



TITLE 3 - PERSONNEL ^[1]

Chapter 3.01. - Objectives and Scope

3.01.010. - Title.

This title may be known and cited as the personnel ordinance of the City of Seward.

(Ord. 437, 1977; Ord. 95-05)

3.01.15. - Purpose.

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

- (1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
- (2) Providing equitable and adequate compensation;
- (3) Training employees, as needed, to assure high quality performance;
- (4) Developing employees and improving their performance by correcting any inadequate performance;
- (5) Assuring equal opportunity and fair treatment of all persons in all aspects of the employer-employee relationship including, recruitment, hiring, upgrading, promotion, training, transfer, layoff, recall and termination by basing all personnel decisions on the individual's abilities and performance without regard to political affiliation, race, color, pregnancy, ancestry, marital status, veteran status, disability, religion, national origin, sex, age, or any other discriminatory factor prohibited by law and with proper regard for the individual's privacy provided, however, that state or federally mandated employment requirements shall be observed.
- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

(Ord. 437, 1977; Ord. 551, § 1, 1985; Ord. 2000-011, § 1, 2000)

Footnotes:

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See AS 29.20.630 for state provisions prohibiting discriminating against municipal employees; see AS 29.20.410 for state provisions allowing for the establishment of a classified personnel system for municipal employees; see § 2.05.030 as to personnel records being private; see § 2.01.015 as to compensation benefits.



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3.01.020 - Scope.

- A. This title establishes policies and procedures for personnel administration for all employees of the city except the city manager, the city attorney, the city clerk, the mayor, members of the city council and members of city boards and commissions. The provisions of this title may apply to the city manager, the city attorney, or the city clerk only to the extent that they are incorporated by specific reference in a written employment contract with the city.
- B. Where a provision of this title conflicts with a provision of a collective bargaining agreement covering city employees, the provision of the collective bargaining agreement shall govern. This title shall govern personnel policies and procedures for city employees covered by a collective bargaining agreement to the extent that its provisions do not conflict with provisions of the collective bargaining agreement.
- C. For purposes of health insurance and any other aspects of employment agreed upon in a co-applicant agreement approved by city council, employees of the Seward Community Health Center shall be deemed city employees. Such agreement will require the health center to be fully and solely responsible for all aspects of employment, including payroll administration, hiring, training, supervision, discipline, grievances, and termination. The health center may adopt provisions of this title as its employment policies and procedures. The health clinic will maintain health insurance, liability insurance, and workers' compensation for so long as health center employees remain city employees. The health center may provide retirement benefits but health center employees shall not be covered by PERS.

(Ord. 437, 1977; Ord. 610, 1988; Ord. 95-05; Ord. 2000-011, § 1, 2000; Ord. No. 2013-013, § 2, 12-16-2013)

3.01.025. - Police Standards Act.

The Seward Police Department shall be subject to these personnel regulations and, in addition, shall observe all rules and regulations adopted by the Alaska Police Standards Council pursuant to AS 18.65.130—290. In the event of conflict, the standards and regulations adopted by the police standards council shall prevail over these personnel regulations.

(Ord. 437, 1977; Ord. 92-24)

3.01.030. - Amendments.

Upon the passage of an amendment to this title, the city personnel director shall distribute to all employees replacement pages for the city personnel manual incorporating the amendment.

(Ord. 437, 1977; Ord. 610, 1988; Ord. 95-05)

3.01.35. - Definitions.

As used in this chapter:

- (a) Anniversary date is the date that an employee assumes regular status after the successful completion of a probationary period. This date does not change regardless of other personnel



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transactions, promotions, demotions or transfers that may occur during the course of an employee's service with the city, except for periods of leave without pay as outlined in § 3.45.080.

- (b) Appointing authority means the city manager, except that the city clerk shall be the appointing authority for all positions in the city clerk department.
- (c) Break in service is defined as at least one entire pay period off.
- (d) Department head means each of the following: the finance director, manager of engineering and construction, the manager of electric utility, public works director, the harbormaster, the chief of police, the fire chief, the director of parks and recreation, and the librarian.
- (e) Emergency employee means an employee hired for less than 30 days pursuant to §3.25.045.
- (f) Exempt employee is an employee whose position is classified under the Fair Labor Standards Act (FLSA) as an executive, professional or administrative position. These positions are not subject to overtime compensation.
- (g) Full-time employee means an employee who regularly works 40 hours per week.
- (h) Graveyard shift means any consecutive eight hour, regularly scheduled work shift that begins at or after midnight and before 8:00 a.m.
- (i) Holiday is defined in §§ 3.50.010 and 3.50.015.
- (j) On-call employee means an employee hired on an on-call basis pursuant to section 3.25.040. Appointments may be for an indefinite period.
- (k) Part-time employee means an employee who regularly works less than 40 hours per week.
- (l) Personnel officer means the director of the personnel department or his/her designee.
- (m) Probationary employee means an employee who has not yet completed the probationary period imposed under § 3.25.035(a).
- (n) Promotional probationary employee means an employee who has not successfully completed a probationary period imposed under § 3.25.035(b).
- (o) Regular employee means an employee in a regular position, full-time or part-time, who has successfully completed all probationary periods and is not a temporary, seasonal, on-call or emergency employee. Nothing in this section shall be deemed to imply that a regular employee will always be employed by the city. A regular employee may be laid off, dismissed, terminated or separated from city employment in accordance with the provisions of this title.
- (p) Regular position means a position which is expected to exist for more than nine months. It does not imply that the position will never be eliminated. A regular position may be eliminated due to lack of work, lack of funds, reorganization of a department, reassignment of duties or for any other reason. No employee shall have the absolute right to continued employment in any particular position.
- (q) Regular rate of pay means the hourly rate of pay actually paid an employee for the normal, non-overtime work week for which he/she is employed.
- (r) Seasonal employee means an employee hired on a seasonal basis with an expectation to return to their position consistent with the city's needs, although the hiring will be temporary pursuant



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to § 3.25.040. No employee shall have the absolute right to continued employment in any particular position.

- (s) Swing shift means any consecutive eight hour, regularly scheduled shift that begins at or after 4:00 p.m. and before midnight.
- (t) Temporary employee means an employee hired under the terms specified in § 3.25.040.
- (u) Term employee means an employee in a position, full or part-time, that is designed for a specified period of time of more than nine months and less than two years for a specific purpose or project pursuant to § 3.25.050.
- (v) Work week consists of a five-day week, eight hours per day, 40 hours per week, pursuant to § 3.15.055.

(Ord. 92-18; Ord. 95-05; Ord. 95-14; Ord. 96-04; Ord. 2000-011; Ord. 2002-02)

Chapter 3.05. - Organization and Delegation of Authority

3.05.010. - Purpose.

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

(Ord. 437, 1977)

3.05.015. - Responsibility and authority.

- (a) City council. The city council shall have overall responsibility and authority regarding personnel matters including, but not limited to, the following:
 - (1) Approve the city's budget including requests for personnel management funds;
 - (2) Approve personnel policies and procedures developed by the city manager;
 - (3) Approve work rules established for the efficient operation of the city's work force;
 - (4) Appoint the city manager, city clerk and city attorney.
- (b) City manager. The city manager shall have the responsibility and authority to:
 - (1) Administer the personnel policies and procedures adopted by the city manager and approved by the city council;
 - (2) Provide for the establishment and maintenance of records of all employees in the city service; such records to include the class title, pay and other pertinent data;
 - (3) Develop and administer an affirmative action program to provide for equal opportunity in all aspects of city personnel administration;



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- (4) Foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employees' effectiveness and productivity, including training, safety, health, counseling and welfare;
 - (5) Administer the city's recruitment and selection program;
 - (6) Ensure uniformity in the application of discipline and processing of employee grievances;
 - (7) Prepare and adopt such forms, reports and procedures as may be necessary to carry out the city's personnel program;
 - (8) Appoint and dismiss all city employees except those appointed by the council or city clerk as stated in the charter. (See also sections 2.20.010 and 2.20.015.)
- (c) City clerk. The city clerk shall have the responsibility and authority to:
- (1) Administer recruitment and selection for positions in the city clerk department; and
 - (2) Exercise all the authority assigned to a department head by the provisions of this title, provided that when the city clerk takes an action authorized for a department head under this title, the action is not subject to delegation from, or approval of, the city manager.
- (d) Department heads. Department heads shall have the responsibility and authority to:
- (1) Enforce the personnel policies and administer the merit system in their department;
 - (2) Keep employees in their departments informed of current personnel policies and procedures;
 - (3) Participate in the grievance procedures as specified (See section 3.40);
 - (4) Appoint employees to vacant positions within their respective departments in accordance with established personnel rules and procedures;
 - (5) Develop training programs for employees within their respective departments;
 - (6) Take corrective action within their respective departments to the extent authorized in Title 3 and delegate such authority to supervisory personnel as deemed appropriate.
 - (7) Conduct orientation for all new employees. Such orientation shall include introduction to fellow workers, work standards, safety regulations, break periods, supplies, etc.
 - (8) Have appointment and dismissal authority over all employees under the department head's jurisdiction as delegated by the city manager, subject to the approval of the city manager.
- (e) Supervisory personnel. Supervisory personnel shall have the responsibility and authority to:
- (1) Implement personnel policies, rules and regulations in the units under their supervision;
 - (2) Take corrective action concerning employees under their supervision and make recommendations as to hiring, firing, transfer, promotions and personnel evaluations;
 - (3) Train new employees and participate in the development of other employees;
 - (4) Evaluate employee performance (see section 3.30);
 - (5) Participate in the grievance procedures as specified (see section 3.40).
- (f) Personnel officer. Personnel officer, conduct orientation for all new employees and have issued to each a copy of the current personnel regulations and position descriptions which outline job duties;



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such orientation shall include but not be limited to pay plan, insurance and retirement benefits, and any other city policies and/or procedures.

- (g) All employees. Employees of the city shall be presented with a copy of these personnel rules on their hiring date and shall have the responsibility to:
- (1) Read these rules and ask the immediate supervisor to explain the regulations if questions arise;
 - (2) Understand the function of the department to which they are assigned and how that function relates to the total mission of the city and all of its departments;
 - (3) Discuss with the immediate supervisor any questions relating to the interpretation or application of these rules, either informally or formally through the grievance procedure;
 - (4) Bring to the attention of the immediate supervisor any change in duties as outlined on the position description form given to the employee at hiring;
 - (5) Submit in writing recommendations or comments to these rules to the city manager.

(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)

Chapter 3.10. - Position Classification

3.10.010. - Classification plan.

The classification plan is the grouping of positions into appropriate classes which are similar with respect to duties and responsibilities. Each class in the classification plan shall be designated by a descriptive title and defined by a class specification.

(Ord. 437, 1977)

3.10.015. - Class specifications.

Class specifications are written descriptions of positions of each class included in the classification plan. Specifications shall include a class title, a general statement of duties and responsibilities, typical examples of duties performed and minimum qualification requirements for entrance into a class. Special requirements, where appropriate, such as license or certification, shall also be included.

(Ord. 437, 1977)

3.10.20. - Purpose of the classification plan.

The classification plan is an administrative tool that provides a system of standardized titles and common job language and is critical to the effective administration of personnel activities such as:

- (1) Work force planning and budgeting;
- (2) Establishing job performance standards;
- (3) Establishing fair and equitable pay;
- (4) Developing training programs;



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- (5) Developing valid selection and recruitment programs;
- (6) Establishing appropriate career lines.

(Ord. 437, 1977; Ord. 2000-011, § 2000)

3.10.25. - Development and administration.

The city manager shall have the authority for the overall administration of the classification plan. In developing the classification plan, he/she shall consult department heads, key staff, employees and other technical resources as appropriate.

- (1) Allocation of positions. The city manager shall analyze and evaluate the duties, responsibilities and qualifications required of each position in the classified service and make recommendations to the city council regarding the allocation of each position to the appropriate class.
- (2) Maintenance of the classification plan. The city manager shall periodically review the entire classification plan or any part thereof at his/her own initiative or at the reasonable request of a department head or group of employees; provided, however, that such a review shall be conducted at least every three years. The purpose of such review shall be:
 - a. To ascertain whether or not the plan accurately reflects existing conditions;
 - b. To determine the accuracy of class specifications;
 - c. To assure that positions are properly classified.
- (3) Position descriptions. Position descriptions shall be supplied by each city department for each position under the department's jurisdiction, subject to the approval of the city manager. The personnel officer shall keep a file of all current job descriptions.
- (4) New positions. When a new position is proposed or established, the department in which it is created shall provide a written job description to the city manager, who shall determine the proper classification or prepare a new classification description if an appropriate classification does not exist. The city manager shall present his/her recommendation to the city council for final approval.
- (5) Reorganization of department. Whenever reorganization of a department or action of the city council causes the duties of a position to change, or a position appears to have been incorrectly allocated, the city manager shall, at the request of the department head or a regular employee affected by the reclassification, investigate the duties of the position in question. After conferring with department officials and the employee involved, and reviewing all relevant data, the city manager shall recommend to the council any reclassification of the position. Reclassification shall not be used to avoid the provisions of the personnel rules dealing with layoffs, demotions, promotions or dismissals.
- (6) Effective date of change. Classification actions shall be effective on the first day of the pay period following approval by the city council.

(Ord. 437, 1977; Ord. 93-26; Ord. 2000-011, § 1, 2000)

3.10.030. - Status of incumbents in reclassified positions.



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In all cases of reclassification, the employee in the position shall be entitled to examine and compete for the reclassified position. If ineligible for appointment to the reclassified position, the employee shall be transferred, reassigned, or terminated by appropriate action in accordance with the provisions of these rules.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

Chapter 3.15. - Salary Administration

3.15.10. - Pay plan.

The pay plan shall include the schedule of pay ranges, consisting of minimum, intermediate and maximum rates of pay for all positions. The objectives of the pay plan shall be to:

- (1) Provide an appropriate salary structure to recruit and retain competent employees;
- (2) Provide appropriate pay incentives for high employee productivity.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.15. - Standards for development of the pay plan.

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

- (1) The relationship between classes;
- (2) The relative difficulty and responsibility of work;
- (3) The availability of applicants;
- (4) The prevailing rates of pay in both public service and private industry in the appropriate recruiting market;
- (5) Cost of living factors.

