

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE CHAPTER 2.76; SUBSECTION 2.82.050(B); CHAPTERS 2.84, 2.86, AND 2.88; AND SECTION 2.92.010 TO CHANGE TO A COMBINED LEAVE SYSTEM AND CLARIFY VARIOUS OTHER REQUIREMENTS AND DESCRIPTIONS.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Chapter 2.76. Chapter 2.76 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS
~~STRIKETHROUGH~~ ITEMS ARE DELETED

Chapter 2.76
CONDITIONS OF BOROUGH EMPLOYMENT

Sections:

- 2.76.010 ~~Permanent.~~ **Regular.**
- 2.76.020 Temporary.
- 2.76.030 Probation ~~ary.~~
- 2.76.040 Regular work day – Scheduled hours of work.
- 2.76.045 Designated work week.
- 2.76.050 Regular work week.
- 2.76.060 Work week for shift employees.
- 2.76.065 Police and fire department scheduled work week and hours.
- 2.76.070 Regular overtime.
- 2.76.085 Flexible time.
- 2.76.090 Holiday overtime.
- 2.76.095 Travel time.
- 2.76.100 Exceptions.
- 2.76.105 Standby time.
- 2.76.110 Call out time.
- 2.76.115 Swing shift pay differential.
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- 2.76.130 Uniforms.
- 2.76.140 Exception – Terms of hire.
- 2.76.150 Paydays.
- 2.76.160 Payroll deductions.
- 2.76.170 Recognized holidays.
- 2.76.180 Reserved.
- 2.76.190 Holidays falling on Saturday or Sunday.
- 2.76.200 Other employment.
- 2.76.205 Duplicate benefits prohibited.
- 2.76.210 Training.
- 2.76.220 Performance evaluation.
- 2.76.230 Physical examination.

2.76.010 Permanent Regular.

Except where a collective bargaining agreement provides otherwise, permanent **Regular** appointments are made to positions which are considered to be a part of the regular complement needed for performing borough services. **A probationary period is required for regular appointments. The position is expected to continue into the indefinite future.**

A permanent **regular** employee may be either:

A. **Regular** Full-Time. Where the **position** work involved **totals at least 30** 35 to 40 hours a week on a regular basis;

B. **Regular** Part-Time. Where the **position** work involved is to be done during a portion of a work day, or work week, and totals less than 35 **30** hours a week on a regular basis. **Such work may be of an irregular nature such as short shifts at various times and on various days of the week.**

C. Seasonal. **A position w**Where the work involved is **intended to be for a specific period of time each year (less than six months or 1040 hours each year).** **A seasonal employee is hired for an indefinite period and is not temporary.** seasonal (less than nine months each year), the employee is hired for an indefinite period and is not a temporary employee.

D. If approved by the manager, an employee may hold more than one position at a time. Combining positions will not be approved if it will result in the employee working more than forty (40) hours in a week on a regular basis.

2.76.020 Temporary.

A temporary employee is an employee hired as interim replacement, or for temporary work, on a predetermined work schedule which does not extend beyond one year. A temporary employee may be separated from the service, demoted, or suspended with or without cause in the full discretion of the hiring authority. If employees hired on a temporary basis become permanent employees, they are entitled to sick leave and annual leave accruals retroactive to their date of hire and effective on the day they become permanent. **A temporary appointment means an appointment for a period shorter than one year. During the temporary appointment, the employee is an at-will employee and can be disciplined, demoted, dismissed or separated from their position for any reason with or without just cause and without recourse to the grievance procedure.**

2.76.030 Probation ary.

A. Defined. A probationary appointment is one in which the position is considered to be a part of the regular complement needed for performing borough services and the employee is, whether by original appointment or promotion, serving a probationary period. All appointments and promotions to positions in the borough service, as well as former employees who are rehired, shall be on a probationary basis for one year except where a collective bargaining agreement provides otherwise. During the probationary period, an employee may be terminated and a promoted employee may be returned to the position from which the employee was promoted or an equivalent one, at the discretion of the appointing authority.

B. Probationary Period Objective. The probationary period shall be utilized to closely observe the person's work, secure the most effective adjustment of the person to the position, and reject any whose performance does not meet the required job description standards.

C. Probationary Period Duration. Except as provided in subsection (E), all persons hereinafter appointed to fill permanent positions shall be subject to a probationary period of one year. For each period of leave without pay totaling 23 working days or more, the probationary period shall be increased by 30 days. Hours served in a temporary position shall be counted as part of the probationary period. Before a probationary period expires, the manager may authorize an extension of the probation period.

D. A person who is promoted prior to the completion of the probationary period to a higher level position shall complete the probationary period in the lower position by service in

the higher position and shall be considered as having permanent status in the lower level position at the end of the applicable probationary period.

E. Each person appointed to fill a position as a peace officer shall be subject to a probationary period of one year, and, if then not certified by the Alaska Police Standards Council, the probationary period shall continue until such certification.

F. Performance Evaluation Report. Upon completion of the probationary period, the borough officer or department head shall, in writing, report an evaluation of the employee's performance to the manager.

G. Dismissal During Probationary Period. At any time during a probationary period, an employee, other than an employee holding permanent status at the time of the probationary appointment, may be dismissed from service at the discretion of the manager upon prior written notice and without right of hearing or appeal. At any time during a probationary period, a borough officer, other than a borough officer holding permanent status at the time of the probationary appointment, may be dismissed from service at the discretion of the borough assembly upon prior written notice and without right of hearing or appeal. A statement containing the reasons for the dismissal shall be filed with the clerk at the time the notice is given.

