Employee to Report
18.3	Volunteer and Auxiliary Personnel
19.10	Travel Allowance
20.1	General Policy
20.2	Steps for Handling of Grievances and Disciplinary Appeals
20.3	Hearing Procedure
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20.8	ADA Violations
24.1	Influence of Intoxicants at the Workplace
24.2	Alcohol and Drug Screening Test
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Attachment B	Safety Policy
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1.3 REVIEW AND AMENDMENT. These policies shall be reviewed regularly. Suggestions and recommendations for change may be made in any meeting held under the Municipality's meet and confer ordinance.

1.4 RESERVED

1.5 PERSONNEL RECORDS. Records of the work history of employees shall be maintained. Such records may include the employee's original application, report of medical examination, reports of the results of other employment, investigations and tests, annual reports of performance, reports of employee's progress and disciplinary actions, and such other records as may be significant in the employee's service to the Municipality. The Administrator shall prescribe such forms and records for departmental use as may be necessary.

1.6 REPORTS. The Administrator shall provide for preparation of reports regarding Municipal employees, or of actions affecting them, as the Assembly considers necessary or desirable.

1.7 DEFINITIONS

Budget Time: the period each year – generally between January and June – between the Administrator’s proposal of an annual budget for the City and Borough and the Assembly’s adoption of an annual budget.

Business Day(s): The business day(s) of the City and Borough’s principal offices at 100 Lincoln Street, which is 8:00 a.m. to 5:00 p.m., excluding weekends and municipal holidays.

Call-out: the directive from a supervisor or dispatcher to an employee to appear at work.

Day: Day means calendar day composed of twenty-four (24) hours, beginning at 12:00 a.m. and ending at 11:59 p.m. on the same day, unless otherwise specified in the Personnel Policies Handbook provisions.

Demotion: means a change in job that results in reduced responsibilities and a reduction in pay and/or decrease in pay grade.

Department Head: the director, chief, master, or chief administrative officer of one of the following departments: Public Works, Finance, Electric, Law, Library, Harbor, Fire, Police, Harrigan Hall, Information Systems, Assessing, Municipal Clerk, Planning.

Discipline: a step taken in employment by a supervisor relating to a subordinate employee aimed at correcting an employee’s job performance or conduct as well as training the employee as to acceptable job performance and conduct.

Employee Assistance Program: a group of services provided to help employees deal with personal problems affecting their job performance by offering early intervention and treatment. Services include:

- Crisis Management and Intervention
- Individual Counseling
- Evaluation and Referral
- Group Counseling
- Group Education

Topics may include:

- Stress Management
- Relaxation Techniques
- Effective Communication
- Depression or Anxiety
- Anger Management
- Family Negotiation/Mediation
- Seasonal Affective Disorder
- Constructive Living
- Personal and Professional Boundaries
- Conflict Resolution
- Eating Disorders
- Time Management
- Healthy Coping Skills
- Support Systems
- Community Resources
- Relationships
- Health and Wellness
- Other Topics as Identified

Exempt Employee: a regular employee who serves at the pleasure of the Administrator and under such terms and conditions as the Assembly may from time to time provide; who may be terminated by the Administrator with the approval of the Assembly at a meeting at which the terminated employee shall be given the opportunity to present his or her side; who may be demoted or disciplined by the Administrator with the affected employee having the right to an appeal to the Assembly; and who is not eligible for overtime pay or additional compensation for overtime.

Holiday: Each day listed as a holiday in the Personnel Policies Handbook consists of twenty-four (24) hour time period, beginning at 12:00 a.m. and ending 11:59 p.m. on the day of the holiday.

Hot Sticking: the use of a device held in a hand or hands (“hot stick”) to manipulate energized electrical lines that are energized at 7.2 KV or above.

Includes or Including: “Includes” or “including” shall be construed as though followed by the phrase, “but not limited to.”

Pay Period: A repeating cycle of days or weeks for which the employer establishes the beginning and ending dates and times for counting hours worked for the purposes of calculating employee pay. City and Borough employees will be paid on a two-week cycle.

Probationary Employee: an employee who is serving a period of probation served at the beginning of employment in a position by each employee hired, rehired, transferred, or promoted.

Promotion: the transfer within a department of the City and Borough or between departments of the City and Borough that includes an increase in responsibilities as well as an increase in pay and/or raise in pay grade, but does not include a hiring process involving advertising, recruitment or outreach.

Qualified Personnel of the Fire Department or Police Department: Employee of the Fire Department or the Police Department who qualifies under the overtime compensation exemption in the federal Fair Labor Standards Act (“FLSA”), as explained in the federal FLSA regulations at 29 CFR 553.21 (a) and (b) or a successor regulation.

Reinstatement: the action of placing a former employee back into that position that person once held.

Regular Employee: an employee who is listed in the Staffing Table published in the annual budget and who is not a probationary, temporary, or contracted employee.

Regular Workweek: the hours and days during the calendar week at which an employee is expected to be working for the City and Borough.

Temporary Employee: an employee appointed to provide services on a temporary, interim, or seasonal basis.

Work Period: Any established and regularly reoccurring period of work which cannot be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days. The beginning and the ending day of the work period may be changed provided the change is intended to be permanent and is not designed to evade the overtime compensation requirements of the federal Fair Labor Standards Act (“FLSA”).

Work Day(s) or Working Day(s): The day(s) (or date(s)) that an employee is scheduled to be at work within a work period.

Work Schedule: The days (or dates) and hours of those days (or dates) an employee is scheduled to be at work within a work period.

Year: Year means calendar year unless otherwise specified in the Personnel Policies Handbook provisions.

II. RESERVED

III. GENERAL RULES OF EMPLOYMENT

3.1 DEPARTMENT HEADS RESPONSIBLE. The Department Head is responsible for filling positions in the department, subject to approval of the Administrator.

3.2 MERIT. Appointments and promotions of municipal employees, other than exempt municipal employees, are made on the basis of merit.

3.3 APPOINTMENT. When a vacancy exists within the municipal work force, and unless the Department Head, with the consent of the Administrator, decides to promote a regular employee from within the affected department, or a vacancy or vacancies occur as a result of a department head-approved agreement between regular employees to exchange positions, the Administrator shall cause a notice of such vacancy to be advertised. The Municipality will make every effort to promote from within the existing work force. However, nothing in this section requires the Municipality to hire from within the existing work force.

A Department Head, with the written consent of the Administrator, may, during the hiring process for a vacancy in a department, establish an applicant hiring list from which a person may, at the discretion of the Department Head, be hired for a new vacancy without a new hiring process or notice of the vacancy within or outside the municipal work force. No such list shall be used by any department for more than six months.

3.4 NO DISCRIMINATION. The Municipality will consider all applicants for appointment to the Municipality's employment service, and will carry out the terms and conditions of employment, without regard to race, color, religion, sex, national origin, age, marital or veteran status, disability or other legally protected status.

3.5 TESTS. Before appointment, each applicant shall take such tests of his or her qualifications, as the Department Head may consider appropriate.

3.6 MINIMUM AGE. Minimum age for municipal employment shall be in accordance with State Law.

3.7 MOVING ALLOWANCE.

- a. In hiring an exempt employee, the Administrator may approve a moving allowance of up to \$2,500.00 and report such authorization to the Assembly. Any authorization in excess of \$2,500.00 must be approved by the Assembly.
- b. With the approval of the Assembly, the Administrator may offer a prospective department head up to a \$5,000.00 moving allowance.
- c. Should an employee voluntarily terminate employment during the first year of employment with the Municipality, the employee will be required to reimburse the full amount of any moving allowance paid. Should the employee voluntarily terminate during the second year of employment that employee will be required to reimburse one-half of any moving allowance received.

3.8 ADVERTISING VACANT POSITIONS. When vacancies occur in exempt positions, unless the Department Head, with the consent of the Administrator, or the Administrator decides to promote a regular employee from within the affected department, or the vacancy or vacancies occur as a result of a Department Head approved agreement between regular employees to exchange positions, the Administrator shall cause the vacancy to be advertised within the local area and throughout the State of Alaska.

3.9 RESERVED

3.10 NEPOTISM. No persons may be employed in a position supervised by another family member. If an employee and their supervisor should marry, the Municipality shall elect which employee may continue with the department and which employee shall terminate or transfer, if other positions are available. Family members shall mean spouse, father, mother, brother, sister, child and the same relationship by in-law.

3.11 REQUIRED INTERVIEW FOR CURRENT EMPLOYEES. If the City and Borough advertises a notice of a vacancy involving a regular appointment within the municipal work force, any applicant for such appointment to fill such vacancy who is currently employed by the City and Borough shall receive an interview during the process for selecting the person appointed.

IV. TYPES OF APPOINTMENTS

4.1 REGULAR. Regular appointments are established where the position is considered to be a part of the regular complement needed for performing Municipal services and the employee has successfully completed his or her probationary period. Regular positions may be:

- a. Full-Time: Employees whose regular work schedule consists of eighty (80), eighty and one-half (80.5), eighty-four (84) or ninety-six (96) hours per pay period.
- b. Part-Time: Employees whose work is to be done during a portion of a workday, or workweek, and totals less than forty (40) hours a week on a regular basis.

4.2 TEMPORARY: A temporary appointment is an appointment to provide services on a temporary, interim, or seasonal basis. A temporary employee is an at-will employee who can be disciplined or discharged with or without cause, with or without notice, at any time, and whose employment can be terminated at the option of either the employee or the employer. Just cause is not required for any form of discipline or discharge of a temporary employee. Unless otherwise provided by state or federal law, temporary employees shall not receive or accrue any benefits, including but not necessarily limited to, vacation time, annual leave, sick leave, health insurance, retirement, and paid holidays. If an employee is assigned a regular appointment immediately upon completing a temporary appointment, the employee shall be entitled to receive sick leave and annual leave accruals retroactive to the beginning of their temporary appointment, unless there has been a break in service between the temporary appointment and the regular appointment.

4.3 PROBATIONARY. Every full-time or part-time regular appointment in the Municipality's employment service shall be preceded by a probationary appointment in which the employee serves in a probationary status. A newly hired or rehired employee with a probationary appointment is an at-will employee who can be disciplined or discharged with or without cause, with or without notice, at any time, and whose employment can be terminated at the option of either the employee or the employer. Just cause is not required for any form of discipline or discharge of such an employee during a probationary period.

An employee promoted or transferred from a regular appointment to a different position shall also serve a probationary period in which the employee can be returned to their previous position, if vacant; or returned to another position, if available, and if the employee is qualified for the position; or terminated. If an employee is returned or transferred during a probationary period, that return or transfer shall not constitute a demotion.

The length of a probationary period shall be six months, unless otherwise provided in these policies, federal or state law, and/or unless the Department Head, with approval of the Administrator, extends the probationary period. Following successful completion of the probationary period, a probationary employee shall be eligible for a step increase if the Assembly approves step increases in the Fiscal Year budget. In addition, probationary employees are eligible for any annual pay increase provided for in the Municipal Pay Plan.

4.4 PROBATIONARY PERIOD FOR POLICE OFFICERS. Notwithstanding Sec. 4.3, the probationary period for sworn members of the police department shall be twelve (12) months from the date of hire or twelve (12) months from the date of graduation from the training academy, whichever is later.

V. DISCIPLINARY ACTIONS AND SEPARATION

5.1 DISCIPLINE, DEMOTION, AND TERMINATION OF EMPLOYEES WHO HAVE OBTAINED A REGULAR APPOINTMENT. Except as provided in Sections 1.2, 4.3, and 4.4, employees who have obtained a regular appointment may be disciplined, demoted, or terminated for just cause. Examples of just cause include but are not limited to: any conduct detrimental to the best interests of the Municipality; inefficiency or unwillingness to perform duties; tardiness or absenteeism; neglect, failure, or inability to perform duties at an acceptable level of performance; insubordination; dishonesty, theft, or falsification of any reports, records, or documents; assault, fighting or horseplay; sleeping on the job or taking unauthorized breaks; possession or use of intoxicants or illegal drugs while on duty, or being under the influence of intoxicants or illegal drugs while on duty; conviction of a felony or any criminal conviction involving moral turpitude or reflecting adversely on the Municipality or the employee's fitness for his or her position; reckless or willful damage to or loss of Municipal property; violation of departmental rules of conduct or safety regulations; abuse of sick leave; disrespectful conduct toward the public, or use of profane, abusive, or threatening language toward coworkers; sexual harassment; the uttering of racial or sexual slurs or innuendoes causing emotional discomfort or embarrassment to any other employee or member of the public; and any other conduct reasonably justifying the proposed form of discipline, up to and including discharge or termination.

5.2 RESERVED.

5.3 PROGRESSIVE DISCIPLINE PROCEDURE.

a. Potential Steps. If, in the opinion of the employee's Department Head or Supervisor, disciplinary action is necessary for any employee, the Department Head or Supervisor may begin discipline at any of the steps listed below or skip one or more steps in progressive discipline depending on the seriousness of the offense committed, the employee's overall record of performance, and any other appropriate mitigating or aggravating factors. No termination or discharge can occur without written approval of the Department Head and Administrator, and any suspension without pay or demotion shall only take effect if the employee fails to appeal the suspension or demotion, or after the Administrator upholds the suspension or demotion.

- (1) Oral Reprimand – with written note to personnel file
- (2) Written Reprimand
- (3) Suspension Without Pay
- (4) Demotion
- (5) Termination/Discharge

b. Administrator To Be Informed. The Administrator shall be kept informed in writing of any disciplinary action taken against any employee under Section 5.3

c. Applicability. Section 5.3 only applies to employees covered by Section 5.1 and does not apply to employees who are exempt, contract, temporary, or probationary.

5.4 PROTECTION FOR WHISTLEBLOWERS

a. The Municipality may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

- (1) The employee, or a person acting on behalf of the employee, reports to a public body or is about to report to a public body a matter of public concern; or
- (2) The employee participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.

- b. The Municipality may not disqualify an employee who reports a matter of public concern or participates in a proceeding connected with a matter of public concern before a public body or court, because of the report or participation, from eligibility to
 - (1) receive land under a law of the state or an ordinance of the municipality;
or
 - (2) receive another right, privilege, or benefit.
- c. The Municipality shall post notices and use other appropriate means to inform employees of the protections provided under this section.
- d. An employee is not entitled to the protections provided by this section unless he or she
 - (1) reasonably believes that the information reported is or is about to become a matter of public concern; and
 - (2) reports the information in good faith.
- e. An employee is entitled to the protections provided in this section only if the matter of public concern
 - (1) is not the result of conduct by the employee seeking protection; or
 - (2) is the result of conduct by the employee that was required by the Municipality.
- f. Before an employee initiates a report on a matter of public concern under this section, the employee shall submit a written report concerning the matter to the Administrator. However, the employee is not required to submit a report if the employee
 - (1) reasonably believes that reports to the Administrator will not result in prompt action to remedy the matter of public concern;
 - (2) believes with reasonable certainty that the activity, policy, or practice is already known to one or more supervisors;
 - (3) reasonably believes that an emergency is involved; or
 - (3) reasonably fears reprisal or discrimination as a result of disclosure.
- g. In this section, "matter of public concern" means
 - (1) a violation of a state, federal, or municipal law, regulation, or ordinance;
 - (2) a danger to public health or safety;
 - (3) gross mismanagement, a substantial waste of funds, or a clear abuse of authority;
 - (4) a matter accepted for investigation by the office of the ombudsman under AS 24.55.100 or 24.55.320.

5.5 LAYOFFS. When it is necessary to reduce the number of employees because of any lawful reason including, but not necessarily limited to, lack of work or funds, or a reduction in force, the Department Head concerned, in conjunction with the Administrator, will thoroughly investigate the problem and develop a plan for necessary layoffs and curtailment of activities. Consideration shall be given to the length of service of employees affected and the possibility of demoting employees in higher grades to lower grades. Any layoff decision shall be made by the Department Head with approval of the Administrator. Employees with regular appointments separated through no fault of their own shall be given preference (all qualifications being equal) when new appointments are made to their former grades

within two (2) years of their date of separation. Rehired employees shall be placed and perform work, without preferential treatment, as directed by Department Heads.

5.6 RESIGNATIONS. An employee resigning his or her position shall give at least two (2) weeks' notice to the Department Head to enable the Municipality to make proper provisions for filling his or her position. This requirement may be waived by Department Heads where adequate provisions can be made in a shorter period of time. The Department Head shall furnish a copy of the accepted resignation to the employee for his records.

5.7 SEVERANCE PAY. When an employee with a regular appointment in good standing is laid off due to a reduction in force, the employee is entitled to severance pay of two (2) week's basic pay in addition to whatever wages are due. In the event of termination by death, his or her heirs, assigns, or estate shall be entitled to this severance pay.

5.8 FINAL PAY. An employee who leaves municipal service shall receive final wages prior to the end of the third working day following termination in accordance with AS 23.05.140(b).

VI. PERSONNEL STAFFING AND COMPENSATION

6.1 AUTHORIZED POSITIONS

a. The Personnel Staffing Table, as published in the current Fiscal Year's Consolidated Operating Budget, shall constitute the authorized regular full time and part time positions of the Municipal Work Force. Temporary positions are not included in the Personnel Staffing Table and are established in accordance with Section 6.7.

b. The Finance Director shall be responsible for maintaining and updating the official copies of the Municipality's compensation plan which shall include a list of position titles from the Personnel Staffing Table, organized in order of the pay grades to which they are assigned. The official copies shall also include the pay schedule currently in use. Copies of the official compensation plan shall be available for inspection by the general public at the Finance Department, the Human Resources Department, and Kettleon Memorial Library under reasonable conditions during normal business hours.

6.2 GRADES AND JOB DESCRIPTIONS

a. Each regular position, other than temporary positions, will have an approved job description. It is the responsibility of Department Heads to prepare job descriptions; job descriptions will be approved by the Administrator.

b. Each position will be assigned a pay grade. The assignment of the grade will normally be as a result of the evaluation of the position's approved job description against standard grading criteria. Such evaluations may be independently performed by outside consultants; however, the Administrator may instead assign this responsibility to other individuals or committees of other individuals.

c. The Administrator shall approve the assignment of grades, recommended by the Finance Director or other individual(s), to all positions. The Administrator may unilaterally change any grades so recommended when it is deemed to be in the best interest of the Municipality.

6.3 FILLING VACANCIES

a. If any vacancies occur among the regular positions in the Personnel Staffing Table, Department Heads may take action, in conjunction with Human Resources Director to advertise the vacancy and hire new employees. Such hiring actions will be at the authorized grade, and to perform the duties contained in the authorized job description, unless a change is authorized by the Administrator under the provisions of Section 6.4 below.

6.4 CHANGING AUTHORIZED POSITIONS, GRADES, AND JOB DESCRIPTIONS

a. If a Department Head seeks to change the job description and/or grade of an authorized position, the Department Head may do so upon approval of the Administrator.

(1) In the case of a job description change, the Department Head will prepare a new job description for evaluation and grading. The Department Head, Finance Director, and Human Resources Director will evaluate the job description in accordance with Paragraph 6.2 (b), and recommend a grade to the Administrator. The Administrator may accept the recommendation or unilaterally assign a different grade as outlined in Paragraph 6.2 (c).

(2) In the case of a grade change, the Department Head will prepare a memorandum to the Administrator stating why the current grade is inappropriate. The Department Head, Finance Director, and Human Resources Director will prepare a recommendation on the memorandum and forward it to the Administrator. The Administrator will then act on the recommendation in accordance with Paragraph 6.2 (c).