(Ord. 437, 1977)

3.15.020. - Development of the pay plan and pay schedule.

The city manager shall be responsible for developing the pay plan and pay schedule through the use of standards described above and in consultation with the city council and employees.

(Ord. 437, 1977)

3.15.025. - Administration of the pay plan.

- (a) The city manager shall be responsible for administering the pay plan and keeping it current through periodic reviews and comparative studies of pertinent factors affecting levels of pay.



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- (b) Cost of living allowance. The pay plan may be adjusted with the approval of the city council on an annual basis to reflect a cost of living allowance (COLA) based on the US Department of Labor, Bureau of Labor Statistics, consumer price index for all urban consumers (CPI-U) for Anchorage, Alaska, for all non-union employees, provided that changes made, if any, in the pay plan to reflect a cost of living allowance will be effective on the day authorized by the city council.
- (c) To ensure that the city's pay scale is aligned with external market conditions, in order to attract, recruit and retain qualified employees, the city manager has the authority to adjust the pay for a specific position by up to 20%, to account for external equity. Any increases in pay associated with external equity will be justified by the city manager based on a review of external equity factors, and may be instituted without the need to amend the pay plan or classification system.

(Ord. 437, 1977; Ord. 576, § 3, 1986; Ord. 2000-011, § 1, 2000; Ord. No. 2008-019, § 1, 11-24-2008)

3.15.030. - Entrance pay rate.

The entrance pay rate shall normally be the minimum rate in the pay range prescribed for the class. A department head, subject to the approval of the city manager, may make an appointment above the entrance pay rate only when there are no available candidates at the entrance rate, or in recognition of exceptional qualifications. In no instance shall an appointment be made above step "C," except at the department head level.

(Ord. 2000-011, § 1, 2000)

3.15.035. - Step increases.

A new employee, after serving a six-month probationary period of satisfactory performance, shall receive a step increase. An employee who has transferred to a new position and who must serve a promotional probationary period as defined in section 3.25.035, shall receive a probationary step increase upon successful completion of the promotional probationary period. A probationary step increase is a special, one time only, step increase. For an employee to receive further step increases up to step J, he/she must continue to demonstrate satisfactory service of a progressively greater value. Step increases are not automatic based upon longevity and are awarded only where the department head feels the employee has demonstrated service of a progressively greater value, progressively greater responsibility, and performed beyond what normally would be expected for the city during the past year. Satisfactory performance alone shall not be grounds for a step increase.

(Ord. 534, 1984; Ord. 94-06; Ord. 2000-011, § 1, 2000; Ord. 2000-015, § 1, 2000)

3.15.040. - Regular part-time employment.

- (a) Regular part-time employees who are not exempt from the overtime requirements of the federal Fair Labor Standards Act shall be compensated on an hourly basis equivalent to the hourly rate established for the regular full-time employment at step "A" of the pay range for the actual number of hours worked in each payroll period. Appointments shall be in probationary status and a probationary pay increase shall be awarded, if earned, when regular hours worked have a cumulative



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total of 1,040 hours, which is equivalent to a six-month probationary step increase as set forth in section 3.15.035.

- (b) A step increase shall be awarded, if earned, each time regular hours worked have a cumulative total of two thousand eighty. (See also sections 3.15.090 and 3.15.095.)

(Ord. 437, 1977; Ord. 94-33; Ord. 2000-011, § 1, 2000)

3.15.45. - Pay rate adjustments.

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

- (1) Transfers. When an employee is transferred from one position to another with a common pay range, he/she shall continue to receive the same rate of pay.
- (2) Promotions. When an employee is promoted from one position to another having a higher pay range, the employee shall receive an increase of not less than one pay step. If the employee's current rate of pay is below the minimum rate of the new position, the pay shall be increased to the minimum step of the new position. If the employee's current rate of pay falls within the range of the new position, the pay shall be adjusted to the next higher pay step in the range for the new position which is at least equal to one step increase above his/her current pay rate.
- (3) Reassignments. When an employee is reassigned for cause, or for administrative purposes, the pay shall be adjusted to fit the job according to the principles of classification and equal pay for equal work.
- (4) Reinstatement of employees who have resigned.
 - a. No preferential pay treatment shall be given to reinstated employees. The principles of job classification and equal pay for equal work, which includes work experience, shall apply as if to a new employee.
 - b. An employee who has resigned due to special reasons such as, but not limited to, family illness or educational leave (up to two years and with prior approval of the city manager) shall have reinstatement rights according to arrangements made in writing at the time of the resignation and, provided, the job is available.
- (5) Reinstatement of veterans. A city employee who returns from military leave shall be reappointed in accordance with the United States Code Annotated Title 50, War and National Defense Military Selective Service Act of 1967; 459, Separation From Service (a), (b), (c), (f) and (g).
- (6) Layoffs. When an employee, following layoff, is reemployed in the same position from which he/she was laid off, he/she shall be placed in the same step which he/she occupied at the time of layoff. When the employee is reemployed in a position having a lower pay range, his/her rate of pay shall be assigned according to standard principles of job classification and equal pay for equal work.

(Ord. 437, 1977; Ord. 95-01; Ord. 2000-011, § 1, 2000)



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3.15.050. - Compensation during temporary assignment.

When any employee is temporarily assigned to a position with a higher pay range for a period of at least three consecutive days but less than 30 days, he/she shall be compensated above his/her base rate by ten percent. If an employee's base rate is the maximum of the pay range, he/she shall be compensated above the maximum pay step by ten percent. If the assignment is for a period of 30 calendar days or more, he/she shall be paid at the first step of the higher pay range or he/she shall be given a ten percent increase as provided in the preceding sentence, whichever is higher, for the full period worked in the temporary assignment. An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.055. - Hours of work.

- (a) Regular working hours of city employees shall consist of a five-day week, eight hours a day, 40 hours a week. Special provisions for a modified schedule, such as a four-day week, ten hours a day, 40 hours a week may be permitted with approval by the city manager. The standard work week shall consist of the period from midnight Saturday to the following midnight Saturday. The standard work day shall consist of the period from midnight to midnight.
- (b) Different schedules to meet departmental operating needs shall be established and altered by department heads, with approval of the city manager. Temporary shifting of employees' working hours to meet routine needs shall be done as necessary and approved by the department head.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.60. - Overtime.

- (a) Generally. Overtime compensation will be paid to all employees except those in probationary, regular or acting positions determined to be exempt from the overtime requirements of the federal Fair Labor Standards Act. Overtime shall be paid at time and one-half of the employee's current rate of pay.
 - (1) All employees who are not exempt from the overtime requirements of the federal Fair Labor Standards Act and who are requested to work over eight hours in a day or 40 hours in a week shall be paid at time and one-half for overtime hours.
 - (2) Employees working ten hour shifts who are not exempt from the overtime requirements of the Federal Fair Labor Standards Act and who are requested to work over ten hours in a day or 40 hours in a week shall be paid at time and one-half for overtime hours.
 - (3) Regular employees who are not exempt from the overtime requirements of the Federal Fair Labor Standards Act and who work on a holiday shall be paid at time and one-half for all hours worked on such holiday in addition to holiday pay under section 3.50.
- (b) Approval of overtime work. All overtime worked must have the approval of the department head concerned prior to its performance, except in cases of emergency which preclude such prior arrangements, and shall be paid in accordance with applicable laws and policies. The department head or other person in charge of providing emergency service shall see that the overtime hours are



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properly recorded. The department head shall review the record and certify to the finance department any overtime approved for payment as soon as practical thereafter.

- (c) Overtime for police officers and police recruits.
- (1) Police officers. Police officers who are not exempt from the overtime requirements of the federal Fair Labor Standards Act shall be entitled to overtime pay when required to attend court session while not on regular duty.
 - (2) Police recruits. For each day that a police recruit attends or travels to or from the Department of Public Safety Academy, the recruit will be assigned an eight-hour uninterrupted and unpaid sleep period in compliance with the Federal Fair Labor Standards Act. All remaining hours will be considered hours worked and the recruit will be paid as follows:
 - a. Regular duty day. The recruit shall be paid for:
 1. Eight hours at the basic training rate determined pursuant to section 3.15.045.7, provided, however, that if the police recruit has worked more than 40 hours in the work week that portion of the eight-hour period that exceeds 40 hours in the work week will be paid at one and one-half times the basic training rate; and
 2. For eight hours at one and one-half times the basic training rate.
 - b. Regular day off, sixth and seventh day, and holiday. The recruit shall be paid for 16 hours at one and one-half times the basic training rate.
 - c. Training rate. The current rate of pay for a police recruit shall be reduced according to the following equation for the time that the recruit is traveling to or from or actually attending the Department of Public Safety Academy:
$$[(\text{Current hourly rate} \times 2080) \div 12] \times 0.00156 = \text{basic training rate}$$

In no event shall the basic training rate be below the minimum rate required by law.
- (d) Exceptions for shift rotation. An exception to overtime pay for work over eight hours in a 24-hour period is that due to shift rotation, provided there has been off-time of at least eight hours between shifts.
- (e) Shift differential. Shift differential compensation applies to all employees of those departments which schedule work 24 hours per day who are not exempt from the overtime requirements of the Federal Fair Labor Standards Act on the following bases:
- (1) Swing shift. The employee who is assigned to swing shifts shall receive two and one-half percent additional pay to his/her current salary for the period he/she serves on swing shift.
 - (2) Graveyard shift. The employee who is assigned to graveyard shifts shall receive five percent additional pay to his/her current salary for the period he/she serves on graveyard shift.

(Ord. 437, 1977; Ord. 594, 1987; Ord. 610, 1988; Ord. 94-33; Ord. 94-42; Ord. 95-01; Ord. 2000-011, § 1, 2000)



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3.15.61. - Stand-by time compensation.

- (a) A non-exempt, full-time employee assigned by his/her supervisor to be on stand-by during off-duty hours, under circumstances where the stand-by time does not qualify as hours worked, shall be compensated one hour of overtime pay for each stand-by period the employee is asked to serve when such stand-by is approved by the supervisor in writing.
- (b) A stand-by period is defined as the period from the time the employee leaves his/her work site after the conclusion of a normal work day to the following day when he/she is scheduled to return to work. When an employee is placed on stand-by during the weekend or on a holiday, each weekend day or holiday is considered a separate stand-by period. For example, an employee who normally works 8:00 a.m. to 5:00 p.m. Monday through Friday who is on stand-by from Thursday at 5:00 p.m. until 8:00 a.m. Friday morning will be entitled to one hour of overtime pay for one stand-by period. The same employee placed on standby from Friday at 5:00 p.m. until 8:00 a.m. Monday morning will be entitled to three hours of overtime for three stand-by periods (one stand-by period for Friday 5:00 p.m. to 8:00 a.m. Saturday, one stand-by period for 8:00 a.m. Saturday to 8:00 a.m. Sunday, and one stand-by period for 8:00 a.m. Sunday to 8:00 a.m. Monday).
- (c) The employee shall be required to be reachable by supervisors by telephone, radio or electronic paging device.
- (d) The employee is free to pursue personal activities as long as communications are possible and the employee is in a state of readiness to respond in a reasonable amount of time to a call for service.
- (e) If called to perform duties during the off-duty hours, the employee shall be compensated for a minimum of two hours at overtime rates addressed in section 3.15.060(a) and (b).

(Ord. 94-02; Ord. 2000-011, § 1, 2000)

3.15.065. - Clothing allowance.

Members of the police department shall be provided with two complete uniforms per year. All uniforms are the property of the city of Seward and shall be returned to the city before the separation from city service.

(Ord. 437, 1977)

3.15.075. - Pay for employees designated as trainee.

- (a) An employee who is appointed to a position as a trainee shall have his/her hiring rate of pay reduced from the first step of the assigned pay range by five percent for each six-month period of anticipated training required for the employee to reach full performance. Work performance of an employee in a training status shall be evaluated at least once every six months for the duration of the training.
- (b) Employees in training positions are entitled to all benefits available to regular employees. Trainees shall be hired in probationary status and shall be awarded a probationary pay increase, if earned. They are eligible for a step increase the same as regular employees upon reaching full performance. Length of service date shall be the date of appointment to trainee position; anniversary date shall be established as the completion of probation date.



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(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.80. - Changing pay range assignments.

When a pay range for a class of employees is readjusted for reasons such as reclassification or reassignment of duties, the base rate of employees occupying positions in the class shall be adjusted as follows:

- (1) Adjustments to higher pay range. If the pay range is adjusted upward, all employees in the positions affected shall be compensated at a rate equal to the employees pre-adjusted rate increased by one step for each pay range advanced, not to exceed the maximum of the new range. Future increases will be measured from the pay range as adjusted.
- (2) Adjustment to a lower pay range. If the pay range is adjusted to a lower range, employees in positions affected shall not receive reductions in their base rate salary upon pay range adjustment. If an employee's pre-adjustment base rate exceeds the maximum rate of the new pay range, the employee's rate of pay will remain unchanged until that rate corresponds with a step within the adjusted pay range.

(Ord. 437, 1977; Ord. 2000-011)

3.15.085. - Longevity bonus.

- (a) All regular employees, after completion of one year's service, equal to 2,080 hours, shall be paid longevity pay at the rate of one percent of his/her regular annual salary. Longevity pay shall be paid once each year on the first pay day of December.
- (b) Any break in city employment longer than 30 calendar days will advance the eligibility date by the number of days in excess of 30. Time served as temporary employee shall not be included.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.090. - Retirement.

The city has in effect a retirement plan with the Public Employees Retirement System (PERS) for all eligible city employees as set forth by city council.

(Ord. 437, 1977; Ord. 636, 1990; Ord. 2000-011, § 1, 2000)

3.15.095. - Insurance and medical benefits.

- (a) Regular city employees shall be entitled to participate in the group life and health program administered by the city manager and approved by the city council, provided they work an average of 30 hours per week. The city shall contribute to each employee's group health premium up to the maximum amount determined from time to time by the city manager and approved by the city council. Absences due to paid leaves, some cases of leave without pay and those absences covered by workers' compensation shall not interfere with those benefits.



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- (b) The personnel officer shall provide all eligible employees with applications and information concerning these programs; the finance department shall provide for payroll deductions to cover the employees' premiums.