A. During the probationary period the individual demonstrates their ability and fitness to perform their job. During the probationary period, the employee is an at-will employee and can be disciplined, demoted, dismissed or separated from their position for any reason with or without just cause and without recourse to the grievance procedure. The probationary period varies from six months for some classes of positions to 12 months for others. Probation does not apply to a temporary appointment.

B. Regular appointment to a position shall be made only upon satisfactory completion of the probationary period. Unless action is taken by the department manager or director with the approval of the borough manager to dismiss, separate or demote the employee or to request extension of the probationary period prior to the end of the probationary period, the appointment shall become a regular appointment and the employee shall become an employee with regular status on the first working day following completion of the probationary period.

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

2.76.040 Regular work day – Scheduled hours of work.

The regular work day shall consist of eight hours. Each borough officer and department head shall establish the scheduled hours of work for employees within their respective departments. Such hours, for full-time employees, shall not be less than the minimum hours as hereinafter provided and shall, where practicable, be uniform for all employees assigned to perform the same or similar duties. Each borough officer and department head shall establish rules and regulations governing the rotation of work among employees who, by the nature of their work, are required to work on weekends or at times other than the normal workday.

2.76.045 Designated work week.

For the purposes of figuring overtime hours, the borough recognizes Monday through Sunday as its "designated" work week.

2.76.050 Regular work week.

The regular work week shall consist of five regular work days, totaling 40 hours. The manager has the authority to stagger or change the work week and hours whenever it is in the borough's interest to do so. This does not include the police or fire departments as covered in HBC 2.76.065.

2.76.060 Work week for shift employees.

Shift employees shall have the sixth and seventh days designated as regular days off. Work schedules for shift employees shall be posted by the twenty-fifth of the month covering the succeeding month. This does not include the police or fire departments as covered in HBC 2.76.065.

2.76.065 Police and fire department scheduled work week and hours.

No minimum work week applies to police officers and the full-time paid firefighters because the scheduled days of work are subject to frequent change. However, the chief of police and fire chief will prepare a work schedule for their employees in a manner so that each employee is scheduled to work in keeping with the provisions of the Fair Labor Standards Act. Schedules and record keeping shall be performed as required by the Fair Labor Standards Act and state law. A copy of all records shall be filed with the chief fiscal officer. The use of flexible shifts is encouraged.

2.76.070 Regular overtime.

When mandated by state or federal law, and sSubject to HBC 2.76.100, work performed in excess of a 40-hour work week shall be paid for at the rate of one and one-half times the normal rate ~~unless preempted by the special provisions allowed under the FLSA for police and fire personnel.~~ Overtime must be approved by the manager or department head as appropriate.

2.76.085 Flexible time.

The manager shall have the authority to authorize flexible work periods, including, but not limited to, scheduled hours during the work day and work week, subject to the provisions of the FLSA.

2.76.090 Holiday overtime.

Except where a collective bargaining agreement provides otherwise:

A. Employees not required to work on holidays (see HBC 2.76.170) shall receive straight-time pay for the holiday.

B. Employees required to work on holidays **may request** ~~shall be given~~ a substitute day to be scheduled with their supervisor in lieu of the holiday worked.

C. All personnel are excused from work on the holidays specified in HBC 2.76.170 except those persons who, because of the nature of their work, are required to work on holidays.

D. Administrative departments, which by the nature of their duties require holiday work, shall establish rules and regulations governing the rotation of work on holidays among their personnel. These rules shall be posted where personnel can see them. A copy of the same shall be filed with the clerk and chief fiscal officer.

2.76.095 Travel time.

A. Home-to-Work Travel. Home-to-work travel is not compensable because an employee is not at work until the employee reaches the work site.

B. Travel in the Same Day. Employees who travel from and return to the work site in one day will be paid for all travel time in addition to any work time, with the exception of meal periods. If employees work and travel less than eight hours in one day, they will be paid for actual work and travel time only.

C. Out-of-Town Travel. Employees who travel out of town overnight will be paid for time spent traveling (except for meal periods) during their normal working hours on their nonworking days, such as Saturday, Sunday and holidays, as well as on their regular working days. During these days, normal working hours will be 8:00 a.m. to 5:00 p.m. Time spent traveling as a passenger outside of normal working hours is not considered work time. The department head may schedule an employee returning from overnight travel status to work a regularly scheduled work shift within the same day. An employee returning from travel who is

not scheduled to work a regularly scheduled shift on the same day will be paid for travel time and any out-of-town time only on that day.

D. General Policies.

1. Overtime will be paid as required by code and applicable law.

2. The day following a travel day is a separate work day. An employee may be scheduled to work a regular shift any time after midnight of the day following a travel day; provided, that the work shift begins more than eight hours after the employee's return from travel status.

3. These travel pay requirements do not apply to salaried employees. Salaried employees will not be paid for travel time in addition to their base salary.

2.76.100 Exceptions.

Positions that meet the criteria of exempt positions under the Fair Labor Standards Act shall be classified as "exempt" positions under the borough and shall be paid a monthly salary which includes compensation for hours worked in addition to the minimum work week and for work as defined in their job descriptions, ~~except that the manager, as personnel officer, may authorize overtime pay at their regular hourly rate.~~

2.76.105 Standby time.

Those employees authorized to incur standby time shall be compensated at the standard minimum wage rate for the state of Alaska then in effect for such time. Standby policies shall be described in the police department operations manual and approved annually by the assembly.

2.76.110 Call out time.

No employee shall be called to work outside the employee's regular work day shift for less than two hours of the applicable overtime rate.

2.76.115 Swing shift pay differential.

Dispatchers, patrol officers, and the police sergeant ~~Those persons~~ scheduled to work swing shifts ~~as dispatchers~~ shall be paid an hourly rate of ~~\$0.12~~ **\$0.50** in addition to their regular rate of pay.

