



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda - Final

City Council

Tuesday, January 24, 2017

6:00 PM

Council Chambers

Work Session (City Personnel Regulations)

WORK SESSION AGENDA - 6:00 pm

1. [City of Valdez Employee Controlled Substance, Alcohol, and Marijuana Policy Update](#)

Attachments:

[Proposed COV Controlled Substance, Alcohol and Marijuana Policy](#)

[Current COV Employee Controlled Substances & Alcohol Policy \(PERSREGS 2](#)

[COV Personnel Regulations Manual \(final 2008 edition\)](#)



Agenda Statement

File #: 17-0043 **Version:** 1

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On agenda: 1/24/2017 **Final action:**

Title: City of Valdez Employee Controlled Substance, Alcohol, and Marijuana Policy Update

Sponsors:

Indexes:

Code sections:

Attachments: [Proposed COV Controlled Substance, Alcohol and Marijuana Policy](#)
[Current COV Employee Controlled Substances & Alcohol Policy \(PERSREGS 2008\)](#)
[COV Personnel Regulations Manual \(final 2008 edition\)](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

City of Valdez Employee Controlled Substance, Alcohol, and Marijuana Policy Update

SUBMITTED BY: Tim James, Human Resources Director

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Work session discussion.

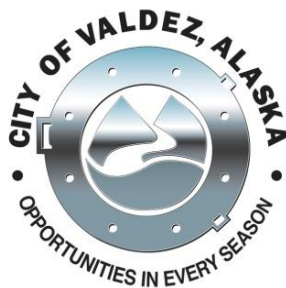
SUMMARY STATEMENT:

The purpose of this work session is to begin the process of adoption of a comprehensive non-DOT Controlled Substance, Alcohol and Marijuana policy for the employees of the City of Valdez.

In addition, Human Resources will be proposing a method for establishing a process to separate the City of Valdez Personnel Policy and Procedures from the current City of Valdez Personnel Regulation format.

The new format will establish a detailed, formal set of Personnel Policies and Procedures which will be titled, "City of Valdez Personnel Regulations" to be retained in each Department of the City. An Employee Handbook will be created to accompany the Personnel Policies and Procedures for

distribution to current and new employees of the City that is less detailed but contains specific references to the Personnel Policies and Procedures.



City of Valdez Personnel Policy and Procedures Manual

Section #: 12 Special Provisions

Policy: 12.3 - Controlled Substance, Alcohol and Marijuana Non-DOT Policy

Replaces: 12.3 - Controlled Substances and Alcohol Policy; 12.5 – Controlled Substance and Alcohol Testing Policy for Other Safety Sensitive Positions - City of Valdez Personnel Regulations; 2008

Scope: All Staff

Responsible Department(s):
All Departments

Approved By:

Last Reviewed Date:

Effective Date:

Approval Date:

Purpose: The purpose of this Controlled Substance, Alcohol, and Marijuana Policy ("Policy") is to maintain the highest safety, health, and work performance standards possible, and to reduce work related accidents, injuries, and damage which may be caused by controlled substance, alcohol or marijuana use or impairment. This policy is also intended to ensure the maintenance of productivity, the quality of products and services, and the security of property.

Policy: The City of Valdez ("City") has a long-standing commitment to maintain the highest standards possible for the health and safety of its employees, customers, clients, and the public at large. The use of or impairment by controlled substances, alcohol, and/or marijuana during work time is contrary to these high standards and will not be tolerated. The City of Valdez is still a drug free work place, despite the legalization of marijuana sales and/or personal use in Alaska. MARIJUANA IS STILL CONSIDERED AN IMPAIRING SUBSTANCE OR CONTROLLED SUBSTANCE UNDER THIS POLICY.

Procedure:

SECTION I: Introduction, General Consideration and Guidelines:

- A. Posting:** Each Department Director shall post this Policy in a prominent location, readily accessible to all employees.
- B. Distribution:** A copy of this Policy will be distributed to each employee. All employees will be required to sign a statement acknowledging receipt and understanding of this Policy and his/her agreement to comply with this Policy.
- C. Prohibited Conduct:** The following conduct is prohibited and will result in discipline up to and including termination.

1. The unauthorized use, possession, manufacture, distribution, or sale of an illegal drug, controlled substance, or drug paraphernalia on or in City-owned property (to include City-supplied vehicles), or while on City business, or during working hours.
2. Storing any illegal drug, alcohol, drug paraphernalia, or any controlled substance whose use is unauthorized in or on City-owned or supplied property (to include City-supplied vehicles).
3. Reporting to work, working, or acting or appearing on behalf of the City while under the influence of alcohol, marijuana, illegal drugs, or a controlled substance unless such use is prescribed for the individual by a licensed medical practitioner and is used according to the prescription. This policy does not preclude consuming alcohol at social or business functions where an employee is representing the City of Valdez and where alcohol is served. However, at these functions employees may not consume alcohol to the point of intoxication, to the point where they endanger their own safety or the safety of others, nor may they consume alcohol to excess if they are going to drive. Employees must always conduct themselves professionally and appropriately while on City business.
4. Failure to notify the employer before beginning work to ensure that the workplace is safe and secure, that the employee is taking medications (either prescribed or over-the-counter) or controlled substances which may affect their ability to perform in a manner that would pose a direct threat as a result of their inability or impaired ability to the safe and effective performance of their essential job functions.
5. Refusing to immediately submit to the requirements of any controlled substance or alcohol test when requested by the City in accordance with this policy.
6. Failing to adhere to the requirements of any controlled substance, alcohol treatment, or rehabilitation program in which the employee is participating either as a condition of continued employment or pursuant to a written agreement between the City and the employee.
7. Violating any state or local criminal controlled substance law or statute either on or off duty.
8. Violating any state or local alcohol and/or marijuana law or statute while on duty.
9. Failing to notify the City of any citation, arrest, or conviction under any state or local criminal controlled substance, alcohol, or marijuana law or statute by the next working day following citation, arrest, or conviction.
10. Testing positive for a controlled substance, alcohol, and/or marijuana in violation of this policy.
11. Tampering with, altering, adulterating, substituting, or otherwise obstructing any controlled substance or alcohol testing process required under this policy.
12. Reporting to work, consuming during work hours, or remaining on duty while having an alcohol concentration of greater than .040 or if the employee is otherwise impaired by or under the influence of alcohol, marijuana, or a controlled substance.
13. For on-call employees who have consumed alcohol, marijuana, and/or a controlled substance while on-call to report to work upon request before or after a regularly scheduled shift.

SECTION II: Applicability

A. Individuals Subject to Controlled Substance, Alcohol and Marijuana Policy: Any prospective or current employee of the City is subject to this Policy. The city reserves the right, within the limits of Federal and state laws or statutes, to examine and/or test for the presence of controlled substances, alcohol and/or marijuana. Under the conditions of this Policy, at the sole discretion of the City, applicants or employees may be required to undergo medical examination and/or a urine, blood, or oral fluids test. Testing will be conducted in accordance with accepted industry standard processes and procedures to include the use of Quick/Instant tests. Saliva testing will be administered when required by contract, job description, or any other reason the City may deem necessary.

B. Prescription Drugs: The City will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties.

1. Employees taking prescribed medication that may adversely affect the employee's ability to safely and effectively perform their job duties must notify their supervisor within twenty four hours of taking such medication.
2. Employees taking a prescribed medication that may adversely affect the employee's ability to safely and effectively perform their job duties must carry it in the container labeled by a licensed pharmacist or be prepared to produce this if asked.
3. It is the employee's responsibility and obligation to determine, by consulting a physician if necessary, whether or not a legal medication he/she is taking may affect his/her ability to safely and effectively perform their assigned job duties.
4. An employee whose impairment by a prescribed medication may affect job performance must contact the supervisor and attempt to find an appropriate alternative assignment. If none is available, the employee may take leave or take other steps consistent with the advice of a physician.
5. If the result of testing conducted under this policy demonstrates a safety concern, the City may require that the employee provide a fit for duty letter from his/her physician.
6. If an employee report to work under the influence of prescription medication and, as a result, endangers themselves or others, the employee will be disciplined, up to and including termination.

C. Safety Sensitive Positions: The City has defined "safety sensitive" positions to include the following:

1. All personnel who routinely maintain or operate equipment or apparatus not otherwise classified as CMVs to include police, fire and ambulance apparatus.
2. All personnel who come in contact with, or could reasonably be expected to come into contact with, public safety information regarding alcohol, controlled substance, or illegal drug related investigations and operations.
3. All personnel whose job responsibilities require them to carry, or be licensed to carry, a firearm.
4. All personnel whose job requires them to treat and/or attend to injured or ill members of the public.

Safety sensitive positions shall be designated as deemed appropriate by the City Manager. Positions so designated include, but are not limited to, the following:

City Manager	Shelter Attendant
Assistant City Manager	Fire Chief
Human Resources Director	Fire Captain
Chief of Police	Fire Lieutenant
Police Lieutenant	Fire Engineer
Police Sergeant	Fire Administrative Assistant
Police Officer	Fire Department Volunteers
Police Administrative Assistant	Harbormaster
PST/Jail Supervisor	Ports and Harbor workers
PST/Dispatcher/Correctional Officer	PRCS Teen Center personnel
Animal Control Officer	Lifeguards

SECTION III: Testing

A. Collection of Testing Samples: Testing under this policy for a controlled substance or marijuana is a urinalysis and for alcohol is an evidential breath testing device. Both are administered under approved conditions and procedures conducted solely for the purpose of detecting the presence of controlled substances, marijuana and/or alcohol. Other on-site methods to detect the presence of alcohol or marijuana may be used to include Blood Alcohol Concentration and saliva tests.

1. Testing sample will be collected by a City-approved testing site and paid for by the City. Sample collections and testing will be performed under reasonable and sanitary conditions.
2. The collection site shall have all necessary trained personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of specimens to a SAMHSA certified testing laboratory. An independent medical facility may also be utilized as a collections site.
3. The test will be collected at the City approved testing site or a certified medical laboratory and paid for by the City. The testing site is responsible for proper collection and to ensure the proper chain of custody for the test sample collected.
4. All controlled substance samples will be collected by the split sample collection method. However, if a split sample is not collected, the single sample will be collected and sent to the laboratory for testing.
5. The person collecting the sample will document the sample, to include labeling the sample, to preclude, to the extent reasonable, the possibility of misidentification of the person tested in relation to the test result provided.
6. The person collecting the sample shall provide the person being tested with an opportunity to provide medical information that may be relevant to the test, including identifying current or recently used prescription and non-prescription drugs.
7. Sample collection, storage, and transportation to the testing facility shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration, or misidentification.
8. The employee designated for testing must provide reliable individual identification to the person collecting the sample.
9. With the exception of pre-employment testing, controlled substance and alcohol testing will be scheduled during, immediately before, or after the employee's regular work period or work time. With the exception of pre-employment testing, testing under this policy is considered work time and will be compensated at the employee's regular rate of pay.
10. Sample collection will be performed in a manner which ensures the individual employee's privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or misidentified.
11. The City will pay the entire cost actual costs for controlled substance and alcohol testing required of employees and prospective employees. The City shall also pay reasonable transportation costs if the required sample is taken at a location other than the normal work site.

B. Testing Procedures: The City shall use a controlled substance testing laboratory approved or certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) unless testing is conducted on-site.

1. *If non-instrumented controlled substance or alcohol tests are used, then the collector must perform the on-site tests in the presence of the donor. In on-site testing, an employer may only use products approved by the Food and Drug Administration for employee testing and shall use the products in accordance with the manufacturer's instructions. All presumptive positive test results must be sent to the SAMHSA certified laboratory for confirmation testing before any employment action can be taken.*

Employees with a presumptive positive test result will be relieved from duty and placed on paid administrative leave until such time as confirmation test results are received.

2. The City may, at times, use a rapid test kit. If the rapid test is positive, the sample will be sent to the SAMHSA certified laboratory for confirmation.
3. Positive controlled substance test will be confirmed by a gas chromatography mass spectrometry. The City will not rely on a positive controlled substance test unless the confirming test results have been reviewed by a licensed Medical Doctor or Doctor of Osteopathy.
4. Alcohol testing will be performed by a breath alcohol technician (BAT). If the result of an alcohol screening test is a breath alcohol concentration (BAC) of .04 or greater, a confirmation test will be performed. The confirmation test will generally be done within 15, but not more than 30 minutes of the screening test. The results of these tests will be reported directly to Human Resources.

C. Review of Controlled Substance Test Results: The approved testing facility shall contract the services of a Medical Review officer (MRO). The MRO shall be a licensed Medical Doctor or Doctor of Osteopathy. The MRO shall *review all confirmed positive test results* an interview individuals testing positive to verify the laboratory result. The MRO, in conjunction with the SAP, may also evaluate and recommend to the City whether and when an employee who either refuses to test or tests positive but has not been terminated may return to work and under what conditions.

1. Reporting and Review of Results.
 - a. The MRO shall review confirmed positive test results. This review shall be performed by the MRO prior to the transmission of results to the City's Department of Human Resources.
 - b. The MRO shall contact the employee within 48 hours of confirmation of a positive test result and offer the employee an opportunity to discuss the confirmed test result
 - c. The MRO will inform the employee that they have 72 hours to request a re-test of the split or single sample. A re-test is an analysis of the second split sample bottle or an aliquot of the original sample. The re-test must be sent to a SAMHSA approved or certified laboratory. The employee will be responsible for the costs of the re-test and will be reimbursed by the City only if the test comes back negative.
 - d. Until a confirmed positive test has been reported by the MRO to Human Resources result to Human Resources, the employee will remain on paid administrative leave status. Once a confirmed positive test result is reported to Human Resources, the employee's status shall convert to unpaid administrative leave status until such time as a final resolution is reached concerning pending personnel action. The employee may elect to use accrued leave or comp time while awaiting resolution of pending personnel action.
2. Legal Use of a Controlled Substance. If the MRO determines there is a legitimate medical explanation for the confirmed positive test result, the MRO shall report the test to the City as negative. Positive test results caused by legitimate prescription medication shall be reported as negative.
3. Written Test Results. An employee may obtain a copy of the written test results only upon written request to Human Resources made within 6 months of the date of the test. The City will provide the written test results to the employee, pursuant to that request, within 5 days of its receipt.
4. Explanation of Positive Test Result. An employee who would like an opportunity to explain a positive test result in a confidential setting to Human Resources and/or the City Manager, must make such a request in writing within 5 working days of being notified of the test result. An employee who submits such a request in a timely manner will be given the opportunity, within 3 working days after its receipt or before taking further adverse employment action, to explain the positive result in a confidential setting.

D. Confidentiality of Results: Test results are Protected Health Information (PHI) and will be treated according to HIPAA (Health Insurance Portability and Accountability Act).

1. All records relating to controlled substance and alcohol testing will be maintained in the employee's confidential medical file in a secure location with controlled access separate from the employee's personnel file.
2. Any communication received by the City relevant to controlled substance or alcohol test results and received through the City's testing program is confidential and privileged and will not be disclosed by the City except for the following circumstances:
 - a. To the tested employee, prospective employee or another person designated in writing by the current or prospective employee.
 - b. To an individual designated by the City to receive and evaluate test results or hear the explanation from the current or prospective employee.
 - c. As ordered by a court or governmental agency.
 - d. In any proceeding initiated by or on behalf of the individual tested and arising from a positive test.

E. Testing Criteria: The City shall test for alcohol and the following controlled substances based on the following criteria as set forth in DOT rule 49 CFR Part 40 Section 40.87:

Urine Testing Screening and Confirmation Levels

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/ml	THCA ⁽¹⁾	15 ng/ml.
Cocaine metabolites	150 ng/ml	Benzoyllecgonine	100 ng/ml.
Opiate metabolites Codeine/Morphine ⁽²⁾	2000 ng/ml	Codeine Morphine	2000 ng/ml 2000 ng/ml.
6-Acetylmorphine	10 ng/ml	6-Acetylmorphine	10 ng/ml.
Phencyclidine	25 ng/ml	Phencyclidine	25 ng/ml.
Amphetamines ⁽³⁾ AMP/MAMP ⁽⁴⁾	500 ng/ml	Amphetamine Methamphetamine ⁽⁵⁾	250 ng/ml. 250 ng/ml.
MDMA ⁽⁶⁾	500 ng/ml	MDMA MDA ⁽⁷⁾ MDEA ⁽⁸⁾	250 ng/ml. 250 ng/ml. 250 ng/ml.

- 1 Delta-9-tetrahydrocannabinol -9-carboxylic acid (THCA)
- 2 Morphine is the target analyte for codeine/morphine testing
- 3 Either a single initial test or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cut-off.
- 4 Methamphetamine is the target analyte for amphetamine/methamphetamine testing.
- 5 To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100ng/ml.
- 6 Methylenedioxymethamphetamine (MDMA)
- 7 Methylenedioxyamphetamine (MDA)
- 8 Methylenedioxyethamphetamine (MDEA)

Testing for Alcohol Level by Evidentiary Breath Testing Device. The City recognizes and enforces the SAMHSA threshold screening levels for Blood Alcohol Concentration (BAC) in the bloodstream.

1. BAC Screening level of .02-.039: The employee will be removed from service for 8-24 hours.

2. BAC Confirmation level of .04 or greater is a positive test and requires immediate removal from job functions. An employee testing at the .04 or greater BAC level while at work may not resume job duties until a specific return-to-duty process as recommended by the SAP has been successfully completed.

F. Circumstances Under Which Testing May be Conducted: Failure to submit to and successfully pass a urinalysis test for controlled substances and/or an evidentiary breath test under the following circumstances shall disqualify the employee for employment with the City. A negative controlled substance test result is required prior to reporting for work. The City will test employees for controlled substances, alcohol, and/or marijuana under the following conditions:

1. Pre-employment Testing.

- a. Pre-employment controlled substance tests will be required for all prospective employees for any regular position within the City.
- b. Pre-employment controlled substance tests will be required for all regular employees being promoted or transferred to Safety Sensitive positions or positions requiring a CDL (Commercial Driver's License).
- c. Pre-employment controlled substance tests will be required for all prospective employees for any position within the City (to include temporary positions) that requires driving as a component of the job function.
- d. Pre-employment controlled substance tests will be required for all prospective employees for any position within the City (to include temporary positions) that requires contact with youth or teens as a component of the job function.
- e. Pre-employment urinalysis, blood, or saliva tests are valid for thirty (30) days and must be re-administered if the individual is not hired within this timeframe.

2. Condition of Employment Testing for Safety Sensitive and Public Safety Positions.

- a. An employee in a non-safety sensitive position who transfers, is promote, demoted, rehire, or re-instated to a safety sensitive or public safety position shall be required to undergo a condition of employment controlled substance test.
- b. Police and Fire Department employees who transfer, are promoted, demoted, rehired, or reinstated to another position within their department are required to undergo a condition of employment controlled substance test.

3. Post-Accident Testing.

- a. **Persons Subject to Post-Accident Testing.** Employees involved in an accident or who have contributed to an accident in the workplace or during work time will be required to undergo controlled substance, alcohol and/or impairment testing. Such a test will be conducted as soon as practicable after the accident, but not later than 32 hours after the accident for controlled substances and not later than 8 hours after the accident for alcohol. Human Resources will direct the employee to a testing facility qualified to obtain a sample from the employee after an accident as defined below. However, any injuries will be treated first. Under this section an accident is defined as any of the following:
 - i. Loss of Human life.
 - ii. Issuance of a moving citation under state or local law or statute.
 - iii. Medical treatment to the employee or anyone affected, other than first aid.
 - iv. Issuance of a moving traffic citation to the employee under state or local law or statute involving any property or vehicle damage.
 - v. Any property or vehicle damage involving a motor vehicle.
 - vi. Any property damage not involving a motor vehicle.

b. Obligations of an Employee subject to Post-Accident Testing. Employees who do not comply with the below post-accident testing requirements or who fail or refuse to provide a sample for testing will be considered to have refused to submit to testing and will be subject to appropriate disciplinary action up to and including termination.