(Ord. 437, 1977; Ord. 96-04; Ord. 2000-011, § 1, 2000)

3.15.100. - Effective date of changes in pay.

- (a) Generally. Effective date of personnel transactions and implementing classification, reclassification and special merit increases shall be the beginning date of the pay period following effective date of change.
- (b) Regular merit and probationary increases. Effective date of personnel actions implementing approved regular merit and probationary increases shall be the day following completion of specific period of service, or such later date as a deferred request may be approved.
- (c) Promotions, reassignments and reinstatements. Effective date of personnel actions implementing approved promotions, reassignments and reinstatements shall be the first day of the new approved status.
- (d) Executions. Nothing in this section shall prohibit retroactive pay approved by the council or required because of administrative oversight or error.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

Chapter 3.20. - Recruitment

3.20.10. - Policy.

It shall be the policy of the City of Seward to recruit and select the most qualified person for positions in the city's service. To ensure that this policy is carried out, it shall be the responsibility of the appointing authority to:

- (a) Conduct recruitment and selection in an affirmative manner to ensure open competition;
- (b) Provide equal employment opportunity;
- (c) Prohibit discrimination because of race, age, disability, political affiliation, religion, sex, color, pregnancy, ancestry, marital status, veteran status, national origin or any other discriminatory factor prohibited by law. The standards set forth in the American with Disabilities Act of 1990 will be followed in the selection of employees of the city.

(Ord. 437, 1977; Ord. 551, § 2, 1985; Ord. 92-22; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.20.015. - Recruitment method.

The appointing authority shall develop and conduct an active recruitment program designed to meet current and projected work force needs. Recruitment will be tailored to the various classes of positions to be filled and will be directed to all sources likely to yield qualified candidates.



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(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.20.020. - Job announcements and publicity.

In order to attract an adequate number of candidates for present or anticipated vacancies and to permit successful competition with other employers, the personnel officer shall issue job announcements and otherwise publicize vacancies through such media which will include, but not be limited to, the local newspaper. Job announcements shall be clear and readable. They shall include the job title, salary range, job qualification requirements, examination information (including the time, place and manner of completing applications and other pertinent information). Publicity for job vacancies shall be conducted for a sufficient period of time to ensure reasonable opportunity for persons to apply and be considered for employment. In any event, job vacancies shall be formally announced at least ten calendar days prior to the closing date for filing applications. The city manager may also initiate continuous recruitment programs for any class of positions as appropriate. All job announcements for regular appointments shall be publicized first to all city employees at least five calendar days prior to advertising publicly (see also section 3.25.020).

(Ord. 437, 1977; Ord. 587, § 1, 1987)

3.20.025. - Application form.

All applications for employment shall be made on forms prescribed by the appointing authority. Such forms shall require background information to include training, experience and other pertinent information. All applications must be signed and the appointing authority shall require proof of statements. Application forms shall not elicit any information concerning race, politics, religion, national origin, marital or family status.

(Ord. 437, 1977; Ord. 95-05)

3.20.030. - Physical examinations.

Employees in positions with high physical risk shall have the following physical examination to be paid for by the city:

Pre-employment examination. A pre-employment examination by the physician of the employee's choice; provided, however, that the cost of the examination shall be deducted from the employee's final pay check if he/she voluntarily terminates employment 90 days or less from the date of hire.

(Ord. 437, 1977; Ord. 593, 1987; Ord. 2000-011, § 1, 2000)

3.20.035. - Rejection of applicants.

(a) The appointing authority may reject any application which indicates that the applicant does not have minimum qualifications established for the position. Applications may also be rejected if the applicant:

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



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- (2) Is unable to meet the physical, mental or other requirements which have been demonstrated as necessary to perform the work of the position provided, however, that the city shall comply with all applicable provisions of the Americans with Disabilities Act of 1990;
 - (3) Does not meet the legal age limits or other requirements established by state law;
 - (4) Has established an unsatisfactory employment record of such nature as to demonstrate unsuitability for the position.
- (b) Whenever an application is rejected, notice of such rejection shall be promptly made to the applicant.

(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.20.040. - Pre-employment screening.

For all regular city positions new hires will be required to undergo a criminal background check. A criminal background check will be required for temporary positions requiring public security, administrative confidentiality, working with youth, or cash handling.

(Ord. 2000-011, § 1, 2000)

Chapter 3.25. - Selection

3.25.010. - Selection devices.

The appointing authority, in conjunction with the department heads supervising the positions, shall determine the selection device or devices to be used to obtain the best qualified candidates for each position. Such selection devices may include work sample or performance tests, practical written tests, individual physical examinations, background and reference inquiries and evaluation of training and experience provided, however, that the city shall comply with all applicable provisions of the Americans with Disabilities Act of 1990.

(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.25.015. - Confidentiality.

Selection material shall be disclosed only to the city manager, personnel officer and the concerned department head and supervisor. Every precaution shall be exercised by all persons participating in the development and maintenance of selection materials to maintain the highest level of integrity and confidentiality.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.25.020. - Open competitive selection.

Job vacancies not filled by promotion or reassignment shall be open to all city employees who meet the prescribed minimum qualifications for the position.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)



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3.25.025. - Promotional selection.

Promotional selection shall be open to all city employees who meet the prescribed minimum qualifications for the position.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.25.030. - Method of rating.

The appointing authority shall establish a minimum or passing rating for each device used in the selection process. The final rating shall be determined for applicants with passing ratings in accordance with the weight established for each device as contained in the job announcement.

(Ord. 437, 1977; Ord. 95-05)

3.25.035. - Probationary period.

- (a) Generally. All appointments are subject to a probationary period of six months prior to the acquisition of regular status. Probationary employees must obtain at least a satisfactory performance rating at the completion of their probationary period in order to obtain regular status. Probationary periods can be extended if deemed necessary by the employee's supervisor. New hires in probationary status may be terminated at any time during their probationary period with no recourse to the grievance procedure.
- (b) Reassigned employee probationary. When an employee is reassigned to a position where he/she previously held regular status, no probationary period shall be served. When an employee is reassigned to a position where he/she did not hold regular status, the department head shall decide whether a probationary period shall be served, subject to the approval of the city manager. The employee concerned shall be notified in writing of the decision before reassignment is accomplished.
- (c) Promoted employee probationary. When it becomes clear that an employee serving a promotional probationary period is not performing adequately, the employee shall be so informed in writing with a copy to the appointing authority. If reassignment is found to be necessary, the employee shall be reassigned to a position in his/her previous class and his/her anniversary date shall remain unaffected.
- (d) Reinstated employee probationary. An employee reinstated within two years of termination shall not be required to serve a probationary period unless rehired into a different position than previously served or if the previous probationary period was not completed.
- (e) Sworn officers of the police department. Sworn officers of the police department are required to serve the probationary period established by the Alaska Police Standards Council in addition to the probationary period established by the city. These periods shall run simultaneously.

(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.25.040. - Temporary, seasonal and on-call appointments.



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- (a) Temporary appointments shall not exceed nine consecutive months. No temporary employee shall work more than nine months in a calendar year. Consecutive nine month appointments cannot be served over adjoining years without a break in service as defined in section 3.01.035.
- (b) Seasonal appointments shall be made on a seasonal basis with the expectation that the employee will return to their position consistent with the city's needs, although the hiring will be temporary pursuant to section 3.25.040(a). No employee shall have the absolute right to continued employment in any particular position.
- (c) Employees hired on a temporary or seasonal basis with prior city work status may be given preference for reemployment on the recommendation of the department head and approval of the city manager. Job announcements for temporary or seasonal positions shall contain notice that persons with prior city work status may be accorded preference for re-employment.
- (d) Employees may be hired on an on-call basis upon the recommendation of the department head and approval of the city manager. On-call appointments may be for an indefinite duration.

(Ord. 437, 1977; Ord. 587, § 2, 1987; Ord. 95-14; Ord. 2000-011, § 1, 2000)

3.25.045. - Emergency appointments.

The appointing authority may authorize emergency appointments not to exceed 30 calendar days without recourse to usual certification procedures. Such appointments shall be made only in cases of an unforeseen emergency and when necessary to prevent impairment to city services. Emergency appointments are not entitled to any benefits.

(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.25.050. - Term appointments.

The appointing authority, or a department head with the approval of the city manager, may appoint term employees. A term employee is an employee in a position, full or part-time, that is designed for a specified period of time of more than nine months and less than two years for a specific purpose or project. A person hired for a term appointment shall be hired under the same provisions and have the same benefits as a regular employee, except that a term employee appointed to a position of less than one year shall not accumulate annual leave or be authorized military or education leave. However, annual leave shall be credited retroactive to the date of term appointment if a term employee is appointed as a regular employee without a break in service as an employee of the city.

(Ord. 92-18; Ord. 95-05; Ord. 95-14; Ord. 2000-011, § 1, 2000)



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Chapter 3.30. - Performance Evaluation

3.30.010. - Purpose.

The primary purpose of the employee performance evaluation program is to inform employees how well they are performing and to offer constructive criticism on how they can improve their work performance. Performance evaluation shall also be considered in decisions affecting salary advancement, promotions, reassignments, dismissals, order of layoff, order of reemployment, placement and training needs.

(Ord. 437, 1977)

3.30.015. - Administration.

The appointing authority shall administer the evaluation of employee performance. Administering the evaluation of employee performance shall include advising and assisting employees, rating officers and reviewing officers to assure that performance evaluation procedures are handled in accordance with the provisions stated in this chapter.

(Ord. 437, 1977; Ord. 610, 1988; Ord. 95-05)

3.30.20. - Periods of evaluation.

Each regular employee shall have his/her performance evaluated the following times:

- (1) End of probationary period. Each employee shall be evaluated approximately ten days prior to the completion of his/her probationary period. The employee must have an overall evaluation of at least "satisfactory" in order to become a regular employee.
- (2) Annual. Each employee shall receive an annual performance evaluation on or near his/her anniversary date except department heads and city manager staff shall receive an annual performance evaluation in January of each year. The employee's performance must have been satisfactory for at least six months immediately prior to his/her annual performance evaluation in order to receive a step increase.
- (3) Special. A special performance evaluation may be completed when there is a significant change either upward or downward in the employee's performance. A special performance evaluation shall be completed when a supervisor permanently leaves his/her position. The supervisor shall complete a performance report on each employee under his/her supervision who has not been evaluated within six months prior to the date the supervisor is to leave his/her position.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000; Ord. 2000-15, § 1, 2000)

3.30.025. - Evaluator and form of evaluation.

- (a) Rating officer. The rating officer shall be the employee's immediate supervisor. The rating officer shall be responsible for completing a performance evaluation on the form provided and approved by the city at the time prescribed for each employee under his/her supervision. In the case of unsatisfactory performance, the rating officer will include written comments as to remedial actions



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required by the employee. The completed evaluation shall be discussed with the employee, and the employee will be allowed to add comments if desired. After the discussion is completed, both the rating officer and the employee shall sign the completed evaluation form.

- (b) Reviewing officer. The reviewing officer shall be the rating officer's immediate supervisor. The reviewing officer shall review the performance evaluation report completed by each rating officer under his/her jurisdiction before the report is discussed with the employee. The reviewing officer shall consider the performance evaluations completed by the rating officer when evaluating the rating officer's performance. The reviewing officer for a department head acting as rating officer shall be the appointing authority. There shall be no review of the appointing authority acting as rating officer.

(Ord. 437, 1977; Ord. 468, 1978; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.30.030. - Review of performance report.

The rating officer shall discuss the performance evaluation report with the employee before the report is made part of the employee's personnel file. Before discussing with an employee a performance evaluation report recommending the denial of a step increase the rating officer shall discuss the report with the reviewing officer and the appointing authority.

(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)

3.30.035. - Unsatisfactory evaluation.

Employees who receive an overall rating of "unsatisfactory" on their annual evaluation shall not be eligible to receive a step increase (see section 3.15.035).

(Ord. 437, 1977)

3.30.040. - Employee appeal procedure.

See section 3.40, grievance procedure.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.30.045. - Disciplinary action.

All employees shall be informed of standards of performance and personal conduct of city employees in various positions. Employees shall be acquainted with the various provisions of disciplinary action regulations. All city employees shall have in their possession a copy of an up-to-date personnel regulations manual. A copy is always available in the personnel officer's office.

(Ord. 437, 1977)

3.30.050. - Disciplinary action procedure.



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- (a) All disciplinary actions, except oral admonitions, shall be documented in writing and presented to the employee and placed in the employee's personnel file. The letter shall be reviewed with the employee and sincere efforts shall be made to obtain agreement with the employee that facts are stated correctly, that the inappropriate or incorrect behavior did occur, that it did represent behavior that should be disciplined, that the discipline is appropriate and that the behavior will not be repeated. If errors are found, the letter shall be redone and again reviewed. Comments of the employee shall be entered under that heading. He/she shall be requested to sign the memo and informed that his/her signature indicates only his/her agreement that the memo accurately records the discussion. If he/she refuses to sign the memo, the statement shall be entered: "(Employee's Name) read the contents on (date) and refused to sign."
- (b) One copy of each completed report shall be forwarded immediately to the city manager's office for review and inclusion in the employee's personnel file. A copy shall be given to the employee. The supervisor may, if necessary, complete reviews of the employee's progress in correcting the cause of the original action at scheduled intervals throughout the following 12 months. These reports shall be made in writing. Upon request of the employee, 12 months from the date of the action concerned, the city manager shall review the disciplinary action and if no subsequent report of similar violations has been made, the department head shall be notified to return department and division copies to the affected employee. The original shall be sealed in a confidential envelope and replaced in the employee's personnel file. The envelope shall not be referred to again unless there is a later occurrence requiring further discipline.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.30.055. - Suspension without pay. [\[2\]](#)

Except as this section provides otherwise, the appointing authority, or a department head with prior approval of the city manager, may suspend an employee without pay (i) for cause for a period not to exceed thirty calendar days in any calendar year or (ii) while disciplinary charges against the employee are pending final disposition. A suspension shall be recorded in writing. All documents shall be reviewed with the employee immediately after preparation if possible. Following this action, a copy shall be given to the employee and a copy forwarded immediately to the appointing authority. (see also section 3.55.020).