2.76.120 Graveyard shift pay differential.

Dispatchers, patrol officers, and the police sergeant ~~Those persons~~ scheduled to work graveyard shift ~~as dispatchers~~ shall be paid an hourly rate of ~~\$0.15~~ **\$1.00** in addition to their regular rate of pay.

2.76.130 Uniforms.

Police and fire department employees shall be provided uniforms which shall be inventoried by the chiefs and returned at the end of employment. If an employee shall voluntarily terminate employment within six months of the employee's hire date, the cost of uniforms provided said employee shall be deducted in full from the employee's final pay. In the event employees elect to keep uniforms, all official badges, patches and similar decals shall be returned to the borough.

2.76.140 Exception – Terms of hire.

The nature of certain positions may dictate terms of hire which are exceptions to the general rules. The notice of vacancy shall inform applicants of exceptions.

2.76.150 Paydays.

All personnel will be paid no later than the fourth working day following the end of each pay period **except in the event when the fourth business day falls on a bank holiday in which case checks shall be distributed on the following borough business day.** Pay periods end the fifteenth and the last day of each month. (Ord. 07-09-169)

2.76.160 Payroll deductions.

All deductions required by law will be withheld from each employee's pay check. Other deductions may be provided for on a voluntary basis such as ~~premiums for health insurance coverage and deposits to credit union accounts.~~

2.76.170 Recognized holidays.

The following days shall be recognized as holidays with pay for all permanent regular non-seasonal and probationary employees ~~with positions listed on the employee step chart,~~ who are in pay status before and following such days:

- A. The first day of January, known as New Year's Day;
- B. The third Monday in February, known as President's Day;
- C. The last Monday in May, known as Memorial Day;
- D. The fourth day of July, known as Independence Day;
- E. The first Monday in September, known as Labor Day;
- F. The eighteenth day of October, known as Alaska Day;
- G. The eleventh day of November, known as Veteran's Day;
- H. The fourth Thursday in November, known as Thanksgiving Day;
- I. The Friday following Thanksgiving;
- J. The twenty-fourth of December, known as Christmas Eve;
- K. The twenty-fifth of December, known as Christmas Day.

2.76.180 Reserved.

2.76.190 Holidays falling on Saturday or Sunday.

When a holiday falls on Sunday, the following Monday will be observed as the holiday. When a holiday falls on Saturday, the preceding Friday will be observed as the holiday. ~~For shift employees, the first day off in the week will be considered as Saturday and the second day off, Sunday.~~

2.76.200 Other employment.

A. No person shall engage in any other employment during the hours the person is scheduled to work for the borough or engage in any employment outside the hours the person is scheduled to work for the borough when such employment will restrict or limit the person's usefulness to the borough or adversely affect the person's work.

~~B. Under no circumstances may a borough employee who is engaged in any business, calling, or employment other than that of their borough employment be paid sick leave benefits by the borough while the employee is so engaged.~~

2.76.205 Duplicate benefits prohibited.

Under no circumstances shall both holiday pay and sick paid leave ~~both~~ be paid to any borough employee for the same eight-hour shift. In the event that an employee is ill or on vacation on a holiday which the employee would normally be scheduled to work, the employee will be paid holiday pay only for that eight-hour shift.

2.76.210 Training.

A. Required Training. Each department head shall develop and conduct such practical training programs as are suited to the special requirements of their respective departments. The department head shall institute and provide for the conducting of training programs which are needed for efficient management of the department. Training programs shall emphasize accident prevention, employee safety and public relations. All training shall be job-related.

B. Elective Training. Elective job-related training requested by an employee may be approved; however, if the employee voluntarily terminates employment with the borough within six months of receiving such elective training, the employee will be required to reimburse the borough for the costs of such training, including course costs and all travel and per diem expenses.

C. Passing Grade Required. At the conclusion of any training course approved by the borough, the employee must provide to the borough a transcript showing a passing grade for the course, or a certificate of successful completion if grades are not provided by the course director. If an employee fails to provide the borough with such proof, the employee will be required to reimburse the borough for all costs of such training, including course costs and all travel and per diem expenses.

D. Course Materials. All course materials received by the employee, including books, tapes, computer software, etc., are the property of the borough and will remain in the custody of the appropriate department head for future reference.

E. Cross Training. Any employee receiving training at the expense of the borough will be expected to cross-train others in the employee's department if deemed appropriate by the department head or manager.

2.76.220 Performance evaluation.

The manager, department heads, or supervisors designated by the manager shall be responsible for evaluating and documenting the degree to which each employee meets his or her job requirements as specified in the job description. After a performance report has been discussed with the employee, both the employee and supervisor **evaluator** will sign the report which will **be turned in to the borough clerk and will** become a permanent part of the employee's personnel record. Evaluations will be done as required during the probationary period under HBC 2.76.030 as well as during step review under HBC 2.80.050. Evaluations shall be done upon forms provided and in the manner required by the personnel officer.

2.76.230 Physical examination.

A. When an offer of employment for a particular job classification is conditioned on satisfying certain physical qualifications, a pre-employment examination by the physician of the employee's choice may be required. A post-employment examination may be required by the manager ~~or department head~~ in order to ensure that minimum physical requirements relating to job performance can be sustained by the employee.

B. The cost of an examination required under this section shall be borne by the employer.

C. Medical information received by the borough as a result of an examination under this section, as well as any medical information voluntarily disclosed by an employee, is a confidential medical record subject to release only in accordance with applicable law.

Section 5. Amendment of Subsection 2.82.040. Subsection 2.82.040 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS

2.82.040 Dismissal.

An employee may be dismissed for incompetence, inefficiency, insubordination, habitual tardiness, use **or being under the influence** of intoxicating liquor **alcoholic beverages**, narcotics, **marijuana** or dangerous drugs on duty, or for similar causes.