- i. Report the accident to the Police Department, your Department Head or immediate supervisor, and Human Resources immediately.
- ii. Complete an Incident Report within 24 hours to submit to Finance if the employee is capable. If not capable, the Department Head must complete and submit the Incident Report to Finance within 24 hours of the accident.
- iii. An employee who is subject to post-accident testing **shall not** consume alcohol within 8 hours or a controlled substance or marijuana for 32 hours after the accident, or until the controlled substance or alcohol test has been administered, whichever occurs first.
- iv. An employee who is subject to post-accident testing must remain readily available for such testing and must not take any action to interfere with the testing or the results thereof.
- v. An employee who is subject to post-accident testing is immediately relieved of all duties and will be placed on paid administrative leave pending the results of the required testing or release to work by a certified medical professional.

4. Reasonable Suspicion Testing. Any employee whom the city reasonable suspects may be affected by the use of a controlled substance, alcohol, or marijuana which may adversely affect job performance, safety or that constitutes a violation of this policy may be required to submit to a controlled substance and/or alcohol test. Reasonable Suspicion testing is done to identify controlled substance, alcohol and/or marijuana affected employees who may pose a danger to themselves or others in the performance of their duties. Trained supervisors will make the decision whether there is reasonable suspicion to believe an employee is impaired by or under the influence of a controlled substance, alcohol, or marijuana while on duty in violation of this policy.

a. Supervisor Training. Department Directors and supervisory personnel will receive training on the CONTROLLED SUBSTANCE, ALCOHOL AND MARIJUANA POLICY. The training shall include, at least, *60 minutes of annual training on Reasonable Suspicion of Controlled Substances for Supervisors* and *60 minutes of annual training on Reasonable Suspicion of Alcohol for Supervisors*. This training shall be for all supervisors who may determine whether an employee will be tested for Reasonable Suspicion of impairment or being under the influence of a controlled substance, marijuana, or alcohol.

b. When Reasonable Suspicion Exists. The decision to test under this section must be based on a reasonable and articulable suspicion or belief that the employee is under the influence of an unauthorized controlled substance, alcohol or marijuana. Reasonable Suspicion is a belief based on contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, body odors or other reliable evidence or information that the employee is under the influence of or impaired by a controlled substance or alcohol. By example, any of the following, either alone or in combination, may constitute reasonable suspicion:

- i. Slurred speech,
- ii. Irregular or unusual speech patterns,
- iii. Impaired judgment,
- iv. Alcohol odor on the breath,
- v. Body or clothing odor suggesting alcohol or marijuana use,
- vi. Uncoordinated walking or movement,

- vii. Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility, or aggressiveness,
- viii. Possession of a controlled substance, alcohol, or marijuana,
- ix. Observation of controlled substance, alcohol, or marijuana use.

c. **Determination of Reasonable Suspicion.** Although suspicion or belief of an employee being under the influence of an unauthorized controlled substance, alcohol, or marijuana may be reported by anyone, actual Reasonable Suspicion determinations will only be made by supervisory or public safety personnel who have received training concerning the signs and symptoms of controlled substance, alcohol, or marijuana use. The trained observing supervisor or public safety personnel shall document the events and record the behavioral signs and symptoms that support a determination of Reasonable Suspicion. If possible, a second supervisor should also observe the employee to verify that there is a reasonable basis to believe that a controlled substance, alcohol, or marijuana violation has occurred.

d. **Events after Determination is Made.** When the determination is made that Reasonable Suspicion exists that an employee is under the influence of a controlled substance, alcohol, or marijuana in violation of this policy, the employee shall be relieved of all duty and placed on paid administrative leave pending further action. The observing supervisor shall immediately notify the Department Director and Human Resources if Reasonable Suspicion is found to exist. Upon review, the Department Director may direct and Human Resources will authorize that the employee in question immediately submit to a controlled substance and/or alcohol test. Should the result of the test be positive, the employee will be placed on leave without pay and further disciplinary action will be taken up to and including termination.

e. **Reports of Possible Violation by Supervisory Personnel.** If a non-supervisory employee has reason to believe that a supervisor subject to this policy is under the influence of a controlled substance, alcohol, or marijuana at work in violation of this policy, she/he shall report such potential violation to Human Resources who will immediately take appropriate action as provided for in this section.

5. **Return to Duty Testing.** An employee who refuses to take or fails a substance abuse or alcohol test and whose employment is not terminated may not return-to-duty until she/he is evaluated by a Substance Abuse Professional (SAP), passes a substance abuse and/or alcohol test, and has completed the treatment recommended by the SAP. An employee who is not terminated for violating this policy may be given the opportunity to return to work provided they first:

- a. Receive a recommended return-to-work evaluation by a SAP and the medical review Officer (MRO);
- b. The return-to-work controlled substance and/or alcohol test result is negative;
- c. Continue to receive negative controlled substance and/or alcohol test results in follow-up tests after returning to duty; and
- d. Participate in and successfully complete an applicable City approved evaluation/rehabilitation program determined by the SAP.

6. **Follow-Up Testing.** An employee who is referred for assistance related to controlled substance, alcohol, or marijuana misuse may be subject to random follow-up testing for a period not to exceed 60 months as directed by the SAP. The number and frequency of follow-up tests will be determined by the SAP and the City, but will not be less than six (6) tests in the first 12 months following the employee's return to duty. Follow-up testing will be arranged by Human Resources and will be conducted immediately prior to or during work time for that employee.

SECTION IV: Consequences for Violating this Policy.

- A. General:** Compliance with this policy is a condition of employment. Refusal to take a required controlled substance or alcohol test, a positive controlled substance or alcohol test, or engaging in an activity or behavior which otherwise violates this policy shall, at a minimum, result in removal from performing assigned functions. Additional disciplinary action may follow, up to and including termination.
- B. Violations:** The City may take adverse employment action, up to and including termination, based upon:
1. A positive controlled substance or alcohol test result;
 2. A criminal conviction for a controlled substance offense whether it be on or off duty;
 3. A prospective or current employee's refusal to provide a controlled substance or alcohol testing sample required according to the provisions of this policy;
 4. An employee's failure to notify the employee's supervisor before beginning work that the employee is taking medications or controlled substances (either prescribed or over-the-counter) which might interfere with the safe or effective performance of duties;
 5. Verification of a valid, current prescription is not provided upon request by the next scheduled work day;
 6. Misuse of a prescription or recommended non-prescription drug; or
 7. Otherwise violating the terms and requirements of this policy.
- C. Disciplinary Actions:** The City may take potential, adverse employment actions for violations of this policy which may include one or more of the following:
1. A requirement that the employee enroll in a City-provided or approved rehabilitation treatment or counseling program. This program may include additional Controlled substance or alcohol testing as provided for in this policy. Participation in such a program is a condition of employment. The costs of participating in such a program, aside from those provided for in the employee health benefit, will be borne by the employee.
 2. Suspension with or without pay.
 3. Termination of employment.
 4. Refusal to hire the prospective employee in the case of a positive pre-employment testing result.
 5. Other and/or additional adverse employment actions at the election of and discretion of the City.

SECTION V: Employee Assistance Program. The Employee Assistance Program (EAP) is a City employee benefit designed to benefit both the employer and the employee. The EAP addresses productivity issues by helping employees identify and resolve personal concerns that affect job performance. Through prevention, identification, and resolution of these issues, the EAP enhances employee and workplace effectiveness and is a vital tool for maintaining and improving worker health and productivity, and retaining valued employees. EAP Services to employees include:

- A.** Mental health-related services and referrals;
- B.** Controlled substance and alcohol-related services and referrals;
- C.** Services and referrals related to personal affairs such as divorce, parenting and estate planning;
- D.** Information on work/life supports, such as care-giving for elderly parents and financial planning;
- E.** Wellness and health promotion services such as smoking cessation and weight reduction;
- F.** Work-related supports like career counseling.

Definitions:

Alcohol means ethanol, isopropanol, or methanol.

Alcohol concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol - per 210 liters of breath-as indicated by an evidential breath test.

Alcohol Use means the consumption of any beverage or mixture, including any medication or mouthwash containing alcohol.

Blood/Breath Alcohol Concentration (BAC) is the amount of alcohol in the bloodstream or on one's breath. BAC can be measured by breath, blood or urine tests.

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

Collection Site Person Is an individual authorized by the City of Valdez to collect samples in accordance with this policy and trained in procedures for such collections. The City of Valdez has chosen to follow the highest industry standards for work place collection, testing, and reporting of test results; therefore, The City of Valdez procedures will attempt to follow, as a guide only the federal drug testing procedures.

Controlled Substance means a substance considered unlawful under AS 11.71 or under federal law, or the metabolite of the substance.

Controlled Substance Testing means testing for evidence of the use of a controlled substance.

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

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

Failing a Controlled Substance Test shall mean the test results show positive evidence of the presence of a controlled substance or controlled substance metabolite in an employee's system in amounts that exceed cutoff levels established by this policy.

Medical Review Officer (MRO) is the licensed medical doctor or doctor of osteopathy who is responsible for the review of positive laboratory results generated by The City of Valdez testing program

Prospective Employee means a person who has made application to the City of Valdez, whether oral or written, to become an employee.

Rapid Test means a test designed to provide an instant screened test result.

Refusal to submit means failure to cooperate and provide a drug or alcohol sample, after receiving notice of the test in accordance with the City of Valdez Controlled Substance, Alcohol, and Marijuana Policy. A refusal will be treated the same as a positive test result. A refusal to test for alcohol occurs when a covered employee fails to provide an adequate breath for testing without a valid medical explanation after receiving notice of the requirement to be tested in accordance with the

provisions of the City of Valdez alcohol misuse prevention plan or engages in conduct that clearly obstructs the testing process.

Safety Sensitive Position is as defined in Section I.A.12

Sample means urine, blood, or breath from the person being tested.

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

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor ("Certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse") with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

References: Policy 12.4; 49 CFR 40

Attachments: Appendix A – EAP;

Appendix A Employee Assistance Program

We all have problems from time to time, and usually we can cope with them on our own. Sometimes, however, we need outside help. The City of Valdez provides all regular, full-time employees with a Health Care Plan administered by Meritain Health Company. The plan offers partial coverage for Alcoholism and Controlled Substance Addiction-Inpatient and Outpatient treatment. Please contact the number listed on the back of your insurance card for more information. In addition, the City provides an EAP (Employee Assistance Program) as a benefit to City employees. Below is a list of resources that may help you.

Controlled Substance and Alcohol Counseling Rehabilitation Resources

Advocates for Victims of Violence 24 hour crisis line	907-835-2999 907-835-2980
Advisory Board on Alcoholism and Drug Abuse Careline	877-266-4357
Akeela House, Inc.	907-561-5266
Alaska Addiction Rehabilitation Services	800-376-4535 907-376-4534
Alaska Aviation Toxicology	800-478-3783 907-456-2825
Alaska Human Services	907-561-4535
Alaska Youth and Parent Foundation	907-274-6541
Alcoholics Anonymous	907-835-2048 907-272-7860
Beacon WorkSafe, Inc.	907-563-8378
Betty Ford Center	800-854-9211
Center for Drug Problems	907-276-6430
Charter North Star Behavioral Health System	907-258-7575
Clitheroe Alcoholism and Substance Rehab Center	907-276-2898
Genesis House, Inc.	907-243-5130
Lakeside Milam Recovery Centers (Washington state)	800-231-4303
Pacific Rim Counseling, Inc.	907-349-0077
Providence Breakthrough	907-562-7325
Providence Valdez Medical Center	907-835-2249
Providence Valdez Behavioral Health	907-835-2838
Residence XII for Women (Washington state) 800-776-5944	
Salvation Army	907-243-1181
Sundown M Ranch (Washington state)	509-457-0990
Valdez Medical Clinic	907-835-4811
Valley General Hospital Alcohol/Drug Recovery Center (Washington state)	360-794-1405

Current COV Employee Controlled Substances and Alcohol Policy
Excerpt from the 2008 Edition of the COV Personnel Regulations Manual

12.3 Controlled Substances and Alcohol Policy:

12.301 It is the goal of the City of Valdez to provide a drug-free, healthful, and safe work place. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

12.302 No employee may use, possess, distribute, sell, or be under the influence of alcohol or engage in the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substances while conducting any official City-related activities at any time on or off of the City of Valdez premises; and, while operating City of Valdez vehicles and equipment at any time, including off-duty hours.

12.303 Violators of this policy are subject 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.

12.304 In the event substances are found in the work place or in an employee's possession or control, which are believed to be illegal drugs or other controlled substances, law enforcement authorities will be notified.

12.305 The legal use of prescribed drugs is permitted on the job only if they do not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or others. Employees taking over-the-counter or prescription drugs are responsible for notifying the city if such use has the potential to impair the employee's ability to perform his/her job function. If an employee is unsure about potential drug effects, the city highly recommends that the employee consult with a physician, and if necessary, provide a note to the city regarding drug impacts.

- A. The City of Valdez may require employees using prescription drugs to provide a doctor's certification that the use of the legally prescribed drug does not impair the ability of the employee to perform his/her job safely and properly.
- B. If the use of a legally prescribed drug will impair the ability of the employee to perform the job safely and properly, then the City of Valdez reserves the right to take proper steps to ensure the safety of the work environment.

12.306 Off-the-job drug or alcohol abuse which makes an employee unfit for work or which adversely affects the employee's job performance or jeopardizes the safety of persons or property will be cause for disciplinary action.

***Current COV Employee Controlled Substances and Alcohol Policy
Excerpt from the 2008 Edition of the COV Personnel Regulations Manual***

12.5 Controlled Substances and Alcohol Testing Policy for Other Safety Sensitive Positions:

12.501 Affected Employees. The City has defined “safety sensitive” positions in addition to drivers holding CDLs to include the following:

- A. All personnel who routinely maintain or operate heavy equipment or apparatus not otherwise classified as CMVs, and police, fire, and ambulance apparatus;
- B. All personnel who come in contact with, or could reasonably be expected to come in contact with, public safety information regarding confidential drug and alcohol related investigations and operations;
- C. All personnel whose job responsibilities require them to carry, or be licensed to carry, a firearm; and
- D. All personnel whose job responsibilities require them to treat and attend to injured or ill members of the public.

Safety sensitive positions shall be designated by the City Manager. Positions so designated include but are not limited to the following:

Chief of Police	Administrative Assistant (Police and Admin)
Sworn Police Officers	Fire Chief
Public Safety Technicians	Career Firefighters
Animal Control Officer	Fire Department Volunteers
Lifeguards	City Manager
Harbormaster	Assistant City Manager
Marine Equipment Operator	
Asst. Harbormaster	

Other positions may be designated as deemed appropriate by the City Manager.

12.502 Testing. Testing will be done as provided below:

- A. Pre-employment Controlled Substance Testing. Candidates who have been selected for and accepted an offer of employment in a safety sensitive position shall undergo controlled substance testing. Controlled substance testing will also be conducted when a current employee transfers from a non-safety sensitive position to a safety sensitive position.
- B. Reasonable Suspicion Alcohol and Controlled Substance Testing. Reasonable suspicion testing shall be administered in accordance with Section 12.409(C).

***Current COV Employee Controlled Substances and Alcohol Policy
Excerpt from the 2008 Edition of the COV Personnel Regulations Manual***

C. Post-accident/incident Alcohol and Controlled Substance Testing. Post-accident/incident testing for non-CMV accident/incidents shall be administered in accordance with Section 12.409(D).

D. Other Testing. Employees in safety sensitive positions shall also be subject to the following testing procedures:

1. Return to Duty Testing in accordance with Section 12.409(F).
2. Follow-up Testing in accordance with Section 12.409(G).
3. Confirmation Testing in accordance with Section 12.409(H).
4. After Hours Testing in accordance with Section 12.409(I).

E. Dilute Specimen Controlled substances Test Results. When the City receives a report of dilute specimen from the Medical Review Officer, the City will treat the test as a verified positive test. The City will request that the employee take another test immediately, however, such collections must not be collected under direct observation, unless there is another basis for use of direct observation. The result of the second test, not that of the original test, becomes the test of record. If the second test is also negative and is dilute, no further tests will be conducted.

12.503 Applicability of Additional Section 12.4 Provisions to Section 12.5. The following provisions of Section 12.4 relating to testing of drivers of CMVs are incorporated by reference for application to Section 12.5 addressing other safety sensitive positions:

Section 12.402 - 409; and Section 12.411 - 412. To the extent necessary to interpret and administer Section 12.5, 49 C.F.R. Pt. 32 "Controlled Substances and Alcohol Use and Testing" shall be adopted as a guideline.

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THE CITY OF VALDEZ

October 2008

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Section 1 – General Provisions

1.1 Purpose: The City's Personnel Regulations are intended to describe the general terms and conditions associated with City employment through the establishment of personnel policies. The provisions provided herein have been coordinated with the employee personnel committee, have been approved by the Valdez City Council, and are administered by the City Manager. If information contained in this document is found to conflict, or minor adjustments/changes are required, the City Manager shall have the authority to make such administrative revisions. These regulations are designed to assist in accomplishing the following objectives:

1.101 Recruitment and retention of qualified individuals; granting employment preference to applicants who are residents of the area, residents of the state, and to internal applicants, where their qualifications are comparable to the most qualified non-resident applicant.

1.102 To achieve the most efficient use of employees while promoting employee morale.

1.103 Clear assignment of responsibilities, sound practical training and supervision, opportunities for promotion on the basis of merit and fitness, appropriate compensation, equal pay for equal work, and recognition for continued good service.

1.104 Uniformity in procedure and an effective regulatory policy respecting personnel matters.

1.2 Revision and Amendment: Amendments to the provisions of these regulations are authorized as provided herein.

1.201 These regulations shall be periodically reviewed and updated as necessary. Significant changes involving several sections will be considered a major revision and will be coordinated between city administration and the employee personnel committee in advance, and then submitted to the City Council for final approval. Smaller changes that cover only single issues or sections may be issued by the City Manager at any time. However, such changes will be noticed to the employee personnel committee and to the City Council. If neither group objects to the new change within two weeks of being noticed, the change will become final.

1.202 The City Manager shall review wages and salaries by comparative studies to ensure compensation at rates that are fair and equitable. Such studies shall take into account all forms of compensation (to include, but not limited to, insurance coverage, retirement contributions, leave, holidays, etc.) for other comparable municipal positions in Alaska, comparable State of Alaska positions, comparable City of Valdez positions, fiscal resources and restraints, as well as other factors deemed necessary or useful by the City Manager.