- b. Department Heads may seek to change the job description or grade of an authorized position at any time.
- c. If any action under this Section results in either a new grade being assigned to a position, or in a new job title being assigned to a position, the Human Resources Director will update the Personnel Staffing Table. The Administrator will inform the Assembly and the revised Personnel Staffing Table will be distributed to the Assembly.
- d. Employees may independently request that their job descriptions and/or grades be changed or upgraded. Employees seeking such a change will follow these steps:
 - (1) The employee will prepare a written request outlining why the changes should be made. The request will be forwarded to the employee's Department Head. Department Heads will make a recommendation on the request, forward it to the Administrator, and the request will be acted upon in accordance with the procedures outlined in Section 6.4.
 - (2) If the request involves the performance of duties not currently contained in the employee's job description and the Department Head recommends approval of the employee's request, the request must be accompanied by a revised job description containing the new duties.
 - (3) If the request involves the performance of duties not currently contained in the employee's job description and the Department Head does not recommend approval of the employee's request, the request will still be acted upon in accordance with the procedures outlined in Section 6.4.
 - (4) If the Administrator ultimately approves the changing of the authorized job description to contain the new duties per an employee's request, the Department Head will be required to prepare a new job description with the approved changes if one has not already been prepared. This job description will be evaluated and graded in accordance with the procedures outlined in Section 6.2.

6.5 PAY FOR NEW EMPLOYEES

a. Generally, a new employee shall be paid the minimum rate of pay currently established for the grade assigned to his or her position. Exceptions pertaining to starting pay may be granted upon the written prior approval of the Finance Director, Administrator and Assembly if necessary as provided below:

i. Starting Pay Below Grade. The minimum rate of pay is based on the assumption that a new employee meets the minimum qualifications stated in the position job description. If it becomes necessary to appoint a new employee with lesser qualifications, and with approval of the Department Head, Finance Director, and the Administrator, such employee may be started up to 10% below the minimum step of the grade to which the position is assigned. After six months, if approved by the Department Head, Finance Director, and the Administrator, the employee shall be increased to the minimum step in the grade to which the position is assigned.

ii. Starting Pay Above Grade. If a potential employee meets or exceeds the minimum qualifications contained in the position job description but will not accept employment at the minimum step of the grade to which the position is assigned, the potential employee may be offered the following incentives as provided below:

- a. Upon recommendation of the Department Head and with the

approval of the Finance Director, the potential employee may be offered starting pay equal to the second step in the pay grade to which the position is assigned;

- b. Upon recommendation of the Department Head and with the approval of the Administrator, the potential employee may be offered starting pay equal to the third step in the pay grade to which the position is assigned.
- c. Upon recommendation of the Administrator and with the approval of the Assembly, the potential employee may be offered starting pay above the third step of the pay grade to which the position is assigned.

6.6 ESTABLISHING NEW POSITIONS

a. The Administrator may, at any time, recommend the establishment of a new regular position to the Assembly. Normally, the Administrator will recommend changes to the Personnel Staffing Table as part of the annual budget cycle.

b. New positions may only be established upon approval of the Assembly. If a new position is approved, the Human Resources Department will update and distribute the Personnel Staffing Table.

c. If the establishment of a new regular position is approved by the Assembly, the Administrator will introduce a budget ordinance to appropriate funds to pay the wages and benefits of the new position, unless such approval is part of the annual budget cycle. In such cases, the increased costs will be contained in the new fiscal year's budget. The new position shall be established only if the Assembly appropriates the necessary funds in accordance with this subsection.

d. If a new position is approved by the Assembly, the position will have a job description prepared for it by the Department Head responsible for supervision. The position will then be evaluated and a grade recommended in accordance with Section 6.2.

6.7 TEMPORARY POSITIONS

a. A Department Head may recommend the hiring of an employee on a temporary basis at any time subject to the availability of budgeted funds. Such recommended hiring actions will contain a recommended hourly wage or salary and must be approved by the Administrator.

b. Unless otherwise provided by state or federal law, temporary employees are not eligible to receive Municipal employment benefits, as explained further in Section 4.2.

c. Violation of these rules by the City does not make, or otherwise authorize, the temporary employee to become a regular employee or grant employment benefits.

6.8 ABOVE-GRADE APPOINTMENTS FOR TRAINING.

With the employee's consent, an employee may be assigned to duties of a higher classification for purposes of training or demonstration of skill up to a period of six (6) months without change of pay grade. However, a Department Head or supervisor may also assign an employee to duties of a position in a higher pay grade for temporary periods to cover for an employee on vacation, sick leave, etc., as provided for in Section 6.10 below.

6.9 DIFFERENTIAL PAY

Shift differential may be paid to employees assigned to evening and night shifts. In no case will this differential be considered the permanent rate of pay. An employee who works for four or more hours beyond their regular shift, or is called in to work for four or more hours of an evening or night shift shall be paid shift differential pay. Evening Shift is 4 p.m. to midnight and shall be paid \$.50 per hour in addition to the regular wage. Night Shift is midnight to 8 a.m. and shall be paid \$1.00 per hour in addition to the regular wage. Qualified Police Department employees working the night shift (7:00 p.m. to 7:00 a.m.) shall be paid \$1.00 per hour in addition to the regular wage. Employees whose positions are exempt from the municipality's employment policies shall not be paid shift differential.

6.10 FILLING A POSITION TEMPORARILY

a. Upon approval of the Administrator and as directed by their Department Head, employees who fill a position higher in grade than that of their regular positions will be paid at an additional rate equal to half of the dollar difference between Step A of the higher grade and Step A of the employee's current grade, if the temporary assignment extends beyond two working days. Vacation, sick leave, overtime, holidays and other benefits will be calculated at the employee's regular, lower pay rate.

b. Temporary assignments must be made in writing and forwarded to the Administrator for the increased pay authorized by this Section to be effective. Such written authorizations may be made retroactively up to 30 days after the date the temporary assignment was performed.

6.11

a. Promotions. When an employee is promoted to a position in a higher pay grade, the employee's pay shall be increased to the minimum step for the higher grade. In the case of overlapping pay grade ranges, the promoted employee shall be increased to the step immediately above the employee's current pay or to the step in the higher grade that is closest to 5% higher than any employee to be supervised by the promoted employee, whichever is lower. If the employee refuses the promotion, the Finance Director may approve an additional step or the step closest to a 7.5% increase in the employee's current pay, whichever is lower, and if the employee still refuses the promotion, the Administrator may approve a second additional step or the step closest to a 10% increase in the employee's current pay, whichever is lower. Requests for promotional pay increases in excess of the Administrator's authority shall be submitted to the Assembly for review and appropriate action. With Administrator approval, the Department Head shall determine whether a promoted employee immediately receives the pay increase associated with the promotion or whether such an increase shall be delayed until the end of the period of probation for the position to which the employee has been promoted.

b. Transfers. There shall be no immediate change in the pay rate of an employee who is transferred from one position to another position in the same pay grade. If an employee is transferred to a position in a higher pay grade, such change shall be deemed a promotion and the employee shall be paid in accordance with section 6.11.a. Notwithstanding any other provision of law, the provision of the Personnel Policies in effect in December 2001 governing the filling of a position temporarily shall apply to each person who fills a position temporarily continuously before December 31, 2001 until that date that the person stops filling such position continuously.

c. Demotions. Except as provided below, when an employee is demoted to a position in a pay grade below that of the employee's current pay grade, the employee shall continue to be paid at the employee's current rate of pay, provided that such rate is within the approved pay grade for the position to which the employee has been demoted. If the demoted employee's rate is above the maximum step for the pay grade to which the employee has been demoted, then such employee shall be paid at the maximum step of the pay grade to which the employee has been demoted. If the employee has been demoted for disciplinary reasons, he or she shall be paid at Step A of the pay grade applying to the position to which the employee has been demoted or any other step in that pay grade recommended by the Department Head and approved by the Finance Director and Administrator. Return to a job previously held or transfer to another job during a probationary period shall not constitute a demotion.

d. Reallocations Downward. When an employee's position is reallocated to a pay grade below the employee's current pay grade, the employee shall be permitted to continue at his or her current rate of pay except in the case of a reduction in force or other lay off due to a reduction in funds or work, but shall not be entitled to pay increases as provided elsewhere in the manual if the employee's present pay is higher than the maximum step to which his or her position has been reallocated downward.

e. Reinstatement. A reinstated employee shall be paid at a rate of pay that is within the approved pay grade for the position in which the employee is reinstated.

6.12 PAY INCREASES.

a. Any employee who has not received an unsatisfactory overall performance rating in the most recent evaluation of the employee shall be eligible to receive any annual pay increase provided for in the Municipal Pay Plan. Any employee who has received an unsatisfactory overall performance rating in the most recent evaluation of the employee shall be ineligible to receive any annual pay increase provided for in the Municipal Pay Plan.

b. In addition, pay increases may be made at any time to recognize outstanding performance of duty based on written recommendations of the Department Head or to correct wage inequities per the approval by the Administrator. The Administrator may also withhold a portion of the total amount of money appropriated by the Assembly during budget time to be used for merit increases; if any such money is withheld, the Administrator will determine the guidelines for its award and distribution.

6.13 BUDGETARY CONSTRAINTS. In adopting the budget the Assembly will determine the amount of money available for employee compensation. The provisions of this Section 6 shall be implemented subject to the monies made available in the budget.

6.14 ASSEMBLY AUTHORITY TO APPROVE BY MOTION PARTICULAR BENEFITS THAT MAY VARY FROM THOSE SET OUT IN THIS PERSONNEL POLICIES HANDBOOK

Notwithstanding any other provision of this Personnel Policies Handbook, the Assembly may approve by motion benefits for individual employees that vary from the benefits set out in this Personnel Policies Handbook. In the case of any employee other than the Administrator or the Attorney, the benefits that vary from those set out in this Personnel Policies Handbook that are to be approved by motion must be recommended by the Administrator.

VII. HOURS OF WORK, OVERTIME, ETC.

7.1 HOURS OF WORK

Except as otherwise provided in this title, the regular workweek shall consist of five (5) days at eight (8) hours per day, or upon approval of the Department Head, four (4) days at ten (10) hours per day, totaling forty (40) hours per week. Qualified personnel of the Fire Department who are employed on a work period basis in accordance with the FLSA and applicable regulations shall work a regular work schedule based upon one hundred and six (106) hours for a set fourteen (14) day work period established by the Department Head.

7.2 OVERTIME

Overtime is an occasional necessity and must be worked if assigned. Department Heads are responsible for insuring that no abuse of overtime occurs. All overtime work must have the prior approval of the Department Head unless an emergency precludes such approval. The Department Head shall review and certify overtime approved for payment.

Except as provided below, employees shall be paid at one and one-half times their regular rate of pay for all hours worked in excess of forty (40) hours in one (1) regular workweek. All work performed on the seventh day (defined as any day during a regular workweek as designated by the Department Head which follows five (5) days work of at least eight (8) hours and one (1) day of at least four (4) hours work) shall be paid at double the straight time rate. Qualified personnel of the Fire Department and Police Department shall be paid on a work period basis, in accordance with the FLSA and applicable regulations. Employees in the exempt service as defined in Section 1.2 shall be ineligible for overtime or additional compensation for overtime.

7.3 HOLIDAY OVERTIME.

a. During Shift Hours. If work is performed on a holiday during regular shift hours (the employee is physically at work or working), the employee shall be paid time and one-half for the hours worked, plus employees working on a holiday will receive the following hours added to their floating holiday totals for the year:

- (1) Eight (8) hours straight-time pay for regular employees;
- (2) Nine point six (9.6) hours of straight-time pay for qualified Fire Department personnel; and
- (3) Eight point four (8.4) hours for qualified Police Department personnel.

b. Outside Shift Hours. If work is performed (the employee is physically at work or working), on a holiday outside the regular shift hours, double the straight time rate shall apply. (Example: An employee's regular shift is from 8:00 a.m. to 5:00 p.m. On a holiday he or she is called to work from 6:00 a.m. to 8:00 a.m. The employee would be paid double time for these hours as well as receive eight (8) hours of holiday pay.)

c. Employees whose positions are classified as exempt are not eligible for holiday overtime.

7.4 CALL-OUT TIME.

Employees who are called out to work outside of their regular work shift shall receive a minimum of two hours of "call-out pay" calculated at one and one half times the employee's regular rate of pay. Employees whose positions are classified as exempt under the Municipality's employment service are not eligible for call-out pay.

If an employee is required to be on unscheduled duty for more than four consecutive hours and for every four consecutive hours of continuous duty thereafter, the department will furnish them with a meal and a half-hour at the overtime rate to eat or the employee may be compensated for meals at the City and Borough per diem rate and receive a half-hour at the overtime rate for each meal they did not stop to eat.

7.5 STANDBY PAY.

When a Department Head or an immediate supervisor instructs an employee to remain available for work in a “standby” status after regularly scheduled work hours, on scheduled days off, or on holidays, the employee shall receive \$2.25 per hour for each hour that the Department Head or an immediate supervisor instructs the employee to stand by. Standby pay is only paid for actual hours in standby status. Standby pay shall not be paid for regular hours worked, overtime, or call-out. Employees whose positions are classified as exempt under the Municipality’s employment service are not eligible for standby pay. Employees on standby status will be required to respond ready-to work within 30 minutes or the amount of time designated by their Department Head or supervisor as appropriate for the situation.

7.6 PAYDAYS.

Employees shall be paid every other week.

7.7 PAYROLL DEDUCTIONS.

Deductions required by law will be withheld from each employee's paycheck. Other deductions, such as health insurance premiums, may be withheld if requested by the employee and approved by the Finance Director. Deductions may also be made in accordance with 8 AAC 15.160.

7.8 HOT TIME.

Compensation at a rate of 15% above straight time will be paid to members of the line crew whenever that line crew is hot-sticking electrical lines that are energized at 7.2 KV or above.

VIII. VACATIONS

8.1 FULL-TIME REGULAR EMPLOYEES. Full-time regular employees shall accrue and use vacation or annual leave at the following rates:

<u>Length of Continuous Service</u>	<u>Earned Monthly</u>	<u>Annual Total</u>	<u>Annual Mandatory Time Off</u>
0 through the 3rd year	8.67 hours	104 hours	40 hours
4th year through 7th year	12.67 hours	152 hours	80 hours
Start of the 8th year	16.67 hours	200 hours	120 hours

Vacation Rate for Returning Employees. For the purpose of accruing leave credit, reinstated regular full-time and part-time regular employees shall have their previous years of service credited minus each year the employee is not a full time or part-time regular employee with the City and Borough of Sitka.

8.2 PART-TIME REGULAR EMPLOYEES. Part-time regular employees shall accrue vacation on a ratio of the hours they work to a forty (40) hour week.

8.3 QUALIFIED PERSONNEL OF THE FIRE DEPARTMENT AND POLICE DEPARTMENT.

a. In accordance with 29 CFR 553.21 (a) and (b) or a successor regulation, qualified personnel of the Fire Department who are employed on a work period basis shall accrue annual leave at the following rates:

<u>Length of Continuous Service</u>	<u>Earned Monthly</u>	<u>Annual Total</u>	<u>Annual Mandatory Time Off</u>
0 through the 3rd year	10.4 hours	124.8 hours	48 hours
4th year through 7th year	15.2 hours	182.4 hours	96 hours
Start of the 8th year	20.0 hours	240.0 hours	144 hours

b. Qualified personnel of the Police Department working a twelve (12) hour shift with an eighty-four (84) hour pay period schedule shall accrue annual leave at the following rates:

<u>Length of Continuous Service</u>	<u>Earned Monthly</u>	<u>Annual Total</u>	<u>Annual Mandatory Time Off</u>
0 through the 3rd year	9.1 hours	109.2 hours	42 hours
4th year through 7th year	13.3 hours	159.6 hours	84 hours
Start of the 8th year	17.5 hours	210 hours	126 hours

8.4 RESERVED

8.5 WHILE ON LEAVE-WITHOUT-PAY STATUS. Effective the fourth consecutive day of leave-without-pay status, vacation time will not accrue while an employee is on leave-without-pay. This provision does not affect family leave or medical leave taken pursuant to statute.

8.6 SATURDAYS, SUNDAYS, AND HOLIDAYS. While on vacation, Saturdays, Sundays, and holidays will not be considered as time taken on vacation, but only regular workdays will be counted as days taken on vacation.

8.7 PAY DURING VACATION. If payday falls during the vacation of an employee, he or she shall be entitled to receive at the beginning of the vacation the compensation due while on vacation.

8.8 DEPARTMENT HEAD TO AUTHORIZE. Vacation time shall be authorized by the Department Head and subject to approval of the Administrator.

8.9 AT EXPIRATION OF SICK LEAVE. Vacation time may be taken for the illness or off-duty injury of an employee upon expiration of accumulated sick leave.

8.10 TERMINATION. Accrued vacation leave will be paid to employees who voluntarily or involuntarily terminate after six (6) month's service, based on salary at date of termination.

8.11 MANDATORY TIME OFF. After the first year of service, employees shall take mandatory time off, and use their annual leave in the amounts set out in Sections 8.1 and 8.3. Employees who do not use their mandatory time off shall forfeit the remaining balance of the mandatory time off that they have not taken. No exceptions to these provisions shall be made except upon a showing of good cause and with prior approval of the Administrator.

8.12 ACCUMULATION LIMIT. Full-time regular employees may accumulate up to and including four hundred and eighty (480) hours of annual leave, inclusive of the current year's accrual as of June 30 of each year.

8.13 POSTING LEAVES. Employees may not use vacation time until the leave is posted on a payroll check.

8.14 VACATION DURING THE FIRST SIX MONTHS OF EMPLOYMENT. Vacation time shall not accrue and may not be taken prior to six (6) months of continuous satisfactory service, but after six (6) months of employment, vacation time shall accrue retroactive to date of employment.

In appropriate circumstances, the Administrator may, in his or her sole discretion, grant a probationary employee credit for leave which would have accrued had the employee not been on probation and allow the employee to use that leave.

In the event the probationary employee granted leave with pay leaves employment with the City and Borough of Sitka prior to satisfactory completion of probation, the employee shall reimburse the Municipality for the leave taken. The reimbursement shall be deducted from the employee's final paycheck or other sources.

8.15 CONVERSION OF VACATION TIME TO CASH. Each calendar year, an employee with more than one hundred and twenty (120) hours of accrued annual leave may receive payment for all or a part of annual leave in excess of one hundred and twenty (120) hours. The leave balance will be reduced accordingly. Such payment does not eliminate the mandatory use requirements defined in Section 8.11. There is a limit of two (2) such conversions per year. The Administrator has the authority to deny a request or approve exceptions.

IX. SICK LEAVE

9.1 FULL-TIME REGULAR EMPLOYEES. Full-time regular employees shall accrue sick leave on the basis of twelve (12) hours per month of continuous service up to seven hundred and twenty (720) hours. Employees may not use sick leave until the leave is posted on payroll check stubs.

9.2 PART-TIME REGULAR EMPLOYEES. For part-time regular employees sick leave hours shall accrue and be eligible to be used based upon the ratio of the time worked compared to a full-time employee (FTE) in the current fiscal year budget.

9.3 QUALIFIED PERSONNEL IN THE FIRE DEPARTMENT. Qualified personnel of the Fire Department who are employed on a work period basis shall accrue sick leave on the basis of fourteen point four (14.4) hours per month of continuous service up to a total of eight hundred and sixty-four (864) hours.

9.35 QUALIFIED PERSONNEL IN THE POLICE DEPARTMENT. Qualified personnel in the Police Department who work a twelve (12) hour shift in an eighty four (84) hour pay period schedule shall accrue sick leave on the basis of twelve point six (12.6) hours per month of continuous service up to a total of seven hundred and fifty-six (756) hours.

9.4 DOCTOR'S CERTIFICATE. More than three (3) days sick leave used consecutively may require a doctor's certificate at the discretion of the employee's supervisor or Department Head.

9.5 NOTIFICATION TO SUPERVISOR. Any employee absent due to illness must notify their immediate supervisor prior to the normal time for reporting for duty. Any unauthorized absence is grounds for discipline up to and including termination.

