

TENAKEE SPRINGS MUNICIPAL CODE

TITLE 04

PERSONNEL

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CHAPTER 04.01

GENERAL PROVISIONS

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04.01.005 Federal and State Law.

To the extent that any provision of Title 04 is determined to be illegal under federal and state law, then such federal or state law shall control.

04.01.010 Equal Employment Opportunity.

A. In order to provide equal employment and advancement opportunities to all individuals, employment decisions of the City of Tenakee Springs will be based on merit, qualifications, and abilities. The City of Tenakee Springs shall not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, or any other characteristic protected by law.

B. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

C. Any employees with questions or concerns about any type of discrimination in the workplace should bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

D. An employee may not be discharged, threatened, or otherwise discriminated against regarding the employee's compensation, terms, conditions, location, or privileges of employment for any reason outlined in Alaska Statute 39.90.100 regarding protection for whistleblowers.

04.01.020 Hiring of Relatives.

A. The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

B. Relatives of persons currently employed by the City of Tenakee Springs may be hired only if they will not be working directly for or supervising a relative. City of Tenakee Springs employees cannot be transferred into such a reporting relationship.

C. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within thirty (30) calendar days, city management will decide.

D. In other cases where a conflict or the potential for a conflict arises, even if there is no supervisory relationship involved, the City Council will make a factual determination regarding the ability of the employees to perform their job responsibilities, and thereafter may separate the employees by reassignment or termination.

E. For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

F. The mayor, by written authorization, may provide for exception on a case-by-case basis for temporary employment.

04.01.030 Employment of City Council Members.

A. Applications for city employment shall be reviewed and employees hired by the City Council solely on the basis of merit. A City Council member shall be hired for city employment only if the qualifications of the City Council member are better than the qualifications of all other applicants.

B. When a City Council member applies for city employment, all applications for the position shall be reviewed by the City Council at a regular or special City Council meeting.

C. The City Council meeting authorized under subsection (B) of this section shall be open to comment from the public.

D. If and when a City Council member is hired to work for the city, the City Council shall post in the city office a list of all applicants for the position, together with the reasons why the City Council member was hired over other applicants.

04.01.040 Immigration Law Compliance.

A. The City of Tenakee Springs is committed to employing only United States citizens and aliens who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin.

B. In compliance with the *Immigration Reform and Control Act of 1986*, each new employee, as a condition of employment, must complete the “Employment Eligibility Verification Form I-9” and present documentation establishing identity and employment eligibility.

04.01.050 Conflicts of Interest.

A. Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee, or for a relative, as a result of the city business dealings.

B. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship is similar to that of persons who are related by blood or marriage.

C. No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if employees have an influence on transactions involving purchases, contracts, or leases, they shall disclose the existence of any actual or potential conflict of interest to an officer of the city so that safeguards can be established to protect all parties.

D. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the city does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the city.

04.01.060 Disability Accommodation.

The City of Tenakee Springs is committed to complying fully with the *Americans with Disabilities Act (ADA)* and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities shall be conducted on a non-discriminatory basis, and pre-employment inquiries shall be made only regarding an applicant’s ability to perform the duties of the position.

04.01.070 Standards of Employee Conduct.

A. Violations of the law will not be tolerated.

B. If an employee believes that anyone in or associated with the municipality has requested or directed him or her to do anything that violates the law, or has prohibited the employee from doing anything that the law requires, the employee must report this immediately to a supervisor.

C. Employees are responsible for proper conduct in the maintenance of production and service standards, use of work time, cooperation with supervisors and other employees, use of city equipment and materials, respect for other employees and their property, conformance to

lawful dress codes and appearance standards, and the protection of confidential information.

04.01.080 Workers' Compensation Insurance.

A. Subject to legal requirements, the city will provide comprehensive workers' compensation insurance at no cost to the employee to cover any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. The workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

B. To enable eligible employees to qualify for coverage as quickly as possible, employees should report work related injuries or illnesses to their supervisors or city management immediately, no matter how minor the on-job related injury may appear.

04.01.090 Time Off to Vote.

The city encourages employees to participate in elections and if employees are unable to vote in an election during their non-working hours, the city will grant up to one (one) hour of paid time off to vote.

04.01.100 Jury and Witness Duty.

A. The city encourages employees to serve jury duty and perform witness duty when required. Employees may request unpaid leave to fulfill these obligations for the length of the absence. Employees must show the jury duty summons or the witness duty subpoena to their supervisor as soon as possible so arrangements to accommodate their absence can be made.