(Ord. 437, 1977; Ord. 94-01; Ord. 95-05; Ord. 2000-011, § 1, 2000)

Footnotes:

--- (2) ---

See § 3.55.020, Dismissal for disciplinary reasons.



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3.30.060. - Reassignment.

An appointing authority may reassign an employee for any reasonable administrative reason, for disciplinary reasons in accordance with other provisions of these regulations, or upon the request of the employee. Reassignment for disciplinary reasons is considered as a more moderate penalty than dismissal and may be offered in lieu thereof, as approved by the city manager, when mitigating circumstances warrant such leniency (see also section 3.15.045(3)).

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

Chapter 3.35. - Employee Development

3.35.10. - Purpose.

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

- (1) Improve the quality of services to the city;
- (2) Equip employees for career advancement within the city service;
- (3) Provide a reservoir of occupational skills necessary to meet current and future employment needs.

(Ord. 437, 1977)

3.35.015. - Development and administration.

- (a) The city manager shall have overall responsibility for the development, administration and coordination of the employee development program and shall:
 - (1) Assist the department heads in developing and implementing employee development programs to meet the current and future needs of their departments and to increase employee efficiency;
 - (2) Conduct or coordinate employee development programs to meet the common needs of all departments;
 - (3) Maintain a file of current information and materials on job requirements, training opportunities, employee development manuals and other employee development literature;
 - (4) Maintain a record of all training conducted and ensure that authorized employee development programs are properly administered;
 - (5) Periodically analyze and evaluate the overall development needs of employees within the city service;
 - (6) Assure that all employees receive equal consideration for appropriate training opportunities;
 - (7) Assure that employee personnel files are updated upon successful completion of any employee development activities to insure maximum consideration for placements, transfers and promotions.



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- (b) Department heads shall provide active leadership in developing the employees under their supervision. In this capacity, they shall:
- (1) Cooperate closely with the city manager in determining the current and future employee development needs in the department;
 - (2) Participate with the city manager in developing and implementing employee development programs;
 - (3) Budget sufficient funds to secure needed career development programs;
 - (4) Evaluate the effectiveness of completed career development programs and make recommendations for improvement where appropriate;
 - (5) Assure that employees are provided with sufficient time to participate in career development programs.

(Ord. 437, 1977)

Chapter 3.40. - Grievance Procedure

3.40.010. - Policy.

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

(Ord. 437, 1977)

3.40.015. Discussion of a problem with supervisor.

Any employee having a problem regarding employment shall first and promptly discuss the problem with the immediate supervisor. Where an employee disagrees with the supervisor's decision regarding a complaint, the employee may document the disagreement for placement in their personnel file. If the problem is not settled, the problem may be defined as a grievance, and the employee has the right to present the grievance in accordance with the procedure outlined in Section 3.40.030. No employee shall be intimidated, harassed, retaliated against or reflect in their evaluation because they bring forward a problem, concern or grievance.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.40.020. Definition of a grievance.

A grievance is a written complaint by the employee or group of employees alleging a specific violation of rights under or failure to apply a section or sections of the city charter, city code, personnel rules and regulations or misapplication or interpretation thereof, or departmental rules and regulations, which directly pertain to the terms or conditions of employment of such employee or group of employees by the City of Seward.

A grievance is not to resolve general complaints or concerns regarding other employees. Complaints are resolved at the department level. Personnel policies and Code guide the behavior and actions of



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employees; the grievance process addresses the violation, misapplication or interpretation, or neglect of those policies and Code.

(Ord. 437, 1977)

3.40.0125. Supervision of grievance procedure.

The appointing authority (City manager, or in regard to the City Clerk's office, the City Clerk,) shall oversee the handling of all employee grievances so that they are processed in accordance with the procedures stated in this chapter. Supervisors and department heads shall keep the appointing authority and Personnel Officer informed of all grievances in progress.

Assistance in understanding the grievance procedure will be provided by the Personnel Officer if requested.

(Ord. 437, 1977; Ord. 610, 1988; Ord. 95-05)

3.40.030. Grievance procedure steps.

General grievances.

Disciplinary grievances involving dismissal, demotion, or unpaid suspension of more than one week for regular non-appointed employees will proceed directly to hearing in section B below. All other grievances shall be handled in the following manner:

Step 1. An employee shall present their grievance to their immediate supervisor within fifteen (15) working days from the time of occurrence of the problem. The supervisor shall attempt to resolve the problem within ten (10) working days after the grievance is timely received from the employee.

Step 2. If the employee has not received an answer from the immediate supervisor within ten (10) working days, or if the employee feels the answer received is not satisfactory, s/he will reduce to writing the facts and circumstances of the grievance and present the written statement to their Department Head within ten (10) working days after the supervisor's deadline in Step One. The Department Head will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The Department Head will notify the employee of their decision within five (5) days following the meeting date.

In regard to employees of the Office of the City Clerk, non-disciplinary grievances not resolved at Step 1 will be forwarded to Council in a confidential informational memorandum and will not proceed to Step 3.

Step 3. If the employee has not received an answer from the Department Head within five (5) working days, or if the employee believes the answer received is not satisfactory, s/he may

appeal in writing to the City Manager within five (5) working days after the supervisor's final deadline in Step Two. The City Manager, or Acting City Manager, will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The City Manager, or Acting City Manager, will notify the employee of their decision within five (5) days following the meeting date. For any grievance not involving a substantive disciplinary action (unpaid suspension of more than one week, demotion or termination of employment) and not involving the violation, misapplication, or



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interpretation or neglect of federal, state, or city code, the decision of the City Manager is final.

The City manager shall maintain a confidential file containing all Step 3 grievance responses and will provide a general summary of the prior year for review by the City Council annually in executive session, without identifying specific employee information.

Significant disciplinary grievances and violations of City Code.

Within seven (7) calendar days of an employee's receipt of a timely request for arbitration, the Personnel Officer shall secure the assignment of a hearing officer from the State of Alaska Office of Administrative Hearings, under AS 44.64.030(b), or shall provide the employee with a list of names of at least three (3) Alaskan arbitrators. To be included on this list, a proposed arbitrator shall be a member in good standing with the Alaska Bar Association, preferably with at least five (5) years of experience in employment law; be a current or retired judge with the Alaska Court System; or be an arbitrator in good standing with a recognized state or national association of arbitrators, such as the American Arbitration Association. The employee shall have seven (7) calendar days from receipt of the list to select an arbitrator from the list. Once an arbitrator is appointed, the parties shall confer with the arbitrator and select an acceptable date for the arbitration. Unless otherwise noted by the director, the arbitration shall be held at City Hall.

The arbitrator shall conduct the hearing according to generally accepted standards and procedures for grievance arbitration. The fact that the City may have considered the merits of the grievance at any point of the grievance procedure shall not constitute a waiver of the City's right to contest the arbitrability of the underlying grievance.

The employee may be represented at arbitration by a duly authorized representative. If the employee will be represented at arbitration, written notice of such representation shall be provided to the Personnel Officer at least ten (10) calendar days before the date set for the arbitration. Once the Personnel Officer receives notice of such representation, the City shall communicate directly with the representative on all matters concerning the arbitration, unless otherwise agreed to by the representative.

The arbitrator shall have no authority to add to, alter, delete, or modify any statute, regulation, ordinance, or labor agreement, or to issue any award on a

matter not raised in the complaint filed by the employee. The arbitrator shall not make any award involving payment to a party for events, actions, or omissions giving rise to the grievance.

The decision of the arbitrator shall be final and binding on all parties and shall only be subject to appeal in the superior court in accordance with AS 9.43.120 — 9.43.150. Either party may make application to the superior court to enforce a decision of the arbitrator.

In the application of this section, the term "employee" shall include any duly authorized representative of the employee who alleges a grievance.

Nothing in this section shall be construed to prevent settlement of a grievance by mutual agreement of the parties at any time. The expenses of the arbitrator shall be borne by the city.

Submission of a grievance to arbitration shall not act as a stay of any action unless a stay is expressly approved by the manager or his designee.



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The provisions for grievance or arbitration contained in this section shall not apply to employees who have not successfully completed the probationary period required by Code at the time of the alleged action or omissions, or to executive employees. Probationary employees may be subject to discipline without grievance appeal or pre-disciplinary hearing and may be terminated in accordance with SCC 3.25.035(a).

3.40.035. Employee representation.

Each employee shall be afforded an opportunity to be represented at each of the above steps by a representative of his/her choice. Employees shall contact and discuss their problems with their representative only during break periods, lunch hour, before or after work or at any other time when they are not on duty. However, grievance hearings may be held during work hours.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

Time limits.

If the grievance procedures are not initiated within the time limits established by this chapter, the employee shall be considered as having waived his/her right to grieve the particular violation and initiation of a grievance for the same act or omission is thereafter barred.

Any grievance not taken to the next step of the grievance procedure within the time limits established by this chapter shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this chapter.

If the city fails to meet or answer any grievance within the time limits prescribed for such action by this chapter, such grievance shall automatically advance to the next step.

(Ord. 437, 1977; Ord. 610, 1988; Ord. 2000-011, § 1, 2000)

3.40.045. Extension of time limits.

The time limits prescribed in this chapter for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties so involved. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties. Although all efforts should be made to comply with the time limits for initiation and completion of the steps in this grievance procedure, each time limit may be waived for excusable neglect or impossibility such as illness or planned leave.

(Ord. 437, 1977; Ord. 610, 1988)

3.40.050. No discrimination or reprisals.

Employees are entitled to have grievances resolved without fear of recrimination or penalty. Employees shall be free from interference, restraint, coercion, discrimination or reprisal in utilizing or for utilizing the grievance procedures contained in this chapter. Employees shall be free from interference, restraint, coercion, discrimination or reprisal in testifying in a grievance procedure conducted under this chapter.

(Ord. 437, 1977; Ord. 92-23)



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Chapter 3.45. - Annual Leave

3.45.010. - Annual leave entitlement.

Regular employees shall be entitled to leave accrual benefits.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.45.015. - Annual leave accrual rate.

- (a) Annual leave shall accrue at the following rates for full-time personnel based upon continuous length of service:
- (1) For personnel with less than three years of service, the accrual rate shall be 13 1/3 hours per month of service or 160 hours per year;
 - (2) For personnel with three to six years of service, the accrual rate shall be 16 2/3 hours per month of service or 200 hours per year; and
 - (3) For personnel with six years of service or more, the accrual rate shall be 20 hours per month of service or 240 hours per year.



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- (b) Within the discretion of the city manager, annual leave accrual for department heads may be increased at the time of initial appointment by applying section 3.45.015(a)(2) in place of section 3.45.015(a)(1). A department head initially hired with leave established under section 3.45.015(a)(2) may achieve leave under section 3.45.015(a)(3) after three years of service.
- (c) No leave request will be honored unless it is determined that the employee has a sufficient annual leave balance. It will be the decision of the city manager to grant leave without pay.

(Ord. 437, 1977; Ord. 612, 3, 1989; Ord. 92-11; Ord. 2000-011, § 1, 2000)

3.45.020. - Leave accrual while employee is on paid leave.

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

(Ord. 437, 1977; Ord. 2000-011)

3.45.025. - Computation of leave accrual for regular part-time employees.

Regular part-time employees shall accrue leave at the same rate as regular full-time employees, except that leave shall be in the proportion of actual hours worked to the number of normal duty hours in a month for a full-time employee.

(Ord. 437, 1977; Ord. 2000-011)

3.45.030. - Temporary appointment leave accrual.

Temporary appointments shall not accrue leave.

(Ord. 437, 1977)

3.45.035. - Maximum hours which may be in annual leave balance.

The maximum leave which may be in annual leave balance is 720 hours.

(Ord. 2000-011)

3.45.040. - Annual leave use.

- (a) Timing of use. Employees who are entitled to accrue annual leave upon satisfactory completion of their initial probationary period shall receive credit for annual leave accrued since date of appointment. Leave shall be due and usable upon completion of probationary period.
- (b) Regular use of annual leave. Annual leave may be used for any purpose desired by the employee. The employee has the right to determine when he/she shall use it. He/she shall be allowed to use any amount of annual leave at the time he/she desires that will not be detrimental to departmental operations, as determined by the department head. When the need for annual leave is foreseeable, annual leave should be requested on the proper form at least 30 days in advance. If the exact date



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upon which annual leave will be commenced cannot be precisely determined, or if the need for annual leave is not foreseeable, notice must be given as soon as practical under the circumstances. If the employee desires to change or extend the dates of scheduled annual leave, the employee shall notify employee's immediate supervisor as soon as possible. Requests for changes or extensions of leave other than for FMLA leave may be denied unless adequate notice is provided.

(c) Amount of leave which must be taken yearly.

(1) The minimum numbers of hours of annual leave that must be taken yearly are as follows:

- a. For personnel with less than three years of service, 40 hours of leave must be used;
- b. For personnel with three to six years of service, 60 hours of leave must be used;
- c. For personnel with six years of service or more, 80 hours of leave must be used.
- d. These limitations shall not apply to new employees until January 1 of the second calendar year following date of hire.

(2) It shall be the responsibility of the department head to see that each employee under his/her supervision has taken the minimum annual hours of leave required by this section. The department head shall provide in writing to the city manager the reasons an employee in his/her department failed to take the minimum annual leave hours required. Such letter shall be made a part of the personnel file of the employee in question. The city manager may waive these leave use requirements.

(d) Recognized holiday occurring during annual leave. A recognized holiday occurring during an employee's annual leave shall not be counted as a day of annual leave.

(e) Medical certification.

(1) When, because of a serious health condition of the employee or the employee's family member as defined in the FMLA and FMLA case law, the employee seeks annual leave the city reserves the right to require the employee, at employee's own expense, to obtain medical certification of the need for or duration of leave on a form provided by the city. The city may request a medical certification, in writing:

- a. Within two business days after the employee gives notice of the need for leave;
- b. Within two business days after leave commences if no prior notice was given by the employee; or
- c. When the city has reason to question the appropriateness of the employee's use of annual leave or the duration of annual leave being used.

(2) When a medical certification is requested by the city, the employee must provide said certification within 15 calendar days unless it is not practical to do so despite good faith efforts on the part of the employee.