1.3 Application: These regulations shall apply, unless otherwise noted herein, to all employees subject to the authority of the City Manager. The City Manager shall establish lines of authority and areas of responsibility as provided in the Valdez City Code and as shown on an organizational chart, to the extent necessary to assure compliance with these regulations. City employees are protected from arbitrary discharge. The City Manager shall supervise the application of the personnel policies and practices of the City. These regulations govern the City Manager in carrying out the requirements and objectives of the Valdez City Charter and Code and shall serve as a guideline to the City Manager in the exercise of this authority. Nothing contained herein is intended to usurp, contravene, or otherwise diminish that authority in all matters pertaining to personnel policies and practices. It is the right of the City, acting through the City Manager, to:

- A. Determine the levels and standards of service to be offered by the City;
- B. Retain full and exclusive authority for the management of its operations;
- C. Determine the standards of selection for employment;
- D. Direct its employees;
- E. Make or amend personnel rules and regulations relating to hiring and discharge, working conditions, hours and terms of employment, retirement and insurance plans, compensation, and leave;
- F. Take disciplinary action;
- G. Relieve employees from duty because of lack of work or for other legitimate reasons;
- H. Maintain the efficiency and economy of governmental operations;
- I. Determine the methods, means, and employees by which government operations are to be conducted;
- J. Create, change, and abolish offices, departments, or agencies and to assign additional functions or duties to offices, departments, or agencies and to transfer functions, or duties from such office, department, or agency to another and to distribute the work of departments or divisions thereof;
- K. Adopt and amend a classification plan and allocate and reallocate employees to positions within the plan;
- L. Take all necessary actions to carry out its mission in emergencies; and
- M. Exercise complete control and discretion over its organization and the technology of performing its work.

The City Manager shall place into effect these regulations and all properly approved amendments. **All employees employed in any capacity by the City are required to become familiar with and abide by these regulations and procedures.**

1.4 Equal Employment Opportunity: Employment decisions will be based on merit, qualifications, and abilities. Except where required or permitted by law, employment practices will not be influenced or affected by an applicant's, employee's, or officer's race, national origin, color, age, religious creed, sex, political affiliation, marital status, pregnancy, parenthood, disability, or other criteria prohibited by law, except when the essential requirements of the position constitute a bona fide occupational qualification necessary to proper and efficient performance, and such performance cannot be accomplished through reasonable accommodation.

1.5 Definitions:

1.501 "Administrative Officers" or "Officers" or "Executive Officers" are the Department Heads and the Assistant City Manager appointed by the City Manager on the basis of merit and fitness. Officers cannot be arbitrarily discharged from employment. Officers are considered "employees" for purposes of these regulations except as otherwise provided. Officers shall be paid on a salary basis using an executive level pay scale and shall be exempt from overtime compensation.

1.502 "City Clerk" and "City Manager" are positions appointed by the City Council. These individuals serve at the pleasure of the City Council and may be terminated "at will" with or without cause. These employees are contract employees and negotiate terms of employment directly with the City Council. Provisions of these regulations that do not otherwise conflict with "at will" employment status or the established employment contracts will be used by the City Council as a guide regarding the management of these positions. Provisions that do not apply include but are not limited to Section 4.4: Introductory Period; Section 8: Disciplinary Action; Section 9: Grievances.

1.503. "Deputy City Clerk" is a position appointed by the City Council upon recommendation by the City Clerk. The Deputy City Clerk is a contract employee and negotiates terms of employment directly with the City Council. This position cannot be arbitrarily discharged from employment and is considered a non-exempt employee. Provisions of these regulations that do not otherwise conflict with the established employment contract will be used by the City Council as a guide regarding the management of this position.

1.504 "Compensatory Time" as defined by the Fair Labor Standards Act and as used herein means accrued leave time that is earned in lieu of monetary compensation for overtime hours worked. The calculation used is the same as for monetary overtime.

1.505 "Employees" are those employed by the City, other than the City Manager and City Clerk, hired on the basis of merit and fitness. Employees, other than those classified as Limited Part-Time and Temporary/Limited Seasonal, cannot be arbitrarily discharged from employment. Employees, other than Administrative Officers and those

positions classified as exempt, shall be paid an hourly wage and shall be eligible for overtime compensation.

1.506 “Personnel Officer” The Assistant City Manager or other designee appointed by the City Manager shall serve as the Personnel Officer for the City of Valdez.

1.507 “Poor Performance” is an inability or unwillingness of an employee to perform clearly defined minimum job requirements after appropriate training.

1.508 “Positive Test” result in drug testing, means a drug test result verified to have evidence of prohibited drug use. In alcohol testing, means a confirmation test result of 0.02 or greater.

1.509 “Regular”, “regular full-time”, or “regular part-time” as used herein are terms used to denote employment which is not designated “temporary” employment. These terms are not intended to confer a property interest in continued employment.

1.510 “Related Person” shall mean a 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 or children; stepchildren and their spouses; grand-stepchildren and their children; aunts; uncles; nieces; nephews; and persons residing in the same house as the employee.

1.511 “Sleep Time” Fire Department employees on a tour of duty more than 24 hours shall not be paid for 8 hours of “sleep time”. If sleep time is interrupted by a call to duty, the interruption shall be counted as hours worked. If the sleep period is interrupted to such an extent that the employee cannot get a reasonable night’s sleep (at least 5 hours) the entire 8 hours of sleep time shall be counted as hours worked. Hours worked during this period shall be paid as straight time.

1.512 “Volunteer” An individual who donates hours of service without compensation. (Fire Department Volunteers may receive stipends as provided for in the FLSA)

1.513 “Year” For benefit purposes a year is defined as a minimum of 1950 hours.

1.514 “Working Days” is defined as normal city business days.

Section 2 – Classification of Positions

2.1 Purpose and Effect of Classification Plan: The Classification Plan shall consist of a list of title and descriptions of the nature and requirements of work in each case. The Classification Plan shall be reviewed and updated by the City Manager from time to time as is necessary.

2.2 Adoption and Amendment of the Classification Plan: The City Manager shall have the ability to create new or abolish existing classifications as permitted by the Valdez City Code.

The City Manager's office shall maintain the master file of job descriptions for all classifications, and furnish copies of job descriptions as required.

2.3 Assignment of Positions to Classes: The City Manager shall assign positions and salary ranges to the appropriate classes in the Classification Plan, and reassign positions when changes in responsibilities justify reassignment. Department requests for establishment of new positions or reclassification of existing positions shall be accompanied by an appropriate position description.

2.4 Classification Plan for the City of Valdez: The classes of positions, as adopted and modified in accordance with Section 2.1 herein, shall constitute the Classification Plan under which all positions shall be classified and for which pay grades and pay ranges for each class shall be established. "Pay Grade" refers to the pay range by which all positions of the class shall be paid as set forth in Section 3.2 herein.

2.5 Employment Status: The City recognizes the following employment statuses:

2.501 Regular Full-Time. Employees occupying positions which regularly require working thirty-seven and one-half hours per week (40 hours for executive staff), or other work schedules as approved by the City Manager, and are entitled to full benefits as provided by the City.

2.502 Regular Part-Time. Employees occupying positions which regularly require working more than fifteen hours but less than thirty-seven and one-half hours per week year-round are entitled to partial benefits as provided herein.

2.503 Regular Seasonal. Employees occupying positions on a seasonal basis which regularly require working less than a cumulative of one thousand five hundred hours per year are entitled to partial benefits as provided herein. Regular Seasonal employees shall be on leave without pay between seasons.

2.504 Limited Part-Time. Employees occupying positions, which regularly require working less than fifteen hours per week. Limited Part-Time employees may be terminated without advance notice and without cause and are entitled to only those benefits as specifically provided for herein.

2.505 Temporary/Limited Seasonal. Employees regularly working more than 15 hours per week, for whom the anticipated need does not exceed one year, because of the limited duration of the work to be performed. The category includes administrative, clerical, casual-hire, laborer and all other employees employed under such conditions. Temporary/Limited Seasonal employees may be terminated without advance notice and without cause and are entitled to only those benefits as specifically provided for herein. Department Heads shall be responsible for differentiating between the need for temporary as opposed to regular employees.

2.506 Volunteer. Individuals who serve at the will of the City Manager or his/her designee on a volunteer basis. Volunteers may be terminated without advance notice

and without cause and are not entitled to any benefits unless otherwise provided for by law. Individuals may not volunteer in the same department in which they are employed unless specified under the FLSA.

Section 3 – Compensation

3.1 Wage Provisions:

3.101 Regular Full-time Employees. Regular full-time employees shall be paid a wage according to the appropriate wage schedule.

3.102 Regular Part-Time and Regular Seasonal Employees. Regular part-time and seasonal employees shall be paid proportionately based on actual hours worked in comparison to a full-time position of a similar nature.

3.103 Limited Part-Time Employees. Limited part-time employees shall be compensated at an hourly rate based on his/her level of skills in relation to the job responsibilities. Limited part-time employees shall be paid only for hours actually worked, and shall accrue no leave, nor receive holiday or leave allowance.

3.104 Temporary Employees and Limited Seasonal. Temporary and Limited Seasonal employees shall be paid initially at the hourly entrance rate for the classification in which they are employed. Such employees may be advanced in pay in the same manner as other employees, except that only actual hours of work shall be counted in determining the time at which such advancement will be considered. Temporary employees shall be paid only for hours actually worked, and shall accrue no leave, nor receive holiday or leave allowance.

3.105 Wage Schedules. The wage schedule for nonexempt City employees shall be the City of Valdez wage schedule, in effect at the time. The wage schedule may be adjusted upon approval of the City Council, which may include annual cost of living adjustments (COLA). Part-Time and Temporary employees' salary is predicated on a separate Part-time pay schedule than other employee classes (included in appendix); however, these employees will be included in any COLA wage adjustments adopted by the City Council. Exempt employees will be placed on the city executive pay schedule (included in appendix).

3.106 Pay periods and Paycheck distribution. Employees shall be paid on a bi-weekly basis at 11:00am on Fridays. An employee has the option to receive his/her checks at the employee's departmental office or in the form of a direct deposit to a financial institution designated by the employee. Unless an employee has authorized the Finance Department to distribute his/her paycheck to a specified person, paychecks will be distributed by the employee's department head or the department head's designee. A release form is available in the Finance Department, which must be signed for an employee to authorize another person to receive his/her paycheck.

3.2 Application of the City of Valdez Wage Schedule: The pay rates in the City of Valdez wage schedules shall be interpreted and applied as provided below.

3.201 City employees shall be paid in accordance with the applicable City of Valdez pay grade assigned to the employee's particular class in the City's Classification Plan. Employees may be assigned to duties of a higher classification for training or demonstration of skill leading to possible promotion for periods of up to thirty calendar days without change of classification for pay purposes.

3.202 The rates shall constitute gross pay.

3.203 The City Manager may allocate pay ranges to each position as he/she determines to be necessary or in the best interest of the City. Changes exceeding budgeted authorizations must be reported to the City Council.

3.3 Pay Ranges, Merit Increases, Longevity Increments and Incentive Program:

For purposes of clarification, the following chart will illustrate the merit and longevity increments referred to throughout this section:

<u>LONGEVITY INCREMENTS</u>										
STEP	A	B	C	D	E	F	J	K	L	M
Years to next step	1	1	1	1	1	2	2	3	3	3

3.301 The minimum rate of each range shall be the normal entering rate, Step "A". However, the City Manager will have the sole discretion for designating a higher step depending on education, experience, or if it is in the best interest of the City.

All employees shall be frozen at the final longevity step (Step "M") in his/her appointed range; however, these employees, after waiting the mandatory 3-year period, are eligible to receive an annual lump sum merit award of 1.5% of annual base salary as long as they satisfy all requirements of their annual evaluations.

3.302 The performance of all employees shall be reviewed annually by the City Manager or his/her designee on the anniversary date of the employee's date of hire or promotion to a higher classification to determine eligibility for increase in salary to the next higher step within the range for the classification. The initial performance review for all employees at Range 14 and above shall be one year after the date of employment for purposes of evaluating performance to date and recommending whether or not an employee is to be removed from introductory status (see Section 4.4).

The initial performance review for all employees at Range 13 and below shall be six months. If the introductory period is extended pursuant to Section 4.401A, a follow up performance review shall be completed at the expiration of the extended period.

In addition to the annual performance review, City Management encourages all supervisors to conduct quarterly feedback sessions with employees. The intent of this process is to provide employees with additional guidance and direction, improve

tracking of employee progress, and provide early corrective recommendations to resolve any performance issues.

3.303 A one-step increment shall be based solely upon performance and merit, and must be recommended by the employee's department head and approved by the City Manager. The effective date of such increase shall be determined by the relationship between the employee's anniversary date and the current pay period. If the anniversary date falls so that five days or more would be at a higher rate, an increase will apply to the entire period; however, if four days or less are affected by such increase, the increase will take effect at the beginning of the next pay period. The terms shall be construed to mean regular working days. For employees who work a non-standard work schedule, the effective date of an increase shall be if more than 37.5 hours would be at a higher rate. Any recommendation for a step increment exceeding one step for extraordinary performance will require properly documented evidence of specific and unusual accomplishments or additional value added to justify the request. Approval is at the sole discretion of the City Manager.

3.304 It is the policy of the City to have an incentive program of which the purpose is to promote the development of innovative ideas that lead to better quality service through increased effectiveness and efficiency of operations. All City employees are eligible to receive awards under the program. Exceptions are as follows:

1. City Manager, Assistant City Manager, City Clerk, and Department Heads.
2. Any employee or work group conducting research and/or development, or assigned to a job requiring the solution of a specific problem where the suggestion submitted is found by the Committee to be within the scope of his/her assignment is not eligible to receive an award.

Awards are made for adopted ideas and proposals yielding positive results, either tangible or intangible. The amount of the award will be based on a schedule set forth by the City Manager as follows:

- a. The range of awards shall be from \$100 to \$1000. The minimum qualifying idea must realize an annual or one time savings to the City of Valdez of at least \$500. Awards will be authorized based on 20% of the total annual (or one time) savings realized by the City, up to the maximum payment of \$1000.
- b. Intangible benefits shall be eligible for a cash award not to exceed \$100 upon the adoption and/or successful implementation of the suggestion.
- c. All suggestions submitted in accordance with this program shall be deemed to confer on the City of Valdez the unrestricted right to use and benefit thereof. The acceptance of an award, including recognition thereof by an employee constitutes a waiver of any and all claims by the employee and their heirs against the City as a consequence of the adoption and implementation of their suggestion(s). This shall not preclude the employee from seeking a patent or copyright.

- d. The City Manager has the sole authority to determine suggestion eligibility; to determine if the idea is to be adopted; to set final values for all suggestions; and to change or terminate the program at any time.

A copy of the incentive procedure guidelines is included in Appendix B.

3.4 Wage Adjustment on Transfer, Promotion, Demotion, Reinstatement:

3.401 Transfer. In case of a non-disciplinary transfer (movement of an employee from one classification to another having the same salary range), the pay rate and anniversary date of the employee shall remain the same. Transferred employees will serve a transfer probationary period of thirty days. All leave and benefits will continue during the probationary period. An employee dismissed during the transfer probationary period may return to his/her previous position or other equivalent position.

3.402 Promoted Employees,

- A. In case of promotion to a position in a higher range, employees shall be placed at Step A of the higher range or such other step as will provide an increase equal to two steps, whichever is greater, except that the City Manager will have the sole discretion for designating a higher or lower step increase depending on education, experience, or if it is in the best interest of the City.
- B. Upon promotion, an employee shall serve a new introductory period as outlined in Section 4.4 and shall establish a new anniversary date. In all cases of promotion resulting in placement at a Range 13 or below and a step higher than A, evaluations will be provided at 6 months; however, a merit increase will not be effective until the employee has served 1 year in the new position.
- C. Promoted or reclassified employees shall fall under existing longevity policy as set forth by Section 3.3 regardless of new range/step.

3.403 Reclassification. In case of reclassification involving a change in duties within the current position (movement of an employee from one classification to another having a lower pay range), the employee's wage in the lower range shall be identical to the employee's wage in the pre-reclassification range. The reclassification date shall become the employee's anniversary date and a new introductory period shall be served.

3.404 Demotion. In case of demotion (movement of an employee from one classification to another having a lower pay range), the employee's pay step in the lower range shall be identical to the employee's pay step in the pre-demotion range unless the demotion was for disciplinary reasons. An employee demoted for disciplinary reasons shall be placed at Step A of the new range to which he or she is assigned unless a different step is designated by the City Manager. The demotion date shall become the

employee's anniversary, and a new introductory period as described in Section 4.4 shall be served.

3.405 Reinstatement. In case of reinstatement (reappointment of employees whose employment with the City terminated in good standing, at the convenience of the City, within one year of the date of the employee's separation to the same position or one having the same classification), the pay rate shall be the rate in the salary range of the employee's reappointment classification which most closely corresponds to the rate paid at the time of separation. Qualifications and any new skills acquired may be considered as a basis for paying the employee a higher rate upon reinstatement. The date of reinstatement shall become the anniversary date. A new introductory period as described in Section 4.4 shall also apply for employees as outlined in Section 3.302.

3.5 Special Wage Provisions:

3.501 Rate of Higher Skills. When employees are qualified for and are temporarily required to assume the responsibilities of a higher classified position, while so assigned, the employee shall receive the entrance pay rate of the higher class or one step above the employee's present rate, whichever is higher, subject to the approval of the department head and the City Manager. The City Manager shall have sole discretion for designating a higher step depending on education, experience, or if it is in the best interest of the City

3.502 Rate for Supervision. Employees assigned to supervise one or more persons in positions of the same pay range for a period exceeding twenty-eight calendar days shall be paid at the corresponding step rate on the next higher pay range. The higher pay rate will commence only after twenty-eight calendar days of such assignment.

Section 4 – Appointments

4.1 General Policy:

4.101 It shall be the policy of the City 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 City Manager to:

- A. conduct recruitment and selection in an affirmative manner to ensure open competition;
- B. provide equal employment opportunity; and
- C. prohibit discrimination because of race, age, disability, political affiliation, religion, sex, national origin, or any other discriminatory factor prohibited by law.

4.102 Employment of Family Members. No appointments shall be made that would place an employee in a direct supervisory or direct working relationship with a related

person. A direct working relationship is one in which one employee approves, directs or reviews the work of another employee.

If two or more employees become related persons, and the circumstance described above applies, one or more of the employees must resign or transfer, if that option is available, within 90 days. If the affected employees do not voluntarily resolve the situation within that time period, the employee with the longest tenure of employment with the city will be retained.

4.103 Internal Hiring Policy. The City recognizes the value to the organization of filling vacant positions with existing employees. The City may therefore provide hiring preferences to existing employees consistent with Section 1.101.

4.2 Recruitment: Each Department Head shall anticipate, insofar as practicable, all vacancies within the department, and shall notify the City Manager of departmental needs. The City shall develop and conduct an active recruitment program designed to meet current and projected manpower 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. Promotions from within are encouraged for high quality employees. Vacant positions will be advertised internally concurrently with general advertisement to give employees the opportunity for advancement. This internal advertising process is available to Regular Full-Time, Regular Part-Time, Regular Seasonal, Limited Part-Time and Temporary Employees and Limited Seasonal Employees.

4.201 Job Announcements and Advertisement. In order to attract an adequate number of candidates for present or anticipated vacancies and to permit successful competition, job announcements may be issued and vacancies published through such media, which may include, but not be limited to, local newspapers, job service offices, cable TV scanner, internet, school bulletins, etc. All Regular Full-time, Regular Part-time and Regular Seasonal positions not filled through a departmental promotion, internal promotion, or reorganization shall be advertised for at least 2 weeks and at least twice in a newspaper of general circulation. Temporary employees may be hired without notice or advertisement for the purpose of filling a position until normal recruitment for that position can be completed.

4.202 Re-employment of previous employees will be based on the same needs and qualifications as in the employment of any other qualified applicant. Employees who leave the city in good standing and are re-employed by the city within 12 months may resume their previous employment status to include leave accrual rate and step assignment as of the last day of the previous employment. A former city employee rehired after 12 months will be considered a new employee. This resumption of benefits does not apply to service under the PERS program.