A. **Probationary e**Employees other than borough officers, ~~who do not hold permanent status,~~ may be dismissed without right of hearing or appeal at any time at the discretion of the manager, or by a borough officer or department head. ~~Borough officers who do not hold permanent status may be dismissed at any time at the discretion of the assembly.~~ The person shall be given a notice of dismissal in writing stating the reason for the dismissal and a copy thereof shall be filed with the manager.

B. An **regular** employee who **has successfully completed a probation period** holds permanent status may be dismissed by the manager, or by a borough officer or department head, but only for just cause. The dismissal shall be in writing and specify the grounds for dismissal. A

copy of the dismissal shall be filed with the manager. ~~A borough officer, other than the manager, who holds permanent status may be dismissed by the assembly at their pleasure.~~

C. Any person found in violation of prohibitions set forth in Chapter 2.96 HBC shall be dismissed. Charges alleging such violation may be initiated by the manager, or by a borough officer or department head who is authorized to remove such a person.

D. A borough officer may be dismissed at any time at the discretion of the assembly.

Section 6. Amendment of Subsection 2.82.050(B). Subsection 2.82.050(B) of the Haines Borough Code is hereby amended to read as follows:

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STRIKETHROUGH ITEMS ARE DELETED

2.82.050 Layoffs.

B. The clerk shall prepare and maintain a lay-off list stating the names and former positions of all **regular** employees laid off. The names of such employees shall remain on the list for two years. If not reappointed within this time, the employee shall be considered to have terminated without prejudice. ~~Neither annual nor sick~~ **Accrued personal** leave shall **not** be cancelled because an employee is laid off.

Section 7. Amendment of Chapter 2.84. Chapter 2.84 of the Haines Borough Code is hereby amended to read as follows:

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Chapter 2.84

VACATION TIME PERSONAL LEAVE

Sections:

- 2.84.010 ~~Permanent full-time employees~~ **Personal leave accrual.**
- 2.84.020 ~~Permanent part-time/permanent seasonal employees~~ **Personal leave use.**
- 2.84.030 ~~Employees working less than a month~~ **Accumulation limit.**
- 2.84.040 ~~Temporary employees~~ **Personal leave cash in.**
- 2.84.050 ~~While on leave without pay status~~ **Donating personal leave.**
- 2.84.060 ~~Saturdays, Sundays and holidays.~~ **Leave records.**
- 2.84.080 ~~Department head to authorize.~~
- 2.84.090 ~~At expiration of sick leave.~~
- 2.84.100 ~~Termination.~~
- 2.84.110 ~~Mandatory time off.~~
- 2.84.120 ~~Accumulation limit.~~
- 2.84.130 ~~Pay in lieu of time off.~~
- 2.84.140 ~~During first year of employment.~~
- 2.84.150 ~~Retroactive accrual.~~
- 2.84.160 ~~Executive leave.~~
- 2.84.170 ~~Schedule~~ ~~Records.~~

2.84.010 ~~Permanent full-time employees.~~ **Personal leave accrual.**

A. Regular, non-seasonal Permanent full-time employees shall accrue **personal leave** vacation time at the following rates **on a proportionate basis according to the hours they are scheduled to work based on the following rate for a 40-hour work week:**

0-3 years - One hundred and sixty (160) hours per year

4-6 years - Two hundred (200) hours per year
7-9 -Two hundred forty (240) hours per year
10 or more years- Two hundred and fifty six (256) hours per year

| Length of Service | Earned Monthly | Annual Total |
|---------------------------|-----------------------|---------------------|
| 0 through 3rd year | 1 day | 12 working days |
| 4th year through 6th year | 1 1/4 days | 15 working days |
| 7th year through 9th year | 1 2/3 days | 20 working days |
| 10th and remaining years | 2 days | 24 working days |

In addition to the above vacation time, all employees shall receive two days per year of personal leave with a maximum of five days' accumulation. Except in an emergency, an employee must give two days' notice to take personal leave. For less than full-time employees, personal leave shall accrue on a ratio of the hours they work to a 40-hour week.

B. In determining years of service for the purpose of computing personal leave, all eligible service with the Borough shall be included. For employees working less than 40 hours per week, one year equals 2080 hours worked.

C. Accrual rate changes will become effective the 1st day of the month following the pay period in which the employee completes the service requirement and becomes eligible for the higher accrual rate.

D. Personal leave accrual for partial pay periods of service will be prorated.

2.84.020 Permanent part-time/permanent seasonal employees:

Permanent part-time employees shall accrue vacation time on a ratio of the hours they work to a 40-hour week.

2.84.030 Employees working less than a month:

Employees who work a portion of one month shall have their annual leave prorated accordingly.

2.84.040 Temporary employees:

E. An employee appointed for a position of temporary nature shall not accrue **personal** leave credit.

2.84.050 While on leave without pay status:

F. Vacation time **Personal leave** will not accrue while an employee is on leave without pay status.

2.84.020 Personal leave use

A. Accrued personal leave is available for use after an employee has completed thirty (30) continuous calendar days of employment.

2.84.060 Saturdays, Sundays and holidays:

B. While on vacation, Saturdays, Sundays and **paid borough** holidays will not be considered as time taken on vacation personal leave, but only regular work days will be counted as days taken on vacation.

C. Employees shall request personal leave as far in advance as reasonably possible.

D. Personal leave may be scheduled when business permits, with the prior approval of the employee's immediate supervisor.

1. Requests for personal leave will not be unreasonably denied.

2. Once leave has been approved, the approval may not be rescinded unless the Borough Manager declares that a situation exists which requires the employee's presence on the job. In such cases, the Borough will take into consideration reasonable costs associated with canceled travel and may elect to reimburse all or part of the cost.