9.6 WHILE ON LEAVE-WITHOUT-PAY STATUS. Effective the fourth day of leave without pay, Sick Leave will not accrue while an employee is on a leave-without-pay status.

9.7 UPON SEPARATION. A regular employee voluntarily terminating or retiring in good standing will be paid \$1.00 for every hour of sick leave accumulated as of their last day of employment. Good standing is determined by the last three years performance evaluations being satisfactory (rated "3" or higher). In a case where the employee has not been employed for a period of three years, the actual length of "satisfactory" employment will be used.

9.8 EMERGENCY LEAVE.

a. In case of a medical emergency, such as non-elective hospitalization or serious injury of the employee or a member of the employee's immediate family, or death in the employee's immediate family, the employee may use the following amount of accrued sick leave without requiring approval of the Administrator:

- (1) Up to forty (40) hours, except for qualified personnel of the Fire Department or Police Department;
- (2) Up to forty-eight (48) hours for qualified personnel of the Fire Department;
- (3) Up to forty-two (42) hours for qualified personnel of the Police Department.

b. For the purpose of this section, "immediate family" includes the employee's spouse, children, parents, parents-in-law, siblings, grandparents, grandchildren, or any person acting in one of these capacities.

c. Documentation setting out the facts constituting the emergency shall be provided to the Department Head simultaneously with the Time Sheet on which the leave is taken.

9.9 ABUSED SICK LEAVE. Any abuse of sick leave privileges shall subject the employee to discipline up to and including termination.

9.10 FAMILY AND MEDICAL LEAVE ACT POLICY

A. The following establishes guidelines for the use of family and medical leave as it relates to the Family Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA)

B. Determining Eligibility

1. Employee must have worked for the Municipality for at least 12 months. The 12 months need not be consecutive.
2. The employee must also have performed at least 1250 hours of work during the 12 months immediately preceding the beginning date of the leave.
3. Employee must work within the boundaries of the United States and its territories.

C. Family Leave Qualifications

1. An employee who is otherwise qualified for leave may take leave for the following family events:
 - a. Birth of a child and to care for the newborn child.
 - b. Placement of a child with the employee for adoption or foster care.
2. An employee must give the Municipality 30 days' notice of the employee's intent to take family leave if the date of the birth or placement is foreseeable. If it is not possible to give 30 days' warning, the employee must give the Municipality as much notice as possible.
3. The right to take leave for birth or placement expires 12 months after the birth or placement of the child.

D. Medical Leave Qualifications

1. An employee may be entitled to medical leave to care for a "serious health condition" of the following individuals:
 - a. Son or daughter (including biological, adopted, and foster children, as well as stepchildren, legal wards, and disabled adult children).
 - b. Spouse (husband or wife, including a common-law spouse).
 - c. Parent (or someone who has acted in the role of parent).
 - d. The employee themselves, if the employee is unable to perform the functions of his or her job position.
2. Employee must provide documentation or a statement that a covered family relationship exists.
3. A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:
 - a. A period of incapacity or treatment involving inpatient care in a Municipality, hospice, or residential medical care facility, and any later related treatment.
 - b. Continuing treatment or supervision by a health care provider. "Continuing treatment" includes multiple treatments by a health care provider or health care service, as well as single treatments that result in a regimen of continuing treatment under the health care provider's supervision. The definition of "health care provider" includes doctors of medicine or osteopathy, physician assistants, dentists, clinical psychologists, optometrists, podiatrists, chiropractors, licensed nurse practitioners, nurse midwives, clinical social workers, Christian Science practitioners, and any health care provider whose certification of a serious health condition will be accepted by us, the employer, or by Municipality's health plan. Continuing treatment or supervision by a health care provider will be covered for:

- i. A period of incapacity requiring more than three days' absence from work, school, or other regular activity, and later related treatment.
- ii. Prenatal care.
- iii. A period of incapacity or treatment for a chronic serious health condition (one that requires periodic treatments and that lasts an extended period of time, including episodic conditions such as asthma, diabetes, and epilepsy).
- iv. A permanent or long-term health condition that is incurable.
- v. Multiple treatments for restorative surgery after an injury or for a condition that failure to treat would result in more than three days of incapacity (such as cancer or kidney disease).

4. Periodic leave or a reduced work schedule will be available if necessary to accommodate the employee's personal medical condition or planned medical treatments for the employee or family members. However, a "serious health condition" must be involved, and the employee must try to schedule the leave so as not to disrupt the daily operations of the Municipality.

5. An employee must give the Municipality 30 days' notice of the employee's intention to take medical leave if doing so is possible. If it is not possible to give 30 days' notice, the employee must notify Municipality as soon as practicable and the notice must provide enough information to know whether the leave should be designated as FMLA leave. The employee does not have to mention the FMLA in requesting leave. The Leave of Absence form must be completed by the supervisor and returned to Human Resources Department prior to the leave.

6. The employee must provide documentation of the serious health condition that is the basis for the leave request. Within two days after receiving a leave request (or after the leave begins, if the leave was unforeseen), the Municipality must notify the employee that documentation is required. The Municipality must give the employee at least 15 days to provide the documentation. Employees must also be informed of the consequences of failing to provide adequate documentation (i.e., loss of FMLA protection). The documentation must be completed by a doctor or other health care provider.

7. The Municipality will not request additional information from the employee's health care provider except for the purpose of clarification or for pregnancy and illnesses of long duration and then, only at reasonable time intervals and not more often than every 30 days, and only in connection with an absence.

8. The Municipality reserves the right to require a second opinion at our expense and given by a health professional chosen by us. If the second opinion differs from the first, the employee and the Municipality must agree on a health professional to issue a third opinion. The third opinion is final and binding on both parties. The Municipality will be responsible for the cost of obtaining the second and third opinions within the context of determining FMLA related eligibility.

E. Leave Availability

1. The AFLA provides up to 18 weeks of leave (whether paid or unpaid) per 24 month period or 12 weeks (whether paid or unpaid) per 12 month period for eligible employees with serious health conditions or valid medical or family reasons for leave. In addition, the AFLA provides for up to 18 weeks of leave (whether paid or unpaid) per 12 month period for eligible employees who have pregnancy related health conditions, have given birth, or have adopted a child.

2. Employees will be required to first use any accrued sick leave (only when FMLA leave is related to the illness of the employee himself) and/or paid leave before taking unpaid leave during the FMLA Leave.

3. If the employee is receiving Workers Compensation or disability benefits while out on FMLA leave, other paid leave will not be substituted.

4. Substituting paid leave for unpaid leave does not extend the total leave available to the employee.

5. The employee must take leave in one unbroken time period unless it is required for medical treatment (such as therapy sessions or health care visits).
6. The Municipality will reserve the right to temporarily transfer the employee to a position that more easily allows periodic absences or reduced hours. The alternate position will have pay and benefits equivalent to those of the employee's regular position. Only the time actually taken as leave may be counted toward the 18 weeks of leave available.
7. If both spouses work for the same employer, leave for both employees combined may be limited to 12 weeks per 12-month period. This leave limitation applies when the leave is taken due to the illness of a parent or because of the birth/adoption of a child. The law does not require the Municipality to grant leave to both parents at the same time.
8. The employee will be required to report periodically while the employee is on leave as to whether the employee intends to return to work.

F. Designating FMLA Leave

1. The Municipality is responsible for designating FMLA leave. Once the employee qualifies for leave under the FMLA, we will notify the employee of the FMLA designation within two business days. If leave is designated orally, the Municipality will confirm this designation in writing by the employee's next regular payday.
2. The Municipality will also notify the employee, within two days of any request, if the employee is not eligible for FMLA leave.
3. The Municipality will reserve the right to designate any leave taken under the Workers Compensation system as FMLA leave if the employee is injured on the job and the injury qualifies as a serious health condition under the FMLA. The employee will also be told of the designation.

G. Restoration on Return from Leave

1. An employee returning from leave will be restored to his or her old position or a position with equivalent pay, benefits, and working conditions. However, this will not apply if the employee is no longer capable of performing the essential functions of his or her former job. There is an exception to this rule for key employees listed as follows:
 - a. The Municipality will reserve the right to refuse to allow a "highly compensated employee" to return to his or her old position if:
 - i. Denial is necessary to prevent substantial economic loss.
 - ii. The Municipality notifies the employee as soon as the Municipality determines which employees would cause serious economic losses (the notice will tell the employee the reason for denying job restoration and give the employee a reasonable amount of time to return to work).
2. If the employee is on leave and does not return to work after being informed that he or she is ineligible to return to a prior position, the employee is still entitled to health benefits until the leave expires or until the employee gives notice that he or she will not return.
3. Any unpaid FMLA leave may result in a change in the employees anniversary date as it relates to calculations for PERS benefits.

H. Employee Benefits Under the FMLA

1. Any benefits accrued by an employee before he or she takes FMLA leave must still be available to the employee on returning. Employee benefits (other than health insurance) and seniority generally do not have to continue accruing while the employee is on leave.
2. The employee will be entitled to any unconditional pay increases that becomes effective during the leave. The employee will not be disqualified for bonuses that are based on attendance or safety because of FMLA leave. Production bonuses will be withheld if employees on other types of leave are also excluded.
3. With respect to pension and retirement plans, FMLA leave will not be considered a "break in service" for vesting or eligibility purposes. If the plan requires employment on a specific

date for vesting or eligibility (such as employment on the last day of the year), an employee on FMLA leave is considered employed on that date.

I. Group Health Insurance

1. The Municipality will continue making the same contribution to the employee's group health plan during a leave. If the plan or benefits change, the employee on leave is also covered by the change and must be notified of any new options that become available.

2. If the employee pays all or a portion of the premium on group health insurance, that obligation will continue while the employee is on leave. If the Municipality pays the employee's group health insurance share of the premium, the employee will be required to reimburse the Municipality except as provided in section 8.E.

3. Due to the provisions of the group health insurance plan, an employee may not choose to allow their group health insurance coverage to lapse during an FMLA leave.

4. If the employee fails to return to work, the Municipality will attempt to recover from the employee any contribution made on behalf of the employee (the employee's share) to the group health plan.

5. In addition, if the employee fails to return to work for other than the following reasons, the Municipality will attempt to recover from the employee the Municipality's contribution to the group health plan:

a. The employee fails to return because of a medical condition that would qualify for leave or

b. The employee fails to return because of other circumstances beyond the employee's control.

6. The employee must submit documentation of a medical reason for not returning to work. The documentation must cover the same information as other medical leave documentation.

7. If the employee does not return to work, the employee's rights under COBRA will generally run from the last day of FMLA leave. This is true even if the employee's health insurance lapsed while the employee was on leave.

J. Notice to Employee

1. Within two days after an employee requests leave that comes under the FMLA, the Municipality will give the employee a notice informing him or her of the consequences of taking leave and of the employee's obligations. The notice will state, as applicable to the employee's situation, the following:

a. Whether the leave will be counted as FMLA leave.

b. Whether the employee is required to furnish medical documentation.

c. Whether and how the Municipality will substitute paid leave for FMLA leave.

d. Whether and how the employee is to make health insurance premium payments.

e. Whether the employee will be required to present a fitness-for-duty certificate on returning to work.

f. Whether the employee is a key employee and the consequences of that status.

2. The employee may have to reimburse the Municipality for health insurance premiums if the employee does not return to work.

3. The Municipality will be responsible for posting a notice of the law in a conspicuous location in the workplace, typically on the employee bulletin boards.

K. Calculations

AFLA provides up to 18 weeks of leave (any combination of paid or unpaid) per 24 month period for eligible employees with valid medical or family reasons for leave. The Municipality will use the following method for calculating the 24 month period: A “rolling” 24 month period measured backward from the date the employee takes AFLA leave. This method will be applied uniformly to all employees.

L. Start of Family Leave Calculation Under the FMLA/AFLA.

An employee may use up to fourteen days per calendar year of their sick leave to care for a family member (as defined in Subsection 9.10. D) who is sick before the family leave calculation may begin under FMLA/AMLA. This family member need not have a “serious health condition” as defined in Subsection 9.10.D.

9.11 LEAVE BANK. When an employee has exhausted his or her accrued sick leave, annual leave, and floating holidays, the employee may apply for leave from the sick leave bank, which is subject to the following rules:

- a. Employees may voluntarily contribute annual leave into the sick leave bank.
- b. The bank may be used to aid employees who are experiencing a serious health condition, or an immediate family member is experiencing a serious health condition as defined by AS 23.10.550.;
- c. Eligibility and allocation of sick bank hours will be determined by the Finance Director with the approval of the Administrator;
- d. An individual employee may not use more than 2080 hours from the bank in a lifetime; and
- e. The amount of leave provided to an individual from the leave bank cannot exceed the amount that employee would be entitled to under the Family Medical Leave Act or the Alaska Family Leave Act.

9.12 CONVERSION OF SICK LEAVE. Each full time regular employee will have one-half of the difference between 80 hours and the actual hours of sick leave used in the previous calendar year converted from sick leave to annual leave on January 1 of each year. For new or terminating employees, conversion shall be worked out on full quarters of the year completed to the date of conversion.

Part time regular employees shall be able to convert sick leave to annual leave on a pro rata basis based upon the relationship between their employment hours and full time employment.

9.13 MATERNITY/PATERNITY LEAVE. For the birth of a child and in order to care for the child; the placement of a child with an employee for adoption or foster care, employees may use sick leave towards family leave.

X. RESERVED

XI. LEAVE WITHOUT PAY

11.1 LEAVE WITHOUT PAY REQUESTS FOR THE EQUIVALENT OF TWO WORK WEEKS. Subject to the approval of an employee's Department Head and the Administrator, and based upon a written request by the employee of a compelling reason for the need to take leave without pay, an employee who has used all accrued annual leave may be granted leave without pay, not to exceed the total hours in two work weeks in any calendar year, as provided below:

- a. Eighty (80) hours, except for qualified personnel of the Fire Department or Police Department;
- b. Ninety-six (96) hours for qualified personnel of the Fire Department; or
- c. Eighty-four (84) hours for qualified personnel of the Police Department.

11.2 LEAVE WITHOUT PAY REQUESTS FOR THE EQUIVALENT OF MORE THAN TWO WORK WEEKS. Subject to the approval of an employee's Department Head and the Administrator, and under the following conditions, an employee who has used all accrued annual leave may be granted leave without pay exceeding the total of two work weeks in any calendar year as provided above in Section 11.2:

- a. City and Borough's Interest Not Unduly Affected. Such leave shall be considered only when it will not result in undue prejudice to the interest of the City and Borough beyond any benefits to be realized
- b. For Travel or Study. An application for leave without pay for travel or educational study calculated to equip an employee for more effective service to the City and Borough
- c. The Department Head will consider the eventual compensating benefits of such leave to the City and Borough in keeping the position vacant, or filling it temporarily, until the return of the employee.

11.3 HEALTH AND LIFE PREMIUMS. Effective the fourth day of leave without pay, employees using in excess of three days of voluntary leave without pay in a calendar month shall pay, by payroll deduction, the portion of the municipality's share of their health insurance and life insurance premiums attributable to all days without pay, unless otherwise required by State or Federal law. In addition, vacation and sick leave accruals shall be reduced accordingly.

XII. MILITARY LEAVE

12.1 Employees shall be entitled to military leave in accordance with State and Federal law. An employee on military leave shall have return rights to his or her position in accordance with 38 USC 4312-4313.

XIII. COURT LEAVE

13.1 COURT LEAVE AUTHORIZED. An employee who is called to serve as a juror or subpoenaed as a witness in connection with his or her employment, shall be entitled to court leave. Such requests for court leave shall be supported by written documents such as a subpoena, marshal's statement of attendance, and compensation for services, per diem and travel.

13.2 SALARY DURING COURT LEAVE. The employee shall turn over to the City and Borough for deposit all monies received from the court as compensation for service, and in turn shall be paid their current salary while on court leave.

13.3 VOLUNTEER COMPENSATION COURT LEAVE. Volunteers that are subpoenaed to testify on behalf of the City and Borough of Sitka in connection with their volunteer service will be compensated at Step A of the appropriate grade as determined by the volunteer's Department Head and Administrator for the hours the volunteer is actually required to spend giving testimony or in court waiting to give testimony. A person seeking compensation under this section shall submit to the City and Borough both the subpoena and such other documentation as required to show the relevant time periods. In return, the volunteer will turn into the City and Borough of Sitka any compensation received from the court in connection with being subpoenaed.

XIV. HOLIDAYS

14.1 RECOGNIZED HOLIDAYS.

except for:

a. A holiday shall consist of eight (8) hours off with pay for all regular employees

- (1) qualified Fire Department personnel, for whom a holiday shall consist of nine point six (9.6) hours off with pay;
- (2) qualified Police Department personnel, for whom a holiday shall consist of eight point four (8.4) hours off with pay; and
- (3) part-time regular employees, for whom holiday hours will be accrued and used based upon the ratio of time worked compared to a full-time employee (FTE), as listed in the current fiscal year's budget book.

b. An employee who works on a holiday will receive eight (8) hours straight-time hours added to the employee's floating holiday total for the year, except for:

- (1) qualified Fire Department personnel, for whom nine point six (9.6) hours will be added to the employee's floating holiday total for the year; and
- (2) qualified Police Department personnel, for whom eight point four (8.4) hours will be added to the employee's floating holiday total for the year; and
- (3) part-time regular employees, for whom holiday hours will be added to the employee's floating holiday total for the year, based upon the ratio of time worked compared to a full-time employee (FTE), as listed in the current fiscal year's budget book.

c. Each holiday listed in Section 14.1 (d) below is based on a twenty four (24) hour day (12:00 a.m. to 11:59 p.m.). Shifts that begin before or end after this twenty four (24) hour day will be paid at the overtime rate for only the time worked during the twenty-four (24) hour holiday time period.

d. The following days shall be recognized as holidays with pay for all regular employees who are in pay status for the entire workday before and following such days:

NEW YEAR'S DAY
JANUARY 1

PRESIDENT'S DAY
THIRD MONDAY IN FEBRUARY

MEMORIAL DAY
LAST MONDAY IN MAY

FOURTH OF JULY
JULY 4

LABOR DAY
FIRST MONDAY IN SEPTEMBER

ALASKA DAY
OCTOBER 18

VETERANS' DAY

NOVEMBER 11

(May be taken the day after Thanksgiving with supervisor's approval.)

THANKSGIVING DAY

FOURTH THURSDAY IN NOVEMBER

CHRISTMAS DAY

e. **FLOATING HOLIDAYS:** Subject to prior approval by supervisor, (any day of employee's choice after one year's service) may be used as a floating holiday. Floating holidays must be taken in the fiscal year accrued or be forfeited. Floating holidays will be accrued July 1 or the employee's first anniversary, whichever is later. All regular employees shall accrue twenty (20) hours floating holiday leave, with a floating holiday consisting of eight (8) hours leave with pay, except for:

- i. qualified Fire Department personnel, who accrue twenty-four (24) hours floating holiday leave, with a floating holiday consisting of nine point six (9.6) hours of leave off with pay;
- ii. qualified Police Department personnel, who accrue twenty-one (21) hours floating holiday leave, with a floating holiday consisting of eight point four (8.4) hours off with pay; and
- iii. part-time regular employees, who accrue and use floating holiday leave based upon the ratio of time worked compared to a full-time employee (FTE), as listed in the current fiscal year's budget book.

14.2 HOLIDAYS FALLING ON SATURDAY OR SUNDAY. When a holiday falls on Sunday, the following Monday will be observed as the holiday. When a holiday falls on Saturday, the preceding Friday will be observed as the holiday. For shift employees, the first day off in the calendar week will be considered as Saturday and the second day off, Sunday. Another day may be designated with the Department Head's approval.

14.3 HOLIDAYS FALLING DURING VACATIONS. If a holiday falls within a vacation period, it is not counted as part of the vacation allowance.