4.3 Selection: Each applicant shall take such test of his/her qualifications as appropriate, as deemed necessary by the City Manager. Appointments shall be recommended by the department head, and approved by the City Manager, whose signature must appear on the approval line of the employment authorization. In order to attract highly qualified individuals for key positions within the City, the City Manager will

have the sole discretion for designating the entry step and other benefits depending on education, experience, or if it is in the best interests of the City.

4.301 Pre-employment physicals. The City of Valdez has determined that there are certain positions, as detailed by the applicable job description, which require specific physical abilities. Following an offer of employment but prior to commencing work in one of these positions, the applicant shall be required to undergo and pass a physical examination by a provider designated by the City of Valdez.

4.302 Pre-employment drug tests. The City of Valdez has determined that there are certain positions, as detailed by the applicable job description, which require drug testing. Following an offer of employment but prior to commencing work in one of these positions, the applicant shall be required to undergo and pass a drug test by a provider designated by the City of Valdez as specified in Section 12.409 (A).

4.4 Introductory Period: Regular employment status is acquired by employees upon successfully completing an introductory period. This introductory period is the final step in the examination process in which the employee demonstrates his/her performance and fitness while management determines whether the employee is suitable for the position.

4.401 Each regular full-time, regular part-time or regular seasonal employee who is assigned to a Range 13 or below shall be subject to a six-month (975 hour) introductory period following the date of appointment.

4.402 Each regular full-time, regular part-time or regular seasonal employee who is assigned to a Range 14 or above shall be subject to a one-year (1950 hour) introductory period following the date of appointment.

4.403 The introductory period for all employees may be extended for one additional six-month period upon approval of the City Manager. Written notice of the decision to extend the introductory period stating the reasons for the extension shall be given to the employee.

4.404 During the introductory period a new employee may be terminated, without cause, at the discretion of the City Manager. A new employee who is terminated within one week following the introductory period shall not have recourse to grievance procedures. A promoted employee may be returned to his/her former position, or an equivalent position, during this same time frame and such action shall not be subject to grievance procedures.

4.405 Resignation. In order to be considered as leaving in good standing, an employee resigning his/her position shall have a history of satisfactory performance evaluations; not be subject to any recent disciplinary actions; and give at least two weeks written notice to his/her department head, who will forward the notice to the City Manager for acceptance. The two-week notice requirement may be waived by the department head where adequate provision for the employee's departure can be made in less time. Exit

interviews will be scheduled with the Human Resource Officer, the City Manager, or his/her designee.

Section 5 – Hours of Work; Holidays with Pay; Overtime; and Compensatory Time

5.1 Hours of Work:

5.101 Work Day. The standard workday for employees will consist of seven and one-half (7.5) hours, beginning at 8:30am and ending at 5:00pm, with a one-hour period therein constituting a meal period. Departmental needs may require nonstandard schedules as determined by department heads with City Manager approval. Employees qualifying for the executive pay scale shall be paid based upon a 40-hour work week and therefore are required to work eight (8) hours per day.

5.102 Work Week. The standard workweek shall consist of thirty-seven and one-half (37 ½) hours of work from the period of Sunday midnight to the following Sunday midnight. Departmental needs may require non-standard schedules as determined by department heads with approval from the City Manager. Exempt employees on the executive pay scale shall be expected to work forty (40) hours per week during the same Sunday-Sunday time period.

5.103 Time Records. All employees must complete their own time records. All non-exempt employees are required to keep a daily record on city timesheets of hours worked; including start time, end time and time spent on a meal period. All exempt employees are required to turn in time sheets documenting leave time taken.

Time Sheets are due in the Finance Department no later than noon on the Monday (or the first workday) following the end of the two-week payroll period.

Allowing another person to complete an individual's time record may be considered falsification of official records and be subject to discipline, which may include termination. A supervisor may complete time records, but the records must be verified by the employee upon return to work.

5.104 Attendance and Punctuality. All employees shall report and be ready to work at the scheduled starting time. An employee unable to report to work at the scheduled time shall notify his/her supervisor as far in advance of the scheduled start time as practical. Disciplinary action may be taken if notification is not provided. Poor attendance and tardiness will lead to disciplinary actions, up to and including termination. Notification procedures shall be established by supervisors.

5.2 Holidays with Pay: The following days shall be recognized as holidays with pay for all Regular Full-time, Regular Part-time, and Regular Seasonal employees:

- A. New Year's Day, Martin Luther King's Day, President's Day, Memorial Day, Independence Day, Labor Day, Seward's Day, Veterans Day, Thanksgiving, Alaska Day, ½ day on Christmas Eve and Christmas Day.

- B. Any day designated by public proclamation by the President of the United States, or the Governor of the State of Alaska, as a special day of observance may be added to this list upon approval of the City Council.

Regular full-time employees shall be paid their standard workday hours at their current rate of pay for each holiday. Regular part-time and regular seasonal employees shall be paid proportionately based on hours in comparison to a full-time employee.

5.201 For employees who work a standard work schedule, when a holiday falls on Sunday, the Monday following shall be observed in lieu thereof, and shall be treated as a holiday with respect to overtime pay compensation. When a holiday falls on a Saturday, the preceding Friday shall be observed likewise. The exception to this is Christmas. If Christmas falls on Saturday, the holiday will be observed on Monday. Employees who work a non-standard work schedule shall observe the actual holiday. A holiday occurring during personal leave shall not be counted as a day of such leave and shall be paid. An employee must be on paid status the day before and the day after the holiday to be paid for a holiday.

5.202 Employees whose work schedules are such that a City holiday falls on one of their days off shall be entitled to take their first scheduled day or another work day during that pay period as a holiday. If unable to take a day off, the employee shall receive regular pay for that holiday.

5.203 Christmas Eve. Employees who work a standard week shall receive 4 hours of leave. Employees who work a non-standard week shall receive $\frac{1}{2}$ of the regular hours normally worked that day. If Christmas Eve falls on a Saturday or Sunday the holiday will be observed on Friday.

5.3 Holiday Pay:

Employees eligible for overtime pay who are required to work on a holiday will receive overtime compensation at one and one-half the hourly rate for the holiday worked in addition to holiday pay (based upon employees standard work day), for an overall pay rate of 2.5 times the employee's normal hourly rate. Employees may elect to receive either overtime payment or an additional time off with pay, but not both.

Employees eligible for overtime pay who volunteer to work on a holiday shall be given an additional day off with pay during the pay period in which the holiday falls in lieu of overtime pay for the holiday. If the employee is unable to take an additional day off, the employee will receive overtime compensation, or comp time if authorized, for the actual hours worked.

Limited Part-time, temporary and limited seasonal employees are not eligible for holiday pay.

5.4 Overtime Compensation:

5.401 Administrative officers and exempt employees shall not be entitled to overtime pay. No other employee shall be entitled to overtime pay without the prior approval of the department head except in emergencies that preclude such prior approval. The department head or supervisor will review the record and certify overtime approved for payment during the next work period. Unauthorized overtime may be subject to disciplinary action.

5.402 Employees who regularly work a thirty-seven and one-half (37.5) hour workweek shall receive overtime pay for all hours worked in excess of thirty-seven and one-half (37.5) hours in one workweek, at the rate of one and one-half (1.5) times the appropriate rate of pay.

5.403 Employees who work a non-standard workweek approved by the City Manager shall be entitled to overtime pay for all hours worked in excess of their regularly scheduled work hours.

5.404 Holiday and personal leave/comp time hours shall count as "hours worked".

5.405 Call out pay. The supervisor shall notify an employee at least 24 hours prior to the beginning of any extra duty, excluding the extension of the employee's regular shift. If less than 24 hours notice is given, the extra duty is a call out. Employees who are called back to work shall be paid the overtime rate for a minimum of two (2) hours. An employee shall be paid at the overtime rate for all hours worked as the result of a call out. Call out pay is available only to Regular Full-time, Regular Part-time and Regular Seasonal employees who are eligible for overtime compensation. An employee, if authorized, may choose to receive Comp time in lieu of overtime payment.

5.406 On-Call. Certain departments are required to periodically have employees able and available to respond during off hours. When a department head places an employee on-call, the employee is required to make him or herself available by phone contact within 30 minutes and by physically being able to respond to the work site within one hour. While in an on-call status, the employee is free to pursue personal interests, but must refrain from consumption of alcohol or other activities that would impair job performance should the employee be required to respond to work during the on-call period. The decision to place an employee on an on-call status must be made to cover a reasonable time period based on events such as weather, emergencies, program coverage, etc.

Compensation: An employee called to work will be compensated for the time actually worked or for a minimum of 2 hours of overtime.

Departments which are mandated by a State or Federal Agency to have employees on-call 24 hours a day, year-round, may establish a work schedule to assign on-call shifts and may compensate employees for working those shifts with compensatory time, as approved by the City Manager.

5.407 Standby. Classified/treated the same as On-Call.

5.5 Compensatory Time:

5.501 Administrative officers and exempt employees shall not be entitled to compensatory time. Administrative officers may on occasion be granted administrative leave by the City Manager and are allotted 8 hours per month of Authorized Professional Time (APT). APT has no cash value and must be used in the month it is accrued or it is lost. Employees who wish to receive compensatory time in lieu of paid overtime compensation may do so with the approval of the employee's supervisor.

5.502 Compensatory time shall be accrued time off earned in lieu of monetary compensation for overtime hours worked. The calculation used is the same as for monetary overtime.

5.503 The maximum accrual of compensatory time allowed shall be 100 hours for all employees working for the city on or before December 31, 2008. The maximum accrual rate for employees hired on or after January 1, 2009 will be 75 hours. The City Manager reserves the authority to require overtime payment in lieu of comp time. Any comp time accrued over the 100/75 hour limit will be automatically converted to overtime pay and paid out in the pay period following the limit being exceeded. Exceptions must be requested in advance and be approved in writing by the City Manager.

5.504 The City Manager may elect to convert accumulated compensatory time to pay at the regular (overtime) rate earned by the employee at the time the employee receives such payment.

5.505 An employee's request to use accrued compensatory time shall be approved if the use of the compensatory time does not unduly disrupt the operations of the department as determined by the department head. Comp time may be used as soon as it is accrued and upon approval.

5.506 An employee shall be compensated for all comp time that he/she has accumulated upon termination of employment. Compensation shall be at the (overtime) rate the employee is being paid at the time of termination.

Section 6 – Leave

6.1 Personal Leave: Personal leave shall be earned and used for all sick and annual leave requests except as specified in this section. Exempt employees shall accrue and use leave based on an eight hour work day.

6.101 Rate of Accrual. Employees of the City of Valdez, except as otherwise provided herein, shall accrue personal leave at the rate of:

- A. 6.9231 hours (7.384 hours for exempt) for each bi-weekly pay period for employees with less than two (2) years of service (24 days per annum);

- B. 7.7885 hours (8.3077 hours for exempt) for each bi-weekly pay period for employees with more than two (2) years but less than five (5) years of service (27 days per annum);
- C. 8.6539 hours (9.2308 hours for exempt) for each bi-weekly pay period for employees with more than five (5) but less than ten (10) years of service (30 days per annum);
- D. 11.25 hours (12.00 hours for exempt) for each bi-weekly pay period for employees with more than ten (10) years of service (39 days per annum).

Employees shall accrue leave from date of hire, but use of leave is discouraged for the first ninety (90) calendar days of service after appointment.

Temporary and limited part-time and limited seasonal employees shall not accrue leave credit.

No personal leave shall accrue during periods of leave without pay or suspension without pay or after date of termination.

6.102 Computing Leave Accrual. For the purpose of computing the rate of personal leave, prior service as a regular employee is to be included, provided that such prior service was not terminated by a dismissal with prejudice and was served within the immediately preceding 12 months. One 26th (1/26th) of the annual accrual of personal leave shall be credited to full-time employees at the end of each pay period.

The number of days of personal leave accrued during a calendar month by regular part-time employees or employees who have taken leave without pay or been suspended without pay during the month shall be determined on a proportional basis by comparing the number of actual hours worked in the month to the number of standard work hours for full-time employees during the month (reference Section 5.1).

6.103 Use of Leave.

- A. With the approval of the employee's supervisor or department head, an employee may use personal leave at any time the work requirements of the employee and the department so permit. Leave Application Forms must be completed, indicating the leave type (Personal leave, LWOP, comp time, or other) and approved prior to the leave being taken. In the event of unanticipated absences due to illness or emergencies, an employee must complete a leave form immediately upon his/her return to work. Failure to follow these procedures may result in denial of paid leave or treatment of periods of non-attendance as absences without leave, which may lead to disciplinary action.
- B. A paid holiday falling within the leave period shall be counted as part of the leave without charging that days' absence to personal leave. When used for vacation purposes, not more than 150 consecutive hours of personal leave and/or comp

- C. An employee may request payment for leave accrued to his/her account by making a written request to the City Manager. Such requests are subject to the approval of the City Manager and the availability of funds. Any payment made under this provision is limited to the amount of accumulated leave in the employee's personal leave account which is in excess of 75 hours plus the hours necessary to satisfy any unfulfilled requirement of Section 6.104 for that year.

6.104 Minimum Leave Use

A. During the period beginning with the first day of the first pay period in January and ending with the last day of the pay period occurring fifty-two weeks later, the minimum number of hours of personal leave that must be taken annually is as follows:

1. Personnel with less than ten years service are required to take at least 75 hours of personal leave or comp time (80 hours for 40-hour workweek staff).
2. Personnel with ten or more years of service are required to take at least 112.5 hours of personal leave or comp time (120 hours for 40-hour workweek staff)..
3. Regular part-time personnel are required to take personal leave or comp time in a proportionate number of hours in relation to the number of hours worked, as compared to the hours worked by full-time personnel.

B. An employee is exempt from the minimum use requirement if compliance would reduce the employee's personal leave balance to 75 hours or less (80 hours for 40-hour workweek staff).

C. It shall be the responsibility of the employee to plan for and take the minimum number of hours of personal leave or comp time required by this section. It shall be the responsibility of the department head to ensure that each employee has the availability to schedule his/her minimum hours of personal leave annually.

D. Minimum leave that is not used is deducted from the employee's leave balance on the day immediately preceding the first day of the first pay period in January. An employee may not receive any credit or compensation for deducted leave.

6.105 Maximum Leave Carry-Over. Accrued personal leave may not exceed 800 hours (600 hours for those hired on or after January 1, 2009) on the first day of the first pay period in January except with the written authorization of the City Manager. Except as provided in 6.104D, any balance of personal leave in excess of 800/600 hours on the date specified will be automatically cashed out and paid to the employee by the second pay period of the New Year.

6.106 Compassionate Leave Donation. Individuals, with approval of their Department Director and City Manager, may request personal leave or comp time donations from

other employees to be deposited into their leave account for a significant personal emergency or event. The person requesting leave must fill out a Leave Donation Form that includes (but is not limited to): The amount of leave requested, the anticipated time period in which the donated leave will be used, and the justification of need. Donated leave will not count toward minimum leave use requirements for the donating employee. 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. The maximum total number of hours that can be donated to any one employee shall not cause the receiving employee to exceed the 800/600 hour limit per 6.104A. Any donated leave not used within the time period requested will be refunded to the employee(s) making the original donation, unless an extension is requested and approved by the City Manager. In cases of hardship associated with the original emergency or event, the gaining employee may submit a written request to have a portion of the donated leave cashed out. Approval of such emergency cash out will be at the sole discretion of the City Manager.

6.107 Termination. If the City terminates an employee, the employee will receive, within three days of separation, a terminal leave payment in the form of a lump sum payment for his/her personal leave balance and comp time balance at time of separation. If an employee terminates employment with the City, the employee will receive the terminal leave payment at the conclusion of the payroll period following the payroll period in which the employee terminated employment.

The last day worked shall be considered the date of termination. In the event of death of an employee, any remaining balance of a personal leave account and comp time account will be paid to beneficiaries as designated in the employee's beneficiary statement.

6.2 Administrative Leave: The City Manager, at his/her sole discretion, may authorize administrative leave to any employee when it is determined to be in the best interest of the City. While on administrative leave, all pay and benefits continue to accrue. When authorized in advance, paid administrative leave will not be chargeable to personal leave. Administrative leave will be granted for the following:

6.201 Jury Duty/Court Service. Jury duty shall be treated as administrative leave, without loss of longevity, leave, or pay, unless the employee elects to utilize accumulated personal leave to cover such absence.

Service in court by employees subpoenaed or called as witnesses on matters of concern to the City of Valdez or relating to a City of Valdez function shall be treated the same as jury duty. In order to be entitled to jury duty leave, the employee shall provide the city with written proof of the requirement of his/her presence for the hours claimed. Witness service for purposes other than those just described shall be covered by personal leave, or leave without pay if personal leave is exhausted.

6.202 Worker's Compensation. An employee who is injured while working on the job must complete a worker's compensation claim form and submit it to the City Manager's office within 24 hours. Up to 3 days of administrative leave can be granted following an

injury. If the claim is accepted by workers compensation for compensation benefits, the employee may take personal leave, or comp time if desired, in order to retain all benefits. The employee shall not be required to return any worker's compensation pay to the City during this use of personal leave or comp time. The employee shall be placed on Leave Without Pay when all leave and comp time has been exhausted.

While on leave without pay, the employee's retirement benefits and annual leave accrual are suspended, but medical insurance coverage at the percentage the City normally pays shall be continued for a maximum of 6 months. Any elective coverage must be paid by the employee. Employees determined by Worker's Compensation to be partially or fully disabled should contact the City Manager's office for information on PERS benefits.

In order to assist employees in returning to work as soon as possible, light duty work options will be considered in all departments.

When an employee returns to duty following a serious illness or an injury, a department head shall require a physician's statement verifying fitness to return to work.

6.203 Volunteer Leave. In an effort to support the many worthwhile non-profit and educational organizations and events in the community, the City will grant up to (7.5) hours annually (8 hours for 40-hour workweek employees) January 1 through December 31 to each regular full-time City employee to be used as Volunteer Leave. Volunteer Leave shall be treated as Administrative Leave, without loss of longevity, leave, or pay. Volunteer Leave will also be granted to regular part-time employees on a prorated basis (for example, a regular part-time employee working 75% of the time would be granted up to six (6) hours annually). Prior to taking Volunteer Leave, the employee's supervisor must approve the absence, and the organization for which the Volunteer Leave will be used must be approved by the City Manager as a qualified organization.

6.204 In-house Interviews. When an employee interviews for a position open within the City, the time spent interviewing will be paid as administrative leave by the employee's current department. Employees will not be required to use personal leave, compensatory time, leave without pay, or any other accrued time for the time required for the interview.

6.205 Parent-Teacher Conference Flextime. A parent or guardian of a student enrolled in a school or a licensed day care facility within the city may apply for a maximum of 1.5 hours flextime to attend a conference with that child's teacher. Such flexible time may be granted no more than twice in a single school year to the same employee for conferences regarding the same child. A supervisor may grant parent-teacher conference flex-time only in advance upon presentation by the employee of written verification of the date and time of the conference and a written finding by the supervisor that the flexible time can be accommodated without imposing added cost or inefficiencies in the work place. Supervisors shall make every reasonable effort to accommodate flexible time for parent-teacher conferences.

6.3 Military Duty Leave:

6.301 Short-term military leave. Military duty leave is used for employees ordered to training or active duty with a reserve or auxiliary component of the Armed Forces. The employee is entitled to a paid absence of not more than seventy-five (75) hours during a calendar year.

Compensation paid for this period shall be the difference between the regular salary received from the City and the remuneration received from the Armed Forces (other than travel and subsistence allowance). If personal leave is used in lieu of military leave, the employee's regular salary will be paid without deduction for Armed Forces' remuneration.