3. An employee who is unable to report for work without prior approval shall report the reasons for the absence to the employee's supervisor within two hours from the time the employee was expected to report to work. Failure to comply with this requirement shall prohibit leave with pay for this absence. Supervisors may consider statements explaining situations beyond the employee's control and may require a written statement from a physician to substantiate claims of illness.

4. Each borough department manager or director shall establish policies and procedures which will allow all employees to schedule and take accrued personal leave.

E. Mandatory time off. During their first full year of employment and each year thereafter, employees who accrue personal leave shall take at least 10 days off per fiscal year, five of which must be taken consecutively, unless otherwise approved by the manager.

F. Salaried Exempt Employees. For salaried exempt employees, any day in which the employee works less than four hours shall be considered a day of leave. The borough manager may waive this requirement in situations where a salaried employee coordinates in advance with the manager; or has worked more than 50 hours in a week; or in situations beyond the employee's control. The manager may require a written statement from a physician to substantiate claims of illness.

G. An employee who fails to return from leave under this chapter within the scheduled time period shall be presumed to have resigned unless the employee has requested and been granted leave for an additional period, or the employee's supervisor is notified of extenuating circumstances.

~~2.84.080 Department head to authorize.~~

~~Vacation time shall be taken by the authority of the department head or manager. Requests for vacation time and personal leave from borough officers and department heads must be approved in advance by the manager, and from any other employee by the department head or borough officer.~~

~~2.84.090 At expiration of sick leave.~~

~~Vacation time may be taken for the illness or off-duty injury of an employee upon expiration of accumulated sick leave.~~

~~2.84.100 Termination.~~

~~Subject to HBC 2.84.120, accrued vacation time will be paid to employees who terminate service, based on their salary on the date of termination.~~

~~2.84.110 Mandatory time off.~~

~~After the third year of service, it shall be mandatory for employees accruing vacation time at the rate of one or one and one-quarter days per month to take at least five consecutive days off each year and employees accruing at the rate of two days per month shall take at least 10 consecutive days off each year unless otherwise approved by the manager.~~

2.84.030 2.84.120 Accumulation limit.

Vacation time accrued but not used shall accumulate to a maximum of 40 days. No vacation time shall be taken for less than five days except with the specific approval of the department head, officer or manager. Personal leave accrued but not used shall accumulate to a maximum of 480 hours.

2.84.040 ~~2.84.130~~ ~~Pay in lieu of time off.~~ **Personal leave cash in.**

~~There shall be no pay in lieu of earned vacation time except upon termination of an employee.~~

A. Personal leave will not be cashed in for employees terminating within 30 days of hire.

B. After 12 months of continuous service, an employee may cash in up to 40 hours of personal leave two times per fiscal year, provided the employee shall retain a minimum of 80 hours of leave in the employee's account.

C. Requests for cashing in leave must be submitted by October 31 to be paid with the November 30 payroll or by April 30 to be paid with the May 31 payroll.

D. Accrued personal leave shall be paid to employees who terminate service, based on the employee's salary on the date of termination.

~~2.84.140~~ During first year of employment.

~~Vacation time may not be taken prior to six months of continuous satisfactory service, but after six months of employment, vacation time shall accrue retroactive to date of employment.~~

~~2.84.150~~ Retroactive accrual.

~~A person shall not accrue vacation time until the person has completed 90 regular working days of service. The person shall be credited with vacation time retroactive to the first date of the person's service, or anniversary date, upon achieving the required 90 days.~~

2.84.050 ~~2.86.090~~ ~~Transfer of vacation time.~~ **Donating personal leave.**

A. Employees shall be allowed to donate personal leave and receive personal leave from borough employees subject to the following conditions:

1. An employee wishing to donate personal leave shall fill out, date, and sign a leave request showing the hours of personal leave the employee wishes to donate in increments subject to a minimum of four (4) hours and the name of the recipient.

2. The borough shall convert the donated leave hours to dollars at the regular (annualized) hourly rate of the donor. The dollars shall be converted to hours of leave at the regular (annualized) hourly rate of the recipient, and the resulting number of hours shall be added to the recipient's Donated Leave Account for use in accordance with the requirements in subsection 5. The total amount of leave credited to the recipient's Donated Leave Account shall not exceed three hundred (300) hours.

3. After the donation has been transferred to the recipient's account, the donation cannot be withdrawn, modified or otherwise returned to the donor's account.

4. Donations of leave under this section shall not reduce the mandatory leave usage requirements.

5. Donated leave may not be used unless and until all accrued personal leave has been exhausted. Upon termination, any balance in the Donated Leave Account shall be canceled without pay. Upon the death of an employee, the balance of the Donated Leave Account will be paid to the employee's beneficiaries at the employee's regular hourly rate. Leave may be donated to other Borough regular employees only for catastrophic events, unforeseen emergencies/circumstances or illnesses. Donating personal leave for payment of services or purchases or in lieu of cash transactions is expressly prohibited.

B. Accounting of donated personal leave shall be expended within the budget allocation of the department of the donor employee.