XV. RESERVED

XVI. RETIREMENT

16.1 STATE RETIREMENT SYSTEM. The Municipality is a participant in the State of Alaska Public Employees Retirement System (PERS) effective January 1, 1970. Coverage is mandatory for all full-time regular and part-time regular employees who are not temporary employees and who are not retirees under PERS who have been allowed by PERS to waive participation in PERS while being re-employed with a PERS employer. Details regarding retirement benefits and the retirement system may be obtained from the Human Resources office, City and Borough of Sitka.

XVII. HEALTH INSURANCE

17.1 GROUP HEALTH INSURANCE AVAILABLE. Regular full-time employees may enroll in the Municipal group health insurance plan with the Municipality paying ninety percent (90%) of the employees' and dependents' health insurance premium. The Municipality will pay a portion of the cost of health insurance premiums for part-time regular employees, based on a ratio of the hours they actually work in a forty-hour workweek.

Employees become eligible to join the group after thirty (30) days of employment.

XVIII. OCCUPATIONAL INJURY

18.1 DUTY OF THE EMPLOYEE TO REPORT. It shall be the duty of each employee to immediately report any and all accidents to his or her immediate Supervisor.

18.2 SALARY WHILE OFF DUTY. The Municipality shall pay the difference between what an employee receives under Worker's Compensation and the employee's regular earnings from the Municipality for up to 90 calendar days as well as for the three-day waiting period prescribed by Alaska statutes.

18.3 VOLUNTEER AND AUXILIARY PERSONNEL. Volunteer and auxiliary police and fire personnel who receive injuries while performing for the Municipality are insured through Workmen's Compensation, based on the starting salary for a paid police officer and fire department engineer. During the three-day waiting period required by Worker's Compensation, the Municipality will pay sixty-five percent (65%) of this starting salary provided the person can receive no compensation from another source, such as sick leave from an employer.

18.4 POSITION HELD OPEN. In the case of an occupational injury, the City and Borough of Sitka will, when feasible, hold the employee's position or a comparable position open for up to six (6) months following the injury, or until a competent physician, following a physical or mental examination, has certified that the employee will be unable to return to the former position, whichever occurs earlier.

18.5 DEFINITION - OCCUPATIONAL INJURY. Occupational injury shall have that meaning used to define "injury" in the Alaska Worker's Compensation Act.

18.6 CONTESTED OCCUPATIONAL INJURIES. In the event of a controversy whether the employee's injury is an "occupational injury," the City and Borough of Sitka shall not be required to pay or provide the benefits set forth in this section until and unless the Alaska Worker's Compensation Board has reached a final determination, following all appeals, that the injury is an "occupational injury." If found to be an "occupational injury," payment of benefits set forth in this section shall be made with ten (10) working days after the City and Borough of Sitka receives notice of the decision.

XIX. PER DIEM AND TRAVEL ALLOWANCES

19.1 PER DIEM ALLOWANCE BASE.

While traveling on official business and away from home or designated posts of duty, an employee will be reimbursed for the actual cost of lodging which is reasonable and necessary, for which receipts must be submitted for attachment to the travel request; and will receive a per diem rate of \$42.00 for meals and incidentals, distributed as follows:

Midnight to 10:00am	Breakfast	\$ 9.00
10:00am to 3:00PM	Lunch	\$11.00
3:00PM to Midnight	Dinner	\$22.00
Total		\$42.00

To be eligible, an employee must be in travel status during a meal allowance period for three consecutive hours. Receipts are not required for meals. The first day and last day of travel will be prorated as shown above. Same-day travel will be prorated if travel is more than 10 hours.

19.2 TRANSPORTATION EXPENSES. Rental car expenses, cab fare, parking fees, etc., will be reimbursed on an actual cost incurred basis when use of a rental car is authorized in an employee's travel request. Reimbursement for rental car expenses will not exceed the lowest rate for an economy class rental unless approved by the Administrator. Authorization for the rental of a car must have prior approval and such approval will be granted only when it is monetarily in the best interest of the municipality. Receipts will be required for reimbursement under this section.

19.3 REGISTRATION FEES. Registration fees will be paid or reimbursed on an actual cost incurred basis when authorized in an employee's travel request.

19.4 TRAVEL ADVANCES. Prior to traveling on official business, an employee may request an advance of per diem, rental car expenses if authorized, and registration fees, if authorized.

19.5 REQUEST FOR TRAVEL ADVANCE. Travel advances should be requested at least two weeks prior to the date travel is to commence. The Administrator may grant exceptions to this requirement.

19.6 AMOUNT OF TRAVEL ADVANCE. Travel advances will not exceed the base daily per diem rate plus the maximum daily rental car rate, if authorized, and the cost of registration fees, if authorized. If an advance is given for rental car expenses, a receipt for the actual cost of the rental car must be filed with the Finance Department after the completion of travel and any extra money advanced and not spent must be returned to the Finance Department.

19.7 TRAVEL ADVANCES AND REIMBURSEMENT FOR ACTUAL COSTS INCURRED. If an employee requests a travel advance and also requests to be reimbursed for actual costs incurred, the employee must reimburse the Municipality for any daily per diem which was advanced and not spent.

19.8 TRAVEL REQUESTS. Prior to the payment of any travel advance or commencement of official travel, a travel request will be completed by the employee who is to travel and the request will be approved by the employee's Department Head and authorized by the Administrator. Travel requests must indicate the itinerary; mode of travel; lodging costs, if known; whether or not use of a rental car is authorized; and, amount and nature of authorized registration fees. Travel requests will also indicate if per diem is requested and whether or not reimbursement for actual costs is requested.

19.9 USE OF PRIVATE VEHICLES. No employee shall be ordered to use his or her personal vehicle for Municipal business. If a situation arises where a Municipal employee is requested to use his or her personal vehicle, arrangements for compensation of such use shall be as established in section 19.10 (b.)

19.10 TRAVEL ALLOWANCE. In addition to per diem reimbursement for travel, expenses shall be allowed at the following rate:

- a. By Common Carrier. The common carrier fare, or the cost of charter or other special hire, if essential, and other similar fares as necessary for the efficient performance of official duties. No reimbursement shall be allowed for more than the lowest tourist class fare for the most direct route unless:
 - (1) Tourist-class accommodations were not available.
 - (2) Waiting for tourist-class accommodations would cause harmful delay to the function of the Municipality.
 - (3) The Department Head finds that travel by tourist class is not in the best interests of the Municipality and authorizes other accommodations.
- b. By Private Vehicle. Mileage will be reimbursed at the approved IRS rate under IRS Revenue Procedure 2000-48 or any succeeding regulation. Reimbursement for actual costs of ferry fare, bridge, road and tunnel tolls, shall be granted. Where two (2) or more employees are traveling in the same direction, and it is possible to share a privately owned automobile or airplane, the mileage permitted shall be allowed for only one (1) vehicle.

19.11 ALLOWANCE FOR JOB-CONNECTED TRAINING. Where an employee attends a school, training session or other similar program of mutual benefit to the employee and Municipality, the employee shall agree to:

- a. Remain in Municipal service one (1) month for every day (including Saturdays and Sundays) that he or she is attending the school and for which the Municipality is paying his or her salary, travel costs, and per diem.
- b. Remain in Municipal service two (2) weeks for every day (including Saturdays and Sundays) that he or she is attending the school and for which the Municipality is paying either his or her salary, or travel costs and per diem costs.
- c. There shall be a two-year (2-year) maximum to the length of time that the employee must remain in service.
- d. Should the employee leave the service of the Municipality prior to the completion of computed service time, he or she shall reimburse the City and Borough for costs incurred in proportion to length of time remaining to be served.
- e. If the employee is involuntarily separated from the service of the Municipality before completion of computed service time, the remaining time to be served will be canceled. Nothing in this section shall guarantee an employee the right to employment for a specified period of time. This

section shall not affect an employee's status as an at-will employee if provided for elsewhere in the manual, and it shall not in any way limit the Municipality's ability to terminate an employee.

19.12 EXCEPTIONS TO POLICY. Exceptions to the policies contained in this Chapter XIX, may be granted by the Administrator on a case-by-case basis. Requests for additional per diem in special cases above the maximum stated amounts will be treated as an exception to policy. Requests for exceptions to policies will be directed in writing to the Administrator for approval. Additional per diem or reimbursement for unusual items will not be honored until an exception to policy has been approved. The Administrator will inform the Assembly on a monthly basis of any exceptions to this policy.

XX. GRIEVANCES AND DISCIPLINARY APPEALS

20.1 GENERAL POLICY. It shall be the general policy of the Municipality and the duty of each Supervisor and Administrative Officer in the Municipal service to afford its employees an opportunity to grieve matters of employment and appeal discipline. However, matters of policy and management prerogative are not grievable, and employees in temporary, probationary, exempt, and contracted status shall not have grievance rights or any right to appeal discipline, demotion, or termination except as described in Section 1.2.

20.2 STEPS FOR HANDLING OF GRIEVANCES AND DISCIPLINARY APPEALS. Except as provided otherwise in this Chapter, the grievance or disciplinary appeal of any employee who is not in temporary, probationary, exempt, or contracted status shall be handled in the following manner, each step to be taken within the time period specified below if no mutually satisfactory resolution has been reached. Any one or more steps may be waived by written agreement of both parties, except in disciplinary matters in which the initial step(s) shall be waived without mutual agreement if the initial disciplinary notice is issued directly by the Department Head or Administrator. Failure of the employee to meet any of the following deadlines without an agreement to waive such deadline may result in a rejection of the grievance or disciplinary appeal.

- a. Within ten (10) days of the act or event being grieved or appealed, the employee shall present a written grievance or disciplinary appeal to his or her immediate Supervisor, which specifies the act or event grieved or appealed, the date of occurrence, and all supporting facts. The Supervisor shall note the date of the receipt of the grievance or disciplinary appeal. The Supervisor shall then inform the Administrator and Department Head of the existence and nature of the grievance or disciplinary appeal.
- b. If no mutually satisfactory agreement is reached between the employee and the immediate Supervisor within ten (10) days after receipt of the grievance or disciplinary appeal, the employee shall present the written grievance or disciplinary appeal to the Department Head in order to continue to grieve or appeal.
- c. If no mutually satisfactory agreement is reached between the employee and the Department Head within five (5) days after receipt of the grievance or disciplinary appeal, the employee shall present the written grievance or disciplinary appeal to the Administrator in order to continue to grieve or appeal.
- d. If no mutually satisfactory agreement is reached between the employee and the Administrator within five (5) days after receipt of the grievance or disciplinary appeal, the employee shall request that the written grievance or disciplinary appeal be submitted to an impartial hearing officer by notifying the Administrator in writing of his or her intentions to continue to grieve or appeal.
- e. The hearing officer shall be a neutral third party. The Administrator shall provide a list of potential hearing officers from which the employee may make a selection. If no agreement can be made on a hearing officer, the Administrator will select one from the list of potential hearing officers provided to the grievant.

20.3 HEARING PROCEDURE. As soon as practicable after the hearing officer is selected, the Administrator shall notify the employee and the Department Head in writing of the date, time, and place of the hearing. Both sides may be represented by counsel or anyone of their choosing. Both may call and examine witnesses subject to cross-examination by the other party, present documentary evidence and exhibits, and impeach witnesses and rebut relevant evidence presented. The hearing need not be conducted according to technical rules of evidence. Relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons customarily rely in the conduct of their serious affairs. Irrelevant and unduly repetitious evidence shall be excluded. No finding of fact shall be based exclusively upon hearsay evidence unless it would be admissible over objection in a civil action. The proceedings shall be recorded in their entirety.

The City and Borough shall have the burden of proof concerning factual allegations against the employee, and whether or not such allegations constitute or establish good cause for the imposition of discipline, demotion, termination or change in employment. The employee shall have the burden of proof concerning claims against the City and Borough. The standard for burden of proof shall be preponderance of the evidence.

20.4 DECISION OF THE HEARING OFFICER. Within fifteen (15) days following the close of the case the hearing officer shall issue written findings of fact and the decision on the grievance and cause them to be served on the Department Head and the grievant involved. The findings and decision shall be based solely on the evidence presented at the hearing and shall address the allegations set out in the grievance and/or the statement, if any, memorializing or affecting the discipline, demotion, termination or change in employment.

20.5 PROCEDURE FOR SUSPENSION OR DEMOTION. An employee who has been given written notice of intent to suspend or be demoted by a Department Head shall have the right to appeal the matter to the Administrator before the suspension is effective. The appeal must be filed with the Administrator within five business days of the employee receiving written notice of the intent to suspend or demote. The employee may present evidence and challenge the evidence presented against the employee at a meeting scheduled by the Administrator as soon as possible after receipt of the written appeal. After the meeting, the Administrator shall issue a written decision upholding, modifying or disapproving the suspension or demotion, and any suspension or demotion shall then take effect in accordance with the Administrator's decision.

20.6 TERMINATION PROCEDURE. In situations where the Department Head intends to terminate the employee, and with concurrence of the Administrator, a Notice Of Intent To Terminate Employee shall contain a statement of cause for termination. The employee will be placed immediately on administrative leave with pay for ten (10) days after the notice is issued. The employee shall have ten (10) days immediately after being placed on administrative leave within which to file a written appeal, which explains the basis for appealing the termination. Should the employee fail to file an appeal, at the end of ten (10) days the termination shall stand and the employee shall no longer have employment status with the City and Borough of Sitka. Should the employee file an appeal, immediate steps shall be taken to retain a hearing officer under the procedure set out in Section 20.2 to determine whether or not good cause exists to terminate the employee. The procedure to be followed shall be that set forth in Sections 20.3 through 20.4. Unless good cause exists, the appeal hearing shall be held within twenty (20) days of the filing of the employee's appeal. A decision granting or denying the appeal shall be issued within seven (7) days after the hearing is concluded.

20.7 HEARING OFFICER DECISION FINAL AND BINDING. The decision of the hearing officer shall be final and binding unless the matter is appealed within thirty (30) days of the issuance of such decision to the Superior Court of the State of Alaska for the First Judicial District at Sitka, Alaska.

20.8 ADA VIOLATIONS. When violations of the Americans with Disabilities Act are alleged, the employee may grieve through the Justice Department ADA grievance procedure or the above procedure but the employee cannot use both processes to grieve the same alleged violation. See Section XXV and attached ADA procedure.

XXI. REWARDS FOR EXCELLENCE PROGRAM

21.1 PURPOSE. This program provides a policy under which employees may submit ideas that may save money or increase efficiency of City and Borough operations. This policy provides guidance for the payment of awards. The City Rewards Program (CRP) is intended to encourage employees to improve present operations, practices, and to eliminate unnecessary budget expense. The CRP is designed to improve morale by providing an opportunity for employees to take part voluntarily in the improvement management with the government.

21.2 RESPONSIBILITIES.

- 1) The City and Borough Administrator will:
 - a. Exercise overall responsibility for the CRP policy and program administration.
 - b. Submit to the City and Borough Assembly monetary award recommendations and annual reports on employee suggestion activity.
- 2) Department Heads will:
 - a. Facilitate adoption and implementation of improved management processes and systems.
 - b. Adopt as policy those employee ideas that prove successful.
 - c. Award, where appropriate, cash payments to employees whose proposals are adopted and who qualify under the rules of the CRP.
 - d. Ensure that the CRP is responsive in providing recognition to deserving individuals.
 - e. Provide policy development, program direction, and management oversight.
 - f. Conduct analyses of program execution and performance.
 - g. Establish policy and procedures, and ensure administration of the CRP within their departments.
 - h. Ensure awards are granted according to the intent of program policy and are consistent, equitable, and timely.
 - i. Publicize and promote the CRP within their departments.

21.3 PROGRAM ADMINISTRATION The CRP will be administered entirely on the basis of merit, without regard to age, sex, race, color, religion, national origin, or physical or mental handicap. Participation is voluntary.

21.4 PROGRAM PROMOTION AND PUBLICITY

- 1) Active promotion of the CRP is the responsibility of all levels of the administration. Departments are encouraged to develop their own materials and promote the program.
- 2) As part of promotional efforts, Department Heads may:
 - a. Identify and systematically publicize key areas in which constructive ideas are specifically desired.
 - b. Use internal and external channels to publicize outstanding suggestions and program accomplishments through honor roll displays, news releases and articles, or ceremonies honoring individuals

- c. Familiarize personnel at all levels by conducting briefings and presentations at staff meetings, management and leadership courses, and the like.

21.5 DECISION PREROGATIVE The decision to adopt or not adopt an idea, or to recommend to the Assembly that an award be granted or not granted based upon the adoption of that idea, is the prerogative of the Administrator. At the same time, the City and Borough is committed to fair and consistent administration of the CRP, and will adhere to this commitment in making all decisions on the disposition of ideas and the payment of awards.

21.6 TESTING OF IDEAS

- 1) Test evaluation is a critical part of the CRP process. Department heads shall submit requests for changes to policy based on proposed ideas suggested by employees. The Administrator will approve the test evaluation unless a test will have serious adverse effects for the City and Borough. At the end of the test period, (normally one year), the department head shall forward the evaluation of the idea to the proponent and the Administrator. The Administrator will provide analyses, appropriate comments, and recommendations on whether the idea should be approved for continued implementation.
- 2) An idea should also be tested when it offers a prospective benefit to the City and Borough that cannot be ascertained or adequately quantified without a test. At the conclusion of the test period the idea either will be adopted, and an award paid based on the documented benefits, or disapproved. In either case, full evaluations should be done at both the beginning and end of the test period.
- 3) If an idea is approved for testing, the submitter should receive nonmonetary award recognition pending completion of the test and validation of savings.
- 4) Successful department testing may provide sufficient basis for implementing an idea more broadly. Department heads retain the basic responsibility for determining whether or not an idea
- 5) If it is concluded, after testing, that an idea or proposal should be implemented, then the Administrator shall announce the implementation of that idea or proposal and submit to the Assembly recommendation for an award.

21.7 PROPRIETARY RIGHTS.

Employees who suggest or propose ideas (“suggesters” or “proponents”) have an interest in the use and disposition of their ideas. Proprietary rights begin when the idea is initially entered into the system and remain until two years after the date of final action (that is, the date of approval of an award or written notification of nonadoption).

21.8 REQUESTS FOR RECONSIDERATION.

- 1) A suggester may request reconsideration of an idea evaluation or other aspect of the idea’s disposition. The request must be submitted to the Administrator in writing within sixty days of the notification of the final disposition.

- 2) In support of the request for reconsideration, the suggester must do one of the following:
 - a. Provide evidence that an evaluator made a material error of fact or logic that had an effect on the idea evaluation.
 - b. Provide new material, information, or rationale.
 - c. Clarify significant issues or questions.
 - d. Mere dissatisfaction or disagreement with the previous determination is not by itself justification for reconsideration.

21.9 PERSONS ELIGIBLE FOR PARTICIPATION IN PROGRAM.

All City and Borough employees are eligible to submit ideas, and—subject to the provisions of this section—all City and Borough employees are eligible to receive a reward, monetary or otherwise. Retired or otherwise separated employees whose ideas were entered into the CRP while they were employed with the City and Borough are also eligible to receive a reward. Persons ineligible to participate in the program include: private citizens; department heads; the Administrator; the Mayor and other members of the Assembly; and contractors for the City and Borough.

21.10 ELIGIBLE IDEAS OR SUGGESTIONS FOR PARTICIPATION IN THE PROGRAM.

To be accepted in the CRP, an idea must satisfy the following conditions:

- 1) Be submitted in writing to the City Administrator.
- 2) Benefit the City and Borough.
- 3) Present a problem or situation and propose a solution with sufficient rationale to support the requested new procedure.

21.11 BASIC CONTENT OF IDEAS.

In order to make a positive evaluation possible, the following information should be legibly included in any idea submission:

- 1) The current practice, method, procedure, task, directive, or policy affected. If possible, cite the particular regulation or policy involved.
- 2) The proposed method, change, or idea, with an explanation of why the present practice is deficient, and why the change will be beneficial. A statement of known or estimated benefits should also be included.
- 3) Drawings, photographs, specifications, or other supporting documentation.