B. If employees have been subpoenaed or otherwise requested to testify as a witness by the City of Tenakee Springs, they will be reimbursed for travel, lodging, and meal expenses as provided in Section 04.03.120 of this title.

04.01.110 Personnel Committee.

A. There shall be a Personnel Committee of the city which shall be composed of three (3) members of the City Council. The mayor shall appoint a chair of the committee. The mayor may appoint ex officio members as desired.

B. The purpose of the Personnel Committee and its duties are:

1. To advise the mayor on any and all personnel matters.
2. To submit proposed personnel regulations to the City Council.
3. To consider and make recommendations on any personnel matter referred to it by the City Council.
4. To evaluate supervisors, department heads, and review other employee evaluations.

C. Proposed regulations and/or recommendations shall be reviewed by the mayor as the personnel officer and submitted to the City Council with the mayor's recommendations. The City Council shall consider them and adopt those it deems in the public interest.

CHAPTER 04.02
RECRUITMENT PROCEDURES

Sections:	04.02.010	JOB DESCRIPTIONS
	04.02.020	APPLICATION PROCESS
	04.02.030	JOB APPLICATION FORMS
	04.02.040	REJECTION OF APPLICATIONS

04.02.010 Job Descriptions.

Job descriptions shall be developed for all city positions describing employee category, duties, requirements, responsibilities, supervision, rates of pay, and the appointing authority. Job descriptions will include an equal employment opportunity statement.

04.02.020 Application Process.

A. Job announcements for city positions will include the position title, employee category, duties, requirements, responsibilities, supervision, rate of pay, availability of applications, application deadline, and how and when appointment to position will be made. Job announcements will include an equal employment opportunity statement.

B. Job announcements should be posted in three (3) public places within the city for a minimum of ten (10) working days.

C. A “labor pool” may be established for day-work assignments. The labor pool should be updated at reasonable intervals and kept posted in three (3) public places within the city. Posting of the “labor pool” shall include instructions on how the list is to be used. Labor pool job announcements may be posted for less than ten (10) days but should be posted for at least three (3) days.

D. Applicants may be tested for minimum standards when the qualification standards are established in an approved job description for the position. Such testing must be administered to all the applications for the position.

04.02.030 Job Application Forms.

A. All applications for employment shall be on forms approved by the City Council, which shall require information on education, training, degrees, certificates and licenses, prior employment, experience, and skills. Job application forms shall include an equal employment opportunity statement.

B. The job application form shall contain the certification statement to be signed and dated by the applicant as follows: “I certify that the information on this form is true and complete to the best of my knowledge. I understand that if I deliberately conceal or enter false information on this form my appointment may be rejected, that my name may be removed from the list of eligible candidates, or that I may be removed from my job; that the information in this application may be released in an authorized legal investigation, and that for purposes of this

certification a photocopy of my original signature shall have the same force and effect as my original signature. I agree that the City of Tenakee Springs may contact former employers or other persons who know me in order to obtain additional information.”

04.02.040 Rejection of Applications.

- A. An application may be rejected when it is shown that an applicant does not meet requirements in the job description for the position.
- B. When an application is rejected because of provisions of this section, the criteria of rejection must have been applied to all applicants for the position.
- C. Applications may be rejected when the applicant:
 - 1. has deliberately falsified information;
 - 2. fails to meet minimum qualifications outlined in the job description;
 - 3. does not meet physical or other requirements contained in the job description;
 - 4. does not meet age or other requirements established by law; or
 - 5. has established an unsatisfactory employment record demonstrating unsuitability for the position.

CHAPTER 04.03

EMPLOYMENT SYSTEM

Sections:	04.03.010	EMPLOYMENT CATEGORIES
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	04.03.030	ACCESS TO PERSONNEL FILES
	04.03.040	EMPLOYMENT REFERENCE CHECKS
	04.03.050	PERSONNEL DATA CHANGES
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	04.03.080	PAYDAYS
	04.03.090	PAY DEDUCTIONS
	04.03.100	WORK SCHEDULES
	04.03.110	REST AND MEAL PERIODS
	04.03.120	BUSINESS TRAVEL EXPENSES

04.03.010 Employment Categories.

The City of Tenakee Springs classifies employees according to employment status as follows:

- 1. **Regular Full-time** employees are those who are not in a temporary status or introductory period and who are regularly scheduled to work more than thirty-five (35) hours per week. They receive all legally mandated benefits such as workers’ compensation and social security.
- 2. **Regular Part-time** employees are those who are not assigned to a temporary

status or introductory period and who are regularly scheduled to work less than thirty-five (35) hours per week. They receive all legally mandated benefits such as workers' compensation and social security.