(3) If the city questions the adequacy of a medical certification the city can, at its own expense, require a second opinion by a health care provider of its choice. If the first and second opinions conflict, the city can require, at its expense, a third opinion from a health care provider agreed to by both the city and the employee. The third opinion is binding.

(4) If a medical certification is requested by the city but is not submitted by the employee within the time frame specified above, or if the medical certification does not substantiate the need



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for leave and/or the duration of leave taken, the employee will not be considered to be on FMLA leave and may be subject to disciplinary action for failing to receive prior approval for leave without pay. Pending receipt of the second and/or third opinion, if any, the employee is provisionally entitled to annual leave.

- (5) a. The city may require, at the employee's expense, recertification every 30 days for pregnancy or chronic or permanent conditions under the continuing supervision of a health care provider. If the circumstances described by the previous certification have changed significantly or the city receives information that casts doubt upon the employee's stated reason for the absence in which case the city may seek recertification at the employee's expense more often.
 - b. If the original certification states a minimum period that an absence will be required, the city may not request recertification until that period has passed unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the employer receives information that casts doubt upon the continuing validity of the certification.
 - c. The employee must provide a required recertification within 15 calendar days unless it is not practical under the circumstances to do so despite the employee's good faith efforts.
- (6) Fitness for duty certifications. If an employee is absent for more than three consecutive work days due to a serious health condition, a fitness-for-duty certificate completed by the employee's health care provider may be requested upon return to work.
- (f) Death in immediate family. Regular employees shall be entitled to a bereavement leave of five days for use upon the death of members of the immediate family limited to one time per calendar year. Leave without pay up to an additional five days will be granted and may be extended with approval by the city manager. As related to this section, "immediate family" means the following: spouse, father, mother, brother, sister, son, daughter, grandfather and grandmother (including adopted, step or foster, but NOT in-laws).

(Ord. 437, 1977; Ord. 468, 1978; Ord. 92-11; Ord. 2000-011; Ord. 2002-04)

3.45.045. - Exceptions.

Whenever, in the opinion of the city manager, it is not feasible nor in the best interest of the city service to grant leave to any employee, such employee shall not be penalized by loss of earned annual. The decision of the city manager shall govern as to the future expenditure of such leave.

(Ord. 437, 1977; Ord. 2000-011)

3.45.050. - Cash-in-lieu-of annual leave.

- (a) Any employee who has a balance of more than 240 hours of annual leave may submit a request to cash-in any number of annual leave hours at the employee's regular rate of pay so that the balance of remaining leave does not reduce the leave balance below 240 hours. An employee may submit such leave cash-in requests no more than twice in any given fiscal year.



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- (b) The leave use requirements as stated in § 3.45.040 are not diminished or alleviated by cash-in of annual leave.
- (c) In documented cases of unforeseen financial emergencies, consistent with city policies of deferred compensation cash-in, the city manager may authorize the city to purchase an employee's annual leave at his/her regular rate of pay, provided that in no case shall a cash-in be allowed to reduce an employee's annual leave balance below 40 hours.
- (d) Donation of annual leave to another employee will be allowed in cases of serious, unforeseen medical emergency circumstances and upon approval by the city manager. The value of the donated leave time will be computed at the regular rate of pay of the donating employee and converted into hours of equal value based upon the regular rate of pay of the receiving employee. All guidelines set forth by the city manager shall be observed.

(Ord. 572, 1986; Ord. 93-24; Ord. 96-14; Ord. 2000-011)

3.45.055. - Disposition of annual leave balance upon separation.

Upon separation during initial probation, annual leave shall not be granted nor paid to the employee. In other separations, the annual leave balance shall be paid in a lump sum based on the employee's regular rate of pay.

(Ord. 437, 1977; Ord. 2000-011)

3.45.060. - Reinstated employee leave.

Reinstated employees hired within two years of termination, who have had at least one year of total service and who have successfully completed their probationary period in previous service, shall be permitted to use their annual leave immediately.

(Ord. 437, 1977; Ord. 2000-011)

3.45.065. - Military leave.

Absence from city duty for the purpose of participating as a member of a United States reserve component, either in active military service of the state or in military training, is authorized and will be treated administratively (in the case of the employee who has completed probationary service) in such manner that the individual will not suffer a decrease in income or a loss of benefits during the first 30 days of the military active duty or training period. The city manager will be provided with a copy of the individual's orders to duty. The absence will be recorded during the first thirty calendar days as administrative leave without charge to annual leave. For not to exceed this period, the city will pay the difference between the amount paid by the military, excluding allowances, and the sum the employee would have received for city work during the same period at the regular rate. An employee called to active duty for a period exceeding 30 calendar days shall be granted a leave of absence without pay for a period terminating 90 calendar days beyond termination of such active duty.

(Ord. 437, 1977)



3.45.070. - Jury duty leave.

Jury duty shall be treated as administrative leave from city duty without loss of longevity, leave or pay. Service in court when subpoenaed as a witness on behalf of the city, or when called as an expert on a matter of city concern, or relating to a municipal function, will be treated the same as jury duty. In order to be entitled to jury leave, the employee shall provide the department head with written proof of the requirement of his/her presence for the hours claimed. Fees paid by the court (other than travel and subsistence allowance) will be turned in to the city, except that fees paid for court duty which occurs on the employee's normal non-work days may be retained by the employee. Witness service for the purpose other than just described will be covered by annual leave or leave without pay and any fees received in this connection may be retained by the individual.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.45.075. - Leave without pay.

- (a) Purpose and conditions. Leave without pay may be granted to an employee upon recommendation of the department head and approval of the city manager. Each request for such leave shall be considered in the light of the circumstances involved and the needs of the city. Leave without pay shall not be requested nor granted until such time as all annual leave has been exhausted, except when an employee is absent and drawing workers' compensation pay. Normally, not more than 60 calendar days leave without pay may be granted for personal reasons. No benefits will accrue while on leave without pay except medical insurance which will continue to be paid as long as the employee is employed by the city.
- (b) Education leave without pay. Leave without pay may be granted to an employee for training in subjects related to his/her public service. Employees who have demonstrated above average performance with the city for a minimum of two years of service shall be considered for such leave, providing the work situation permits a temporary absence without serious effect upon the department's schedule of activities. A maximum of 90 days leave may be granted in such cases. No benefits shall accrue while on this type of leave without pay, except medical insurance, which will continue to be paid as long as the employee is employed by the city.
- (c) Notice employees seeking leave without pay for any reason are required to request such leave at least 30 days before the leave without pay is to begin if the need for leave is foreseeable. If 30 days notice is not practical, notice must be given as soon as possible under the circumstances. If employee desires to change the dates of scheduled leave without pay or extend the period of leave without pay, the employee shall notify employee's immediate supervisor as soon as possible. Requests for changes or extensions of leave other than for FMLA-qualifying leave may be denied at the sole discretion of the city manager.
- (d) When, because of a serious health condition of the employee or the employee's family member as defined in the FMLA, the employee seeks leave without pay the employee must comply with the medical certification requirements contained in section 3.45.040
- (e) Fitness for duty certifications. An employee who takes leave without pay for a serious health condition shall comply with the fitness for duty certifications requirements contained in section 3.40.040.



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(Ord. 437; 1977, Ord. 92-21, Ord. 94-21; Ord. 2000-011, § 1, 2000)

3.45.080. - Change of anniversary date due to leave without pay.

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

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.45.085. - Unauthorized leave.

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

(Ord. 437, 1977)

3.45.090. - Education leave with pay.

Leave with pay, not to exceed three months, may be authorized to include time to complete advance training programs. Employees who have demonstrated above average performance with the city for a minimum of two years of service shall be considered for such leave, providing the work situation permits a temporary absence without serious effect upon the department's schedule of activities. Should an employee terminate prior to working one year after completion of the approved training program, the employee will be subject to forfeiture of annual leave or salary in the amount equal to salary paid to the employee during the training program.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.45.095. - Family and medical leave.

- (a) Generally. Family and medical leave will be provided as required by state and federal law and case law in effect at the time that the employee requests family and medical leave. Eligible employees are entitled, pursuant to state and federal law, to take FMLA leave:
- (1) For the birth of a child of the employee, the adoption of a child by the employee, or for the placement of a foster child with the employee;
 - (2) To care for the employee's spouse, son, daughter, or parent with a serious health condition; or
 - (3) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
- (b) Substitution of annual leave. An eligible employee taking family and/or medical leave under state and federal law for any reason is required to substitute annual leave for such leave until all annual leave is exhausted. Once annual leave is exhausted, any remaining period of family and/or medical leave will be leave without pay.
- (c) Calculating entitlement. State law entitles an eligible employee to take, for certain qualifying reasons up to 18 work weeks of medical leave in a 24-month period and 18 work weeks of family leave in a



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12-month period. An eligible employee's FMLA leave entitlement will be calculated using a rolling entitlement period measured backward from the date the leave is used.

- (d) Notice. When an employee is required to substitute annual leave for unpaid FMLA leave the employee shall comply with the notice requirements found in section 3.45.040. When an employee intends to use unpaid FMLA leave the employee shall comply with the notice requirements found in section 3.45.075.
- (e) Medical certifications. When, because of a serious health condition of the employee or the employee's spouse, son, daughter, or parent, the employee (a) is required to substitute annual leave for unpaid FMLA leave, or (b) seeks to use unpaid FMLA leave, the employee must comply with the medical certification requirements contained in section 3.45.040.
- (f) Fitness for duty certifications. An employee who takes paid or unpaid FMLA leave for a serious health condition shall comply with the fitness for duty certification requirements contained in section 3.45.040.
- (g) Benefits during unpaid FMLA leave. While an employee is on unpaid family/medical leave, no benefits will accrue except medical insurance, which will continue to be paid as long as the employee is employed by the city.

(Ord. 437, 1977; Ord. 94-21; Ord. 2000-011, § 1, 2000)

Chapter 3.50. - Holidays

3.50.010. - Recognized city holidays.

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

New Year's Day; President's Day; Seward's Day; Memorial Day; Independence Day; Labor Day; Alaska Day; Veteran's Day; Thanksgiving Day and the day immediately following Thanksgiving Day; one-half working day immediately preceding Christmas Day and Christmas Day.

Regular full-time employees shall be paid eight hours at their current rate of pay for each holiday.

(Ord. 437, 1977; Ord. 609, 1988; Ord. 92-25; Ord. 2000-011, § 1, 2000)

3.50.015. - Holiday falling on a Saturday or Sunday.

When a recognized holiday falls on a Saturday, the preceding Friday shall be recognized in lieu thereof and treated as a holiday with respect to overtime compensation. When a recognized holiday falls on a Sunday, the Monday following shall be recognized in lieu thereof and treated as a holiday with respect to overtime compensation.

(Ord. 437, 1977)



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3.50.020. - Holiday during annual leave.

A recognized city holiday which occurs during an employee's annual leave shall not be counted as a day of annual leave.

(Ord. 437, 1977)

3.50.025. - Holiday falling between two days of leave without pay.

A holiday occurring between two days of leave without pay shall not be paid.

(Ord. 437, 1977)

3.50.030. - Computation of holiday pay for regular part-time employees.

A regular part-time employee shall be paid based on their position's percentage of a full-time position.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

Chapter 3.55. - Separations

3.55.010. - Resignations.

- (a) To resign in good standing, an employee who desires to terminate employment shall give at least 14 calendar days' written notice to his/her immediate supervisor. The period of notice may be reduced or waived upon recommendation of the department head and approval of the city manager for extenuating circumstances; i.e., Family Medical leave, change of residence by unexpected military orders of the employee or spouse, etc. A notice of resignation shall become part of the personnel file.
- (b) An employee may withdraw a resignation only under the following conditions:
 - (1) The withdrawal is submitted to the department head before the effective date stated in the notice of resignation;
 - (2) The position has not been filled; and
 - (3) The withdrawal is accepted in writing by the department head with approval of the city manager.
- (c) Failure to give adequate notice shall be noted on the employee's separation documents and shall constitute a factor in consideration of any future application for employment with the city.
- (d) The effective date of termination pursuant to a notice of resignation shall be the last day on which the employee works. The value of an employee's annual leave balance shall be paid to him/her without undue delay with his/her final paycheck following separation. There is no provision for terminal leave.

(Ord. 437, 1977; Ord. 94-38; Ord. 99-08; Ord. 2000-011, § 1, 2000)



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3.55.015. - Layoffs.

- (a) Examples of layoffs are:
 - (1) Abolishment of a position or shortage of work or funds;
 - (2) Completion of seasonal work for seasonal employees;
 - (3) End of temporary appointment because of reinstatement of regular employee returned from approved leave and transfer to another position has not been achieved.
- (b) When it is necessary to reduce the number of employees because of lack of work or funds, or abolition of positions, the department head concerned shall make a thorough investigation of the problem and report his/her findings and recommendations to the city manager, who shall decide which employees shall be laid off. Analysis of proposed layoffs shall consider first the types of activities to be curtailed and the classes of positions thereby affected. The department head shall then proceed to the selection of individual employees to be released. Employee efficiency shall be the major factor in determining the order in which employees shall be released, and consideration shall then be given to employee's length of service with the city. Advisability of reassigning employees in higher classes to lower classes for which they are qualified and laying off those in lower classes shall also be considered.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.55.020. - Dismissal for disciplinary reasons.