21.12 ELIGIBILITY REQUIREMENT FOR IDEAS.

- 1) An idea (or reconsideration request) will not be processed for evaluation when it:
 - a. Presents a problem but offers no solution.
 - b. Is vague or incomplete.
 - c. Indicates potential tangible savings but does not provide the rationale or calculations on which to base the estimate.
- 2) Ineligible ideas will be identified by the Administrator, who will return the ideas to the suggester with specific reasons for the return.

21.13 DUPLICATE IDEAS.

In the event of a duplicate idea, only the first suggester will be considered and eligible for an award.

21.14 DISPOSITION OF IDEAS.

In all cases in which a submission qualifies as an idea, there will be prompt evaluation and disposition. If the Administrator can make final disposition, there must be adoption, notification of nonadoption, or approval for testing. In case of adoption, a benefits determination should be made, and any award recommendation should be made promptly to the Assembly. The suggester should be kept informed, verbally or in writing, of the status of the award. If the Administrator cannot make final disposition of an idea, he or she should submit views and recommendations with the idea to the appropriate department head.

21.15 ADDITIONAL INFORMATION REQUESTS.

Suggesters can be requested to provide additional information to the Administrator if an idea is incomplete, or to help clarify the idea.

21.16 DENIAL AUTHORITY.

Authority to disapprove an idea resides with the Administrator

21.17 ANSWERING SUGGESTER INQUIRIES.

Suggesters should contact the Administrator for inquiries about the proposal while it is being processed.

21.18 SUGGESTER EVALUATION ENTITLEMENTS.

Suggesters are entitled to clear, complete, and fair evaluations of their ideas. The Administrator should be predisposed to approve rather than disapprove and be willing to work in cooperation with the suggesters to seek the valuable elements in all submissions. The Administrator must give suggestions timely and thorough responses.

21.19 EVALUATION COMPLETION TIME.

Receipt, evaluation, and disposition (approve, disapprove, return) of ideas should take no more than a total of 60 calendar days.

21.20 DISPOSITION OF IDEAS/PROPOSALS/SUGGESTIONS UNDER THIS PROGRAM.

- 1) No later than 60 days after the submission of an idea under this program, the Administrator must adopt the idea, not adopt the idea, or approve it for testing. For an adoption to be valid, the Administrator must be willing and able to implement the idea adopted. Adoption carries with it the obligations to implement at the earliest possible time.
- 2) Nonadoption can take the form of either of the following:
- 3) Disapproval for cause.
- 4) Disposition as an idea already in use or under consideration.

- 5) Whatever disposition is made, the Administrator must in all cases provide a rationale for what has been done. This justification need not be lengthy, but should reflect serious consideration of the idea submitted. All points made by the suggester should be addressed, and reasons given on why the idea is or is not meritorious. If the Administrator bases the disposition on a similar proposal previously considered, the Administrator must provide the details of that previous proposal and the evaluation of that proposal.
- 6) When appropriate, a statement of net estimated or actual benefits (total first year benefits less cost of implementing the idea) should be provided, as should an indication of how costs and benefits were determined. Such data is required for all adopted ideas.
- 7) If benefits are intangible, the Administrator is required to recommend a precise award within the appropriate range provided as follows:
 - a. **Moderate Value:** Change or modification of an operating principle or procedure which has a moderate value sufficient to meet the minimum standard for a cash award; an improvement or rather limited value of a product, activity, program or service to the public. The range for this award shall be \$100.00 to \$250.00.
 - b. **Substantial Value:** Substantial change or modification of an operating principle or procedure; an important improvement to the value of a product, activity, program, or service to the public. The range for this award shall be \$250.00 to \$500.00.
 - c. **High Value:** Complete revision of a basic principle or procedure; a highly significant improvement to the value of a product, major activity, or program, or service to the public. The range for this award shall be \$500.00 to \$750.00.
 - d. **Exceptional Value:** Initiation of a new principle or major procedure; a superior improvement to the quality of a critical product, activity, program, or service to the public. The range for this award shall be \$750.00 to \$1,000.00.

21.21 TANGIBLE BENEFITS.

- 1) Whenever possible awards will be based on tangible benefits. Only if it is extraordinarily difficult to measure benefits in dollar terms will intangible benefits calculations be used.
- 2) Tangible benefits may be calculated on the basis of estimated value, but actual value is preferable. In most cases, savings will be determined for the first full year of use, whether for testing or full implementation. Offsetting costs will then be subtracted to obtain the net benefit on which an award would be based. If costs exceed 50 percent of first year benefits, calculations may be based on an average of net benefits for the first three to five years. If the reasonable life of the initial implementation or the clearly predictable period of use is less than three years, calculations will be based on the shorter of the latter two periods. Exceptions to these methods may occur; however, they should follow generally accepted costing procedures and reflect an annual savings amount. All calculations are subject to audit.
- 3) Direct savings, cost avoidances, and increased output at the same cost are all tangible benefits as determined in this regulation; that is, they are measured in dollar terms. Therefore, they will be counted equally in arriving at the basis for an award.

- 4) All tangible dollar and manpower savings are subject to audit and must be verifiable.

21.22 INTANGIBLE BENEFITS.

- 1) Intangible benefits will out of necessity be estimated on the basis of judgment rather than precise facts or calculations.
- 2) If benefits are intangible, the Administrator must clearly indicate the value and extent application and recommend a precise award amount. Suggestions with intangible benefits of limited value should be recognized.
- 3) An idea may have tangible or intangible benefits only or a combination of both.

21.23 BENEFIT CALCULATIONS.

- 1) All benefits of a particular idea, or cost incurred to implement the idea, will be calculated in terms of savings or expense to the City and Borough as a whole. Excluded from idea implementations costs are administrative overhead costs incurred in processing and evaluating ideas.
- 2) Labor costs will include fringe benefits and be based on actual costs.

21.24 PAYMENT APPROVAL.

The Administrator will make submit a recommendation to award a payment to the Assembly for approval. The Assembly will have the power of final approval.

21.25 AWARD ELIGIBILITY.

An idea is eligible for an award when:

- 1) The idea is approved for testing; or
- 2) The idea is approved for implementation. The award is based on tangible or intangible benefits as identified earlier.

21.26 AWARD PAYMENT AFTER SEPARATION.

When payment of an award is authorized after an individual has separated from employment, efforts will be made to reach him or her at the last known address.

XXII. MISCELLANEOUS PROVISIONS

22.1 TRAINING. Each Department Head shall develop and conduct such practical training programs as are suited to the special requirements of his or her department. Training programs shall particularly emphasize accident prevention, employee safety and public relations.

22.2 ANNUAL PERFORMANCE EVALUATION. An employee's performance shall be reviewed annually on the anniversary of his or her hire date.

22.3 OTHER EMPLOYMENT. Occupations or outside activity, which are incompatible with employment by the Municipality or adversely affect the performance of Municipal duties are prohibited.

22.4 GIFTS AND GRATUITIES. An employee shall not accept a gift, gratuity, consideration or extraordinary favor from any person doing business, or likely to do business with the Municipality and shall immediately report to his or her Department Head any offer, promise or suggestion that such a gift be made. In the event an offer is made to a Department Head, he or she shall report same to the Administrator. This section does not apply to the giving of ceremonial gifts of nominal value, or gifts received from an employee's family or ordinary circle of friends when not offered for a corrupt purpose.

22.5 PHYSICAL EXAMINATION. Employees may be required to have a pre-employment physical examination by a certified physician unless prohibited by state or federal law. Any such examination will be paid for by the Municipality.

22.6 WAGE INFORMATION TO BE SUPPLIED. The Municipal Administrator or the Mayor shall provide the Alaska Municipal League (AML) and the Alaska Rural Electrical cooperative Association (ARECA) salary survey regarding wages paid Municipal employees for like work in other towns of Southeast Alaska to City and Borough of Sitka employees. These surveys will be available in the Human Resources, Finance and Municipal Clerk's Offices.

22.7 EMPLOYEE COMMITTEE

- 1) The Employee Committee is created as an avenue for information between the employees, the Administrator, and the Assembly. Representatives of the Employee Committee shall be chosen by procedures established by employees, and the Employee Committee shall adopt bylaws that shall include a provision for selection of representatives to serve on the Employee Committee. The Employee Committee shall advise the Administrator in writing of the representatives on the Employee committee and any subsequent changes in representation.
- 2) The Employee Committee shall meet a minimum of one hour per month. The representatives described in Subsection 1) above shall receive pay at their regular rate of pay for time spent attending the Employee Committee meetings to a maximum of six hours per month.
- 3) A meeting place shall be provided by the City and Borough of Sitka for all Employee Committee meetings. Meetings shall be open for all employees to attend.
- 4) A liaison from the City and Borough administration shall work with the Employee Committee as needed.
- 5) The Employee committee shall not exceed ten (10) members.

22.8 HALF-HOUR LUNCH. Subject to department approval, lunch hour may be cut to one-half hour, and employees observing a one-half hour lunch period will be allowed to go home at 4:30 p.m. The Administrator will be kept apprised of those departments taking a half-hour lunch period.

22.9. PERSONAL BUSINESS. An employee is expected to conduct personal business outside the employee's work hours. Personal calls during the employee's work hours are discouraged. Breaks, lunch hours and leave are available for an employee to use for personal business.

XXIII. REFUSAL TO WORK, UNSAFE CONDITIONS

23.1 EMPLOYEE NOT IN VIOLATION PERSONNEL POLICY. It shall not be a violation of the Personnel Policy, nor grounds for dismissal if an employee refuses to work under unsafe conditions posing an immediate danger of death or serious bodily injury. Any safety equipment, specialized safety tools or special clothing required to insure safe working conditions shall be supplied by the employers. If disciplinary action is taken under this section, an employee shall have recourse to Section XX. GRIEVANCES of the City and Borough of Sitka Personnel Policies.

XXIV. DRUG AND ALCOHOL POLICY

24.1 INFLUENCE OF INTOXICANTS AT THE WORKPLACE. Employees are expected to report to work on time in appropriate mental and physical condition for work. Employees are not to report to work under the influence of intoxicants (alcoholic beverages or illegal drugs) and shall not consume, use, or possess intoxicants at any time during their scheduled workday, on Municipal property, or in any Municipal vehicle. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance as defined in 21 USC § 812 and as further defined in 21 CFR §§ 1300.11. -15, on Municipal premises or while conducting Municipal business off premises is absolutely prohibited. Violations of this policy shall result in disciplinary action, up to and including termination, and may have other legal consequences. Grounds for termination shall include an employee reporting to work at above the legal limit for intoxication (.08 breath or blood alcohol level in Alaska).

24.2 ALCOHOL AND DRUG SCREENING TEST. If a supervisor has reasonable cause to believe that an employee has reported to work under the influence of intoxicants, the supervisor, with the approval of the department head, has the right to request the employee to submit to an alcohol or drug screening test at the Municipality's expense. The failure of an employee to submit to an alcohol or drug screening test shall be grounds for discipline, which may include termination. The results of the alcohol or drug test shall not be used by the Municipality for any purpose other than to determine adherence to Municipal policy, to discipline an employee whenever necessary, and to comply with state and federal laws and applicable terms of this ordinance.

24.3 ALCOHOL AND DRUG DEPENDENCY. The Municipality recognizes alcohol and drug dependency as a major problem. The Municipality also recognizes drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel record except where action follows a supervisor-initiated referral. Notify the City and Borough Human Resources Department if help is needed or if there are any questions.

24.4 NONPRESCRIPTION OR PRESCRIBED LEGAL DRUG USAGE. No employee shall be subject to discipline for the appropriate use of legal nonprescription or prescribed legal drugs for the treatment of illness or injury. However, if the employee knows or should know that use of a nonprescription or prescribed drug does or could impair the employee's ability to operate a Municipal vehicle or equipment, or otherwise perform his or her job duties, the employee shall share this information with his or her immediate supervisor. Violation of this section of the policy may subject the employee to disciplinary action.

24.5 REPORTING A CONVICTION. An employee shall, as a condition of employment, abide by the terms of this policy. An employee shall also be required to give the Human Resource Director written notice within five (5) days of any criminal conviction involving illegal drug activity, driving while intoxicated (DUI), or for any other criminal or moving violation that results in a loss of the employee's driver's license. The City and Borough shall take appropriate personnel action.

24.6 CDL HOLDERS All employees who operate commercial motor vehicles are subject to the commercial drivers license requirements of Title 49 of the Code of Federal Regulations. CDL holders must comply with the City and Borough Federal Highways Administration Anti-Drug and Alcohol Policy, which they will receive after gaining employment with the City and Borough.

24.7 SITKA FIRE DEPARTMENT SUBSTANCE ABUSE POLICY. All employees paid and volunteer of the Sitka Fire Department are subject to the Sitka Fire Department Substance Abuse Policy.

XXV. Attached Policies:

Attachment A: Pay Matrix	2006-21		2501
Attachment B: Safety Policy	01-1654		2502
Attachment C: City and Borough ADA policy	01-1654		2509
Attachment D: Sexual Harassment and Anti-Harassment Policy	01-1654		2510
Attachment E: E-Policy	01-1654		2512
Attachment F: City and Borough of Sitka Drug Free Workplace Act Policy Statement	01-1654		2513
Attachment G: FHWA Anti-Drug and Alcohol Policy (CDL Drivers)	01-1654		2515
Attachment H: Employee Acknowledgement – Must be signed and returned to Human Resources	01-1654		2537

Sitka, Alaska Pay Schedule

Proposed for July 1, 2006

Cost of Living Adjustment

1.50%

Grade	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N	Step O
15	\$10.88	\$11.15	\$11.43	\$11.71	\$12.01	\$12.30	\$12.61	\$12.93	\$13.25	\$13.58	\$13.93	\$14.27	\$14.63	\$15.00	\$15.37
16	\$11.42	\$11.70	\$11.99	\$12.29	\$12.60	\$12.91	\$13.24	\$13.57	\$13.91	\$14.26	\$14.61	\$14.98	\$15.35	\$15.74	\$16.13
17	\$11.99	\$12.28	\$12.59	\$12.90	\$13.23	\$13.56	\$13.90	\$14.24	\$14.60	\$14.96	\$15.34	\$15.72	\$16.12	\$16.53	\$16.93
18	\$12.58	\$12.89	\$13.21	\$13.54	\$13.88	\$14.23	\$14.58	\$14.95	\$15.32	\$15.70	\$16.09	\$16.50	\$16.91	\$17.33	\$17.77
19	\$13.22	\$13.54	\$13.87	\$14.23	\$14.58	\$14.95	\$15.32	\$15.69	\$16.09	\$16.49	\$16.91	\$17.33	\$17.76	\$18.21	\$18.66
20	\$13.88	\$14.22	\$14.57	\$14.94	\$15.31	\$15.69	\$16.09	\$16.49	\$16.90	\$17.32	\$17.75	\$18.20	\$18.65	\$19.11	\$19.59
21	\$14.57	\$14.92	\$15.30	\$15.68	\$16.08	\$16.47	\$16.89	\$17.31	\$17.74	\$18.19	\$18.64	\$19.10	\$19.58	\$20.07	\$20.58
22	\$15.31	\$15.68	\$16.07	\$16.47	\$16.89	\$17.31	\$17.74	\$18.18	\$18.64	\$19.10	\$19.58	\$20.07	\$20.57	\$21.09	\$21.61
23	\$16.07	\$16.46	\$16.87	\$17.30	\$17.73	\$18.18	\$18.63	\$19.09	\$19.57	\$20.06	\$20.56	\$21.08	\$21.60	\$22.14	\$22.69
24	\$16.87	\$17.28	\$17.71	\$18.15	\$18.61	\$19.07	\$19.55	\$20.04	\$20.54	\$21.06	\$21.58	\$22.12	\$22.67	\$23.24	\$23.83
25	\$17.71	\$18.15	\$18.60	\$19.07	\$19.55	\$20.04	\$20.54	\$21.05	\$21.58	\$22.12	\$22.67	\$23.23	\$23.81	\$24.41	\$25.02
26	\$18.59	\$19.05	\$19.53	\$20.02	\$20.52	\$21.03	\$21.56	\$22.10	\$22.65	\$23.21	\$23.79	\$24.39	\$25.00	\$25.62	\$26.27
27	\$19.53	\$20.01	\$20.51	\$21.02	\$21.55	\$22.09	\$22.64	\$23.21	\$23.79	\$24.38	\$24.99	\$25.61	\$26.25	\$26.90	\$27.58
28	\$20.51	\$21.02	\$21.54	\$22.08	\$22.63	\$23.20	\$23.77	\$24.37	\$24.98	\$25.60	\$26.25	\$26.91	\$27.57	\$28.27	\$28.97
29	\$21.54	\$22.07	\$22.62	\$23.19	\$23.77	\$24.36	\$24.97	\$25.59	\$26.23	\$26.89	\$27.56	\$28.25	\$28.96	\$29.68	\$30.42
30	\$22.61	\$23.17	\$23.75	\$24.34	\$24.95	\$25.58	\$26.22	\$26.87	\$27.54	\$28.23	\$28.93	\$29.66	\$30.40	\$31.16	\$31.94
31	\$23.74	\$24.33	\$24.94	\$25.55	\$26.20	\$26.85	\$27.52	\$28.22	\$28.91	\$29.63	\$30.38	\$31.14	\$31.91	\$32.72	\$33.53
32	\$24.92	\$25.53	\$26.18	\$26.83	\$27.50	\$28.18	\$28.89	\$29.61	\$30.36	\$31.12	\$31.89	\$32.68	\$33.51	\$34.34	\$35.20
33	\$26.18	\$26.82	\$27.49	\$28.17	\$28.88	\$29.60	\$30.35	\$31.11	\$31.88	\$32.67	\$33.50	\$34.33	\$35.19	\$36.07	\$36.97
34	\$27.48	\$28.15	\$28.86	\$29.58	\$30.32	\$31.08	\$31.85	\$32.66	\$33.47	\$34.31	\$35.17	\$36.05	\$36.94	\$37.86	\$38.81
35	\$28.85	\$29.56	\$30.30	\$31.05	\$31.82	\$32.62	\$33.44	\$34.28	\$35.14	\$36.01	\$36.91	\$37.84	\$38.78	\$39.75	\$40.75
36	\$30.30	\$31.04	\$31.81	\$32.61	\$33.43	\$34.27	\$35.12	\$35.99	\$36.89	\$37.82	\$38.77	\$39.74	\$40.73	\$41.74	\$42.79

Sitka, Alaska Pay Schedule

Proposed for July 1, 2006
 Cost of Living Adjustment

1.50%

Grade	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N	Step O
37	\$31.81	\$32.59	\$33.41	\$34.24	\$35.10	\$35.98	\$36.87	\$37.79	\$38.74	\$39.71	\$40.70	\$41.72	\$42.76	\$43.83	\$44.93
38	\$33.40	\$34.23	\$35.08	\$35.95	\$36.86	\$37.77	\$38.72	\$39.69	\$40.68	\$41.69	\$42.74	\$43.80	\$44.91	\$46.03	\$47.17
39	\$35.08	\$35.94	\$36.84	\$37.76	\$38.71	\$39.67	\$40.67	\$41.68	\$42.72	\$43.79	\$44.89	\$46.01	\$47.16	\$48.34	\$49.55
40	\$36.82	\$37.73	\$38.67	\$39.64	\$40.63	\$41.65	\$42.69	\$43.76	\$44.86	\$45.98	\$47.13	\$48.30	\$49.51	\$50.75	\$52.02
41	\$38.67	\$39.62	\$40.61	\$41.63	\$42.67	\$43.74	\$44.83	\$45.95	\$47.10	\$48.28	\$49.48	\$50.72	\$51.99	\$53.29	\$54.62
42	\$40.60	\$41.60	\$42.64	\$43.70	\$44.79	\$45.91	\$47.06	\$48.24	\$49.44	\$50.68	\$51.95	\$53.25	\$54.58	\$55.94	\$57.35
43	\$42.63	\$43.68	\$44.77	\$45.88	\$47.04	\$48.22	\$49.42	\$50.65	\$51.91	\$53.21	\$54.55	\$55.91	\$57.30	\$58.74	\$60.21
44	\$44.76	\$45.86	\$47.01	\$48.19	\$49.39	\$50.62	\$51.88	\$53.19	\$54.52	\$55.88	\$57.28	\$58.71	\$60.17	\$61.67	\$63.22
45	\$46.99	\$48.15	\$49.36	\$50.60	\$51.85	\$53.15	\$54.49	\$55.85	\$57.24	\$58.67	\$60.13	\$61.64	\$63.18	\$64.76	\$66.38

Attachment B
Safety Policy

CITY AND BOROUGH OF SITKA

Job Safety Policy

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SAFETY POLICY

The safety, health and well being of all employees is a major concern of the City and Borough of Sitka. Therefore, accident prevention is of primary importance. Safety will always take precedence over production demands and shortcuts should be avoided at all times.