6.302 Extended military leave of absence. A regular full-time or part-time employee is entitled to a military leave of absence without pay to serve in the Armed Forces of the United States and will be entitled to statutory benefits and rights to re-employment as provided by state and/or federal law. Current law under USERRA states that for employees who served less than 91 days, employers must reinstate employees in the position that they held or would have attained if they had been continuously employed, provided that the employee is qualified for the position or can become qualified after reasonable efforts. For employees who served ninety-one days or more, employers must return those employees to the position the employee would have attained or held had he or she been continuously employed and not taken the leave, or a position of like seniority, status, and pay, provided the employee is qualified for the position.

6.4 Leave Without Pay:

6.401 Leave without pay may be granted by the City Manager upon recommendation of the department head. Each request shall be considered in light of the circumstances involved and the interest of the City. Leave without pay shall not be granted unless accumulated personal leave and comp time has been exhausted, except when employees are absent and drawing Worker's Compensation. Employees on leave without pay shall accrue no employer-provided benefits unless specifically provided for herein. Employees should refer to the PERS handbook regarding PERS regulations for leave without pay. An employee's anniversary date will be adjusted to reflect actual days missed when leave without pay exceeds 30 calendar days in any year.

An employee drawing worker's compensation benefits may choose to request Leave Without Pay or to utilize leave balances and comp time in order to retain all benefits (see section 6.202 Workers Compensation).

6.402 No more than sixty (60) working days per year of leave without pay for personal reasons will ordinarily be granted unless the City expects to benefit by the employee's acquisition of advanced or specialized training during his absence.

6.5 Family Medical Leave:

Family medical leave will be provided as set forth in Alaska Statutes and the Federal Family and Medical Leave Act (FMLA) to the extent that these statutes, the Federal Act and any amendments apply to municipalities. The city's FMLA policy is as follows:

The Family/Medical Leave Policy makes available to eligible employees up to 18 weeks of unpaid leave in a 12-month period for the following reasons.

- ❖ For the birth of the employee's child or for placement of a child with the employee through adoption or foster care:
- ❖ When the employee is needed to care for the employee's child, spouse or parent who has a serious health condition:
- ❖ When the employee is unable to perform the functions of his or her job due to a serious health condition

Additional Employer Paid FMLA Benefit

In addition to the FMLA benefits provided by law, the City will pay employees up to a total of 75 hours (80 hours for exempt employees) per calendar year at the employee's regular rate of pay after the employee has used all available personal leave and comp time during an FMLA qualifying event. This in essence provides City employees with an additional financial "safety net" during a FMLA- qualifying event.

A. PURPOSE:

The Alaska Family Leave Act, AS 23.10.500--23.10.550, and the Federal Family and Medical Leave Act of 1993 (Public Law 103-3) entitle employees to unpaid leaves of absence from work for childbirth or adoption of a child, and for purposes necessitated by a serious health condition which renders the employee unable to perform job duties, or to care for a close relative with a serious health condition. The purpose of these laws is to help balance the demands of the workplace with the needs of employees and their families, to promote stability and economic security of the family unit, and to promote public interest in preserving family integrity. This policy is intended to comply with the requirements of state and Federal law. The terms used in this section have the meanings defined in those Acts.

B. DEFINITIONS:

1. Child: The biological, adoptive, or foster son or daughter, a stepchild, or a legal ward of the employee or a child of a person standing in loco parentis who is under the age of 18 years, or is 18 years or older yet lacks the capability of self-care because of a mental or physical disability.

2. Parent: A biological parent or adoptive parent, a parent in law, or a stepparent and an individual who stands or stood “in loco parentis” to the employee when the employee was a child.
3. Spouse: A person with whom the employee lives in a relationship intended to be permanent, evidence of which can be established through legal documentation, including but not limited to: a marriage license; joint ownership of land; joint banking accounts; joint credit card accounts; durable health care or property powers of attorney; primary beneficiaries of each other’s life insurance policies.
4. In Loco Parentis: include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
5. Health care provider: A doctor of medicine who is authorized to practice medicine or surgery by the state where they practice. The definition also includes: podiatrists, dentist, clinical psychologists, psychiatrists, optometrists, chiropractors (related to spinal manipulation), nurse practitioners, nurse midwives, clinical social workers, and Christian Science practitioners. These professionals must be performing within the scope of their practice as defined under state law.
6. Serious health condition: An illness, injury, impairment, or physical or mental condition that involves one or more of the following:
 - a. Hospital care: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
 - b. Absence plus treatment: A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves: (a) treatment of two or more times by a health care provider, by a nurse or physician’s assistant under the direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care providers, (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - c. Pregnancy: Any period of incapacity due to pregnancy or for prenatal care.
 - d. Chronic conditions requiring treatment: A chronic condition which (a) requires periodic visits for treatment by a health care provider or by a nurse or physician’s assistant under direct supervision of a health

care provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc).

e. Permanent/long term conditions requiring supervision: A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision, of but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

f. Multiple treatment (Non-chronic conditions): Any period of absence to receive multiple treatment (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of intervention or treatment such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), kidney disease (dialysis).

7. Week: As used in this policy, "week" refers to the calendar week, irrespective of the employee's particular workweek.

C. ELIGIBILITY, DURATION AND NOTICE

1. Eligibility:

a. Regular employees: An employee is eligible to take family/medical leave if the employee has been employed by the City of Valdez for at least 35 hours per week for at least six (6) consecutive months or for at least 17.5 hours per week for at least twelve (12) consecutive months immediately preceding the leave.

b. Temporary employees: A temporary employee is eligible to take family/medical leave if the employee has worked 1250 hours in the previous twelve months immediately preceding the leave.

c. Not based on gender: Eligibility for family/medical leave is not gender based, and is thus available to both male and female employees.

2. Duration:

a. Birth or placement of a child: For birth of the employee's child or for placement of a child with the employee for adoption or foster care, an eligible employee shall be entitled to a total of eighteen weeks of leave within a twelve month period, however the employee's eligibility to take leave for this reason expires twelve months after the birth or placement of the child.

b. Employees serious health condition: For a serious health condition that renders the employee unable to perform the functions of the employee's position, an employee shall be entitled to a total of eighteen

weeks of leave within a twelve month period.

c. Care for family member with serious health condition: To care for the spouse, child, or parent of the employee, if such spouse, child or parent has a serious health condition, an eligible employee is entitled to take eighteen weeks of leave within a twelve month period.

3. Notice:

a. Required of employee to give to employer: Where the need for family/medical leave is foreseeable based upon an expected birth or placement or for a planned medical treatment, the employee should provide the department director with at least thirty days notice in writing before the date the leave is to begin. However, if such notice is not possible then the employee shall provide such notice as is practicable.

b. Decision of employer on eligibility to take family/medical leave: Upon receiving notice either orally or in writing of an employee's intent to take family/medical leave, the supervisor must make a decision granting or denying the leave within two working days. Provisional permission to take family/medical leave can be granted, but may be later withdrawn, if the employee is unable to provide the required certification or other proof of need in a timely manner.

D. CERTIFICATION PROOF OF NEED

1. Certification of Health Care Provider required: Employees requesting family/medical leave shall provide to the department director certification of the circumstances on which the request is being made, including the statement of a health care provider of the employee's pregnancy, the employee's spouse's pregnancy, or a serious health condition of the employee or the employee's spouse, child or parent.

2. Proof of placement of child: Documentation of placement or adoption proceedings is required where applicable.

3. Proof of fitness for duty: Prior to returning to work, employees who have been on family/medical leave due to their own serious health condition may be required to present a certificate from the employee's health care provider indicating that the employee is able to resume work.

E. MEASURING PERIOD

1. Eligibility Measuring Period: The twelve month period during which as employee is eligible for family/medical leave shall be a "rolling" twelve month period measured backward from the date an employee begins family/medical leave. Every time an employee requests family/medical leave, their entitlement will be measured according to the amount of family/medical leave taken in the past twelve months.

2. Block, intermittent, and reduced schedule leave: Leave taken due to a serious health condition of the employee or for the employee to care for a qualified family member may, at the employee's discretion, be taken any of the following ways:

- a. Block: A continuous leave of absence in which the entitlement is taken all at one time.
- b. Intermittent: Leave of periods from an hour to several weeks. Examples of such leave include leave taken occasionally for medical appointments or leave taken several days at a time over period of several months, for treatment sessions such as chemotherapy.
- c. Reduced schedule: Leave that decreases an employee's usual number of working hours per week or per day.

Leave taken due to the birth, adoption or placement of a child will be taken in a block of time, unless, in the department director's discretion, it is determined that permitting the employee to take the time off on an intermittent or reduced schedule basis would be in the best interest of the City of Valdez.

F. COORDINATION WITH OTHER LEAVE

Employees requesting family/medical leave shall first exhaust their accrued personal leave and comp time before utilizing City paid FMLA leave or leave without pay. However, at the employee's request and with City Manager approval, the department director may choose to permit the employee to keep a maximum of those hours which would add up to the employee's normal workweek (e.g., 37.5, 40, 72) of accrued personal leave in the employee's personal leave account. Employees who have exhausted their family/medical leave may request leave without pay under the relevant provisions within the Personnel Regulations.

G. BENEFIT ENTITLEMENT

Health insurance coverage for an employee on family/medical leave shall be maintained on the same basis; as such coverage is available to an employee who is actively at work during the eighteen weeks of family/medical leave. Employees receiving health insurance benefits during time they are on leave without pay, who then voluntarily separate from employment, may be required to repay some or all of the insurance costs paid by the City on their behalf.

H. TEMPORARY CHANGES IN DUTY ASSIGNMENTS FOR PREGNANT EMPLOYEES

A pregnant employee may request a temporary change in duty assignment or transfer. Requests shall be made to the department head and will only be approved if it will not unreasonably disrupt departmental functions.

I. REPLACEMENT OF EMPLOYEE ON FAMILY/MEDICAL LEAVE

An employee on family/medical leave may be replaced by temporary or substitute

employee depending on the needs of the agency and the duration of the family/medical leave. An employee shall resume the employee's position upon completion of family/medical leave if the position has not been eliminated for budgetary reasons.

J. **FAMILY AND MEDICAL LEAVE ACT FOR MILITARY FAMILIES:**

FMLA benefits will include the provisions of the National Defense Authorization Act of 2008, including:

1. Active Duty leave - An employee may take up to 12 weeks of unpaid FMLA leave for any qualifying exigency (as defined by regulation) related to a spouse, son, daughter or parent's active duty or notification of an impending call or order to active duty in the Armed Forces in support of a contingency operation.
2. Service member Family Leave (Caregiver) - An employee who is a spouse, son, daughter parent or next of kin of a covered service member is entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave is available during a single 12-month period.

6.6 Bereavement Leave: In the event that an employee is contending with the loss of family or a loved one, and the employee requires time off, the city will provide 19 hours of paid bereavement leave after an employee has utilized 18.5 hours of personal leave to deal with the event. Upon request, the employee will furnish the city with documentation of the passing.

6.7 Unauthorized Absence: Any absence not authorized and approved in accordance with these regulations shall be treated as leave without pay, and shall be grounds for disciplinary action.

Section 7 – Personnel Records and Reports

7.1 Records Required: The City Manager shall maintain the central records and work history of all City employees. There are two files maintained for each employee, a primary personnel file and a medical file. Initially, the personnel file shall include each employee's original application for employment and employment memorandum with appropriate employee tax forms. Personnel files shall contain these forms, properly executed, before employment is finally effected.

The personnel file shall also include reports of other employment investigations, letters of recommendation, reports of work performance, PERS forms, leave-without-pay forms, reports of the employee's progress and disciplinary action affecting him/her, training documentation, and such other records as may be significant regarding the employee's employment and continued service to the City. Medical files shall contain post-offer physical exam reports, injury reports drug/alcohol testing results, voluntary medical history, medical insurance claim forms, and any documentation related to an employee's health or a medical condition.

All entries into personnel records must be known to the employee who will have the right to include a written response to all entries.

7.101 Access to Personnel Records. There will be only one set of personnel records maintained by the Manager's office. This set of records shall contain a personnel file and a medical file. Employees may, upon request, examine in the presence of HR Staff, their personnel records during normal working hours. It is the policy of the City of Valdez that those personnel records are protected from disclosure under the City's Public Records Code. Access to the personnel files is limited to the employee and supervisors with a legitimate business need to access contents. Supervisors can review the files of only those they supervise or are considering for transfer or promotion into a position under their supervision. Access to medical files is limited to the City Manager or HR staff, government/ legal agencies conducting an investigation relevant to medical issues, first aid emergency personnel as needed to render first aid, and insurance/ workers compensation carriers as needed to process worker's compensation or other insurance claims. However, upon the filing of a grievance or any employment related claim or litigation, the City's legal counsel shall have unhampered access to the personnel files without having to obtain authorization from the employee involved. Personnel files and contents are the property of the City of Valdez and will be retained by the City upon termination or cessation of employment. The City Manager's office shall record the time, date, and name of any employee inspecting a personnel file.

7.2 Records Retention Schedule: At the time of an employee's anniversary date, and if after the yearly evaluation a merit increase is given, an employee shall have the right to remove outdated material from his/her personnel file with the exception of the required forms as listed in the first paragraph of Section 7.1 and with the approval of the City Manager. Outdated material means material dated more than three (3) years prior to the last annual evaluation where a merit increase is given or would have been given if 1) the employee's salary was not frozen, or 2) the employee was not between longevity increments. Any material relating to an incident involving the employee which could have been grounds for discipline or just cause dismissal pursuant to Subsection 8.10 shall not be removed from the personnel file. Specific records retention requirements for drug/ alcohol testing results and related information maintained in the medical file is outlined in section 12.413.

7.3 Annual Performance Evaluation Reports:

7.301 Annual performance evaluations are used for the following purposes:

- A. to provide a basis for informed decisions on such matters as promotion, work assignments, training, recognition, and continuation of employment;
- B. to keep employees advised of what is expected of them and how well they are meeting these expectations;
- C. to stimulate improved work performance and commitment to City and departmental goals and objectives;
- D. to provide a basis for meeting employee needs for growth and development
- E. to foster an effective working partnership between supervisor and employee;

and

F. to determine the effectiveness of placement and promotion actions.

7.302 Preparation. An annual performance evaluation report shall be prepared for all employees as set forth below. Each department head, with assistance and approval of the City Manager, shall develop standards of performance to be used as a basis for personnel evaluation and shall reference quality and quantity of work, the manner in which service is rendered, and such characteristics as will measure the value of the employee to the City. Employees should be informed of such standards.

7.303 Nature and Form of Reports. The City Manager shall prescribe the nature and form of annual evaluation reports, shall investigate the accuracy of challenged evaluation reports, and shall, when justified, take any necessary action required to ensure that the evaluation report accurately reflects the facts. The City Manager shall provide for reasonably uniform application of evaluation standards. Performance evaluation reports shall be made before completion of each introductory period, annually before anniversary dates, and upon demotion or transfer. Performance evaluation reports may also be completed at any other time at the discretion of a department head with approval of the City Manager. In addition to yearly evaluations, the City Manager encourages supervisors to hold quarterly feedback sessions with employees to increase feedback opportunities (positive, as well as negative) and provide more performance milestones leading up to the annual evaluation.

7.304 Review of Performance Evaluation with employees. The supervisor or department head shall prepare the evaluation report and discuss it privately with the employee to whom it pertains. The employee may comment on the content of the performance evaluation report; such written comments shall be attached to the report and become part of it.

7.305 Merit Increases. If an employee is due a merit increase associated with his/her annual evaluation and their supervisor does not complete the evaluation by the employee's annual evaluation date; all scheduled merit increases will be awarded on time. A personnel officer will notify the supervisor of the supervisor who did not get the evaluation done on time.

7.306 Distribution of Reports. Once the performance evaluation has been signed by all required reviewers, administration shall furnish the employee with a copy of the performance evaluation report. The original shall be filed in the employee's personnel file.

7.307 The substance of a performance evaluation report shall not be the subject of a grievance or arbitration.

Section 8 – Disciplinary Actions

8.1 General:

The personnel officer will advise department heads in the handling of all disciplinary matters. The personnel officer shall approve all disciplinary actions other than oral or written reprimands, prior to the completion of the action, unless, in the judgment of the department head, immediate disciplinary action is required. The basis for taking immediate action shall be limited to those instances involving the possibility of immediate danger to health, safety, and welfare of city employees or the public, or destruction of property. In such instance, the department head shall have the authority to immediately place the employee on administrative leave pending investigation by the personnel officer.

8.2 Procedure:

8.201 A Working Day is defined as normal city business days, which are Monday through Friday, 8:30 am to 5:00 pm, excluding weekends and holidays..

8.202 Notice and Pre-Disciplinary Conference

Prior to approving a department head's recommendation for disciplinary action resulting in pay loss or dismissal, the personnel officer shall give the affected employee written notice of the intent to discipline containing a reasonably specific statement of the basis for the intended discipline and an explanation of the employee's right to file a grievance pursuant to Section 9. Upon receipt of the notice, the employee shall be given an informal opportunity to respond to the personnel officer, in person or in writing, to present reasons why the proposed action should not be taken against him/her. After considering the employee's response, the personnel officer shall determine whether there are reasonable grounds to believe that the charges against the employee are true and make a decision on whether or not to support the proposed action.

8.203 Investigation of Charges

The personnel officer or other person designated by the City Manager is authorized to investigate charges against an employee. The employee and other witnesses may be questioned and readily available evidence collected. Searches of offices, desks, lockers and other storage devices shall not be undertaken without the express permission of the personnel officer. Such searches will be authorized only when there are reasonable grounds for suspecting that such a search will turn up evidence that an employee is guilty of work related misconduct, negligence, or unsatisfactory performance. If the charges involve criminal conduct, the investigation will be conducted by the Police Department in the same manner as any other criminal investigation.

8.204 Investigative Administrative Leave

The employee may be placed on investigative administrative leave pending investigation of charges. Placement on investigative administrative leave is not subject to grievance review.

8.205 Effective Date of Disciplinary Action

Upon the personnel officer's determination that a disciplinary action is warranted, the discipline will be imposed and the employee will be removed from investigative administrative leave status. Should the disciplinary action be reversed or modified during the grievance process, the employee will be compensated for lost pay from the effective date of the personnel officer's decision up through the date of reversal or modification.

8.206 Citizen Complaints Regarding City Employees

Citizen complaints, which are submitted in writing and signed by the complainant, about City employees should be directed to the employee's department head. Complaints about department heads should be directed to the City Manager. The employee should be given an opportunity to respond to the charge. If warranted, an investigation may be conducted pursuant to Section 8.202. The department head or City Manager shall inform the complainant as to the resolution of the matter.

8.3 Forms of Discipline & Just Cause:

8.301 Progressive Discipline.

Progressive discipline shall be followed when practicable. Supervisors should impose discipline in steps of increasing severity. The number of steps to be employed may vary in accordance with the severity of the conduct. Generally, 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:

- A. Oral reprimand
- B. Written reprimand
- C. Disciplinary Probation
- D. Step Reduction
- E. Transfer
- F. Demotion
- G. Suspension
- H. Dismissal

Other sanctions may be imposed as warranted by the City Manager for particular situations or to address particular problem areas.