C. An employee shall not accrue personal leave while on donated leave.

D. The borough shall provide health insurance to an employee on donated personal leave as would otherwise be provided.

~~2.84.160 Executive leave.~~

~~A. In addition to accruing vacation time and personal leave under this chapter, persons serving as borough manager, chief of police, chief fiscal officer, tourism director, director of public facilities, or borough clerk shall accrue 40 hours of executive leave per year from the date they entered the position without regard to probationary status, subject to subsection C.~~

~~B. Executive leave accrued but not used shall accumulate to a maximum of 80 hours. Persons employed in positions affected by this section shall begin to accrue executive leave from the date of hire without regard to probationary status.~~

~~C. However, in In the event an employee subject to this section fails to pass the required probationary period of employment in the appropriate position status, then executive leave shall be deemed unearned.~~

~~D. Executive leave accrued but not used upon termination of employment shall be cancelled without payment of same.~~

2.84.060 ~~2.84.170 Schedule—~~ **Leave records.**

~~A. The chief fiscal officer shall maintain the leave records for all employees. Each borough officer or department head shall establish policies and procedures which will allow all employees to schedule and take accrued vacation time. It is the responsibility of each borough officer or department head to give each employee the opportunity to use the employee's vacation time.~~

B. Confidentiality. Medical information received by the borough as a result of an employment requirement, as well as any medical information voluntarily disclosed by an employee, is a confidential medical record subject to release only in accordance with applicable law.

Section 8. Amendment of Chapter 2.86. Chapter 2.86 of the Haines Borough Code is hereby amended to remove sick leave and replace it with executive leave formerly in Chapter 2.84, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS
STRIKETHROUGH ITEMS ARE DELETED

Chapter 2.86

~~SICK LEAVE~~ EXECUTIVE LEAVE

Sections:

2.86.010 ~~Permanent full-time employees.~~ **Executive leave eligibility.**

~~2.86.015 Probationary employees.~~

2.86.020 ~~Permanent part-time/permanent seasonal employees.~~ **Executive leave accrual**

~~2.86.030 Temporary employees.~~

~~2.86.040 Approval of sick leave.~~

~~2.86.050 Immediate family members and medical leave.~~

~~2.86.060 Notification to superior.~~

~~2.86.070 While on leave without pay status.~~

~~2.86.080 Upon separation.~~

~~2.86.090 Transfer of vacation time.~~

~~2.86.100 Generally.~~

2.86.010 Permanent full-time employees. **Executive leave eligibility.**

Permanent full-time employees shall accrue and may use as accrued sick leave on the basis of one and one third working days per month of continuous service up to 60 days. **In addition to accruing personal leave under Chapter 2.84, persons serving as borough officers shall accrue executive leave. An employee who is not a borough officer who is receiving executive leave at the time this ordinance is adopted shall remain eligible for executive leave unless the employee moves to a different position.**

2.86.015 Probationary employees.

Probationary employees shall accrue sick leave on the basis of one and one-third working days per month as provided in HBC 2.86.010, but shall not be allowed to use said accruals until 90 days of employment have been served.

2.86.020 Permanent part-time/permanent seasonal employees. Executive leave accrual.

Permanent part-time and permanent seasonal employees shall accrue sick leave on a ratio of the hours they work to a 40-hour week. **A. Eligible employees shall accrue 40 hours of executive leave per year from the date they entered the position without regard to probationary status, subject to subsection C.**

B. Executive leave accrued but not used shall accumulate to a maximum of 80 hours.

C. In the event an employee subject to this section fails to pass the required probationary period of employment in the appropriate position status, then executive leave shall be deemed unearned.

D. Executive leave accrued but not used upon termination of employment shall be cancelled without payment of same.

2.86.030 Temporary employees.

Temporary employees are not entitled to sick leave.

2.86.040 Approval of sick leave.

Sick leave shall be granted by the manager, borough officer or department head only in the following instances:

A. When the manager, borough officer or department head is satisfied that the absent employee is actually sick or injured. Sick leave shall be granted for a medical or dental appointment.

B. When there is illness within the employee's immediate family that requires the presence of the employee. The absence may be required to be supported by a physician's certificate.

C. When there is a death of the spouse or other immediate family member of an employee. The employee may in this instance use up to 10 days of sick leave unless otherwise approved and extended by the manager.

D. More than three days' sick leave used at any one time may require a doctor's certificate.

2.86.050 Immediate family members and medical leave.

A. An eligible employee is entitled to take family and medical leave:

1. Because of pregnancy and the birth of a child of the employee or the placement of a child, other than the employee's stepchild, with the employee for adoption; leave taken under this paragraph shall be used in a single block of time;

2. In order to care for the employee's child, spouse, or parent who has a serious health condition; in this paragraph, "child" includes the employee's biological, adopted, or foster child, stepchild, or legal ward; and

3. Because of the employee's own serious health condition.

B. If a parent or child of two borough employees has a serious health condition, it is within the borough's sole discretion whether to grant family and medical leave to both employees simultaneously.

C. An employee is eligible to take family and medical leave if the employee has been employed by the borough for at least 35 hours a week for at least six consecutive months or for at least 17 and one-half hours a week for at least 12 consecutive months immediately preceding the leave. The employee shall first take accrued sick leave, then accrued annual leave, and finally unpaid leave as family and medical leave.

D. An eligible employee may take family and medical leave because of a serious health condition for a total of 18 work weeks during any 24-month period.