The management of the municipality will take all practical steps to provide a safe and healthful work place. In its efforts to provide a safe work place, management has established the safety procedures outlined in the following pages. It is the responsibility of all personnel to comply with these procedures. It is expected that every employee will work to achieve the common goal of accident prevention.

Municipal Administrator

Safety Officer

RESPONSIBILITY FOR SAFETY

All employees of the City and Borough of Sitka are responsible for ensuring compliance with the city's safety program. To ensure policy conformance in daily operations, the training, verification, communication and reporting needs must be identified within the safety program. To encourage active employee participation, a Safety Committee including volunteer members from various departments shall assist the Safety Officer in program review. Supervisory personnel shall be responsible for safety training, investigations and communication. Senior management is responsible for program creation, evaluation and support. Employees are responsible for following safety regulations, reporting unsafe acts or conditions, reporting all accidents, maintaining safe work areas and cooperating with the intent of the safety program. Specific duties of each group in the safety program include, but are not limited to:

ALL EMPLOYEES

1. Report any unsafe working condition to immediate supervisor.
2. Keep individual work areas clean and safe.
3. Report ALL accidents immediately to immediate supervisor.
4. Follow all safety rules.
5. When in doubt – Ask your supervisor.
6. Maintain a positive attitude toward safety and cooperate fully to ensure a safe, healthful workplace for all employees.

SUPERVISORY PERSONNEL

1. Responsible for ensuring safety of all employees under their management.
2. Responsible for documenting and training employees in safe working practices and safety regulations.
3. Remove all unsafe working conditions immediately upon discovery and ensure situation is resolved appropriately. Report all such activities to the Safety Officer.
4. Investigate any reported accident immediately and complete the approved city accident report within one working day. Provide reports to the Safety Officer.
5. Include "Safety Issues" on the agenda of all regular staff meetings.
6. Enforce all safety rules with a positive attitude and stress the importance of a safe working environment to all.

SAFETY COMMITTEE

1. Hold monthly meetings and participate in improving the safety of the work environment. During those meetings they will discuss, among other things, accident reports, safety audit results, changes to existing safety policies, etc,
2. Communicate the need for safety, the objective of the safety program and the importance of compliance to all fellow employees.
3. Report any potential safety program flaws or non-compliance work conditions to the Safety Officer.
4. Assist in reviewing safety program compliance and safety audits of functional areas.

SAFETY OFFICER

1. Oversee safety activities of all City Departments.
2. Evaluate safety procedures and activities to assure compliance with the safety policy.
3. Ensure safety training is performed and is adequate.
4. Review accident investigations and corrective action recommendations to ensure implementation.
5. Monitor the documented safety program to ensure effectiveness in achieving the objective of the safety policy. Recommend appropriate changes.
6. Manage safety inspections and audits to ensure safe working conditions.
7. Serve as a safety resource for Municipal personnel.

MUNICIPAL ADMINISTRATION

1. Provide guidelines for safety program operation.
2. Evaluate procedures to ensure compliance with the Municipal Safety Program.

3. Approve expenditures required to ensure a safe working environment and correction of any potential safety hazard.
4. Actively support and participate in the Municipal Safety Program.
5. Ensure adequate training programs are in place for all levels of employees.

SAFETY RULES

The Municipality's Safety Rules are an important part of the overall Safety Program. Because some activities and equipment represent potential for injury, definite guidelines are necessary in order to protect the employees. These following general Safety Rules as well as the Specific Safety Rules located on each piece of equipment are to be adhered to at all times. Production demands should not be the cause of employees short-cutting the appropriate policies and procedures specifically designed to ensure their safety.

Management has an open-door policy regarding safety. If in doubt, check it out. If there is reason to think that a job is unsafe, any employee can stop working and ask a foreman to determine whether the job is safe, without fear of sanctions.

Employees who do not follow the proper safety procedures will be subjected to disciplinary action and/or termination.

1. Any safety violations or concerns should be reported to a supervisor immediately. If an employee believes that their reported concern has not been satisfactorily addressed, he or she should contact a member of the Safety Committee.
2. An employee may, without fear of sanction, refuse to work under unsafe conditions posing an immediate danger of death or bodily injury. An employee may, without fear of sanction, refuse to perform a task unless proper and adequate personnel protective equipment and training is provided.
3. All accidents should be reported to an employee's supervisor immediately.
4. The use of alcohol or any controlled substances during working hours, including before work and during lunch hour, is strictly prohibited.
5. All extension cords should be inspected for fraying before being put into use. Extension cords shall be used only as a means of temporary wiring. Furthermore, extension cords shall not be run through holes in walls, doorways, walkways or run across pinch points or near moving parts of machinery.
6. All employees are required to wear personnel protective equipment and clothing suitable for the job they are doing.
7. Mechanical safeguards must always be kept in place. Saws or tools without their guards shall not be used at all. They shall be removed from the worksite until properly repaired.
8. Adjusting or re-adjusting machine set-ups while a machine is operating is prohibited.
9. Any confined space areas shall be so marked and anyone entering shall have proper personal protective equipment and confined space training.
10. Only authorized forklift drivers will be permitted to operate forklifts.
11. Work areas requiring personal protective equipment shall be so marked with signs.
12. Lockout/ Tagout Procedures should be followed for all machines taken out of service. Lockout/ Tagout is to be performed by only authorized and trained employees.
13. Safety equipment including seatbelts shall be used when operating any equipment or vehicle in which it is installed.

DISCIPLINE FOR NONCOMPLIANCE

Subject to the provisions of the personnel policies, disciplinary actions will be taken against any employee who fails to observe any safety policy or procedure outlined in this manual. Any foreman, supervisor or official of management, as soon as he/she becomes aware of any such failure, shall ensure that the following is taken:

FIRST OFFENSE. An oral warning must inform the employee of defects in performance or what he or she has done wrong and what corrective measures must be taken. The employee shall also be informed that a repetition of the infraction or conduct of a similar nature will result in further disciplinary action. The Supervisor or Department Head will complete a written record of the oral warning.

SECOND OFFENSE. A written reprimand will be issued for repetition within six (6) months of an infraction for which an oral warning has been given or for the commission of a similar infraction. A written reprimand may also be issued for conduct which is not a repetition of a prior infraction, but which in the opinion of the Supervisor or Department Head is serious enough, in light of all the circumstances and the employee's overall record, to justify stronger discipline than an oral warning. A written reprimand shall inform the employee that repetition of the infraction or conduct of a similar nature will result in a further appropriate discipline including suspension, demotion, or discharge.

THIRD OFFENSE. Further repetition of an infraction or similar conduct within six (6) months of a written reprimand will result in suspension without pay or demotion. Suspension without pay or demotion may also be imposed for conduct which is not a repetition of a prior infraction for which a written reprimand was issued, but which in the opinion of the Supervisor or Department Head is serious enough, in light of all the circumstances and the employee's overall record, to justify stronger discipline than an oral warning or written reprimand. At the time of a suspension without pay or demotion, the employee shall be informed in writing of the causes for the action taken and that repetition of the infraction or infractions or similar conduct will result in termination. Nothing herein shall prevent a Supervisor or Department Head from demoting any employee who fails to perform his or her duties at an acceptable level of competency, efficiency, and quality.

FOURTH OFFENSE. Further repetition of an infraction or similar conduct within six (6) months of a suspension without pay or demotion will result in discharge. Discharge may also be imposed for conduct which is not repetition of a prior infraction for which suspension without pay or demotion was given, but which in the opinion of the Supervisor or Department Head, is serious enough in light of all the circumstances and the employee's overall record, to justify stronger discipline than an oral warning, written reprimand, suspension without pay or demotion. At the time of notice of termination, the employee shall be informed in writing of the cause or causes for the termination.

N.B. No employee who is classified as exempt under the Fair Labor Standards Act will be docked pay for less than a week except for major safety violations.

NOTE: Except for major safety violations, non-hourly employees are not subject to suspensions without pay for periods of less than one week.

ACCIDENT INVESTIGATION

The objective of the City and Borough of Sitka's Safety Program is to provide a safe and healthy working environment for all employees. As a part of this program, the City has a responsibility to investigate all reported accidents regardless of severity. The intent of an accident investigation is to identify root causes and to eliminate any potential reoccurrence by implementing realistic corrective actions.

When an accident has occurred, employees involved in or witnessing the accident have a responsibility to report the incident to their immediate supervisor. Any requirement for first aid treatment should be dealt with immediately.

The immediate supervisor receiving report of an accident is responsible to initiate the accident investigation. Documentation of accidents shall be completed on the municipality approved accident report form within one business day. The supervisor shall investigate how the accident occurred and immediate actions taken to correct the deficiency. The supervisor shall complete the identification, incident and analysis sections of the accident report. Recommended controls or corrective actions should be completed jointly between the supervisor and/ or Safety Officer. The supervisor shall sign and date the report and provide it to the Municipal Safety Officer no later than one full working day following the accident. The Municipal Safety Officer shall utilize provided information with the Safety Committee to implement or recommend corrective actions. This information shall be entered on the accident report.

All accident reports shall be reviewed by the Safety Committee to ensure corrective actions have been implemented and were effective. Following notation of this review and approval, the Safety Officer shall file the accident report as completed in the safety program files.

The Municipal Safety Officer shall be notified as soon as priorities allow if: a) Property damage is assessed at greater than \$1000; or b) A serious injury or fatality occurs.

SAFETY TRAINING

The City and Borough of Sitka is committed to providing its employees with the proper training necessary to ensure that they can perform their jobs without placing themselves at risk of injury. All employees will be given training upon employment and on an ongoing basis as indicated.

All training will be documented in writing, signed by the trainer and trainee, and included in the trainee's personnel file.

Training is an important part of the overall Safety Program. Employees must participate in required training and give 100% commitment to fully understanding and utilizing the training in their jobs on a daily basis.

RECORD KEEPING

The Personnel Officer will be responsible for maintaining the OSHA Log 300 up-to-date at all times. This log will retain all required information. OSHA 300 Logs from the prior five calendar years as well as the current year will be maintained.

In addition, all inspection checklists, accident reports, and first aid logs will be maintained by the respective departments and held along with the OSHA log for five years. Training records will be maintained in each employee's personnel file also under the control of the department heads.

FIRST AID

Certain individuals in each department are specially trained in first aid and should be contacted to provide any medical treatment. Recertification will be provided as needed. These individuals are also responsible for calling for additional outside medical assistance if necessary. If none of these individuals are available, common sense should apply and any employee may call 911.

Employees of each department are responsible for knowing where first aid supplies are located in each vehicle and in each building of that department.

SAFETY MEETINGS

Safety meetings are an important part of the overall Safety Program. It is through these meetings that specific safety issues may be discussed and potential safety problems identified. Each department supervisor will hold monthly safety meetings.

The purpose of a Safety Meeting is to allow supervisors and employees to exchange information,

ATTACHMENT C
CITY AND BOROUGH OF SITKA
AMERICANS WITH DISABILITIES ACT (ADA)
GENERAL POLICY AND GRIEVANCE PROCEDURE

The City and Borough of Sitka is committed to promptly and fairly resolving any Americans with Disabilities Act complaints. Please contact the Human Resources Specialist, The Finance Director (City and Borough ADA coordinator), the City Administrator, or any department if you have a complaint or question. It is the policy of the City and Borough of Sitka that:

1. No qualified Individual with a disability shall be excluded, by reason of such disability, from the participation in or be denied the benefits of the services, programs or activities of a municipal department or be subjected to discrimination by any such department.
2. No department shall discriminate against a qualified individual with a disability, because of the disability of such individual, in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or any other term, condition and privilege of employment.
3. Each department shall operate each of its services, programs and activities so that a service, program or activity, when viewed in its entirety is readily accessible and usable by an individual with disabilities.
4. Each department shall ensure that services, programs and activities conducted through municipal funds or contracts are accessible to and usable by individuals with disabilities.

Ordinance No. 96-1373 describes the complete City and Borough of Sitka's ADA policy and grievance procedure. A copy may be obtained from the Human Resources office or from any department of the City and Borough or in Kettleon Memorial Library.

You are no obligation to use the municipal complaint procedure before filing a complaint with the Department of Justice.

Anyone, who believes that they, or a specific class of individuals, have been subjected to discrimination on the basis of a disability by a municipal department, may file a complaint. An authorized representative may file on your behalf.

Once again, the City and Borough of Sitka is committed to a policy of nondiscrimination. Please contact the persons above if you have any complaints or questions.

For employees: I certify that I have read the above policy explaining The City and Borough general ADA policy. I understand that I may ask my supervisor or Human Resources for an explanation of any questions relating to this policy.

Date	Print name	Signature of employee

ATTACHMENT D
THE CITY AND BOROUGH OF SITKA
SEXUAL HARRASSMENT AND ANTI-HARRASSMENT POLICY

General

The City and Borough of Sitka is committed to maintaining a work environment that is free of discrimination and harassment based on a person's sex, race, color, age, religion, disability, ancestry or national origin, consistent with applicable laws

All employees should respect the rights, opinions, and beliefs of others. Harassment of any person because of person's sex, race, color, age, religion, disability, ancestry or national origin is strictly prohibited. Any such harassment is prohibited by this policy whether or not it violates the equal employment opportunity laws. This policy applies to all employees of the City and Borough, up to and including its Administrator and members of the Assembly.

Sexual Harassment

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex. No one may threaten or imply that an employee's submission to or rejection of sexual advances will in any way influence any decision about that employee's employment, advancement, duties, compensation, or other terms and conditions of employment. No one may take any personnel action based on an employee's submission to or rejection of sexual advances.

No one may subject another employee to any unwelcome conduct of a sexual nature. This includes unwelcome physical conduct, such as touching, blocking, staring, making sexual gestures, and making or displaying sexual drawings or photographs, and unwelcome verbal conduct, such as sexual propositions, slurs, insults, jokes, and other sexual comments. An employee's conduct will be considered unwelcome and in violation of this policy when the employee knows or should know it is unwelcome to the person subjected to it.

Other Harassment

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, physical or mental disability or other protected group status. The City and Borough will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, kidding, teasing or practical jokes directed at a person based on his or her protected status.

Making Complaints and Reporting Violations

If you are the victim of harassment, you are requested and encouraged to make a complaint to the City and Borough. You are not required to complain first to the person who is harassing you. If you prefer, you may complain directly to your supervisor, the supervisor of the harasser, Human Resources, or the Administrator. If you are not comfortable complaining to the Administrator or any of the above, you may complain to an Assembly member. Similarly, if you observe harassment of another employee, you are requested and encouraged to report this to one of the persons described above. No reprisal, retaliation, or other adverse action will be taken against any employee for making in good faith a complaint or report of harassment, or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above.

ATTACHMENT E
CITY AND BOROUGH OF SITKA E-MAIL AND INTERNET POLICY

E-mail policy

E-mail is an important communication tool for our organization. The use of e-mail needs to be encouraged and controlled. E-mail on city machines and city time are intended for city business.

Personal use will be acceptable as described in the following paragraph.

If you receive personal e-mail you can briefly read the message just as you might receive a personal phone call while on the job. A very brief reply will also be acceptable. However, drafting lengthy replies, receiving numerous personal messages, or drafting new personal messages must be done on your own time. This means during your break time, lunch time, or before or after normal working hours as is acceptable with your supervisor. Excessive forwarding of jokes and trivial messages is also discouraged. You may access and use the city e-mail from home.

The following personal e-mail uses are strictly forbidden:

- Private business
- Profit making activities
- Mass mailings
- Any other organizational or agency mailings not directly related to city business.

E-mail is not a private or confidential form of communication. Messages can be intercepted by internal or external sources at any time.

Internet policy

The internet access is provided for the purpose of city business and related research.

Personal use will be acceptable only as described in the following paragraph.

On the employees own time, which includes break time, lunch time and before or after normal working hours as is acceptable with the your supervisor. Employees should discuss any questions about appropriate internet use with their supervisors.

All internet access on city computers is monitored and logged. If any supervisor suspects excessive or inappropriate use, the logs can be scanned and reviewed at any time.

Date	Print name	Signature of employee

Attachment F
City and Borough of Sitka Drug Free Workplace Act Policy Statement

Purpose:

This statement is provided pursuant to the Drug-Free Workplace Act of 1988.

Statement:

The City and Borough of Sitka has a policy of maintaining a drug-free workplace. In accord with the Drug-Free Workplace act of 1988 an to promote drug-free awareness among employees, the City and Borough, through posting of notices and discussions with employees regarding this policy will inform employees that:

1. Drug Abuse in the workplace creates a dangerous environment in the workplace for the employee engaged in the drug abuse and endangers the health, safety and welfare of all employees and other persons in the workplace.
2. It is the policy of the City and Borough to maintain a drug-free workplace. The illegal manufacture, distribution, possession or use of controlled substances in this workplace is strictly prohibited.
3. Information will be available on a confidential basis through the Human Resources Department, on public and private drug counseling, rehabilitation, and employee assistance programs, upon the request of any employee.
4. Actions may be taken against employees for violations of the City and borough policy, up to and including termination of employment.

Policy and Procedures:

The unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited on any premises occupied or controlled by the City and Borough. Appropriate disciplinary actions, which may include termination, will be taken against City and Borough employees for violations of this prohibition.

“Controlled substance” for purposes of this Statement means a controlled substance listed in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by federal regulations. (21 C.F.R. 1308.11 – 1308.15). This list includes, but is not limited to, marijuana, heroin, PCP, cocaine and amphetamines.

A condition of employment for work under any grant received by the City and Borough from the federal government, is that each employee directly engaged in the performance of work funded by such a grant will as a condition of continued employment on the contract:

1. Abide by the terms of this Policy Statement.
2. Notify the City and Borough of his or her criminal drug statute conviction for any violation occurring in the workplace no later than five days after such conviction.
 - a) “Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes
 - b) “Criminal drug statute” means a federal or non-federal criminal statute involving manufacture, distribution, dispensing, use or possession of any controlled substance.

If the criminal drug statute occurred in the workplace a sanction will be imposed on the employee so convicted. Within 30 (thirty) days after receiving notice of the conviction:

- 1) The City and Borough will take appropriate disciplinary action against such employee, up to and including termination; or
- 2) The City and Borough will require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement or other appropriate agency.

The City and Borough maintains an Employee Assistance Program which provides the following services related to controlled substances: (1) general information about the effects of use of controlled substances, as well as alcohol, and (2) free referral and initial assessment services. It is the City and Borough's policy to permit employees to use sick leave, annual leave, and leave without pay (where possible) to use diagnostic referral, or subsequent counseling services. Further, to the extent practicable and permitted by law, the City and Borough seeks to support all employees in their efforts address personal issues with drug use. Employees are encouraged to use all resources provided to them by the City and Borough of Sitka for addressing drug use issues. Please contact the Human Resource Department for more information. All contacts will be kept strictly confidential.