8.302 Just Cause.

Proof of any one of the following by a preponderance of the evidence shall constitute just cause for disciplinary action:

- A. Poor performance;
- B. Inefficiency;
- C. Lack of the qualifications required of the position held;
- D. Insubordination;
- E. Excessive or unexcused absenteeism;
- F. Excessive or unexcused tardiness;
- G. Harassment of other employees, to include sexual harassment and/or other threatening, intimidating, coercive or abusive conduct;
- H. Failure to work harmoniously with other employees or the public;
- I. Violation of a rule, policy, procedure or regulation, which was known or reasonably should have been known to the employee;
- J. Violation of an oral or written directive which was known or reasonably should have been known to the employee;
- K. The consumption, use, possession of or being under the influence of intoxicating beverages or illegal drugs during the employee's work shift, including meal or other breaks, or while on City property;
- L. Dishonesty;
- M. Any other conduct commonly recognized by reasonable persons as justification for discipline.

8.4 **Disciplinary Reports:**

8.401 Disciplinary Action Reports.

All disciplinary actions shall be documented. When an oral reprimand is given, a record of the date, time and subject of the oral reprimand shall be prepared. Employees shall be given an opportunity to review the reports of oral reprimands and any written reprimands with the supervisor. If the employee disagrees with the facts or conclusions contained in the report, the employee shall be permitted to submit, within three working days after reviewing the report with the supervisor, a statement of disagreement. The statement shall clearly and concisely set forth the employee's reasons for disagreement. One copy of the employee's statement shall be appended to the report and shall become a part of it. If the employee has no comment or has not responded within the required time frame, it shall be so noted and the report shall be filed in the employee's personnel file.

8.402 Periodic Reviews.

The supervisor will complete periodic reviews of the employee's progress in correcting the cause of the original discipline. Such reports will be made a part of the employee's personnel file.

8.403 Written Statement.

A supervisor at any time may require a written statement from a subordinate explaining the employee's conduct or omissions.

8.5 Disciplinary Probation:

8.501 General.

For just cause, an employee may be placed on disciplinary probation. The duration of disciplinary probation may not exceed 26 weeks. During a period of disciplinary probation, an employee:

- (A) retains regular status,
- (B) may not use scheduled personal leave,
- (C) may not use leave without pay,
- (D) may not accrue or use comp time
- (E) shall provide evidence satisfactory to the department head of the reasons for using any unscheduled leave,
- (F) must comply with all requirements and conditions of the probation.

8.502 Failure to Correct Deficiencies.

An employee who fails to correct less than acceptable performance or repeats unacceptable behavior during a period of disciplinary probation is subject to further disciplinary action.

8.503 Application.

Disciplinary probation may be used as an independent disciplinary measure or in conjunction with another disciplinary measure.

8.6 Step Reductions:

8.601 General.

For just cause, the salary of a regular employee who is placed at other than step A may be reduced by one step. The period the employee serves at the lower step may not exceed 26 weeks without review.

8.602 Failure to Correct Deficiencies.

An employee is subject to further step reduction or other disciplinary action if the employee fails to correct less than acceptable performance or repeats unacceptable behaviors during the period of step reduction.

8.603 Restoration of Salary.

The salary step(s) shall be restored when, upon review, it is determined that the unacceptable behavior has been corrected.

8.7 Transfer:

An employee may be transferred to a different section or department for just cause. A transfer may or may not also include a demotion.

8.8 Demotion:

For just cause, an employee may be demoted in position status and/or pay status. An employee demoted for disciplinary reasons shall be placed in Step A of the lower range unless otherwise determined by the City Manager

8.9 Suspensions:

8.901 General.

An employee may be suspended for just cause without pay for a period of not over four full workweeks for disciplinary reasons. Further disciplinary action may be cause for dismissal.

8.902 Special Rules for Exempt Employees.

Suspension of employees exempt from overtime pay requirements shall be subject to the following provisions:

A. Suspensions of less than one (1) full workweek shall be paid except as set forth in subsection B. However, a deduction equivalent to the paid suspension may be taken from the amount of the accrued paid leave the exempt employee has accumulated.

B. If the suspension of an exempt employee results from the violation of a safety rule or rule of major significance intended to protect life and property, the suspension may be without pay even if it is less than a full workweek.

C. All other unpaid suspensions of exempt employees must be for a full workweek or some multiple of a full workweek.

8.10 Dismissal:

An employee may be dismissed from employment for just cause. Except in a case involving a hazard, or when the best interests of the city will not be served, two weeks' notice of dismissal will be given the employee.

8.11 Non-Disciplinary Termination:

City employees may be terminated when it is necessary to reduce the number of employees because of lack of funds or work or when related persons are employed in violation of Section 4.102. Two weeks written notice shall be provided. Terminations under this section are not subject to grievance review or arbitration.

Section 9. Grievance and Arbitration Procedures

9.1 General Policy:

9.101 Sole and Exclusive Remedy. Employees shall have the right individually, as a group, or through a designated representative, to present grievances, and shall be free from restraint, interference, discrimination, or reprisal in this regard. Grievances shall be presented through the established lines of authority. It is the policy of the City to require its employees to utilize an exclusive, final, and binding mechanism for the adjustment of any and all workplace controversies, including controversies concerning the meaning or application of the provisions of the Personnel Regulations.

9.102 Representation. The employee may select a fellow employee, supervisor or other representative to assist in the presentation of a grievance or appeal.

9.2 Grievance Defined:

A grievance is a contention that a specific action or specific failure to act by the City violates a specific right established by constitutional guarantee, statutory law, common law, or the city's Personnel Regulations. The substance of a performance evaluation report, or placement on investigative administrative leave status are among the types of administrative actions not included within the definition of "grievance."

9.3 General Grievance Procedure:

An employee with a grievance regarding working conditions or qualifying employment policies may initiate the grievance process at the appropriate supervisory level as set forth in subsection (A) subject to the limitations set forth in subsection (B):

(A) Procedures.

1. The employee shall present the grievance to the immediate supervisor within five working days of becoming aware of the action or matter being grieved. If the immediate supervisor is not available, the employee will be allowed up to an additional five (5) working days for their supervisor to become available. If the supervisor is not available within this time, the employee will present the grievance to the next supervisor in the chain of command.

2. The supervisor and the employee shall attempt to informally resolve the grievance within five working days of the presentation of the grievance. If the resolution of the grievance is not acceptable to the employee, then;
3. The employee shall, within five working days of the informal discussion, present the grievance, including the relief sought, in writing to the department head.
4. The department head shall respond to the grievance in writing within ten working days of personal receipt of the grievance. If the decision of the department head is not acceptable to the employee, then;
5. The employee shall have the option to present the grievance to the City Manager within five working days of the department head's decision, to include a written statement explaining why the decision is not acceptable.
6. The City Manager shall respond to the grievance within 15 working days of personal receipt of the grievance. The decision must be in writing and include the City Manager's findings, conclusions, and disposition of the grievance.
7. The City Manager may designate an officer to investigate the grievance and recommend to the City Manager findings, conclusions, and the disposition of the grievance. At the City Manager's discretion, the officer may be a department head; the assistant City Manager or an independent officer experienced in personnel matters.
8. If the City Manager is the immediate supervisor or the primary decision maker in the matter being grieved, the employee within five working days of the decision may request an independent grievance review officer (GRO) to review the grievance. The request shall include a written statement explaining why the decision is not acceptable. The GRO shall respond to the grievance within 15 working days from the time the GRO is appointed. The City attorney shall provide a list of 3 Grievance Review Officers. The employee may strike one and the City Manager may strike one. The remaining Grievance Review Officer shall be the one appointed. Upon concurrence by both the employee and the City Manager, the City Clerk may serve as the GRO.
9. If the employee fails to meet the time limits set out in this grievance procedure, the grievance will not be considered further.
10. If the City fails to meet the time limits set out in this grievance procedure, the employee may advance the grievance to the next step in the procedure.

11. The parties may agree to extend the time limits at any step of this procedure. Any agreement to extend the time limits must be in writing signed by both parties.

B. Limitations

1. This section shall be used for all qualifying employment related matters except those actions that result in a dismissal, demotion, or suspension without pay (see Section 9.4).
2. Temporary, Limited Seasonal, and Limited Part-time employees may not use this section.
3. The decision of the City Manager or when applicable, the GRO, shall be final and binding.

9.4 Dismissal, Demotion, or Suspensions Without Pay:

Only employees with regular status who are dismissed, demoted in pay, or suspended without pay may pursue the following grievance procedure:

- A. The employee shall, within five working days of receipt of written notification of the action, file a written grievance with the City Manager setting forth the reasons for the grievance and stating the relief sought. If the employee fails to file a written grievance within that period, the grievance will not be considered further.
- B. The City Manager may designate an officer to investigate the grievance and recommend to the City Manager findings, conclusions, and the disposition of the grievance. At the City Manager's sole discretion, the officer may be a department head, the assistant City Manager, or an independent officer experienced in personnel matters.
- C. The City Manager shall respond to the grievance within 15 working days of personal receipt of the grievance. The decision must be in writing and include the City Manager's findings, conclusions, and disposition of the grievance. The City Manager may recommend a lesser form of discipline.
- E. If the decision of the City Manager is not acceptable to the employee, the employee may within 5 working days of receipt of the decision, file a written request with the City Manager to submit the grievance to binding arbitration.
- F. If the City Manager is the immediate supervisor or the primary decision maker in the matter being grieved, the employee within five working days may request that an independent grievance review officer (GRO) be appointed by the City Attorney. The request shall include a written statement explaining why the decision is not acceptable. The GRO shall respond to the grievance within 15 working days from the time the GRO is retained. The City attorney shall provide a list of 3 Grievance Review Officers. The employee may strike one and the City

Manager may strike one. The remaining Grievance Review Officer shall be the one appointed. Upon concurrence by both the employee and the City Manager, the City Clerk may serve as the GRO.

- G. If the decision of the GRO is not acceptable to the employee, the employee may within 5 working days of receipt of the decision, file a written request with the City Manager to submit the grievance to binding arbitration.
- H. The parties may agree to extend the time limits at any step of this procedure. Any agreement to extend the time limits must be in writing signed by both parties.

9.5 Arbitration:

The employee(s), within five working days of receiving the City Manager's decision, or alternatively, the grievance review officer's decision, may file with the City Manager a notice of intent to submit the grievance to binding arbitration.

9.501 Procedure.

The following procedure shall be followed:

- A. The employee shall within five working days of filing the notice of intent to arbitrate, notify the American Arbitration Association, which shall appoint a single neutral arbitrator from within the State of Alaska to hear and determine the case unless the grievant and the city mutually agree to another arbitrator or a panel of three (3) arbitrators.
- B. The arbitration proceedings shall be governed by the Uniform Arbitration Act (AS 09.43), the Expedited Employment Arbitration Rules of the American Arbitration Association Employment Dispute Resolution Rules, and the city laws and regulations. Conflicts shall be governed by reference to these authorities in this order: (i) City of Valdez laws and regulations; (ii) Expedited Employment Arbitration Employment Dispute Resolution Rules of the American Arbitration Association; (iii) Uniform Arbitration Act.
- C. The arbitrator shall promptly hear and decide the case. Both parties shall be permitted to present any evidence and to cross-examine witnesses. Either party may be represented by an attorney.
- D. The arbitrator shall have no right to amend, modify, nullify, or ignore provisions of the aforementioned governing authorities and shall consider and decide only the specific issue(s) submitted and has no authority to decide issues not submitted.
- E. The standard of review to be applied by the arbitrator shall be whether the decision, action, or inaction of the City was reasonable in view of the City's responsibilities and obligations, both fiscal and political, as a public entity deriving its powers from and existing to serve the purposes of the people. The arbitrator's decision shall not be based on whether the decision, action or inaction of the city

was “the best” or “fairest” decision, action, or inaction, but rather, in order for the grievant to prevail, the arbitrator must find that the City’s decision, action or inaction was unreasonable in view of the city’s responsibilities and obligations outlined above, the City Charter, the City code, or these Personnel Regulations.

- F. The arbitrator’s decision must determine who the losing party is. Upon such determination, the arbitrator may assess the arbitrator’s fee and costs against the losing party or otherwise apportion the costs between the parties as deemed reasonable in the arbitrator’s sole discretion. Costs relating to attorney’s fees and those associated with any witnesses, including expert witnesses, will be assessed against the party who incurred them.

Section 10 - Fringe Benefits

10.1 Health Insurance: The City will provide a health insurance plan for all regular full-time, regular part-time, and regular seasonal employees who elect to enroll. No plan will be provided for limited part-time, limited seasonal, temporary, or volunteer employees. The City will contribute to the health insurance for regular employees as approved annually by the City Council. Regular part-time employees who elect to enroll in the City’s plan shall have a percentage of health insurance paid by the City based on the number of hours worked in relation to full-time hours. An employee on leave without pay may, at his/her own option, continue health insurance coverage at the employee’s own expense, except as provided for herein under workers compensation or FMLA leave.

Employees will be responsible for notifying the Manager’s Office of any changes such as the birth of a child or a divorce, which will affect the health insurance. The City will be responsible for notifying employees of any changes in the health insurance coverage.

10.2 Retirement Program: Regular Full-time, Regular Part-time and Regular Seasonal employees are required to participate in the State of Alaska Public Employees Retirement System (PERS). The City will contribute an amount as determined by the State’s Retirement Actuaries. These employees are required to participate effective their first day of employment with the City. Upon termination, employees may withdraw all voluntary and mandatory contributions with interest, as authorized by the Retirement System.

10.3 Deferred Compensation Plans: Regular Full-Time, Regular Part-time and Regular Seasonal employees do not participate in the Federal Social Security Administration program. Instead, the City has established a matching deferred compensation program. The above employees may tax defer up to the available legal limits of their income each year in a 457B plan. The employer will match into a separate 401-A plan an amount up to current Social Security limits. The employee must defer an amount as specified in the 401A plan.

Decisions to change plan administrators or offer a choice of more than one plan to its

employees rests with the City. Employees are urged to provide their input through the Employee Benefit Committee (EBC). Limited Part-Time, Temporary, and Limited Seasonal employees participate in the Federal Social Security Administration program.

10.4 Educational Assistance and Training Policy:

The City of Valdez recognizes that the skills and knowledge of its employees are critical to the success of the City. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the City of Valdez.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the City in order to be eligible for educational assistance. The City Manager has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position.

This program is subject to annual appropriation. Therefore, requests for educational assistance must be made far enough in advance to allow inclusion of related expenditures in the draft departmental budgets submitted for the following fiscal year.

While educational assistance is expected to enhance employees' performance and professional abilities, the City of Valdez does not make any assertion that participation in formal education assistance will entitle the employee to any advancement, a different job assignment, or pay increases.

The City of Valdez is willing to invest in educational assistance for employees with the expectation that the investment will be returned to the City through enhanced job performance and retained expertise. Therefore, if an employee voluntarily separates from City of Valdez employment or is terminated for cause during a commitment period, the amount of the assistance will be treated as a loan. Accordingly, the employee will be required to repay the City 100 percent of the educational assistance provided.

Regular full-time employees who have completed eighteen (18) months of continuous service with the City are eligible to receive educational reimbursement in accordance with the following provisions:

10.401 General Process

- Eligible courses must be offered by an accredited college, university, vocational school, or correspondence school.
- Reimbursement will be limited to no more than \$2000 per fiscal year per individual employee based on the following criteria:

1. Reimbursement limited to eighty percent (80%) of tuition/fees for course work that is directly related to the employee's current job classification with the City.
 2. Reimbursement limited to fifty percent (50%) of tuition/fees for course work, which is directly related to other job classifications with the City that will enhance the employee's opportunity for advancement to those classifications.
- The employee shall initiate an "Application for Educational Assistance" no later than August 31st of each year for any assistance being requested for the following fiscal year. The initial request may be an estimate of needed expenses for budget planning purposes. Once approved, final expenditure of funds (up to the total amount authorized) will require specific documentation such as; Student registration, class schedules, documentation of course completion, and receipts for all reimbursable fees and/or tuition paid. The initial application form will be completed and sent through the supervisor to the department director. If approved by the department director, the request will be forwarded to the City Manager. If approved by the City Manager, the department director will include the requested expenditure within his/her draft department budget for the following fiscal year. Final approval will be contingent upon authorization of funding in the adopted City budget for the following year.
 - The original application for Educational Assistance will be maintained in the City Manager's Office and signed copies will be returned for the Department Director and the employee.
 - After completion of the approved course(s), the employee must submit a transcript indicating successful completion with final grade(s) of "C" or better, or a certificate of satisfactory completion. The employee will then be reimbursed according to the approved "Application for Educational Assistance."

10.402 Specific Provisions

1. Tuition and fees are the only costs eligible for reimbursement. The cost of books and supplies are not eligible.
2. A commitment period will be required of all employees receiving educational assistance from the City as follows:
 - a. For course work associated with an Associate Degree, a Licensing or Certification program, or professional skills upgrade; a twelve (12) month commitment will be incurred for each course/class, which will be served concurrently.
 - b. For course work associated with a Bachelors or Masters Degree; an eighteen (18) month commitment will be incurred for each course/class, which will be served concurrently.

- c. All commitment dates start on the date City funds are reimbursed to the employee.
 - d. At the City's sole discretion, any commitment period may be waived by the City Manager if determined to be in the best interest of the City.
 - e. Commitment periods are binding on the employee only, and will not be construed as to imply any requirement by the City to maintain the employment of any participating employee.
3. If an employee resigns or terminates for any reason, or is terminated for cause, prior to receiving a refund, there shall be no obligation on the part of the City to refund any part of this expense.
4. The City will not pay the cost of tuition, which has been or will be paid for by other sources such as grants, scholarships, or other subsidies.
5. Whenever training is required by the City, all tuition costs will be paid by the City without a commitment period.
6. Under arrangements approved by the City Manager, a department director may allow flex time for employees to attend area colleges under the following conditions:
- a. Courses are job related. This will be determined by the department director and the City Manager.
 - b. The employee can be spared from the job.
 - c. Courses are not available during off-duty hours.
 - d. No overtime is caused by the employee's absence.
 - e. No more than seven and one half (7.5) hours per week are involved.
 - f. Any time off must be made up by the employee during the same pay period at times agreed by the Department Director or designee.
 - g. An employee desiring flex time for educational purposes must request and justify such time off in writing and obtain prior written approval from his/her supervisor, department director, and the human resource officer.

Section 11 - Travel

11.1 Employee Travel Approval:

11.101 Purpose. To establish regulations and procedures for the authorization of official travel, the approval of payment for per diem, and the reimbursement for travel related expenses.

11.102 Policy. It is the policy of the City of Valdez that employee travel for official business outside the Valdez area shall: (1) be properly authorized in advance and, (2) be conducted in the most direct and cost effective way to accomplish its purpose.

As a general rule, mandatory training is training without which the employee will be unable to perform the job requirements at the expected level of competency. Non-mandatory training is that which serves as professional development and while it broadens the knowledge base of the employee it may not significantly improve the employee's ability to perform job requirements.

Attendance, outside of regular working hours, at specialized, follow-up or other non-mandatory training shall not be compensable in regards to wages. The City encourages employees to take advantage of training opportunities that will prepare them for advancement or expand their skills, but may only pay for expenses such as registration, travel or per diem.

The City of Valdez shall pay for expenses related to mandatory training and may pay for expenses related to non-mandatory training. In the event that the City of Valdez chooses to pay for an employee to attend non-mandatory training and that employee resigns from the position within one year of receiving the training, the City of Valdez may require the employee to reimburse the City for the training expenses incurred.

Regardless of whether the training is mandatory or not, the City of Valdez will not compensate employees for any inessential costs. For example, if a training session ends on a Wednesday and the employee does not return to work until the following Monday, the employee will not be compensated for time (other than necessary travel time) or the extra costs incurred on Thursday and Friday.