~~E. An eligible employee may take family and medical leave because of pregnancy and childbirth or adoption for a total of 18 work weeks within a 12 month period; the right to take leave for this reason expires on the date one year after the birth or placement of the child.~~

~~F. Unless the borough's circumstances have changed to make it impossible or unreasonable, when an employee returns from family and medical leave under this section the borough shall restore the employee to the position held by the employee when the leave began, or to a substantially similar position with substantially similar benefits, pay, and other terms and conditions of employment.~~

~~G. If the necessity for leave under this section is foreseeable based on an expected birth or adoption or on planned medical treatment or supervision, the employee shall provide the borough with advance notice of the expected need for leave in a manner that is reasonable and practicable. If the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the employee shall also make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the borough, subject to the approval of the health care provider of the employee or the employee's child, spouse, or parent, as applicable.~~

~~H. In this section:~~

~~1. "Child" means an individual who is:~~

~~a. Under 18 years of age; or~~

~~b. Eighteen years of age or older and incapable of self care because of mental or physical disability;~~

~~2. "Health care provider" means a dentist licensed under AS 08.36, a physician licensed under AS 08.64, or a psychologist licensed under AS 08.86, or having comparable licensure in another state;~~

~~3. "Parent" means a biological or adoptive parent, a parent in law, or a stepparent;~~

~~4. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:~~

~~a. Inpatient care in a hospital, hospice, or residential health care facility; or~~

~~b. Continuing treatment or continuing supervision by a health care provider.~~

~~2.86.060 Notification to superior.~~

~~Any employee absent due to illness of the employee or of an immediate family member must, if possible, notify the department head or officer before the normal time for reporting for duty.~~

~~2.86.070 While on leave without pay status.~~

~~Sick leave will not accrue while an employee is on a leave without pay status.~~

~~2.86.080 Upon separation.~~

~~Upon separation, an employee's unused sick leave is cancelled without pay.~~

~~2.86.090 Transfer of vacation time.~~

~~An employee may donate a portion of the employee's vacation time to the use of another employee who has exhausted that employee's sick leave, vacation time and personal leave; provided, that:~~

~~A. An employee may donate vacation time that is:~~

~~1. "Cashable" only; and~~

~~2. Earned by the employee in excess of one year's annual accrual with the provision that no more than 50 percent of the excess may be donated to any one employee.~~

~~B. An employee who has exhausted his or her sick leave, vacation time and personal leave may accept donated leave for the purpose of extended absence from work due to illness or injury of the employee or a family member for a personal emergency; provided, that:~~

~~1. The employee has given notice of need in writing to the clerk's office;~~

~~2. The application is approved by the manager, whose decision may be appealed to the assembly; and~~

~~3. The employee may use up to 240 hours of donated vacation time with a provision for an extension applied to and approved by the manager, whose decision may be appealed to the assembly. The manager shall approve applications for donated vacation time based primarily on employee need.~~

~~C. Donated vacation time shall be calculated by wage conversion of the donor to the recipient.~~

~~D. Accounting of donated vacation time shall be expended within the budget allocation of the department of the donor employee.~~

~~E. An employee shall not accrue vacation time, sick leave or personal leave while on donated leave.~~

~~F. The borough shall provide health insurance as would otherwise be provided to an employee on donated vacation time.~~

~~2.86.100 Generally.~~

~~A. An employee who fails to return from leave under this chapter within the prescribed time limit shall be presumed to have resigned unless the employee has applied for and been granted leave without pay for an additional period.~~

~~B. An employee whose absence has been approved under this chapter shall be paid for the time lost, to the extent that the employee has sick leave accrued, at the employee's current salary, less the amount of any time loss payments made to the employee under the Alaska Workers' Compensation Act.~~

~~C. A person who has separated from service in good standing and who re-enters service within six calendar months after separation shall be credited with one-half of the sick leave that the person had accrued at the time of separation.~~

~~D. Under no circumstance shall holiday pay and sick leave both be paid to an employee for the same work shift. In the event that the employee is ill or injured on a holiday that the employee would normally be scheduled to work, he or she will be paid holiday pay only for that work shift.~~

~~E. Under no circumstance may a borough employee who is engaged in any business, calling, or employment other than that of the employee's borough employment be paid sick leave benefits by the borough while the employee is so engaged.~~

Section 9. Amendment of Chapter 2.88. Chapter 2.88 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE
STRIKETHROUGH ITEMS ARE DELETED

Chapter 2.88

LEAVES OF ABSENCE

Sections:

2.88.010 ~~Less than 10 days leave~~ **Leave without pay.**

~~2.88.020 More than 10 days leave.~~

2.88.030**020** Active military duty.

2.88.040**030** Reserve military duty or training.

2.88.050**040** Emergency response leave.

2.88.060**050** Witness and jury **duty** leave.

2.88.060 Family Medical Leave

2.88.010 Less than 10 days leave Leave without pay.

A. All regular eEmployees may be granted leave without pay **upon application to, and at the discretion and approval of, his or her supervisor.**, not to exceed a total of 10 working days in any year, for any compelling reason subject to approval of the manager or department head as authorized. Leave without pay **for more than two days in any quarter**

~~or more than five days in a fiscal year shall require the manager's approval shall be taken only after all annual leave has been expended.~~

B. An employee who is on leave without pay does not accrue personal leave, fringe benefits or other benefits of employment during the leave period. Employees may retain accrued personal leave while on leave without pay. Notwithstanding the provisions of this subsection, an employee who is on leave under the Family Medical Leave Act may be entitled to receive health benefits if required by federal or state law, and an employee on leave without pay may be entitled to health benefits pursuant to COBRA and according to the rules of the current insurer.

C. Leave without pay may affect other benefit programs which are provided to the employee. It shall be the employees' responsibility to check with the appropriate authorities on possible benefit reductions.

D. An employee who fails to return from leave under this chapter within the scheduled time period shall be presumed to have resigned unless the employee has applied for and been granted leave without pay for an additional period.