This notice supplements, and does not replace, the personnel policies of the City and Borough of Sitka.

I acknowledge that I have received and read the above policy explaining The City and Borough of Sitka's Drug Free Workplace Policy Statement and that violation of this policy may result in discipline, up to and including, termination.

Date	Print name	Signature of employee

Attachment G
FWHA anti Drug and Alcohol Policy (CDL Drivers)

CITY AND BOROUGH OF SITKA

**FHWA
ANTI-DRUG & ALCOHOL
POLICY**

IMPLEMENTED JANUARY 1, 1996

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SUMMARY

The Federal Highway Administration (FHWA) Drug and Alcohol Misuses Prevention Program prohibits certain conduct by, and requires alcohol testing of, persons who perform specified safety-sensitive functions. Alcohol tests must be conducted by qualified technicians on evidential breath testing devices. Drug tests must be conducted by trained collection personnel and tested by a laboratory certified by the Substance Abuse and Mental Health Services Association (SAMHSA). Persons who violate this regulation will be subject to consequences, including removal from safety-sensitive functions. In addition, the City and Borough of Sitka has established a separate policy with respect to employees who misuse alcohol.

IMPLEMENTATION DATE: January 1, 1996

A copy of this policy will be distributed to each covered employee prior to the start of drug and alcohol testing under the FHWA-mandate and to each person subsequently hired for or transferred to a covered position.

Written notice of the availability of this information will be provided to employees.

CONTACT PERSON:

**Human Resources
(907) 747-1816**

CATEGORIES OF EMPLOYEES SUBJECT TO TESTING:

Persons performing any of the following safety-sensitive functions for the City and Borough of Sitka are subject to Department of Transportation (DOT)/FHWA drug and alcohol testing:

All holders of a Commercial Motor Vehicle (CDL) License.

ANTI-DRUG PLAN

SECTION I. INTRODUCTION

A. Prohibited Drug Policy.

1. City and Borough of Sitka has a long standing commitment to maintain the highest standards for employee safety and health and the use of controlled substances and alcohol is contrary to these high standards.
2. The purpose of the anti-drug plan is to reduce accidents resulting from the use of controlled substances and alcohol, thereby reducing fatalities, injuries and property damage.
3. The presence in the body of prohibited substances and alcohol is not condoned.

B. Implementation of Anti-Drug Plan.

1. City and Borough of Sitka has implemented the Federal Highways Administration (FHWA), Drug and Alcohol Testing Regulations as set forth in 49 CFR Part 391, subpart H and the Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs as set forth in 49 CFR Part 40.
2. Implementation of this anti-drug plan is effective on January 1, 1996.

C. Background.

1. The catalyst for the anti-drug plan is title 49 Code of Federal Regulations (CFR) Part 391, subpart H which requires Commercial Motor Vehicle operators to test their employees for prohibited drugs under the following work-related conditions:
 - a. Pre-employment
 - b. Post-Accident
 - c. Random
 - d. Reasonable Cause
 - e. Return-to-Duty
2. Title 49 CFR Part 40 specifies procedures which must be followed by the City and Borough of Sitka when conducting drug testing pursuant to regulations issued by agencies of the Department of Transportation.

D. Definitions.

The following definitions are derived from The Department of Transportation's Operating Administration which impacts our municipal operations.

Accident is defined as an occurrence associated with the operation of a vehicle in which the accident involves a fatality, the driver receives a citation under state or local law for a moving violation arising from the accident, injury treated away from the scene or vehicle is required to be towed from the scene.

Air Blank. Air blank means a reading by an evidential breath testing device (EBT) of ambient air containing no alcohol.

Alcohol. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration. Alcohol concentration means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Blind Tests. Urine samples submitted to the testing laboratory for quality control testing purposes. These "blind test" samples have fictitious identities so the testing laboratory cannot distinguish them from employee specimens. The "blind test" samples have known quantities of specific drugs, or are blank (containing no drugs). Blind samples will be submitted at a rate of 3 samples for every 100 employee specimens submitted.

Breath Alcohol Technician (BAT). Breath alcohol technician means an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled or Invalid Test.

Canceled or Invalid Test as pertains to alcohol tests. Canceled or invalid test means that is defined to be invited as listed in Section XV.1 of Appendix 1.

Canceled or Invalid Test as pertains to drug tests. Canceled or invalid test means a test that is defined to be invalid as listed in Section II.G.12(k) of Appendix C, Section 1.F.3 of Appendix e, or as may be otherwise defined by DOT regulations.

Collection Site Person. An Individual authorized by the City and Borough of Sitka to collect samples in accordance with this Program and trained in procedures for such collection in accordance with 49 CFR Part 40.

Commercial Motor Vehicle. Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

Has a gross vehicle weight rating of 26,001 or more pounds; or

Is designed to transport 16 or more passengers, including the driver; or

Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous materials Transportation Act and which require the motor vehicle to be placarded under the hazardous materials Regulations (49 CFR part 172, subpart F).

Covered or Safety Sensitive Function means operation of a commercial motor vehicle as defined above.

Covered, Subject or Safety Sensitive Employee means any person performing any commercial Motor Vehicle Safety Sensitive Function.

Custody and Control Form is a form that accompanies the urine specimen to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to its final disposition.

DOT Procedure. "Procedure for Transportation Workplace Drug Testing Programs" published by The Office of the Secretary of Transportation in 49 CFR Part 40.

Employee means person performing any commercial Motor Vehicle Safety Sensitive Function.

Evidential Breath Testing Device (EBT). Evidential breath testing device (EBT) means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List" (CPL) of evidential breath measurement devices.

Employee Assistance Program. Employee assistance program (EAP) means a confidential counseling/referral service provided free-of-charge to employees and their dependents. EAP is designed to provide assistance to employees and their families to deal with personal problems with may affect their productivity, health or continued employment. All counseling, assessment and referral services will be provided by qualified, experienced clinicians with special training in short-term counseling and in assessing and treating substance abuse problems.

Failing a Drug Test. Shall mean the test results show positive evidence of the presence of a prohibited drug or drug metabolite in an employee's system in amounts that exceed cutoff levels established by DOT procedures.

Medical Review Officer. Medical Review Officer is the licensed physician who is responsible for receiving laboratory results generated by the City and Borough of Sitka's drug-testing program. The Medical

Review Officer must have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical and any other relevant biomedical information.

Screening Test or Initial Test. Screening test or initial test means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Passing a Drug Test. Means that the test result does not show positive evidence of the presence of a prohibitive drug metabolite in an employee's system.

Performing a Covered Function. An employee is considered to be performing a covered function (safety-sensitive function) during any period in which he/she is actually performing, ready to perform, or immediately available to perform such covered functions.

Prohibited Drug. Means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

Refusal to Submit. Refusal by an individual to provide a urine sample after he or she received notice of the requirement to be tested in accordance with the City and Borough of Sitka's Anti-Drug Program. For alcohol, it is when a covered employee fails to provide an adequate breath for testing without a valid medical explanation after receiving notice of the requirement to be tested in accordance with the provisions of the DOT and the City and Borough of Sitka's alcohol misuse prevention plan or engages in conduct that clearly obstructs the testing process.

Substance Abuse Professional (SAP). Substance Abuse Professional (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug abuse Counselors Certification Commission) with knowledge of and clinical experiences in the diagnosis and treatment of alcohol-related disorders.

E. Municipal Responsibilities.

1. Drug Program Manager (DPM): The DPM or other municipal designated shall be responsible for the preparation of a drug and alcohol testing anti-drug and alcohol plan which complies with requirements of the Department of Transportation regulations as set forth in the 49 CFR 391 subpart H. The DPM shall be responsible for providing oversight and evaluation on the anti-drug and alcohol plan; be notified of random selected personnel and follow the progress of return-to-duty testing; maintaining a locked file system on drug testing results; and overseeing the employee assistance program (EAP) as it is defined in 49 CFR Part 391.119. The City and Borough of Sitka shall ensure that all covered employees are aware of the provisions and coverage of the City and Borough of Sitka's anti-drug and alcohol plan.
2. Supervisors: City and Borough of Sitka supervisors are responsible for observing the performance and behavior of employees; observation/documentation of events providing reasonable cause for suspicion; responsible for request of second supervisor for substantiation and concurrence for reasonable cause testing.
3. Employees: Each employee has the responsibility to be knowledgeable of the requirements of the City and Borough of Sitka's anti-drug and alcohol plan and to fully comply with the provisions of the plan.

SECTION II. DRUG TESTING REQUIREMENTS

A. Applicability.

1. Individuals Subject to Drug and Alcohol Testing. Any person who holds a Commercial Drivers License (CDL) who performs sensitive safety-related functions in commercial transportation on highways, to include both inter-and intrastate truck and motor coach operations (including those operated by Federal, State and local government agencies, church and civic organizations, Indian tribes, farmers, custom harvesters, for-hire and private companies).
2. Procedure for Notifying Employees: This anti-drug and alcohol testing plan shall be included in the City and Borough of Sitka policy manual. Upon receipt of the City and Borough of Sitka anti-drug and alcohol plan, each Department Head shall post the plan in a prominent location readily accessible to all covered employees. All covered employees will be provided a complete copy of the anti-drug and alcohol plan, each manager shall post the plan in a prominent location readily accessible to all covered employees.
3. Substances for Which Testing Must Be Conducted: The City and Borough of Sitka shall test each covered employee for evidence of the following substances:

Marijuana, Cocaine Opiates, Phencyclidine (PCP) and Amphetamines

Alcohol: Tested by a breath Analyzer

B. Drug Tests Required

1. Pre-Employment Testing. A pre-employment drug test must be conducted before an individual is transferred/promoted from a non-covered to a covered position. This also applies to employees returning from a leave of absence who have not been participating in the anti-drug and alcohol testing plan and subject to the random selection process. A negative test result is required prior to performing covered functions.
2. Post-Accident Testing.
 - a. The City and Borough of Sitka shall promptly determine if the employee's performance contributed to the accident, or if employee performance cannot be ruled out as a contributing factor. In either case, each accident-involved employee shall be drug tested as soon as possible but no later than 32 hours after the accident for controlled substance and within 8 hours for alcohol. The City and Borough of Sitka must take all reasonable steps to obtain a urine specimen from an employee after an accident, as defined below, but any injury should be treated first.

An accident involves any of the following:

- Fatality
- Injury treated away from the scene
- Vehicle required to be towed from the scene

Following collection. After returning from the collection site, the employee should not be allowed to perform covered functions pending the results of the drug test.

NOTE: Failure to provide a sample will be treated the same as a positive test result.

3. Random Testing.
 - a. The primary purposes of random testing are to deter prohibited drug use and to ensure a drug-free workforce. DOT regulations require that covered employees shall be subject to drug and alcohol testing on an unannounced and random basis. 50 percent of a testing pool must be randomly selected for drug testing each year and 25 percent must be selected for alcohol. The selections must be spread reasonably over a 12-month period.

- (1) Employees must remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
 - (2) Employees shall be selected for testing by using a computer-based random number generator or equivalent random selection method that is matched with an employee's social security number or employee ID number. The process will be unannounced as well as random.
- b. Notification of Employees.
- (1) The appropriate Department Head will notify the employee to be tested to report to the Department Head's office at a specified time.
 - (2) The employee will not be notified of the test until after reporting for duty.
 - (3) Employees shall report immediately to the collection site or to the collection site within 30 minutes, plus travel time, once notified by the Department Head.
4. Reasonable Cause Testing. Reasonable cause testing is designed to provide management with a tool (in conjunction with supervisor training on the signs and symptoms of drug and alcohol use) to identify drug and alcohol affected employees who may pose a danger to themselves and others and others in their job performance. Employees may be at work in a condition that raises concern regarding their safety or productivity. Department Head must then make a decision as to whether there is reasonable cause to believe an employee is using or has used a prohibited drug.
- a. The decision to test must be based on a reasonable and articulable suspicion or belief that the employee is using a prohibited drug or alcohol on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug or alcohol use. At least two of the employee's supervisors, one of whom is trained in detection of the possible symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence to both supervisors may be accomplished by phone, or by having another supervisor travel to the job site, if only one supervisor is available at that particular job site.
- b. In making a determination of reasonable cause, the factors to be considered include, but are not limited to, the following:
- (1) Adequately documented pattern of unsatisfactory work performance, for which no apparent non-impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of drug related behavior on or off the work site.
 - (2) Physical signs and symptoms consistent with substance abuse.
 - (3) Evidence of illegal substance use, possession, sale, or delivery while on duty.
 - (4) Occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures.
 - a) Transport the employee. The potentially affected employee should not be allowed to proceed alone to or from the collection site. In addition to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity en route to the collection site for the employee to ingest anything that could affect the test result or to acquire "clean" urine from another person.

- b) Document the events. Record the behavioral signs and symptoms that support the determination to conduct a reasonable cause test. This documentation of the employee's conduct should be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.
 - c) Denial should be an expected reaction. If a person knows they will test positive, they may give many explanations and protestations, wanting to avoid drug testing. If they are not under the influence or affected by a prohibited drug, vehement denial would still be expected. Listen to the employee and carefully evaluate the employee's explanation. Remember, a request to provide a urine specimen is not an accusation; it is merely a request for additional objective data. To the employee it may feel it is an accusation; so it is important to stress that this is merely a request for additional data.
 - d) Following collection. After returning from the collection site, the employee shall not perform duties pending the receipt of the drug test results. The employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable cause belief that they may be under the influence of a drug.
5. Return-to-duty Testing for Controlled Substance. An employee who refuses to take or fails a drug test may not return to duty until the employee passes a drug test and the MRO and the City and Borough of Sitka have determined that the employee may return to duty. An employee who returns to duty shall be subject to a reasonable program of follow-up drug testing, without prior notice, for up to 60 months after his or her return to duty.

Return-to-Duty Testing for Alcohol. An employee who refuses to take or fails an alcohol test may not return to duty until the employee is evaluated by a substance abuse professional (SAP) and completed the recommended treatment. An employee who returns to duty shall be subject to six follow up breath tests over the next 12 months.

NOTE: Return-to-Duty testing is not an option under this drug and alcohol plan if the City and Borough of Sitka terminates an employee who has tested positive or refuses to test. A statement to this effect would appear under return-to-duty testing section of the plan.

SECTION III. USE OF EMPLOYEE WHO FAILS OR REFUSES A DRUG TEST

A. General

Compliance with this drug testing plan is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing covered functions. Additional disciplinary action up to and including termination may result.

B. Prohibitions On Use.

The City and Borough of Sitka shall not use, in a function covered by Part 391, subpart H anyone who:

- 1. Fails a drug test as verified by the MRO, or
- 2. Refuses to take a drug test required by this plan.

C. Options for Return-to-Duty.

An employee may be given an opportunity to retain his or her employment, provided they first:

1. Have been recommended by the SAP and the MRO for return to duty.
2. Pass DOT drug and alcohol test, and
3. Have not failed a drug or alcohol test required by Part 391 after returning to duty.
- *4. Enter into a City and Borough of Sitka approved evaluation/rehabilitation program and successfully complete the program.

*NOTE: Rehabilitation is not mandated by DOT regulations and paragraph 4 is based on other municipal policy and procedures. The City and Borough of Sitka shall place any employee who fails a drug or alcohol test on leave with or without pay. It is the employee's responsibility to make arrangements for their own rehabilitation. The employee must within 10 working days show the City and Borough of Sitka Drug Program Manager an action plan for rehabilitation. The action plan must be approved by an authorized SAP. If no action is taken within the 10 days, then that employee position will be forfeited.

SECTION IV. SPECIMEN COLLECTION REQUIREMENTS

A. General

1. All collection will follow 49 CFR 40. The collection site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage and shipping or transportation of urine specimens to a certified drug testing laboratory designated by the City and Borough of Sitka. An independent medical facility may also be utilized as a collection site.
2. A designated collection site shall be any suitable location where a specimen can be collected under conditions set forth in 49 CFR 40. A designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a suitable clean surface for writing. The site must also have a source of water for washing hands, which, if practicable, should be external to the enclosure where urination occurs.
3. Detailed Specimen Collection Procedures are outlined in 49 CFR 40 at each collection site by contacting the City and Borough of Sitka drug program manager.

SECTION V. DRUG TESTING LABORATORY

A. SAMHSA Laboratory.

1. The City and Borough of Sitka shall use a drug testing laboratory certified under DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs ; 53 FR 11970, April 11, 1988 and subsequent amendments.
2. The laboratory shall provide services in accordance with 49 CFR 40 and 49 CFR 391.
3. The laboratory shall permit inspection by the City and Borough of Sitka and the FHWA Administrator.

SECTION VI. BLIND PERFORMANCE TEST PROCEDURES

A. General.

1. The City and Borough of Sitka shall use blind testing quality control procedures as provided in this section.
2. On behalf of the City and Borough of Sitka, the contractor who administers the City and Borough of Sitka drug and alcohol program shall submit three blind performance test

specimens for each 100 employee specimens it submits, up to a maximum of 100 blind performance test specimens submitted per quarter.

SECTION VII. REVIEW OF DRUG TESTING RESULTS

A. General.

1. The City and Borough of Sitka shall contract the services of a Medical Review Officer (MRO). The MRO shall be a licensed physician with knowledge of drug abuse disorders. The MRO shall review all negative and positive drug test results and interview individuals tested positive to verify the laboratory report before the City and Borough of Sitka is notified. The review of negative test may be an administrative process to ensure the chain-of-custody procedures were intact. The MRO in conjunction with the SAP may also recommend to the City and Borough of Sitka whether and when an employee who refused to take or did not pass a drug test may return to work and schedule follow-up unannounced drug testing for a period of 60 months.

B. Reporting and Review of Results.

1. The MRO shall review confirmed positive results. An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/ applicant as having used drugs in violation of a DOT regulation. Test results should be reviewed by an individual with a detailed knowledge of possible biological false positive results. This review shall be performed by the MRO prior to the transmission of results to the City and Borough of Sitka. The MRO review shall include review of the chain-of-custody to ensure that it is complete and sufficient on its face.
2. The duties of the MRO with respect to negative results are purely administrative.
4. The MRO will inform the Employee that upon notification of the verified positive test result they have 72 hours to request a re-test of the split sample. A re-test is an analysis of the "B" sample bottle. The re-test can be sent to a SHAMSA certified laboratory of the employee's choice. The employee will be responsible for payment for the re-test and will be reimbursed by the City and Borough of Sitka if the sample test is negative.

C. Verification for Opiates; Review for Prescription Medication.

1. Before the MRO verifies a confirmed positive result for opiates, the MRO shall determine that there is clinical evidence in addition to the urine test of unauthorized use of any opium, opiate, or opium derivative. (e.g., morphine/codeine).
2. This requirement does not apply if the City and Borough of Sitka GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine.

D. Reconfirmation Analysis Authorization.

1. Should any question arise as to the accuracy or validity of a positive test result, only the MRO is authorized to order a reconfirmation of the original sample and such re-tests are authorized only at laboratories certified by DHHS.
2. The MRO shall authorize a reconfirmation of the original sample if requested in writing by the employee within 72 hours of the employee having received actual notice of the positive test.
3. If the re-test is negative, the MRO shall cancel the test.

E. Results Consistent with Legal Drug Use.

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test result to the City and Borough of Sitka as negative.

F. Disclosure of information.

1. Except as provided in this paragraph, the MRO shall not disclose to any third party medical information provided by the individual to the MRO as a part of the testing verification process.
2. The MRO may disclose such information to the City and Borough of Sitka, DOT or other federal safety agency. Any other release of information must be accompanied by a release of information signed by the employee.

SECTION VIII. RETENTION OF SAMPLES

A. General.

Samples that yield positive results on confirmation must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days.