Employee travel may be authorized for official City purposes when one or more of the following criteria are met:

- A. Travel is required to achieve operational and service objectives of the City.
- B. Travel is required to support State or Federal efforts, which are beneficial to the City.
- C. Travel is mandated by the State or Federal government.
- D. Travel is for specific training, which is required for employees to perform City functions, such as training on technological advances or for required certifications.
- E. Travel is for specific training which will result in a significant cost savings or cost avoidance for the City.
- F. Travel is required to attend a national or state board, committee meeting, or conference as a City representative and the exchange of information or participation will result in a benefit to the City.

11.103 Organizations Affected. All City departments and related entities shall be affected.

11.104 Definitions.

- A. Travel Authorization. City Travel Authorization Form.
- B. Traveler. A City employee, including appointed officials, authorized to travel on official business outside the Valdez area.

11.105 Responsibilities.

- A. Travelers requesting approval for travel outside the Valdez area shall:
 - 1. Complete a Travel Authorization (TA) Form.
 - 2. Submit TA and any additional written justification to the appropriate approving authority in a timely manner so as to secure the most favorable discount airfare or ground transportation.
 - 3. Assure that all official travel is conducted in a timely, cost-effective, and most beneficial manner for the City.
- B. The department head shall:
 - 1. Approve/disapprove all travel requests.
 - 2. Approve/disapprove all in-state travel.
 - 3. Assure that only the required number of days for official travel is authorized for per diem. Consideration of a maximum of 1 pre and/or post travel day may be allowed, depending on length of time of travel.
- C. The City Manager shall:
 - 1. Approve/disapprove all out-of-state training and travel requests.
 - 2. Approve/disapprove all travel by department heads.

11.2 Employee Travel Expenses and Per Diem:

11.201 Purpose. To establish regulations and procedures for the payment of per diem for official travel and the reimbursement for authorized expenses.

11.202 Policy. It is the policy of the City of Valdez to reimburse travelers for per diem and certain actual expenses incurred while on official City business outside the Valdez area, provided the travel was authorized in accordance with Section 11.1, Employee Travel Approval. If the travel is non-mandatory, any expenses paid for by the City will be determined in advance and agreed to as identified on the Travel

Authorization Form. Any exceptions to this policy will require a written explanation as a part of the original submission of a TA request form.

A. Air Travel Costs. The City will pay the cost of air transportation directly related to travel for official business. The most economical and direct route available shall be utilized.

B. Private Vehicle Costs. The City will reimburse a traveler for use of privately owned vehicles at the rate-per-mile currently being allowed by the Internal Revenue Service, not to exceed the cost of coach airfare and rental car (only if authorized). If two or more employees travel in the same vehicle, only the owner of the vehicle may claim reimbursement for mileage. The City shall notify the employee of any rate changes by the IRS.

Mileage will be reimbursed based upon the following standard mileage/distance schedule:

- Anchorage - 310 mi.
- Fairbanks - 363 mi.
- Wasilla - 254 mi.
- Palmer - 249 mi.
- Homer - 531 mi.
- Girdwood - 382 mi.
- Soldotna - 469 mi.
- Seward - 433 mi.
- Kenai - 456 mi.

If official travel by private vehicle, rather than by air transportation, is for the convenience of the traveler, and that person is a City employee, the extra travel time required must be charged as personal leave.

If an employee demonstrates a savings to the City in travel time and/or expenses through the use of a private vehicle, that employee may request an exception to this policy, on a case by-case basis, from a department head. This exception must be clearly explained and documented on the TA.

C. City Vehicle. The City will reimburse the cost of fuel and other trip related vehicle-operating costs. No reimbursement for mileage will be allowed.

D. Lodging Costs. The City will pay lodging costs (room and taxes) at an economical and single-occupancy rate, unless two City employees share a double room in which case a double-occupancy rate will be reimbursed. Government rates and tax exemptions shall be requested and used whenever possible. Use of Non Commercial, privately owned rental units must be pre-approved to be considered for reimbursement. Itemized hotel receipts are required for reimbursement.

E. Per Diem. The City will pay up to \$51.00 per diem/day for meals and incidental expenses incurred during official travel away from the Valdez area. If travel status is for

at least three hours between the hours of the following time periods, the rate indicated shall be paid:

Midnight – 8:00am: \$17.00
8:00am – 4:00pm: \$17.00
4:00pm – Midnight: \$17.00

F. Ground Transportation. The City will reimburse for auto rentals only if approved on the Travel Authorization Form, and only for the days and mileage necessary to conduct official City business. An auto rental may be authorized, after the fact, by the City Manager only if there was a valid and compelling justification for the rental. Prior approval is required for private vehicle use in the conduct of City business and will be reimbursed at the rate-per-mile allowed by the Internal Revenue Service.

G. Registration Fees. The City may make advance payment and/or reimbursement for educational/training fees. Fees for entertainment, spouse activities, and similar expenses are the responsibility of the traveler and will not be paid by the City.

H. Other Expenses. The City will reimburse amounts paid for taxis, airport limousine services, telephone calls, and other expenses directly related to official business. Paid itemized receipts for actual expenses will be required for reimbursement of any expense equaling \$10 or more.

I. Travel Advance. The City may, upon request by the traveler, take travel advances, up to one hundred (100%) of verified per diem and travel expenses contained within an approved TA form. Travel advances may be requested only when travel plans have been finalized and expenses verified and documented.

J. Travel on a Day Off. The Fair Labor Standards Act stipulates that employees paid an hourly wage will be paid the appropriate rate of pay for those hours on travel status for mandatory training that the employee works, even though the employee may not normally work on that day. Employees on travel status of a mandatory nature, during weekends, holidays, or other days they are not usually scheduled to work will be paid those days for the number of hours worked. Overtime will be paid as appropriate. Special circumstances may be accommodated at the discretion of the City Manager.

K. Unforeseen Travel Interruptions. Travel expenses that result from incidents, outside of the traveler's control, (such as airline cancellations, road closures, etc.), that prevent a traveler from returning as scheduled, shall be eligible for reimbursement as approved by the City Manager.

11.203 Responsibilities.

A. Department heads shall:

1. Ensure that all City travelers who travel outside of the Valdez area have read and understand this policy and procedure prior to departure.

2. Ensure that City travel funds are expended in a prudent and cost-effective manner, resulting in maximum benefit to the City.
3. Ensure that there are sufficient funds remaining in the appropriate line items of the department budget to cover all approved departmental travel expenses.
4. Review and approve/disapprove all Travel Expense Reports.

B. Travelers shall:

1. Incur only those expenses, which are necessary and reasonable to accomplish the approved purpose of the trip.
2. Maintain records and receipts for travel related expenses as may be required for reimbursement.
3. Ensure that all official business expenses incurred and submitted for reimbursement are in compliance with this policy/procedure.
4. Upon completion of official travel, submit a travel expense report, including all required items, to the department head within five (5) working days.
5. Submit in writing justification for any deviation from this policy/ procedure.

Section 12 - Special Provisions.

12.1 Sexual Harassment:

12.101 The City of Valdez is committed to providing a work environment that is free of all forms of discrimination including sexual harassment. In keeping with this commitment, the City of Valdez prohibits sexual harassment in any form, including verbal, physical, or visual harassment in the form of sexually explicit photographs, materials, or conduct.

12.102 Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of any nature constitutes harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee, or; (3) such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an intimidating, hostile, or offensive work environment.

12.103 The employee should make a reasonable effort to inform the offending party that his or her actions are creating an uncomfortable work environment and request the activity to cease. If the situation is not resolvable informally in this manner, any

employee who believes he or she has been a victim of sexual harassment by a co-worker, supervisor, officer, agent, contractor, vendor, customer, or other individual, should promptly report the facts, including the names of those involved, to his or her supervisor. If the circumstances warrant, such reports may be made to the department head, City Manager or Personnel Officer. If the City Manager is the alleged perpetrator, the report may be made to the City Clerk. All such claims will be investigated on a timely basis and appropriate corrective action will be taken. Any officer or employee who after appropriate investigation is found to have engaged in the sexual harassment of another employee of the City will be subject to appropriate sanctions, which may, depending upon the circumstances, include termination.

12.104 Employees who report incidents of sexual harassment will be treated courteously, and the investigation will be handled swiftly and confidentially. No employee shall be discriminated or retaliated against in any way for bringing a sexual harassment question or complaint to the City's attention.

12.2 Ethics: All City employees are required to familiarize themselves with the Code of Ethics set forth in Chapter 2.24 of the Valdez City Code and at all times conduct themselves in accordance with its provisions. Pursuant to Section 2.24.070 B, conviction of a violation of the Ethics Code results in immediate forfeiture of employment.

12.3 Controlled Substances and Alcohol Policy:

12.301 It is the goal of the City of Valdez to provide a drug-free, healthful, and safe work place. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

12.302 No employee may use, possess, distribute, sell, or be under the influence of alcohol or engage in the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substances while conducting any official City-related activities at any time on or off of the City of Valdez premises; and, while operating City of Valdez vehicles and equipment at any time, including off-duty hours.

12.303 Violators of this policy are subject 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.

12.304 In the event substances are found in the work place or in an employee's possession or control, which are believed to be illegal drugs or other controlled substances, law enforcement authorities will be notified.

12.305 The legal use of prescribed drugs is permitted on the job only if they do not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or others. Employees taking over-the-counter or prescription drugs are responsible for notifying the city if such use

has the potential to impair the employee's ability to perform his/her job function. If an employee is unsure about potential drug effects, the city highly recommends that the employee consult with a physician, and if necessary, provide a note to the city regarding drug impacts.

- A. The City of Valdez may require employees using prescription drugs to provide a doctor's certification that the use of the legally prescribed drug does not impair the ability of the employee to perform his/her job safely and properly.
- B. If the use of a legally prescribed drug will impair the ability of the employee to perform the job safely and properly, then the City of Valdez reserves the right to take proper steps to ensure the safety of the work environment.

12.306 Off-the-job drug or alcohol abuse which makes an employee unfit for work or which adversely affects the employee's job performance or jeopardizes the safety of persons or property will be cause for disciplinary action.

12.4 Controlled Substances and Alcohol Testing Policy for Drivers of Commercial Vehicles:

12.401 Affected Employees.

- A. All employees and job applicants whose job requires them to operate a Commercial Motor Vehicle (CMV) on a public road are subject to this policy. CMVs are licensed and unlicensed motor vehicles or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - 1. has a gross combination weight rating of over 26,001 pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds;
 - 2. has a gross vehicle weight rating of over 26,001 pounds;
 - 3. is designed to carry more than 16 passengers, including the driver; or
 - 4. is of any size and which transports hazardous materials requiring warning signs (placarding) under 49 C.F.R. Pt. 172, Subpart F.
- B. Employees and applicants subject to this policy include operators who drive CMVs and are subject to commercial driver's licenses (CDL) requirements. "Driver" means any person who operates a commercial motor vehicle. For the purpose of pre-employment testing only, the term "driver" includes an applicant for a position, which involves the driving of a CMV.
- C. Positions designated as meeting the criteria in A. and B. above include, but are not limited to, the following:

Utilities Technician	Refuse Collector
Baler Assistant/Landfill Operator	Solid Waste Foreman
Baler Operator	Street Maintenance Manager
Heavy Equipment Operator	Utilities Manager
Mechanic	Utilities Technician
Mechanic Foreman	Building Maintenance Technician
Partsman/Mechanic/Operator	Public Works Director
Port Facility Maintenance Manager	Park Maintenance Supervisor

D. Safety sensitive functions: A driver is considered to be performing a safety sensitive function for purposes of Section 12.4 during all times from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. all time at the work location or facility or other property or on any public property waiting to be dispatched, unless the driver has been relieved from duty by the City;
2. all time inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial vehicle at any time;
3. all time spent at the driving controls of a commercial motor vehicle in operation;
4. all time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
5. all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

12.402 Program Administrator. All questions regarding this program should be referred to the Personnel Officer as designated by the City Manager.

12.403 Resources. A list of alcohol and substance abuse counseling and rehabilitation resources shall be available from the Personnel Officer. Use of these resources is at the employee's expense to the extent the services are not covered by the employee's insurance benefits.

12.404 Testing, Evaluation, and Referral Services. Information on the administration of the City's testing program is available from the Personnel Officer. The services of a substance abuse professional (SAP) are also available for employees with positive test results. SAP services are paid for by the employee to the extent the services are not covered by the employee's insurance benefits.

12.405 Notice Requirement. Before performing an alcohol or controlled substances test, the City shall provide written notification to the employee as to the reason that the alcohol or controlled substances test is required.

12.406 Alcohol Use.

- A. Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- B. Possession. No driver shall be on duty or operate a CMV while possessing alcohol.
- C. On Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
- D. Pre-Duty Use. No driver shall perform safety-sensitive functions within four hours after using alcohol.
- E. Use Following Accident. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

12.407 Controlled Substances Use.

- A. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. The driver will be required to inform the City of any therapeutic drug use.

- B. No driver shall perform or continue to perform a safety sensitive function if the driver tests positive for controlled substances.

12.408 Refusal to Submit to a Required Alcohol or Controlled Substances Test. No driver shall refuse to submit to a lawfully required alcohol or controlled substances test. If an employee does so, the refusal will be considered a positive test. The following constitutes refusal to submit to testing:

- A. Failure to provide adequate breath for alcohol testing without a valid medical explanation from a state licensed medical doctor;
- B. Failure to provide adequate urine sample for controlled substances testing without a genuine inability to provide a specimen as determined by medical evaluation; or
- C. Failure to show up on time, or to sign or initial testing documents as required or otherwise engage in conduct that clearly obstructs the testing process.

12.409 Testing.

A. Pre-employment Testing. Prior to the first time a driver performs safety-sensitive functions, the driver shall undergo testing for alcohol and controlled substances. The driver shall not perform safety-sensitive functions unless the driver has been administered an alcohol test with a result indicating an alcohol concentration of .02 or less and has received a controlled substances test result indicating a verified negative test result. If a pre-employment alcohol test result under this section indicates an alcohol content of 0.02 or greater or a positive controlled substance result, the applicant shall be ineligible for employment.

Exceptions to pre-employment alcohol and controlled substances testing shall be granted only in accordance with federal law.

B. Random Testing. During the calendar year at least 25% of the City's CDL-required drivers will receive random alcohol tests. At least 50% of the CDL-required drivers will receive random controlled substances tests. These percentages may vary in accordance with federal regulations.

Testing will occur at random times throughout the year. An employee will not receive notice until immediately before testing. Random alcohol testing will occur immediately prior to, during, or after the driver performs safety-sensitive functions. Random controlled substances tests can occur any time as use of prohibited drugs is unlawful.

The employee will be asked to sign a notice and consent form for testing. The employee must present the collection site with a copy of the form and picture identification at the time of testing. (A copy of all forms will be kept by the City.)

After notification, the employee must proceed directly to the collection site for testing, accompanied by a supervisor or another designee. Upon receipt of a positive test or after having refused the test, the employee will be subject to the discipline set forth in Section 12.410.

1. No driver tested under this provision who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, nor shall the driver perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
2. Drivers testing below 0.04 but greater than 0.02 will not be subject to follow-up testing or substance abuse professional (SAP) evaluation. However, the employee may be subject to disciplinary action for repeat low concentration offenses that interfere with or impede performance of duties.

C Reasonable Suspicion Testing. Supervisors are responsible for monitoring employees for alcohol and controlled substance use. If a supervisor has reasonable suspicion, based upon current, specific observations, employee behavior, appearance, speech, or odor, immediately before, during, or after an employee performs safety-sensitive functions, the supervisor shall:

1. Immediately stop the employee's work;
2. Inform the employee of the suspicion of alcohol and/or drug use. If possible, the supervisor will arrange for the presence of a second supervisor;
3. Contact HR staff to arrange for testing;
4. Have the employee transported directly to and from the testing facility. If the employee is found to be under the influence of alcohol, the employee shall be driven home after the test. The employee may request a confirmation test.
5. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor who made the observations, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.
6. If the test does not occur within 2 hours, the supervisor will maintain documentation as to why, following the "Delays in Testing" procedures, Item E, of this Section.

To ensure the safety of others, any employee who knows or suspects that another employee is under the influence of drugs or alcohol shall report this suspicion to their supervisor and the City Human Resource Officer immediately. In the event a member of the public notifies any City employee of suspected alcohol or controlled substance use by another employee, that information will be relayed to the supervisor of the accused employee and the Human Resource Officer as soon as possible. If the accused employee's normal supervisor is not available, the Human Resource Officer will take appropriate action. Every effort will be made to keep employees or members of the public reporting such suspicions anonymous to the extent possible.

D Post-accident/incident testing. A driver/operator involved in an accident /incident involving a CMV shall submit to alcohol and controlled substance testing within two hours after the accident/incident if the driver/operator:

1. Was performing safety-sensitive functions with respect to the vehicle and the accident/incident involved the loss of human life or injuries requiring medical treatment administered away from the scene other than first aid; or
2. Received a citation under state or local law for a moving traffic violation arising from the accident/incident; or
3. There was significant property damage involved (estimated damages of \$2,500 or more).

The driver/operator shall notify the City as soon as possible. Drivers/operators are permitted to leave the scene of the accident/incident to obtain necessary emergency medical care, or to assist others in responding to the accident/ incident, but unnecessary delays will be considered a positive test. The supervisor or Human Resource Officer will arrange for immediate testing. Testing cannot take place without the employee's consent (i.e., the driver must be conscious).

Drivers/operators who are subject to post-accident/incident testing shall remain readily available for the test. If they are unavailable, the City may regard the unavailability as a refusal to test.

The results of alcohol or controlled substances tests administered by federal, state, or local officials having independent authority for testing may be used, provided the tests comply with applicable federal, state, and local requirements and the results of the test are obtained by the organization.

If testing is not administered within 2 hours following an accident/incident, the administrator shall comply with the "Delays in Testing" procedures, Item E.

E Delays in Testing. If the alcohol and controlled substances tests are not administered within 2 hours following notice of a random test or an accident/incident,

the supervisor, in cooperation with HR Staff, shall document the reason the test(s) was not administered within that time.

If the alcohol test is not administered within 8 hours, or the drug test is not administered within 32 hours, no tests will be conducted. HR Staff shall document the reason(s) the test(s) were not conducted within the required time.

Delays in testing which were unreasonable and were within the control of the employee shall constitute a refusal to test and therefore be considered positive.

F Return to Duty Testing. Drivers who engage in alcohol misuse or drug abuse will be evaluated by a Substance Abuse Professional (SAP) to determine what type of assistance he/she needs to resolve the problem. If the City plans to continue the employment relationship, the employee, the SAP, and the supervisor will develop a return-to-duty contract. This document shall outline specific objectives that the employee in question must complete in order to retain employment. Prior to returning to duty, employees will be re-tested. This return-to-duty test must register below 0.02% for alcohol and negative for drugs.

G Follow-up Testing. Upon return to duty, an employee will receive at least six (6) unannounced tests for the first twelve (12) months. Further testing may continue for up to sixty (60) months, if necessary.

H Confirmation Testing. All positive drug and alcohol tests shall be verified via approved confirmation test methods, as required.

I After Hour Testing. If testing is needed outside normal hours of operation of the designated collection site, a supervisor or HR Staff will coordinate with the testing lab to ensure required protocols are followed.

12.410 Consequences of a Positive Test or Performance of a Prohibited Act.

<u>Event</u>	<u>Pre-employment</u>	<u>Post Accident</u>	<u>Random</u>	<u>Return to Duty</u>	<u>Follow</u>	<u>Reasonable Suspicion</u>
Refuse test	No job	Dis	Dis	Dis	Dis	Dis
Test Positive	No job	Dis	Dis or Reh	Dis or Reh	Dis	Dis

Dis = Dismissal.