- (a) The city manager or a department head, upon approval of the city manager, may dismiss a regular employee for any just cause. Just cause includes, but is not limited to, the following:
 - (1) Insubordination, including failure to comply with a supervisor's instructions and work assignments;
 - (2) Dishonesty, either verbally, in writing or in action, including but not limited to falsification of employment application or other city documents and time sheets;
 - (3) Violation of section 3.70, standards relating to drugs and alcohol;
 - (4) Failure to comply with safety regulations;
 - (5) Fighting or other disorderly conduct on city premises or while on city business;
 - (6) Stealing of or unauthorized use of city tools, equipment or property;
 - (7) Recurring absenteeism, tardiness or leaving the work site early;
 - (8) Conviction of a crime which damages the image or reputation of the city or conviction of a crime which impairs or compromises the employee's credibility, eligibility, or fitness for work;
 - (9) Inefficiency, including waste of working time or materials;
 - (10) Failure to conduct oneself on duty in a cooperative manner within departmental and city policies, practices and goals;
 - (11) Exhibiting on duty conduct or behaviors which interfere with the employee's performance or the city's business, operations or image;



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- (12) Willful violation of any personnel regulation;
 - (13) Violations of applicable state or city laws and regulations concerning ethics and conflicts of interest;
 - (14) Any act or omission which had or will have a material adverse effect on the business, operations or financial condition of the city;
 - (15) Harassment of other employees or the public;
 - (16) Any other conduct identified in the Seward City Code as grounds for discipline or dismissal from employment; or
 - (17) Any other conduct commonly recognized by reasonable persons as justification for discipline, including dismissal.
- (b) Progressive discipline shall be followed when practical. However, when the severity of the inappropriate conduct warrants, and it is in the best interest of the city, any of the following forms of discipline may be imposed at any time so long as such discipline is supported by just cause and the severity of the offense:
- (1) Oral reprimand which shall be documented;
 - (2) Written reprimand;
 - (3) Suspension without pay;
 - (4) Dismissal. An immediate supervisor, department head or the city manager may issue oral or written reprimands. Only the city manager or a department head, upon approval of the city manager, may suspend without pay or dismiss an employee for disciplinary reasons.
- (c) If an employee's continued presence on the job prior to the date of intended disciplinary action poses a recognizable significant threat to the public health or safety or to the business, operations or image of the city, such employee may be suspended with pay immediately by the city manager, department head or supervisor until disciplinary action is determined and administered.
- (d) A regular employee shall be granted a pre-termination hearing before his/her supervisor and the city personnel officer before a disciplinary measure involving possible dismissal is administered.

(Ord. 437, 1977; Ord. 93-01; Ord. 2000-011, § 1, 2000)

3.55.030. - Dismissal notice or severance pay.

In the case where a regular employee who has completed a probationary period, is laid off or dismissed, the city shall give the employee two weeks' notice or severance pay not to exceed two weeks.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)



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Chapter 3.60. - Special Provisions

3.60.010. - Gifts and gratuities.

- (a) It shall be the responsibility of each city employee to remain free from indebtedness or favors which would tend to create a conflict of interest between personal and official interests or might reasonably be interpreted as affecting the impartiality of the individual employee. If an employee is tendered or offered a gift or gratuity which would, in the eyes of the public or public officials, be construed to be an attempt to bribe, influence or to encourage special consideration with respect to municipal operations, such offer shall be reported without delay to the employee's immediate supervisor who in turn will inform the department head.
- (b) If there should be any doubt whether a gift or gratuity is of such significance as to create undue influence upon the employee, the matter shall be reported to the department head concerned. If any employee shall knowingly accept any gift or gratuity which creates undue influence or results in special consideration which benefits the giver, then, with the approval of the city manager, that employee shall be dismissed from the city service.

(Ord. 437, 1977)

3.60.015. - Outside employment.

- (a) No employee shall engage in any other employment, whether public, private or self-employment, during scheduled work hours nor outside scheduled work hours if such employment conflicts with the city's interests or adversely affects the employee's availability and usefulness. Supervisors are responsible for informing all employees under their supervision of the provisions of this regulation and the enforcement of it. For the guidance of all management personnel and employees, the following types of other employment are considered contrary to the city's interests and to adversely affect the availability and usefulness of employees:
 - (1) Preparing financial reports subject to city audit, or review;
 - (2) For department or division heads, or supervisory positions, to serve as an officer of any union or association of city employees other than one representing such supervisory position. This provision shall not apply to any employee holding such office at the time of adoption of this regulation;
 - (3) Actively participating in management of any business organization that obtains, or is attempting to obtain, funds or business from the city;
 - (4) Other employment wherein data or information to which access is provided by city employment could be used.
- (b) In administering this regulation, all management personnel shall encourage their employees to obtain informal clearance from the city manager through their supervisor before accepting other employment.

(Ord. 437, 1977)

3.60.020. - Employment of family members.



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No person may be employed in a position supervised by a family member, provided this will not prevent continued employment with the city of persons who are presently employed at the adoption hereof. Additionally, family members shall not be placed in a position such that one member is required or authorized to review the work, personnel documents, expense account or time records of another family member. For the purposes of this section, a family member shall be defined as follows: spouse; parents; step-parents; brothers, sisters and their spouses; step-brothers, step-sisters and their spouses; children and their spouses; father-in-law; mother-in-law; sister-in-law; brother-in-law; grandparents and their spouses; grandchildren and their spouses; stepchildren and their spouses; grand-stepchildren and their children; aunts; uncles; nieces; nephews; and persons residing in the same household as the employee.

(Ord. 437, 1977; Ord. 632, 1990)

3.60.025. - Travel expenses.

- (a) When employees in the city service are required to travel outside the city on city business, reimbursement for expenses incurred shall be determined as follows:
- (1) Prior to traveling outside the city, the employee shall obtain approval for the trip and the mode of travel from the city manager.
 - (2) Travel on official business outside the city should be via public carrier or city-owned vehicle. If an employee is authorized to use a private vehicle, mileage shall be paid at the legally allowable rate as established by the Internal Revenue Service.
 - (3) Reimbursement for subsistence on official trips shall not exceed the IRS-approved per diem rate.
- (b) City vehicles shall not be used for any private purpose.

(Ord. 437, 1977; Ord. 556, 1986; Ord. 2000-011; Ord. 2002-01)

3.60.30. - Moving expenses for new employees.

Whenever a professionally or technically trained person changes his/her place of residence for the purpose of accepting employment with the city, such person shall be reimbursed for actual and necessary expenses under the following conditions:

- (1) The employee must be appointed to a position of a class for which the city manager certifies that such expenditure is necessary to recruit qualified employees.
- (2) The maximum reimbursable for a single employee shall be \$1,600.00 and the maximum reimbursable for an employee who is head of the household shall be \$5,000.00.
- (3) To be eligible for the total allowance for an employee who is head of a household, his/her or her dependents must accompany him or her or join him or her within one year of the date of appointment to city service.
- (4) New employees who are assisted with their moving expenses shall be required to sign a transportation agreement prior to employment. The agreement shall stipulate that the employee will reimburse the city for all or part of such expenditures in the event he/she



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voluntarily leaves city service, or is discharged for cause, within a period of two years, according to the following schedule:

- 100% - Less than six months;
- 75% - Six but less than 12 months;
- 50% - Twelve but less than 18 months;
- 25% - Eighteen but less than 24 months;
- 0% - Two years or more.

- (5) New employees may not be given an advance against moving expenses without prior written approval of the city manager.
- (6) It is the responsibility of the appointing authority to see to it that prospective new employees are aware of pertinent limitations of these regulations before a move is made.
- (7) New employees shall be advised by the appointing authority of dollar limitations, the need for itemized receipts or invoices, the meaning of the transportation agreement and other pertinent matters prior to their move.
- (8) Return transportation for the employee shall be provided by city as required by state law. Return transportation for the employee's family and personal and household goods shall be the sole responsibility of the employee.

(Ord. 437, 1977; Ord. 2000-011)

3.60.035. - No right to strike.

No city employee shall have the right to strike. A strike is defined as a concerted failure to report for duty, a willful absence from work, a stoppage of work, or an abstinence from the full and proper performance of duties for the purpose of inducing or coercing a change in working conditions or compensation. The term strike includes any refusal to perform regular duties while other city employees, or any other persons, are engaged in picketing or any other work stoppage, slowdown or refusal.

(Ord. 540, § 2, 1985)

Chapter 3.65. - Collective Bargaining

3.65.010. - Freedom of choice.

Upon the conclusion of the collective bargaining process and the approval of any such contract by the city council as provided in section 3.65.015, each city employee included within the bargaining unit shall indicate whether that person wishes to be governed by the terms and conditions contained in that agreement. If not, then the employee shall continue to be subject to this personnel code and regulations and pay plan as they exist and may be amended or changed. Neither the city nor any city employee shall discriminate against any employee solely by reasons of that employee's exercise of this right to choose, although differences between terms and conditions of employment set forth in the city personnel code



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and those terms and conditions set forth in a collectively bargained agreement that result in differential treatment will not be a violation of this title. Each new employee likewise shall have the right to choose between the personnel code and any collectively bargained agreement after being offered a position, but before beginning work.

(Ord. 540, § 3(part), 1985)

3.65.015. - Submission of collective bargaining agreements to the city council.

Any collectively bargained agreement is subject to approval by the city council.

(Ord. 540, § 3(part), 1985)

3.65.018. - Construction project agreements.

Nothing in this code shall prevent an agreement with a labor organization relating to the construction of a public project that requires the contracting or subcontracting of work traditionally performed by employees represented by that labor organization to be performed by a signatory to a current labor agreement with that labor organization.

(Ord. 634, 1990)

3.65.020. - Effective dates for agreements.

All collectively bargained agreements shall expire on June 30 of the last contract year. No agreement may require changes in wages or working conditions that are retroactive to any date prior to the date of approval by the city council.

(Ord. 540, § 3(part), 1985)

3.65.025. - Appropriate bargaining unit.

The city council shall determine, in each instance, the unit appropriate for purposes of collective bargaining. In making its determination, the city council shall consider the avoidance of fragmented bargaining units and any expressed desires of members of the unit.

(Ord. 540, § 3(part), 1985)

Chapter 3.70. - Standards Relating To Drugs and Alcohol

3.70.010. - Standard policies.

- (a) Employees will be terminated for use or possession of alcohol or illegal drugs at the work site during work hours. Unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the work place.



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- (b) Employees are encouraged to voluntarily seek professional support for drug or alcohol-related problems. Employees who seek treatment shall discuss the situation with their supervisors if leave time, with or without pay, is required for the employee to obtain treatment or hospitalization.
 - (1) Supervisors are encouraged to grant leave, with or without pay, for such requests.
 - (2) When leave without pay is involved, the employee shall provide a statement from the attending physician or counselor to the supervisor, stating that treatment is being received and describing the length of the treatment program.
 - (3) An employee's job security or promotion opportunities shall not be jeopardized by a request for leave to obtain counseling or treatment.
- (c) In all matters concerning employees' drug or alcohol-related problems, strict confidentiality shall be maintained by supervisors, administrators and administrative support personnel.

(Ord. 644, 1991)

3.70.015. - Prescribed medications.

Employees using prescribed medications that have side effects that may affect their performance, their safety, or the safety of others are required to notify their supervisors of such use and possible side effects. Supervisors may consider reassignment of duties for those employees for those days. Failure to report the use of such a prescribed medication with potential side effects that could affect an employee's work performance, safety, or the safety of others may result in disciplinary action.

(Ord. 644, 1991)

3.70.020. - Reporting convictions.

Employees must, no later than five days after conviction, notify their employer of such conviction(s) for criminal drug statute violations occurring in the work place.

(Ord. 644, 1991)

3.70.025. - Consuming prohibited during shift breaks.

Employees on breaks (e.g., lunch, dinner, rest breaks, etc.) are not allowed to return to their work sites for the completion of their shift if alcohol or controlled substances are consumed during the break. Employees shall not receive pay for the hours during which they are not permitted to return to work for such reasons.

(Ord. 644, 1991)

3.70.030. - Reporting fit for work.

Employees are required to report to their work site in a condition that will allow them to perform their required duties in a proper, safe manner. An employee who is temporarily incapable of performing



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assigned or required job duties will be released from the work site and, if necessary, returned to his/her residence by a fellow employee. Employees shall not receive pay for the hours of release.

(Ord. 644, 1991; Ord. 2000-011, § 1, 2000)

3.70.040. - Off-duty use affecting performance.

Excessive use of alcohol off duty, or off-duty use or involvement with illegal drugs that affects an employee's job performance or conduct may result in disciplinary action.

(Ord. 644, 1991)

Chapter 3.75. - Standards Relating to Employee Conduct

3.75.010. - Sexual harassment.

- (a) Sexual harassment is unlawful and violates city policy. No employee should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature. It refers to behavior that is not welcome and that is personally offensive, interferes with effectiveness, or creates uneasiness on the job. Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited. This includes, but is not limited to, repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal abuse of a sexual nature, graphic or degrading verbal comments about an individual or that individual's appearance, the display of sexually suggestive objects or pictures, or any offensive or abusive physical contact.
- (b) No individual should imply to an employee that lack of cooperation of a sexual nature would in some way negatively affect that person's employment, assignment, compensation, advancements, career development, or any other condition of employment. Any such actions are subject to punishment up to and including termination.
- (c) An employee who believes that he/she has been subjected to sexual harassment or intimidation on the job must bring this to the immediate attention of either the employee's supervisor, the personnel officer or the city manager. All such complaints will be promptly and fairly investigated and, where appropriate, immediate corrective action will be taken. To the highest degree possible, allowing for a fair investigation, all such complaint will be treated in the strictest confidence. Employees shall not be retaliated against because they have made complaints of sexual harassment.

(Ord. 97-20)

Chapter 3.80. - Workers' Compensation

3.80.010. - Workers' compensation.

- (a) An employee injured in the line of duty shall be entitled to workers' compensation pay from the city without deduction from annual leave balance for up to six weeks. Retirement benefits, annual leave accrual, and medical insurance coverage shall continue. If an employee receives workers' compensation pay from the insurance carrier during the time he/she is also receiving workers'



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compensation pay from the city, he/she shall return his/her full workers' compensation pay from the insurance carrier to the city.

- (b) After six weeks have expired, the employee may elect to use annual leave. At that time the employee will retain his/her insurance workers' compensation benefits. While on annual leave, retirement benefits, annual leave accrual, and medical insurance coverage shall continue.
- (c) After all annual leave has expired, or if the employee elects not to use annual leave, the employee will receive only insurance workers' compensation benefits and will be considered on leave without pay from the city. While on leave without pay, retirement benefits and annual leave accrual are suspended, but medical insurance coverage continues. This is to be in effect until a doctor's statement is submitted advising that the employee is physically fit and capable to perform his/her job description with or without reasonable accommodations.

(Ord. 2000-011, § 1, 2000)



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3.01.010. - Title.

This title may be known and cited as the personnel ordinance of the City of Seward.

(Ord. 437, 1977; Ord. 95-05)

3.01.15. - Purpose.