B. Retention Period.

1. Within this 365-day period, the employee or designated representative, FHWA or other state agencies with jurisdiction, or the City and Borough of Sitka may request in writing that the sample be retained for an additional period.
2. If the laboratory does not receive the request to retain the sample within the 365-day period, the sample may be discarded.

SECTION IX. RE-TESTING OF SAMPLES

A. General.

An employee/applicant may request in writing to the MRO a re-test of the sample within 72 hours of notification of a positive test result from the MRO.

B. Re-test Provisions.

The employee may specify that the specimen be re-tested by the original laboratory or sent to another SAMSHA certified laboratory. The employee may be required to pay in advance for the cost of the shipment and re-analysis of the sample. The employee will be reimbursed for the costs incurred in the re-analysis if the re-test of the specimen is negative. If the employee requests a re-test at a second laboratory, then the original laboratory must follow the approved custody and control procedures in transferring a portion of the specimen.

C. Detection Levels.

Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a re-test is not subject to a specific cutoff requirement but must prove data sufficient to confirm the presence of the drug or metabolite.

SECTION X. EMPLOYEE ASSISTANCE PROGRAM (EAP)

A. Scope of Program.

The EAP will provide education and training on drug use to all employees. The education shall include:

1. Informational material displayed on bulletin boards, employee break rooms, locker rooms, etc., and distributed to employees.
2. A community service hot-line telephone number for employee assistance displayed on bulletin boards and distributed to employees, and

3. Distribution of the City and Borough of Sitka's policy regarding the use of prohibited drugs and alcohol to all new employees. The policy shall be displayed in prominent places throughout the City and Borough of Sitka (i.e., employee bulletin board, break room, locker rooms).

B. Supervisor Training.

1. Supervisory personnel responsible for those employees covered under Part 382 will receive training under the anti-drug and alcohol plan. The training shall include at least a 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use and a 60-minute period of training on the effects of alcohol. This training shall be for supervisors who may determine whether an employee must be drug and alcohol tested for reasonable cause.

SECTION XI. RECORD KEEPING PROCEDURES

A. General.

1. The drug Program manager (or designee) shall maintain a locked file system that will contain drug test results. This file shall be maintained as Confidential. Employee files shall be handled on a strict "need to know" basis.
2. Drug test results shall not be included in personnel files. Information regarding an individual's drug testing result or rehabilitation may be released only upon written consent of the individual, except:
 - a. Such information must be released regardless of consent to FHWA or other government agency as a part of an accident investigation;
 - b. Such information may be disclosed regardless of consent in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a verified positive drug test.

B. Statistical Data.

Statistical data related to drug testing and rehabilitation that is non name-specified and training records may be released to FHWA or other government agency upon request.

C. Record Retention.

The records that must be maintained are:

1. Records that demonstrate the collection process conforms to Section 40.25 shall be maintained for a 3-year period.
2. Employee drug test results that show positive and test type (pre-employment test, random test, post-accident test, or post-rehabilitation test), and records that demonstrate rehabilitation (including the MRO's determination). These records shall be retained for a 5-year period and must include the following information:
 - a. Job classification and functions of employee.
 - b. Prohibited drug(s) uses.
 - c. Disposition of employee (i.e., rehab, suspension, termination, etc.)
3. Employee drug test that demonstrate negative results shall be retained for a period of 1 year.

4. A record indicating the total number of employees tested and the results of tests separated into categories shall be retained for a 5-year period.
5. Training records confirming that supervisors and employees have been trained as required under Section 382, and copies of training material used shall be retained for a 3-year period.

SECTION XII. CONTRACTOR EMPLOYEES

A. General.

The City and Borough of Sitka shall include a clause in the contractors contract providing for drug testing, education and training which shall be addressed by the contractor in accordance with PART 382 and Part 40 for covered functions.

B. Records and Access.

Contractors shall retain copies of appropriate records required by Part 382 and Part 40. The records and access to the contractor's property shall be readily accessible for inspection by the City and Borough of Sitka, FHWA, and representatives of those state agencies under which jurisdiction the City and Borough of Sitka operates.

C. Contractor Coverage.

The City and Borough of Sitka can, as an alternative to the above guidance, provide coverage for the contractor's employees by including them in the City and Borough of Sitka drug and alcohol-testing program and random pool for the duration of the contract.

APPENDIX A

LABORATORY PROCEDURES

A. TESTING

1. Initial Test – The initial test shall use an immunoassay which meets the requirement of the Food and Drug Administration for commercial distribution.
2. Confirmatory Test – All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value".

B. Reporting Results.

1. The laboratory shall report test results to the City and Borough of Sitka's MRO within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen.
2. The laboratory shall report as negative all specimens which are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

3. The MRO may request from the laboratory and the laboratory shall provide quantitation of test results. The MRO shall report whether the test is positive or negative and may report the drug(s) for which there was a positive test, but shall not disclose the quantitation of test results to the City and Borough of Sitka. The MRO may reveal the quantitation of a positive test result to the City and Borough of Sitka, the employee, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test.
4. The laboratory may transmit results to the MRO by various electronic means (e.g., teleprinter, facsimile, or computer) in a manner designated to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and employer must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.
5. The laboratory shall send only the MRO the original or a certified true copy of the drug testing custody and control form (copy 1), which, in the case of a report positive for drug use, shall be signed by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.

SECTION XIII. ALCOHOL TESTING

Employees performing safety-sensitive functions are subject to drug and alcohol testing and must refrain from consuming any alcohol (not just alcoholic beverages) whenever they are performing, ready to perform or immediately available to perform these functions.

Employees will only be tested for alcohol while they are at the work site. Therefore, a vehicle operator on-call for duty while at home has not violated the regulations if he or she has an alcoholic beverage unless he or she reports for duty within 4 hours of consuming such alcohol. He or she is not subject to alcohol testing until he or she reports for work. Therefore, if he or she is called to work and has consumed alcohol within the 4-hour time frame, he or she would have to decline to report until 4 hours has passed with no alcohol consumption.

1. PROHIBITED CONDUCT:

Alcohol Use

Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Alcohol use is defined as the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. Over the counter medication is included.

Alcohol Concentration

Covered employees may not report for duty or remain on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

Pre-Duty Use

Employees may perform safety-sensitive duties within 4 hours after consuming alcohol.

On-call employees who are not at work, but could be called to perform safety-sensitive functions, are subject to the pre-duty alcohol prohibition (i.e., they would have to decline a call to work if acceptance would result in performing safety-sensitive duties within the 4 hours).

On-Duty Use.

Covered employees may not consume alcohol while performing safety-sensitive functions.

This prohibition also applies to covered employees who are at work and immediately available to perform safety-sensitive functions.

Covered employees with knowledge of an accident involving a vehicle for which they performed a safety-sensitive function at or near the time of the accident may not use alcohol for 8 hours after the accident unless they have been given a post-accident test, or the City and Borough of Sitka has determined that their performance could not have contributed to the accident.

Refusal to Submit to Testing

Covered employees may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test. The City and Borough of Sitka will not permit an employee who refuses to submit to such a test to perform or continue to perform safety-sensitive functions. Further discipline, to include termination, may result from such refusal.

Refusal to submit to a pre-employment or return-to-duty test is not a violation of the FFWA rule, but a refusal (the same as a positive test result) will preclude any person from performing safety-sensitive functions.

2. CIRCUMSTANCES THAT REQUIRE TESTING:

Covered employees are subject to the following federally mandated alcohol tests:

Post-Accident

Within 2 hours but no later than 8 hours, or as soon as practicable after an accident, each covered employee must be drug and alcohol tested if that employee's performance either contributed to the accident or cannot be discounted as a contributing factor to the accident.

A covered employee who is subject to post-accident drug and alcohol testing will remain readily available for testing or may be deemed by to have refused to submit to testing.

Attempts to conduct post-accident alcohol testing will cease 8 hours after the accident, even if no alcohol test has been conducted.

Random

25% of the covered employees will be selected for random alcohol testing through a scientifically valid method. The City and Borough of Sitka's contractor will use a random-number computer generator to select employees.

*50% of the covered employees will be selected for random drug testing through a scientifically valid method. We will use a random number generator to select employees.

Random tests will be reasonable spaced throughout the year and will be unannounced.

Employees notified of selection for random testing must proceed immediately to the testing site.

Random tests will be conducted while the employee is performing safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

Reasonable Suspicion

A covered employee must submit to a drug and alcohol test if the City and Borough of Sitka has determined that reasonable suspicion exists that the employee has violated the drug and alcohol misuse prohibitions.

This determination must be based on a trained supervisor's specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

Even if an alcohol test cannot be administered, no employee who is under the influence of or impaired by alcohol, as shown by behavioral, speech, or performance indicators of alcohol misuse should report for duty or remain on duty requiring the performance of safety-sensitive functions until a test can be administered and the result is below 0.02 until the commencement of the employee's next duty period if at least 24 hours has elapsed.

Similarly, even if an alcohol test cannot be administered, the City and Borough of Sitka will not permit any employee who is under the influence of or impaired by alcohol, as shown by behavioral, speech, or performance indicators of alcohol misuse, to report for duty or remain on duty requiring the performance of safety-sensitive functions until a test can be administered and the result is below 0.02 or until the commencement of the employee's next duty period if at least 24 hours has elapsed.

A supervisor who identifies an employee for a reasonable suspicion test cannot conduct the alcohol test as the breath alcohol technician for that employee.

Return to Duty

Before a covered employee returns to duty in a safety-sensitive function after engaging in prohibited conduct, he or she will undergo a return to duty test.

The employee cannot perform a safety-sensitive function until a drug or alcohol result indicating a negative or an alcohol concentration of less than .002 is obtained.

Follow-up

Each covered employee, who has been identified by a substance abuse professional (SAP) as needing assistance in resolving a problem with alcohol misuse and who has returned to duty performing a safety-sensitive function, will be subject to follow-up testing.

Follow-up tests will be unannounced and at least 6 tests must be conducted in the first 12 months after the employee is back on the job. Follow-up testing may continue for up to 60 months.

The schedule for follow-up alcohol testing is established by the SAP.

DRUG PERSONNEL AND SERVICES

1. DRUG PROGRAM MANAGER (DPM)
Worksafe, Inc.
341 W. Tudor Rd., Suite 106
Anchorage, Alaska 99503
2. Dr. Mary Demers D.O., M.P.H.
341 West Tudor Rd. Suite 106
Anchorage, Alaska 99503
Phone (907) 563-8378
3. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
ADMINISTRATION (SAMHSA) LABORATORY
ARUP, Inc.
500 Chipta Way
Salt Lake City, Utah 84108
4. EMPLOYEE ASSISTANCE PROGRAM

- a. Libby Stortz, LCSW
201 Lincoln St.
Sitka, AK 99835
(907) 747-7444
- b. Neurobehavioral Consultants
201 Lincoln St., Suite 3
Sitka, AK 99835
(907) 747-3743
- c. Sitka Counseling and Prevention Services
701 Indian River Rd.
Sitka, AK 99835
(907) 747-3636

3. PROCEDURES FOR ALCOHOL TESTING: PROTECTING THE EMPLOYEE AND THE INTEGRITY OF THE BREATH TESTING PROCESS: SAFEGUARDING THE VALIDITY OF THE TEST RESULTS: AND ENSURING THAT THOSE RESULTS ARE ATTRIBUTED TO THE CORRECT EMPLOYEE:

Preparation for Breath Alcohol Testing

Upon entering the alcohol testing location, the breath alcohol technician (BAT) will require the employee to provide positive identification (photo ID). On request, the BAT will provide positive identification to the employee. The BAT will explain the testing procedure to the employee.

Screening Tests

The BAT will complete Step 1 on the breath alcohol testing form, and the employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test.

An individually sealed mouthpiece will be opened in view of the employee and BAT and attached to the evidential breath-testing device (EBT) in accordance with the manufacturer's instructions.

The BAT will instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.

If the EBT does not have a printer capable of generating a printed result, a sequential test number, the manufacturer's name for the device, the device's serial number, and the time and date of the test: the BAT will show the employee the result displayed on the EBT. The BAT will record the displayed result, test number, testing device, serial number of the testing device, date, time, and quantified result in Step 3 of the form record the test number, date of the test, name of the BAT, location, and quantified test result in a log book if used. The employee will initial the logbook entry.

If the EBT provides a printed result, but does not print the results directly onto the form, the BAT will show the employee the result displayed on the EBT. The BAT will then affix the test result printout to the breath alcohol test form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).

If the EBT prints the test results directly onto the form, the BAT will show the employee the result displayed on the EBT. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT will date the form and sign the certification in Step 3 of the form. The employee will sign the certification and fill in the date in Step 4 of the form.

If the employee does not sign the certification in Step 4 of the form or does not initial the logbook entry for a test, it will not be considered a refusal to be tested. In this event, the BAT will note the failure to sign or initial in the "Remarks" section of the form.

If a test result printed by the EBT does not match the displayed result, the BAT will note the disparity in the remarks section. Both the employee and the BAT will initial or sign the notation. The test is then invalid and the City and Borough of Sitka and the employee will be so advised.

In the event of a result less than 0.02, no further testing is authorized. The BAT will transmit the result of less than 0.02 to the drug program manager in a confidential manner, and will receive and store the information so as to ensure that confidentiality is maintained as required.

Confirmation Tests

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test will complete and sign the form and log book entry if used. The BAT will provide the employee with Copy 2 of the form.

The BAT will conduct an "air blank" to ensure that the device is working correctly. The air blank must be 0.00. If the reading is greater than 0.00, the BAT will conduct one more air blank. If the reading is greater than 0.02, testing will not proceed using that instrument. However testing may proceed on another instrument.

The BAT will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test, and will not be less than 15 minutes. The BAT will explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT will also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with this instruction, the BAT will so note in the "Remarks" section of the form.

If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT will initiate a new Breath Alcohol Testing form. The BAT will complete Step 1 on the form. The employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test. The BAT will note in the "Remarks" section of the form that a different BAT conducted the screening test.

A breath alcohol test is invalid under the following circumstances:

The EBT does not pass its next external calibration check (invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test: does not invalidate negative tests).

The breath alcohol technician does not observe the minimum 25-minute waiting period prior to the confirmation test.

The breath alcohol technician does not perform an air blank of the EBT before a confirmation test, or such an air blank does not result in a reading of 0.00.

The breath alcohol technician does not sign the form.

The breath alcohol technician fails to note in the remarks section of the form that the employee has failed or refused to sign the form after the test has been conducted.

The breath alcohol technician fails to note in the remarks section of the form that the employee has failed or refused to sign the form after the test has been conducted.

An EBT fails to print a confirmation test result.

The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

Employee records pertaining to alcohol testing will be maintained in a secure location with controlled access.

These records will be promptly released to the employee, or a person identified by the employee (including subsequent employers), upon written request of the employee. This release of information will not be contingent upon payment for records other than those specifically for follow-up testing).

Required Evaluations and Testing

No covered employee who has violated the rules on alcohol misuse or refusal to submit to testing can perform any safety-sensitive function unless and until that employee has:

1. Been evaluated by an SAP to determine whether the employee is in need of assistance in resolving problems related to alcohol use.
 2. Completed any treatment recommended by the SAP.
 3. Been evaluated by an SAP to ensure that the employee has properly followed the treatment program; and
 4. Undergone required return to duty testing.
 5. An SAP is a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist), social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of an clinical experience in the diagnosis and treatment of disorders related to drug use and abuse.
4. CONSEQUENCES FOR HAVING AN ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04.

If a covered employee is found to have an alcohol concentration of 0.02 or greater but less than 0.04, that employee will be immediately removed from performing safety-sensitive functions, until the employee is retested with a result below 0.02, or until the start of the employee's next regularly scheduled duty period, if it occurs at least 8 hours following administration of the test. Additional discipline up to and including termination may result.

5. INTERVENING WHEN AN ALCOHOL PROBLEM IS SUSPECTED, INCLUDING CONFRONTATION, REFERRAL PROGRAM, AND/OR REFERRAL TO MANAGEMENT:

Why You Should Get Involved:

Although the City and Borough of Sitka has no history of substance abuse problems, we recognize that alcoholism and alcohol misuse are problems throughout America.

There are three good reasons why you should be concerned if any of your coworkers are using drugs or alcohol on the job:

- Your health and safety may be at risk.
- Alcohol misuse costs you money.
- Alcohol creates a negative work environment.

According to the National Institutes on Alcohol Abuse and Alcoholism, drug and alcohol use on the job cost society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in the prices you pay for things, drug and alcohol use on the job costs you and your fellow workers.

Absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.

Workers who misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of the public, alcohol misuse is an especially serious issue.

No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the City and Borough of Sitka. Acceptance of any misuse puts you, the municipality, and the public at risk.

6. EFFECTS OF ALCOHOL MISUSE ON AN INDIVIDUAL'S HEALTH, WORK, AND PERSONAL LIFE:

Alcohol is a central nervous system depressant. Taken in large quantities it causes not only the euphoria associated with "being drunk" but also adversely affects your judgment, your ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.

Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.

In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated, it will inevitably get worse.

Workers who use alcohol (and other drugs) affect everyone. Studies show that, compared to alcohol and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.

The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverting supervisory and managerial time, friction among workers, damage to equipment, and damage to the City and Borough of Sitka's public image mean that workplace abuse are equally significant.

Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.

If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow.

SIGNS AND SYMPTOMS OF ALCOHOL MISUSE

Any one or more of the following signs may indicate a drinking problem:

Family or social problems caused by drinking.

Job or financial difficulties related to drinking.

Loss of a consistent ability to control drinking.

"Blackouts" or the inability to remember what happened while drinking.

Distressing physical and/or psychological reactions if you try to stop drinking.

A need to drink increasing amounts of alcohol to get the desired effect.

Marked changes in behavior or personality when drinking.

Getting drunk frequently.

Injuring yourself – or someone else – while intoxicated.

Breaking the law while intoxicated.

Starting the day with a drink.

7. AVAILABLE METHODS OF EVALUATING AND RESOLVING PROBLEMS ASSOCIATED WITH THE MISUSE OF ALCOHOL.

Outpatient programs exist in a variety of settings:

1. Community mental health centers.
2. Family service agencies.
3. Private physicians' and therapists' offices.
4. Occupational settings.
5. Specialized alcoholism treatment facilities.

Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

Your local phone directory will list helpful referral organizations such as:

1. Local council on alcoholism.
2. Alcoholics Anonymous.
3. Community alcoholism or mental health clinic.
4. Social services or human resources department.

The SAP for the City and Borough of Sitka is Libby Stortz and can be reached at 747-7444. She will perform an initial evaluation, recommend any treatment if necessary, and refer employees needing assistance for treatment covered under our health insurance program.

The policy as it relates to drug and alcohol misuse by employees performing safety-sensitive functions is as follows: (These policies are not governed by DOT/FHWA regulations; but are developed and enforced solely by the City and Borough of Sitka.

1. **Any employee who registers an alcohol concentration of 0.04 on any test administered by or for the City and Borough of Sitka or who engages in other alcohol misuse will be terminated.**
2. Employees self-referring for an alcohol problem prior to being selected for testing will not be terminated and will be sent to a substance abuse professional for evaluation at the employee's expense.
3. Any employee who refuses an FHWA-mandated alcohol test will be terminated.
4. Any employee who registers an alcohol concentration of 0.02-0.039 on an FHWA- mandated test will be sent home for the day in an unpaid status the first time such a test is obtained.
5. Any employee who twice registers an alcohol concentration of 0.02-0.039 on FHWA-mandated tests will be terminated.

Any employee who will be terminated will be advised to obtain an evaluation from Libby Stortz, our SAP, to determine if the employee is in need of assistance with an alcohol problem. The City and Borough of Sitka will pay for this evaluation.

Attachment H
Employee Acknowledgement and Receipt

I have received my copy of the Employee Personnel Policies Handbook

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Employees Signature

Date

Employees name (Print)