~~**2.88.020 More than 10 days leave.**~~

~~Leave without pay for more than 10 days may affect other benefit programs which are provided to the employee. It shall be the employee's responsibility to check with the appropriate authorities on possible benefit reductions. Permanent employees may be allowed to be absent from duty without pay, in excess of 10 days, on the basis of applications for leave without pay approved by the personnel officer under the following conditions:~~

~~A. Borough Interest Not Unduly Affected. Such leave shall be granted only when it will not result in undue prejudice to the interest of the borough beyond any benefits to be realized.~~

~~B. For Travel or Study. An application for leave without pay for travel or study calculated to equip an employee for more effective service to the borough.~~

~~C. Leave without pay shall be taken only after all annual leave has been expended. The manager may consider the eventual compensating benefits of such leave to the borough in keeping the position open, or filling it temporarily, until the return of the employee.~~

2.88.030020 Active military duty.

A person **regular borough employee who is a member of a reserve component of the United States Armed Forces or the National Guard who is** appointed to fill a permanent **regular** full-time or part-time position shall be entitled to military leave of absence without pay to serve in the Armed Forces of the United States and shall be entitled to the re-employment benefits granted under Section 9 of the Universal Military Training and Service Act, as amended, 50 U.S.C. Section 459.

2.88.040030 Reserve military duty or training.

A. Any person employed by the **A regular** borough **employee** who is a member of a reserve component of the United States Armed Forces **or the National Guard**, is entitled to a **military** leave of absence without loss of pay, time, or performance rating on all days during which the person is ordered to attend training duty (as distinguished from active duty), field exercises, or instruction. The **military** leave of absence may not exceed 16 and one-half working days in one calendar year.

B. A position made vacant by a military leave of absence of less than six months shall be filled only by temporary appointment. If the **military** leave **of absence** is for a period of six months or more, it may be filled by a substitute permanent **regular** appointment.

C B. The employee shall turn over to the borough for deposit all moneys received from the reserve component as compensation for service, up to the amount of the employee's regular gross salary for the same period, and in turn shall be paid the employee's current salary while on reserve military duty.

2.88.05040 Emergency response leave.

A. A person appointed to fill a permanent full-time or permanent part-time position **regular employee** who is also certified to provide emergency fire or medical response may be granted leave to provide such response outside **of, or beyond the** their borough volunteer fire and **or** EMS capacities **jurisdiction. In such circumstances, the employee shall request, in advance if possible, emergency response leave from his or her immediate supervisor. The supervisor shall evaluate the Employer's needs and shall not unreasonably deny the request. Unless the employee chooses to use personal leave time, the leave taken under this section shall be leave without pay.** In the event of an emergency and borough employee involvement, the employee shall request emergency response leave from their supervisor, in advance where possible. The supervisor shall evaluate the borough's needs and shall not unreasonably deny the request. Leave taken shall be leave without pay, or the employee may choose to use vacation leave.

2.88.06050 Witness and jury duty leave.

A. A permanent **regular** employee who is called to serve as juror or subpoenaed as a witness shall be entitled to court leave. The request for such leave shall be supported by written documents such as a subpoena, magistrate's **or other court official's** statement of attendance, and request for compensation for services, per diem and travel issued by other parties.

B. The employee shall turn over to the borough for deposit all moneys received from the court **or other party** as compensation for service, and in turn shall be paid the employee's current salary while on court leave.

2.88.060 Family Medical Leave.

A. Family Medical Leave Act (federal).

Qualified employees shall be entitled to coverage under the Family Medical Leave Act (FMLA).

1. Health insurance contributions will be made on behalf of qualified employees during the twelve (12) week period of family leave (including periods of personal leave, or periods of leave without pay).

2. When taking leave under the FMLA, a qualified employee must exhaust all accrued paid leave including comp time before entering leave without pay.

3. When taking leave due to pregnancy, childbirth, foster care placement or adoption, the leave entitlement must be taken consecutively.

4. The twelve (12) month period for utilizing leave entitlements shall commence with the first day the leave is taken under the FMLA.

5. Approved leave without pay taken under the provisions of the FMLA shall have the same effect as any other period of approved leave without pay on the employee's terms and conditions of employment, except as provided otherwise in this section.

6. An employee may be required to recertify the qualifying reason for remaining on family leave.

7. An employee may be required to provide a fit-for-duty statement prior to returning to work.

B. Alaska Family Leave Act.

1. The Alaska Family Leave Act (AFMLA) also applies.

2. AFMLA leave is not cumulative with FMLA leave.

C. If leave provisions in this section are found to be in conflict with the FMLA or AFMLA, the FMLA or AFMLA entitlements shall prevail.

Section 10. Amendment of Section 2.92.010. Section 2.92.010 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE
~~STRIKETHROUGH~~ ITEMS ARE DELETED

Chapter 2.92
DISABILITY AND HEALTH INSURANCE

Sections:

- 2.92.010 ~~Group health insurance available.~~
- 2.92.020 Duty of employee to report.
- 2.92.030 Workers' compensation.
- 2.92.040 Volunteer and auxiliary personnel.

2.92.010 ~~Group health insurance available.~~

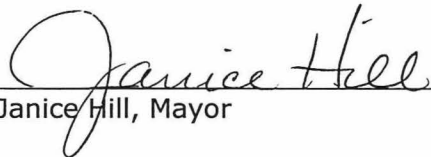
A. Except where a collective bargaining agreement provides otherwise, permanent **regular**, full-time employees and permanent part-time employees who annually work an average of 35 **whose position is regularly scheduled for 30 or more** hours **of work each** per week or more may enroll in the borough group health insurance policy with the borough paying the employee's premium and 100 percent of one dependent's premium. Employees and their dependents will **shall** be eligible to join the group based on the requirements of the current insurance provider **for a health benefit contribution from the employer.**

B. The mayor and members of the assembly may enroll in the borough's group health insurance plan with the borough paying the same monthly co-pay amount as set forth in the collective bargaining agreement with borough employees.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 11th DAY OF AUGUST, 2015.

ATTEST:


Julie Cozzi, MMC, Borough Clerk


Janice Hill, Mayor

Date Introduced: 07/14/15
Date of First Public Hearing: 07/28/15
Date of Second Public Hearing: 08/11/15 - Adopted