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

- (1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
- (2) Providing equitable and adequate compensation;
- (3) Training employees, as needed, to assure high quality performance;
- (4) Developing employees and improving their performance by correcting any inadequate performance;
- (5) Assuring equal opportunity and fair treatment of all persons in all aspects of the employer-employee relationship including, recruitment, hiring, upgrading, promotion, training, transfer, layoff, recall and termination by basing all personnel decisions on the individual's abilities and performance without regard to political affiliation, race, color, pregnancy, ancestry, marital status, veteran status, disability, religion, national origin, sex, age, or any other discriminatory factor prohibited by law and with proper regard for the individual's privacy provided, however, that state or federally mandated employment requirements shall be observed.
- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

(Ord. 437, 1977; Ord. 551, § 1, 1985; Ord. 2000-011, § 1, 2000)

3.01.020 - Scope.

- A. This title establishes policies and procedures for personnel administration for all employees of the city except the city manager, the city attorney, the city clerk, the mayor, members of the city council and members of city boards and commissions. The provisions of this title may apply to the city manager, the city attorney, or the city clerk only to the extent that they are incorporated by specific reference in a written employment contract with the city.
- B. Where a provision of this title conflicts with a provision of a collective bargaining agreement covering city employees, the provision of the collective bargaining agreement shall govern. This title shall govern personnel policies and procedures for city employees covered by a collective bargaining agreement to the extent that its provisions do not conflict with provisions of the collective bargaining agreement.
- C. For purposes of health insurance and any other aspects of employment agreed upon in a co-applicant agreement approved by city council, employees of the Seward Community Health Center shall be



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deemed city employees. Such agreement will require the health center to be fully and solely responsible for all aspects of employment, including payroll administration, hiring, training, supervision, discipline, grievances, and termination. The health center may adopt provisions of this title as its employment policies and procedures. The health clinic will maintain health insurance, liability insurance, and workers' compensation for so long as health center employees remain city employees. The health center may provide retirement benefits but health center employees shall not be covered by PERS.

(Ord. 437, 1977; Ord. 610, 1988; Ord. 95-05; Ord. 2000-011, § 1, 2000; Ord. No. 2013-013, § 2, 12-16-2013)

3.01.025. - Police Standards Act.

The Seward Police Department shall be subject to these personnel regulations and, in addition, shall observe all rules and regulations adopted by the Alaska Police Standards Council pursuant to AS 18.65.130—290. In the event of conflict, the standards and regulations adopted by the police standards council shall prevail over these personnel regulations.

(Ord. 437, 1977; Ord. 92-24)

3.01.030. - Amendments.

Upon the passage of an amendment to this title, the city personnel director shall distribute to all employees replacement pages for the city personnel manual incorporating the amendment.

(Ord. 437, 1977; Ord. 610, 1988; Ord. 95-05)

3.01.35. - Definitions.

As used in this chapter:

- (a) Anniversary date is the date that an employee assumes regular status after the successful completion of a probationary period. This date does not change regardless of other personnel transactions, promotions, demotions or transfers that may occur during the course of an employee's service with the city, except for periods of leave without pay as outlined in § 3.45.080.
- (b) Appointing authority means the city manager, except that the city clerk shall be the appointing authority for all positions in the city clerk department.
- (c) Break in service is defined as at least one entire pay period off.
- (d) Department head means each of the following: the finance director, manager of engineering and construction, the manager of electric utility, public works director, the harbormaster, the chief of police, the fire chief, the director of parks and recreation, and the librarian.
- (e) Emergency employee means an employee hired for less than 30 days pursuant to §3.25.045.



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- (f) Exempt employee is an employee whose position is classified under the Fair Labor Standards Act (FLSA) as an executive, professional or administrative position. These positions are not subject to overtime compensation.
- (g) Full-time employee means an employee who regularly works 40 hours per week.
- (h) Graveyard shift means any consecutive eight hour, regularly scheduled work shift that begins at or after midnight and before 8:00 a.m.
- (i) Holiday is defined in §§ 3.50.010 and 3.50.015.
- (j) On-call employee means an employee hired on an on-call basis pursuant to section 3.25.040. Appointments may be for an indefinite period.
- (k) Part-time employee means an employee who regularly works less than 40 hours per week.
- (l) Personnel officer means the director of the personnel department or his/her designee.
- (m) Probationary employee means an employee who has not yet completed the probationary period imposed under § 3.25.035(a).
- (n) Promotional probationary employee means an employee who has not successfully completed a probationary period imposed under § 3.25.035(b).
- (o) Regular employee means an employee in a regular position, full-time or part-time, who has successfully completed all probationary periods and is not a temporary, seasonal, on-call or emergency employee. Nothing in this section shall be deemed to imply that a regular employee will always be employed by the city. A regular employee may be laid off, dismissed, terminated or separated from city employment in accordance with the provisions of this title.
- (p) Regular position means a position which is expected to exist for more than nine months. It does not imply that the position will never be eliminated. A regular position may be eliminated due to lack of work, lack of funds, reorganization of a department, reassignment of duties or for any other reason. No employee shall have the absolute right to continued employment in any particular position.
- (q) Regular rate of pay means the hourly rate of pay actually paid an employee for the normal, non-overtime work week for which he/she is employed.
- (r) Seasonal employee means an employee hired on a seasonal basis with an expectation to return to their position consistent with the city's needs, although the hiring will be temporary pursuant to § 3.25.040. No employee shall have the absolute right to continued employment in any particular position.
- (s) Swing shift means any consecutive eight hour, regularly scheduled shift that begins at or after 4:00 p.m. and before midnight.
- (t) Temporary employee means an employee hired under the terms specified in § 3.25.040.
- (u) Term employee means an employee in a position, full or part-time, that is designed for a specified period of time of more than nine months and less than two years for a specific purpose or project pursuant to § 3.25.050.
- (v) Work week consists of a five-day week, eight hours per day, 40 hours per week, pursuant to § 3.15.055.



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(Ord. 92-18; Ord. 95-05; Ord. 95-14; Ord. 96-04; Ord. 2000-011; Ord. 2002-02)

3.05.010. - Purpose.

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

(Ord. 437, 1977)

3.05.015. - Responsibility and authority.

- (a) City council. The city council shall have overall responsibility and authority regarding personnel matters including, but not limited to, the following:
- (1) Approve the city's budget including requests for personnel management funds;
 - (2) Approve personnel policies and procedures developed by the city manager;
 - (3) Approve work rules established for the efficient operation of the city's work force;
 - (4) Appoint the city manager, city clerk and city attorney.
- (b) City manager. The city manager shall have the responsibility and authority to:
- (1) Administer the personnel policies and procedures adopted by the city manager and approved by the city council;
 - (2) Provide for the establishment and maintenance of records of all employees in the city service; such records to include the class title, pay and other pertinent data;
 - (3) Develop and administer an affirmative action program to provide for equal opportunity in all aspects of city personnel administration;
 - (4) Foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employees' effectiveness and productivity, including training, safety, health, counseling and welfare;
 - (5) Administer the city's recruitment and selection program;
 - (6) Ensure uniformity in the application of discipline and processing of employee grievances;
 - (7) Prepare and adopt such forms, reports and procedures as may be necessary to carry out the city's personnel program;
 - (8) Appoint and dismiss all city employees except those appointed by the council or city clerk as stated in the charter. (See also sections 2.20.010 and 2.20.015.)
- (c) City clerk. The city clerk shall have the responsibility and authority to:
- (1) Administer recruitment and selection for positions in the city clerk department; and
 - (2) Exercise all the authority assigned to a department head by the provisions of this title, provided that when the city clerk takes an action authorized for a department head under this title, the action is not subject to delegation from, or approval of, the city manager.



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- (d) Department heads. Department heads shall have the responsibility and authority to:
- (1) Enforce the personnel policies and administer the merit system in their department;
 - (2) Keep employees in their departments informed of current personnel policies and procedures;
 - (3) Participate in the grievance procedures as specified (See section 3.40);
 - (4) Appoint employees to vacant positions within their respective departments in accordance with established personnel rules and procedures;
 - (5) Develop training programs for employees within their respective departments;
 - (6) Take corrective action within their respective departments to the extent authorized in Title 3 and delegate such authority to supervisory personnel as deemed appropriate.
 - (7) Conduct orientation for all new employees. Such orientation shall include introduction to fellow workers, work standards, safety regulations, break periods, supplies, etc.
 - (8) Have appointment and dismissal authority over all employees under the department head's jurisdiction as delegated by the city manager, subject to the approval of the city manager.
- (e) Supervisory personnel. Supervisory personnel shall have the responsibility and authority to:
- (1) Implement personnel policies, rules and regulations in the units under their supervision;
 - (2) Take corrective action concerning employees under their supervision and make recommendations as to hiring, firing, transfer, promotions and personnel evaluations;
 - (3) Train new employees and participate in the development of other employees;
 - (4) Evaluate employee performance (see section 3.30);
 - (5) Participate in the grievance procedures as specified (see section 3.40).
- (f) Personnel officer. Personnel officer, conduct orientation for all new employees and have issued to each a copy of the current personnel regulations and position descriptions which outline job duties; such orientation shall include but not be limited to pay plan, insurance and retirement benefits, and any other city policies and/or procedures.
- (g) All employees. Employees of the city shall be presented with a copy of these personnel rules on their hiring date and shall have the responsibility to:
- (1) Read these rules and ask the immediate supervisor to explain the regulations if questions arise;
 - (2) Understand the function of the department to which they are assigned and how that function relates to the total mission of the city and all of its departments;
 - (3) Discuss with the immediate supervisor any questions relating to the interpretation or application of these rules, either informally or formally through the grievance procedure;
 - (4) Bring to the attention of the immediate supervisor any change in duties as outlined on the position description form given to the employee at hiring;
 - (5) Submit in writing recommendations or comments to these rules to the city manager.

(Ord. 437, 1977; Ord. 95-05; Ord. 2000-011, § 1, 2000)



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3.10.010. - Classification plan.

The classification plan is the grouping of positions into appropriate classes which are similar with respect to duties and responsibilities. Each class in the classification plan shall be designated by a descriptive title and defined by a class specification.

(Ord. 437, 1977)

3.10.015. - Class specifications.

Class specifications are written descriptions of positions of each class included in the classification plan. Specifications shall include a class title, a general statement of duties and responsibilities, typical examples of duties performed and minimum qualification requirements for entrance into a class. Special requirements, where appropriate, such as license or certification, shall also be included.

(Ord. 437, 1977)

3.10.20. - Purpose of the classification plan.

The classification plan is an administrative tool that provides a system of standardized titles and common job language and is critical to the effective administration of personnel activities such as:

- (1) Work force planning and budgeting;
- (2) Establishing job performance standards;
- (3) Establishing fair and equitable pay;
- (4) Developing training programs;
- (5) Developing valid selection and recruitment programs;
- (6) Establishing appropriate career lines.

(Ord. 437, 1977; Ord. 2000-011, § 2000)

3.10.25. - Development and administration.

The city manager shall have the authority for the overall administration of the classification plan. In developing the classification plan, he/she shall consult department heads, key staff, employees and other technical resources as appropriate.

- (1) Allocation of positions. The city manager shall analyze and evaluate the duties, responsibilities and qualifications required of each position in the classified service and make recommendations to the city council regarding the allocation of each position to the appropriate class.
- (2) Maintenance of the classification plan. The city manager shall periodically review the entire classification plan or any part thereof at his/her own initiative or at the reasonable request of a department head or group of employees; provided, however, that such a review shall be conducted at least every three years. The purpose of such review shall be:
 - a. To ascertain whether or not the plan accurately reflects existing conditions;



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- b. To determine the accuracy of class specifications;
- c. To assure that positions are properly classified.
- (3) Position descriptions. Position descriptions shall be supplied by each city department for each position under the department's jurisdiction, subject to the approval of the city manager. The personnel officer shall keep a file of all current job descriptions.
- (4) New positions. When a new position is proposed or established, the department in which it is created shall provide a written job description to the city manager, who shall determine the proper classification or prepare a new classification description if an appropriate classification does not exist. The city manager shall present his/her recommendation to the city council for final approval.
- (5) Reorganization of department. Whenever reorganization of a department or action of the city council causes the duties of a position to change, or a position appears to have been incorrectly allocated, the city manager shall, at the request of the department head or a regular employee affected by the reclassification, investigate the duties of the position in question. After conferring with department officials and the employee involved, and reviewing all relevant data, the city manager shall recommend to the council any reclassification of the position. Reclassification shall not be used to avoid the provisions of the personnel rules dealing with layoffs, demotions, promotions or dismissals.
- (6) Effective date of change. Classification actions shall be effective on the first day of the pay period following approval by the city council.

(Ord. 437, 1977; Ord. 93-26; Ord. 2000-011, § 1, 2000)

3.10.030. - Status of incumbents in reclassified positions.

In all cases of reclassification, the employee in the position shall be entitled to examine and compete for the reclassified position. If ineligible for appointment to the reclassified position, the employee shall be transferred, reassigned, or terminated by appropriate action in accordance with the provisions of these rules.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.10. - Pay plan.

The pay plan shall include the schedule of pay ranges, consisting of minimum, intermediate and maximum rates of pay for all positions. The objectives of the pay plan shall be to:

- (1) Provide an appropriate salary structure to recruit and retain competent employees;
- (2) Provide appropriate pay incentives for high employee productivity.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.15. - Standards for development of the pay plan.



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

- (1) The relationship between classes;
- (2) The relative difficulty and responsibility of work;
- (3) The availability of applicants;
- (4) The prevailing rates of pay in both public service and private industry in the appropriate recruiting market;
- (5) Cost of living factors.

(Ord. 437, 1977)

3.15.020. - Development of the pay plan and pay schedule.

The city manager shall be responsible for developing the pay plan and pay schedule through the use of standards described above and in consultation with the city council and employees.

(Ord. 437, 1977)

3.15.025. - Administration of the pay plan.

- (a) The city manager shall be responsible for administering the pay plan and keeping it current through periodic reviews and comparative studies of pertinent factors affecting levels of pay.
- (b) Cost of living allowance. The pay plan may be adjusted with the approval of the city council on an annual basis to reflect a cost of living allowance (COLA) based on the US Department of Labor, Bureau of Labor Statistics, consumer price index for all urban consumers (CPI-U) for Anchorage, Alaska, for all non-union employees, provided that changes made, if any, in the pay plan to reflect a cost of living allowance will be effective on the day authorized by the city council.
- (c) To ensure that the city's pay scale is aligned with external market conditions, in order to attract, recruit and retain qualified employees, the city manager has the authority to adjust the pay for a specific position by up to 20%, to account for external equity. Any increases in pay associated with external equity will be justified by the city manager based on a review of external equity factors, and may be instituted without the need to amend the pay plan or classification system.