3. **Temporary** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. Temporary employees receive all legally mandated benefits such as workers' compensation and social security.

04.03.020 Introductory Period.

- A. The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether new positions meet expectations. The City of Tenakee Springs uses this period to evaluate employee capabilities, work habits, and overall performance.
- B. All new and rehired employees will work on an introductory basis for the first six (6) months after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the city determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.
- C. Upon completion of the introductory period, employees shall have a written evaluation before entering regular employment classification.

04.03.030 Access to Personnel Files.

- A. The City of Tenakee Springs will maintain a personnel file on each employee. The personnel file will include such information as the employee's job application form, resume, records of training, documentation of performance appraisals and salary increases, timesheets and payroll records, and other employment records.
- B. Personnel files are the property of the City of Tenakee Springs and access to the information they contain is restricted. Only supervisors and management personnel of the city, or those with lawful reasons, may review information in personnel files.
- C. An employee or former employee may inspect and make copies of their personnel file, and other personnel information maintained by the city concerning the employee, in the Tenakee Springs city office and in the presence of an individual appointed by the city to maintain the files.

04.03.040 Employment Reference Checks.

The City of Tenakee Springs will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and positions held. No employment data will be released without a written authorization and release signed by

the individual who is the subject of the inquiry.

04.03.050 Personnel Data Changes.

It is the responsibility of the employee to promptly notify the city of any changes in personnel data, such as: personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports.

04.03.060 Performance Evaluations.

A. Supervisors and employees should discuss job performance and goals on an informal, day-to-day basis. Supervisors and department heads shall conduct written evaluations using the “City of Tenakee Springs Employee Evaluation Report” annually. These evaluations will provide supervisors and employees the opportunity to discuss positive, purposeful approaches of meeting goals. These evaluations shall become a permanent part of the employee records.

B. The Personnel Committee shall evaluate the department heads and supervisors.

04.03.070 Timekeeping.

A. Accurate recording of time worked is the responsibility of every employee. Federal and state law requires the city to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

B. Overtime work must be approved before it is performed. Overtime compensation will be based on actual hours worked and will be paid in accordance with federal wage and hour restrictions.

C. Altering, falsifying, or tampering with time records may result in disciplinary action up to and including termination of employment.

D. Employees will sign their time records to certify the accuracy of all time recorded. The supervisor will review and sign the time record before submitting it for payroll processing.

04.03.080 Paydays.

A. All employees will be paid monthly by the fourth day of the following month. Each paycheck will include earnings for all work performed through the end of the monthly pay period.

B. For specific projects employees may be paid bi-monthly or weekly and on a week-delayed basis when a written schedule is set up by city management and approved by the mayor.

C. In the event that a regular scheduled payday falls on a day off such as a weekend or holiday, employees will be paid by the first day of work following the regularly scheduled payday.

D. If a regular payday falls during an employee’s vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least one week prior to departing for vacation.

04.03.090 Pay Deductions.

The law requires that the city make certain deductions from every employee's compensation. Among these are federal and state income taxes, Social Security and Medicare taxes, and state employment security tax.

04.03.100 Work Schedules.

Work schedules for employees will vary. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

04.03.110 Rest and Meal Periods.

A. Each workday, full-time employees will be provided with two rest periods. Supervisors will advise employees of the regular rest period length and schedule, and to the extent possible they will be in the middle of work periods. Rest periods are counted and paid as time worked, and employees must not be absent from their workstations beyond the allotted rest period time.

B. All full-time employees will be provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

04.03.120 Business Travel Expenses.

A. The City of Tenakee Springs will reimburse employees for reasonable business travel expenses incurred on assignments away from the normal work location. All business travel must be approved in advance by the City Council.

B. During approved travel, transportation cost shall be reimbursed at the common carrier fare, or when essential, the cost of charter or other special hire, and as necessary for the efficient performance of official duties. No reimbursement will be made or allowed for more than the lowest fare for the most direct route unless that classification was not available.

CHAPTER 04.04

EMPLOYEES

Sections:	04.04.010	EMPLOYEE CONDUCT AND WORK RULES
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	04.04.030	RETURN OF PROPERTY
	04.04.040	RESIGNATION
	04.04.050	SOLICITATION
	04.04.060	DRUG AND ALCOHOL USE
	04.04.070	PROGRESSIVE DISCIPLINE

04.04.080 **PROBLEM RESOLUTION**
04.04.090 **LIFE-THREATENING ILLNESSES IN THE**
 WORKPLACE

04.04.010 Employee Conduct and Work Rules.

A. To ensure orderly operation and provide the best possible work environment, the City of Tenakee Springs expects employees to follow rules of conduct that will protect the interests and safety of all employees and the city.

B. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action up to and including termination of employment:

1. theft or inappropriate removal or possession of property;
2. falsification of timekeeping records;
3. working under the influence of alcohol or illegal drugs;
4. possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty or while operating employer owned vehicles or equipment;
5. fighting or threatening violence in the workplace;
6. boisterous or disruptive activity in the workplace;
7. negligence or improper conduct leading to damage of employer or customer property;
8. sexual or other unlawful or unwelcome harassment;
9. possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
10. excessive absenteeism or any absence without notice;
11. unsatisfactory performance or conduct;
12. violations of conflict-of-interest policies described in Section 04.01.040.

04.04.020 Attendance and Punctuality.

A. To maintain a safe and productive work environment, the city expects employees to be reliable and to be punctual in reporting for scheduled work. In the rare instance when employees cannot avoid being late to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

B. Poor attendance and excessive tardiness are disruptive and either one may lead to disciplinary action up to and including termination of employment.

04.04.030 Return of Property.

Employees are responsible for all city property, materials, or written information issued to them or in their possession or control. All city property must be returned by employees to their supervisor, the mayor, or the city clerk on or before their last day of work.

04.04.040 Resignation.

Resignation is a voluntary act initiated by the employee to terminate employment with the City of Tenakee Springs. Although advance notice is not required, the City of Tenakee Springs requests at least two (2) weeks' written resignation notice from all employees.

04.04.050 Solicitation.

The city recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time (working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty). If an employee has a message of interest, they may submit it to the mayor for approval before it can be posted in the workplace.

04.04.060 Drug and Alcohol Use.

- A. The city wants to provide a drug-free, healthful, and safe workplace and employees will be required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.
- B. While on city premises and while conducting business related activities off of city premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescription drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
- C. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.
- D. Under the *Drug-Free Workplace Act*, an employee who performs work for a government (state or federal) contract or grant must notify the City of Tenakee Springs of a criminal conviction for a drug-related activity occurring in the workplace within five (5) days of the conviction.
- E. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the mayor without fear of reprisal.

04.04.070 Progressive Discipline.

- A. The city's purpose in any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. To ensure fair treatment of all employees, disciplinary actions should be prompt, uniform, and impartial.
- B. Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, or termination of employment – depending on the severity of the problem and the number of occurrences.
- C. Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and still another

offense may then lead to termination of employment.

D. Certain types of employee problems are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

04.04.080 Problem Resolution.

A. The City of Tenakee Springs is committed to providing the best possible working conditions for its employees and encourages an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from city supervisors and management.

B. If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the city in a reasonable, business-like manner, or for using the problem resolution procedure.

C. If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

1. The employee is to present the problem to an immediate supervisor within fourteen (14) calendar days after the incident occurs. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee may present the problem to any other member of management.
2. The supervisor responds to the problem during discussion and, when necessary, consults with appropriate management, within fourteen (14) calendar days. The supervisor will document the discussions and consultations.
3. If the problem remains unresolved, the employee presents the problem to the Personnel Committee within fourteen (14) calendar days.
4. The Personnel Committee will counsel and advise the employee, assist in putting the problem in writing, visit with the employee's supervisor(s) or manager(s) if necessary, and direct the employee to the mayor or City Council for review of the problem.
5. The employee presents the problem to the mayor or City Council in writing. The employee may request an executive session for the review of the problem.
6. The mayor or City Council reviews and considers the problem, meeting in executive session when appropriate. The mayor or City Council must inform the employee of its decision within fourteen (14) calendar days and forward a copy of their written response to the mayor for placement in the employee's personnel file. The mayor or City Council has authority to make legal adjustments appropriate to resolution of the problem.
7. It is not expected that every problem can be resolved to everyone's total satisfaction, but the employees, management, and the City Council should pursue

understanding through the development of confidence in mutual and open discussions of problems brought to them.

04.04.090 Life-Threatening Illnesses in the Workplace.

A. Employees with life-threatening illnesses – such as cancer, heart disease, and AIDS – often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The city supports these endeavors as long as employees are able to meet acceptable performance standards.

B. Medical information on individual employees is treated confidentially. The city will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action up to and including termination of employment.