(Ord. 437, 1977; Ord. 576, § 3, 1986; Ord. 2000-011, § 1, 2000; Ord. No. 2008-019, § 1, 11-24-2008)

3.15.030. - Entrance pay rate.

The entrance pay rate shall normally be the minimum rate in the pay range prescribed for the class. A department head, subject to the approval of the city manager, may make an appointment above the entrance pay rate only when there are no available candidates at the entrance rate, or in recognition of exceptional qualifications. In no instance shall an appointment be made above step "C," except at the department head level.



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(Ord. 2000-011, § 1, 2000)

3.15.035. - Step increases.

A new employee, after serving a six-month probationary period of satisfactory performance, shall receive a step increase. An employee who has transferred to a new position and who must serve a promotional probationary period as defined in section 3.25.035, shall receive a probationary step increase upon successful completion of the promotional probationary period. A probationary step increase is a special, one time only, step increase. For an employee to receive further step increases up to step J, he/she must continue to demonstrate satisfactory service of a progressively greater value. Step increases are not automatic based upon longevity and are awarded only where the department head feels the employee has demonstrated service of a progressively greater value, progressively greater responsibility, and performed beyond what normally would be expected for the city during the past year. Satisfactory performance alone shall not be grounds for a step increase.

(Ord. 534, 1984; Ord. 94-06; Ord. 2000-011, § 1, 2000; Ord. 2000-015, § 1, 2000)

3.15.040. - Regular part-time employment.

- (a) Regular part-time employees who are not exempt from the overtime requirements of the federal Fair Labor Standards Act shall be compensated on an hourly basis equivalent to the hourly rate established for the regular full-time employment at step "A" of the pay range for the actual number of hours worked in each payroll period. Appointments shall be in probationary status and a probationary pay increase shall be awarded, if earned, when regular hours worked have a cumulative total of 1,040 hours, which is equivalent to a six-month probationary step increase as set forth in section 3.15.035.
- (b) A step increase shall be awarded, if earned, each time regular hours worked have a cumulative total of two thousand eighty. (See also sections 3.15.090 and 3.15.095.)

(Ord. 437, 1977; Ord. 94-33; Ord. 2000-011, § 1, 2000)

3.15.45. - Pay rate adjustments.

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

- (1) Transfers. When an employee is transferred from one position to another with a common pay range, he/she shall continue to receive the same rate of pay.
- (2) Promotions. When an employee is promoted from one position to another having a higher pay range, the employee shall receive an increase of not less than one pay step. If the employee's current rate of pay is below the minimum rate of the new position, the pay shall be increased to the minimum step of the new position. If the employee's current rate of pay falls within the range of the new position, the pay shall be adjusted to the next higher pay step in the range for the new position which is at least equal to one step increase above his/her current pay rate.
- (3) Reassignments. When an employee is reassigned for cause, or for administrative purposes, the pay shall be adjusted to fit the job according to the principles of classification and equal pay for equal work.



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- (4) Reinstatement of employees who have resigned.
- a. No preferential pay treatment shall be given to reinstated employees. The principles of job classification and equal pay for equal work, which includes work experience, shall apply as if to a new employee.
 - b. An employee who has resigned due to special reasons such as, but not limited to, family illness or educational leave (up to two years and with prior approval of the city manager) shall have reinstatement rights according to arrangements made in writing at the time of the resignation and, provided, the job is available.
- (5) Reinstatement of veterans. A city employee who returns from military leave shall be reappointed in accordance with the United States Code Annotated Title 50, War and National Defense Military Selective Service Act of 1967; 459, Separation From Service (a), (b), (c), (f) and (g).
- (6) Layoffs. When an employee, following layoff, is reemployed in the same position from which he/she was laid off, he/she shall be placed in the same step which he/she occupied at the time of layoff. When the employee is reemployed in a position having a lower pay range, his/her rate of pay shall be assigned according to standard principles of job classification and equal pay for equal work.

(Ord. 437, 1977; Ord. 95-01; Ord. 2000-011, § 1, 2000)

3.15.050. - Compensation during temporary assignment.

When any employee is temporarily assigned to a position with a higher pay range for a period of at least three consecutive days but less than 30 days, he/she shall be compensated above his/her base rate by ten percent. If an employee's base rate is the maximum of the pay range, he/she shall be compensated above the maximum pay step by ten percent. If the assignment is for a period of 30 calendar days or more, he/she shall be paid at the first step of the higher pay range or he/she shall be given a ten percent increase as provided in the preceding sentence, whichever is higher, for the full period worked in the temporary assignment. An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.055. - Hours of work.

- (a) Regular working hours of city employees shall consist of a five-day week, eight hours a day, 40 hours a week. Special provisions for a modified schedule, such as a four-day week, ten hours a day, 40 hours a week may be permitted with approval by the city manager. The standard work week shall consist of the period from midnight Saturday to the following midnight Saturday. The standard work day shall consist of the period from midnight to midnight.
- (b) Different schedules to meet departmental operating needs shall be established and altered by department heads, with approval of the city manager. Temporary shifting of employees' working hours to meet routine needs shall be done as necessary and approved by the department head.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)



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3.15.60. - Overtime.

- (a) Generally. Overtime compensation will be paid to all employees except those in probationary, regular or acting positions determined to be exempt from the overtime requirements of the federal Fair Labor Standards Act. Overtime shall be paid at time and one-half of the employee's current rate of pay.
- (1) All employees who are not exempt from the overtime requirements of the federal Fair Labor Standards Act and who are requested to work over eight hours in a day or 40 hours in a week shall be paid at time and one-half for overtime hours.
 - (2) Employees working ten hour shifts who are not exempt from the overtime requirements of the Federal Fair Labor Standards Act and who are requested to work over ten hours in a day or 40 hours in a week shall be paid at time and one-half for overtime hours.
 - (3) Regular employees who are not exempt from the overtime requirements of the Federal Fair Labor Standards Act and who work on a holiday shall be paid at time and one-half for all hours worked on such holiday in addition to holiday pay under section 3.50.
- (b) Approval of overtime work. All overtime worked must have the approval of the department head concerned prior to its performance, except in cases of emergency which preclude such prior arrangements, and shall be paid in accordance with applicable laws and policies. The department head or other person in charge of providing emergency service shall see that the overtime hours are properly recorded. The department head shall review the record and certify to the finance department any overtime approved for payment as soon as practical thereafter.
- (c) Overtime for police officers and police recruits.
- (1) Police officers. Police officers who are not exempt from the overtime requirements of the federal Fair Labor Standards Act shall be entitled to overtime pay when required to attend court session while not on regular duty.
 - (2) Police recruits. For each day that a police recruit attends or travels to or from the Department of Public Safety Academy, the recruit will be assigned an eight-hour uninterrupted and unpaid sleep period in compliance with the Federal Fair Labor Standards Act. All remaining hours will be considered hours worked and the recruit will be paid as follows:
 - a. Regular duty day. The recruit shall be paid for:
 1. Eight hours at the basic training rate determined pursuant to section 3.15.045.7, provided, however, that if the police recruit has worked more than 40 hours in the work week that portion of the eight-hour period that exceeds 40 hours in the work week will be paid at one and one-half times the basic training rate; and
 2. For eight hours at one and one-half times the basic training rate.
 - b. Regular day off, sixth and seventh day, and holiday. The recruit shall be paid for 16 hours at one and one-half times the basic training rate.
 - c. Training rate. The current rate of pay for a police recruit shall be reduced according to the following equation for the time that the recruit is traveling to or from or actually attending the Department of Public Safety Academy:

$$[(\text{Current hourly rate} \times 2080) \div 12] \times 0.00156 = \text{basic training rate}]$$



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In no event shall the basic training rate be below the minimum rate required by law.

- (d) Exceptions for shift rotation. An exception to overtime pay for work over eight hours in a 24-hour period is that due to shift rotation, provided there has been off-time of at least eight hours between shifts.
- (e) Shift differential. Shift differential compensation applies to all employees of those departments which schedule work 24 hours per day who are not exempt from the overtime requirements of the Federal Fair Labor Standards Act on the following bases:
 - (1) Swing shift. The employee who is assigned to swing shifts shall receive two and one-half percent additional pay to his/her current salary for the period he/she serves on swing shift.
 - (2) Graveyard shift. The employee who is assigned to graveyard shifts shall receive five percent additional pay to his/her current salary for the period he/she serves on graveyard shift.

(Ord. 437, 1977; Ord. 594, 1987; Ord. 610, 1988; Ord. 94-33; Ord. 94-42; Ord. 95-01; Ord. 2000-011, § 1, 2000)

3.15.61. - Stand-by time compensation.

- (a) A non-exempt, full-time employee assigned by his/her supervisor to be on stand-by during off-duty hours, under circumstances where the stand-by time does not qualify as hours worked, shall be compensated one hour of overtime pay for each stand-by period the employee is asked to serve when such stand-by is approved by the supervisor in writing.
- (b) A stand-by period is defined as the period from the time the employee leaves his/her work site after the conclusion of a normal work day to the following day when he/she is scheduled to return to work. When an employee is placed on stand-by during the weekend or on a holiday, each weekend day or holiday is considered a separate stand-by period. For example, an employee who normally works 8:00 a.m. to 5:00 p.m. Monday through Friday who is on stand-by from Thursday at 5:00 p.m. until 8:00 a.m. Friday morning will be entitled to one hour of overtime pay for one stand-by period. The same employee placed on standby from Friday at 5:00 p.m. until 8:00 a.m. Monday morning will be entitled to three hours of overtime for three stand-by periods (one stand-by period for Friday 5:00 p.m. to 8:00 a.m. Saturday, one stand-by period for 8:00 a.m. Saturday to 8:00 a.m. Sunday, and one stand-by period for 8:00 a.m. Sunday to 8:00 a.m. Monday).
- (c) The employee shall be required to be reachable by supervisors by telephone, radio or electronic paging device.
- (d) The employee is free to pursue personal activities as long as communications are possible and the employee is in a state of readiness to respond in a reasonable amount of time to a call for service.
- (e) If called to perform duties during the off-duty hours, the employee shall be compensated for a minimum of two hours at overtime rates addressed in section 3.15.060(a) and (b).

(Ord. 94-02; Ord. 2000-011, § 1, 2000)

3.15.065. - Clothing allowance.



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Members of the police department shall be provided with two complete uniforms per year. All uniforms are the property of the city of Seward and shall be returned to the city before the separation from city service.

(Ord. 437, 1977)

3.15.075. - Pay for employees designated as trainee.

- (a) An employee who is appointed to a position as a trainee shall have his/her hiring rate of pay reduced from the first step of the assigned pay range by five percent for each six-month period of anticipated training required for the employee to reach full performance. Work performance of an employee in a training status shall be evaluated at least once every six months for the duration of the training.
- (b) Employees in training positions are entitled to all benefits available to regular employees. Trainees shall be hired in probationary status and shall be awarded a probationary pay increase, if earned. They are eligible for a step increase the same as regular employees upon reaching full performance. Length of service date shall be the date of appointment to trainee position; anniversary date shall be established as the completion of probation date.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.80. - Changing pay range assignments.

When a pay range for a class of employees is readjusted for reasons such as reclassification or reassignment of duties, the base rate of employees occupying positions in the class shall be adjusted as follows:

- (1) Adjustments to higher pay range. If the pay range is adjusted upward, all employees in the positions affected shall be compensated at a rate equal to the employees pre-adjusted rate increased by one step for each pay range advanced, not to exceed the maximum of the new range. Future increases will be measured from the pay range as adjusted.
- (2) Adjustment to a lower pay range. If the pay range is adjusted to a lower range, employees in positions affected shall not receive reductions in their base rate salary upon pay range adjustment. If an employee's pre-adjustment base rate exceeds the maximum rate of the new pay range, the employee's rate of pay will remain unchanged until that rate corresponds with a step within the adjusted pay range.

(Ord. 437, 1977; Ord. 2000-011)

3.15.085. - Longevity bonus.

- (a) All regular employees, after completion of one year's service, equal to 2,080 hours, shall be paid longevity pay at the rate of one percent of his/her regular annual salary. Longevity pay shall be paid once each year on the first pay day of December.
- (b) Any break in city employment longer than 30 calendar days will advance the eligibility date by the number of days in excess of 30. Time served as temporary employee shall not be included.



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(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)

3.15.090. - Retirement.

The city has in effect a retirement plan with the Public Employees Retirement System (PERS) for all eligible city employees as set forth by city council.

(Ord. 437, 1977; Ord. 636, 1990; Ord. 2000-011, § 1, 2000)

3.15.095. - Insurance and medical benefits.

- (a) Regular city employees shall be entitled to participate in the group life and health program administered by the city manager and approved by the city council, provided they work an average of 30 hours per week. The city shall contribute to each employee's group health premium up to the maximum amount determined from time to time by the city manager and approved by the city council. Absences due to paid leaves, some cases of leave without pay and those absences covered by workers' compensation shall not interfere with those benefits.
- (b) The personnel officer shall provide all eligible employees with applications and information concerning these programs; the finance department shall provide for payroll deductions to cover the employees' premiums.

(Ord. 437, 1977; Ord. 96-04; Ord. 2000-011, § 1, 2000)

3.15.100. - Effective date of changes in pay.

- (a) Generally. Effective date of personnel transactions and implementing classification, reclassification and special merit increases shall be the beginning date of the pay period following effective date of change.
- (b) Regular merit and probationary increases. Effective date of personnel actions implementing approved regular merit and probationary increases shall be the day following completion of specific period of service, or such later date as a deferred request may be approved.
- (c) Promotions, reassignments and reinstatements. Effective date of personnel actions implementing approved promotions, reassignments and reinstatements shall be the first day of the new approved status.
- (d) Executions. Nothing in this section shall prohibit retroactive pay approved by the council or required because of administrative oversight or error.

(Ord. 437, 1977; Ord. 2000-011, § 1, 2000)