Reh = potential opportunity for rehabilitation, subject to limitations set out in appropriate sections.

A. If controlled substances test results for reasonable suspicion and post-accident tests are not immediately available, the employee may be placed on leave with pay.

B. An employee who tests positive or performs an act prohibited under this policy will be immediately removed from performing safety-sensitive functions.

C. Employees who test positive (regardless of whether they are dismissed or retained), will then receive a referral to a substance abuse professional (SAP) for evaluation.

D. If the City elects to offer the employee the opportunity for rehabilitation, the City will work with the SAP to rehabilitate the employee in accordance with Section 12.409(F).

E. If the employee is retained as a commercial driver, he/she may not return to performing safety-sensitive functions until:

1. The SAP determines that the employee has completed all necessary treatment in accordance with the return-to-duty contract; and
2. The employee's return-to-duty test results are below 0.02% for alcohol and negative for controlled substances. Follow-up tests will then occur.

F. Supervisory personnel who administer this policy in a manner inconsistent with the policy shall be subject to disciplinary action.

12.411 Training for Supervisors. Every individual who is in the position of determining "reasonable suspicion" of alcohol misuse or controlled substances abuse should receive a minimum 120 minutes of annual training (60 minutes alcohol related and 60 minutes controlled substances related). The training must cover the physical, behavioral, speech, and performance indicators of alcohol misuse and drug abuse. Supervisors shall sign a sheet acknowledging receipt of training.

12.412 Training for Affected Employees. Prior to testing, employees and job applicants shall receive a copy of this policy and any other required information. Employees shall sign forms acknowledging receipt of this policy and participation in any required training. Job applicants shall sign a testing consent form, which includes acknowledgment that they understand the drug and alcohol testing requirement.

12.413 Record Retention and Reporting. All drug/alcohol testing records shall be maintained in the employee's medical file. Such records shall be considered confidential and access shall be controlled.

Records shall be maintained on the following schedule:

5- year minimum	Records of alcohol test results with a finding of 0.02% or greater. Records of verified positive controlled substance test results. Documentation of refusals to submit to testing. Calibration documentation (if necessary). Driver evaluation and referrals. Annual report.
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2-year minimum	Records related to the alcohol and controlled substance collection process and training.
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1-year minimum Records of negative tests, dilute tests with a concentration of less than 0.02% and canceled drug tests

Definitions. Terms used herein shall be defined in accordance with 49 C.F.R. Pt. 382.

12.414 Applicability of Federal Law. It is the City's intent to comply with all applicable provisions of 49 C.F.R. Pt. 382 "Controlled Substances and Alcohol Use and Testing." In the event of conflict between provisions of this policy and 49 C.F.R. Pt. 382, the latter shall prevail.

12.5 Controlled Substances and Alcohol Testing Policy for Other Safety Sensitive Positions:

12.501 Affected Employees. The City has defined "safety sensitive" positions in addition to drivers holding CDLs to include the following:

- A. All personnel who routinely maintain or operate heavy equipment or apparatus not otherwise classified as CMVs, and police, fire, and ambulance apparatus;
- B. All personnel who come in contact with, or could reasonably be expected to come in contact with, public safety information regarding confidential drug and alcohol related investigations and operations;
- C. All personnel whose job responsibilities require them to carry, or be licensed to carry, a firearm; and
- D. All personnel whose job responsibilities require them to treat and attend to injured or ill members of the public.

Safety sensitive positions shall be designated by the City Manager. Positions so designated include but are not limited to the following:

Chief of Police	Administrative Assistant (Police and Admin)
Sworn Police Officers	Fire Chief
Public Safety Technicians	Career Firefighters
Animal Control Officer	Fire Department Volunteers
Lifeguards	City Manager
Harbormaster	Assistant City Manager
Marine Equipment Operator	
Asst. Harbormaster	

Other positions may be designated as deemed appropriate by the City Manager.

12.502 Testing. Testing will be done as provided below:

A. Pre-employment Controlled Substance Testing. Candidates who have been selected for and accepted an offer of employment in a safety sensitive position shall undergo controlled substance testing. Controlled substance testing will also be conducted when a current employee transfers from a non-safety sensitive position to a safety sensitive position.

B. Reasonable Suspicion Alcohol and Controlled Substance Testing. Reasonable suspicion testing shall be administered in accordance with Section 12.409(C).

C. Post-accident/incident Alcohol and Controlled Substance Testing. Post-accident/incident testing for non-CMV accident/incidents shall be administered in accordance with Section 12.409(D).

D. Other Testing. Employees in safety sensitive positions shall also be subject to the following testing procedures:

1. Return to Duty Testing in accordance with Section 12.409(F).
2. Follow-up Testing in accordance with Section 12.409(G).
3. Confirmation Testing in accordance with Section 12.409(H).
4. After Hours Testing in accordance with Section 12.409(I).

E. Dilute Specimen Controlled substances Test Results. When the City receives a report of dilute specimen from the Medical Review Officer, the City will treat the test as a verified positive test. The City will request that the employee take another test immediately, however, such collections must not be collected under direct observation, unless there is another basis for use of direct observation. The result of the second test, not that of the original test, becomes the test of record. If the second test is also negative and is dilute, no further tests will be conducted.

12.503 Applicability of Additional Section 12.4 Provisions to Section 12.5. The following provisions of Section 12.4 relating to testing of drivers of CMVs are incorporated by reference for application to Section 12.5 addressing other safety sensitive positions:

Section 12.402 - 409; and Section 12.411 - 412. To the extent necessary to interpret and administer Section 12.5, 49 C.F.R. Pt. 32 "Controlled Substances and Alcohol Use and Testing" shall be adopted as a guideline.

12.6 Whistle Blowers' Policy:

12.601 Purpose. The purpose of this policy is to encourage reporting of matters of public concern by providing protection for employees who report or participate in a proceeding connected with a matter of public concern.

12.602 Definitions.

A. "matter of public concern" means:

1. A violation of federal, state, or city law, regulation, policy, or ordinance;
2. A danger to public health or safety; or
3. Gross mismanagement, a substantial waste of funds, or clear abuse of authority.

B. "public body" includes an officer or agency of:

1. The Federal government;
2. The state; or
3. The City of Valdez.

12.603 Persons Protected.

A. The City of Valdez may not discharge, threaten, or otherwise discriminate against an employee regarding compensation, terms, conditions, location, or privileges of employment because:

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

B. The City of Valdez may not disqualify an officer or employee or other person who reports a matter of public concern or participates in a proceeding connected with a matter of public concern before a public body or court, because of the report or participation, from eligibility to:

1. Bid on contracts with the City, if otherwise permitted by law;
2. Receive property under a state or local law; or
3. Receive other rights, privileges, or benefits.

C. The provisions of this policy do not:

1. Require the City of Valdez to compensate nor prohibit the City of Valdez from compensating employees for participating in a court action or any investigation, hearing, or inquiry by a public body; or

2. Authorize the disclosure of information that is legally required to be kept confidential.

12.604 Limitations of Protections.

A. A person is not entitled to the protections under this policy unless the person:

1. Reasonably believes that the information reported is a matter of public concern; and
2. Reports the information in good faith.

B. A person is entitled to the protections under this policy if the matter of public concern:

1. Is not the result of conduct of the person seeking protection; or
2. Is the result of conduct of the person that was required by the City of Valdez.

C. Employees initiating a report on a matter of public concern under this policy shall first submit a written report concerning the matter to their immediate supervisor. However, the employee is not required to submit a report to the immediate supervisor, department head, or City Manager if the employee:

1. Reasonably believes that reports to the immediate supervisor, department head, or City Manager will not result in prompt action to remedy the matter of public concern;
2. Believes with reasonable certainty that the activity, policy, or practice is already known to the immediate supervisor, department head, and City Manager and that each of these employees should reasonably be aware that such activity, policy, or practice constitutes a matter of public concern;
3. Reasonably believes an emergency exists; or
4. Reasonably fears reprisal or discrimination as a result of disclosure.

12.7 Loss of Driver's License:

12.701 Purpose and Scope. This procedure describes the steps to be taken when an employee whose position requires the operation of a motor vehicle(s) as part of the employee's duties encounters a pending or actual loss of driver's license.

12.702. Procedure.

A. Notification of Pending and Actual Loss. Employees subject to these provisions are responsible for providing notification to their immediate supervisor at any time that they are issued a citation which may lead to a loss of driver's license, including the dates of any scheduled or rescheduled court hearings on the citation. Employees must immediately notify their immediate supervisor upon revocation of a driver's license. Operation of any City vehicle in the absence of the required license is strictly prohibited. Violation of this procedure is grounds for immediate discharge.

B. Disciplinary Review Procedures. Usually, losses of driver's licenses are the result of off-duty misconduct, which renders employees unable to perform their regular duties. Such off-duty misconduct has a readily discernible harmful effect on the City's operations. Consequently, loss of license subjects an employee to potential disciplinary action.

In most cases, loss of driver's license for employees covered by this procedure will result in the individual being required to take leave without pay or personal leave for the period of license suspension, up to ninety (90) days. However, loss of license may result in action ranging from temporary reassignment of duties to dismissal from City service, depending upon the specific circumstances in each case. Except as specifically provided below, normal disciplinary policies and procedures will be followed in determining an appropriate course of corrective action, with full regard for an employee's contractual and due process rights.

1. Upon a loss of driver's license, the employee will automatically be placed on leave without pay or personal leave unless and until some other course of corrective action is decided upon.
2. Upon notification of a loss of driver's license, the employee's supervisor must immediately notify the employee's Department Head of the license suspension/ revocation.
3. The employee's Department Head will work with the City Manager, or his designee, to determine what corrective action is appropriate under the circumstances. The City Manager will make the final decision. The employee will be advised of the decision in writing.
4. During the process of this review, the employee will be afforded the opportunity to provide any relevant information, which may bear upon the final decision.

C. Range of Alternatives. As previously noted, leave without pay or personal leave is the appropriate action in most instances of loss of driver's license for periods of ninety (90) days or less. Revocation or suspension of license for periods exceeding

ninety (90) days will be grounds for termination. Other alternatives to leave without pay for periods of less than ninety (90) days are:

1. Temporary reassignment of duties, when such reassignment is in the best interests of the City. In determining whether or not a reassignment of duties is a reasonable alternative, the following factors must be considered:

- a. Availability of meaningful work to be performed during the reassignment.
- b. Direct cost to the City, including additional overtime costs.
- c. Indirect cost to the City, including productivity loss and training/orientation costs.
- d. Adverse impact on other employees, including required schedule changes or additional hours of work.

2. Permanent transfer or demotion, when temporary reassignment is unreasonable. When circumstances permit, an employee may be offered a voluntary transfer or demotion to a position not requiring a driver's license. In some circumstances, it may be appropriate to involuntarily transfer or demote for cause as a result of loss of license.

3. Termination/Discharge, when the period of license revocation/ suspension exceeds ninety (90) days, or when the loss of license is a repeat offense, and no permanent transfer/demotion options reasonably exist. Barring extraordinary circumstances, it is not in the City's best interest to make temporary assignments to accommodate an employee for any period exceeding ninety (90) days. Likewise, it is not in the City's best interests to repetitively make temporary arrangements for employees whose driving histories result in multiple license suspensions of shorter individual duration.

D. Substance Abuse Related Suspensions. Many license suspensions will stem from substance abuse related incidents. Frequently, license suspensions will be accompanied by court-ordered participation in inpatient or outpatient treatment programs. Personal leave may be authorized for attendance in substance abuse programs, whether treatment is ordered by the courts or is by voluntary request of the employee. To be eligible for use of personal leave for the treatment period, the employee must show evidence of successful completion of the treatment, including successful completion of any required aftercare.

12.8 Internet and Technology Usage Policy:

This City of Valdez Acceptable Use Policy specifies the use of information resources and information technology systems. Enforcement of this acceptable use policy is consistent with the policies and procedures of this organization.

All employees are responsible for the following:

- Knowing these acceptable use policies and other related rules and policies;
- Knowing how to protect your data and data that you are responsible for
- Knowing how to use shared resources without damaging them,
- Knowing how to report a virus warning, a hoax, or other suspicious activity, and
- Participating in appropriate training, as determined by their Department Director.

Compliance with this policy is mandatory for all officials, employees and contractors of this organization. This policy applies to all City of Valdez information, computer systems, networks and data that are used for official City of Valdez business regardless of its location.

12. 801 Authorized Use

Users must not use other users' passwords, user-ids, or accounts, or attempt to capture or guess other users' passwords. Except for occasional de minimis personal use, users are restricted to using business equipment for official purposes only. Users must not hide their identity for malicious purposes or assume the identity of another user.

12.802 Privacy

All user files may be subject to access by authorized employees of City of Valdez during the course of official business. Accordingly, users should have no expectation of privacy and their activity may be monitored.

12.803 Restricted Access

Users must not attempt to access restricted files or portions of operating systems, security systems, or administrative systems to which they have not been given authorization. Accordingly, users must not access without authorization: electronic mail, data, or programs, or information protected under state and federal laws. Users must not release another person's *restricted information*. Access to any City of Valdez computer system by non-employees is not allowed except with prior approval from the City Manager or Information Technology Director.

12.804 Proper Use of Resources

Users should recognize that computing resources are limited and user activities may have an impact on the entire network. Users of City equipment must not:

- Spread email widely (chain letter) and without good purpose (“spamming”) or flood an individual, group or system with numerous or large email messages (“bombing”).
- Use streaming audio, video, or real time applications such as: stock ticker, weather monitoring, or Internet radio without prior approval from the City Manager or Information Technology Director.
- Procure or otherwise acquire any applications or software and attempt to install or use them on a City of Valdez computer system without prior approval from the City Manager or Information Technology Director.
- Open email from unknown senders or email that seems suspicious.
- Knowingly introduce worms or viruses or other malicious code into the system nor disable protective measures (i.e.: antivirus, spyware firewalls).
- Send restricted or confidential data over the internet or off a *locally managed network* unless appropriately encrypted.
- Utilize or attempt to utilize any City of Valdez computer or other electronic equipment to obtain, view, or reach any pornographic, immoral, or unethical internet sites.
- Utilize any City of Valdez computer to access non-business related internet sites except for occasional deminimis use, or except with the prior approval of the City Manager or Information Technology Director.

For the protection of information and shared resources, Users must:

- Follow established procedures for protecting files, including managing passwords, using *encryption* technology, and storing back-up copies of files.
- Protect the physical and electronic integrity of equipment, networks, software and accounts on any equipment that is used for City of Valdez business in any location.

12.805 Civility

Users must not harass other users using computer resources, or make repeated unwelcome contacts with other users. Users must not display material (i.e. computer wallpaper or backgrounds) that is inappropriate in an office environment consistent with City of Valdez policies.

12.806 Violations

Violations will be reviewed on a case-by-case basis. If it is determined that a user has violated one or more sections of this policy, that user will receive a reprimand from his or her supervisor and his or her future network use will be closely monitored. Gross violations may result in loss of internet privileges, and/or further disciplinary action up to and including dismissal.

12.807 Applicable Laws

Users must obey local, state, and federal laws including laws on copyright and other intellectual property laws.

12.808 Definitions

“Encryption” is the cryptographic transformation of data to render it intelligible through an algorithmic process using a cryptographic key.

“Locally Managed Network” means there are safeguards in place for city computers including a secure server and restricted administrator rights.

“Restricted Information” pertains to information which is not public information, but can be disclosed to or used by organization representatives to carry out their duties, so long as there is no legal bar to disclosure.

12.9 Telecommuting Policy:

Telecommuting is a potential work alternative that City of Valdez employees may participate in when it benefits both the organization and the employee. Telecommuting is not a formal, universal employee benefit, but an alternative method of meeting the needs of the City. Since telecommuting is a privilege, the City has the right to refuse to make telecommuting available to an employee and to limit or terminate a telecommuting arrangement at any time. Approval to telecommute will be made on an individual, case-by-case basis by the City Manager.

12.10 Use of City Vehicles/Equipment/Facilities:

City vehicles, equipment and facilities are to be used for official City business only. No personal use of city vehicles or equipment is allowed.

Vehicles and equipment are the property of the City and as such may be assigned for use to any employee. City vehicles, equipment and facilities are to be maintained in a clean and safe condition by all employees who use them. Smoking is not allowed in City vehicles, equipment, or facilities.

No vehicles are to be used as “take home” vehicles unless so designated by the City Manager.

In the event of an accident/incident resulting in ANY damage to a city-owned vehicle, equipment, or any city property, the driver/operator or a department representative must submit an Incident Report to the City’s Risk Manager within 24 hours of the occurrence of the incident.

12.11 Private Vehicle Use Policy:

In order for the City of Valdez to provide public services in the most cost efficient manner and to reduce the need for City owned vehicles, it may be desirable for some employees to use their personal vehicles to conduct City business. A policy has been created to reimburse employees who routinely drive personal vehicles to conduct City business. The following policy has been established:

A. Employees who have a bona-fide need, as determined by the City Manager, may elect to receive a vehicle allowance providing the following terms and conditions are met:

1. Routine use of a vehicle is required for the position.
2. Employee shall forfeit all routine use of City vehicles.
3. Employee shall maintain access to a Personally Owned Vehicle (POV) during required business hours.
4. Employee agrees to maintain the minimum vehicle insurance that meets Alaska statutory requirements.
5. Employee assumes liability for injury or damages for claims associated with the POV, whether covered by insurance or not.
6. Employee accepts this allowance as compensation in full for all costs associated with using their POV for official City business.
7. A POV agreement is signed and on file by the employee agreeing to these terms and conditions.

B. Should an employee requiring the use of a vehicle not want to enter into a POV agreement to receive a vehicle allowance; a multi-use or shuttle City vehicle shall be made available for official purposes.

C. Vehicle allowances shall be determined by the City Manager on a case by case basis.

D. The vehicle allowance is intended to compensate employees for routine vehicle use within the Valdez area. Additional travel reimbursement as outlined in the City of Valdez Personnel Regulations will apply for use of POV’s for official City travel outside the Valdez area.

E. Personal vehicle insurance policies vary in their coverage for work-related use. All employees using their personal vehicle for City business should verify that their insurance policy covers work-related use of their vehicle. Your insurance agent is the

appropriate person to explain your particular coverage and answer questions concerning the Alaska statutory limits.

F. The City of Valdez is not responsible for, and will not pay for damages or loss of the employee's vehicle or its contents associated with its use for official City business. Collision/comprehensive insurance coverage should be purchased by employees who desire to have such damages/loss covered.

G. No City employee shall use their POV to conduct routine City business without either a signed POV agreement on file, or an express written authorization from the City Manager. Incidental use of POV's for official business conducted for the convenience of the employee will be done solely at the employee's own risk and expense.

12.12 Cell Phone Use Policy:

As determined by the City Manager, the city provides cell phones to some employees for official city use. These cell phones are intended to be used for the conduct of city business, although the city recognizes that some deminimis private use may occur. Cell phone use can be monitored and employees will be held accountable for cell phone use. Abuse of city-provided cell phones service can result in the loss of cell phone use and may be cause for disciplinary action.

Some employees, with approval of the department head and City Manager, may utilize their personal cell phones for the conduct of city-related business, and these employees may be reimbursed for such use. The amount of such reimbursement will be determined on an individual, case-by-case basis by the department head and the City Manager, as to be in the best interest of the efficient operation of the city.

12.13 Residency Requirement:

City government must be able to respond promptly to a wide range of community events. Therefore, the city must have the capability to call employees into work within a reasonable time period should the need arise. In order to facilitate prompt reaction to community events, the city requires all employees to reside within 25 miles of the City of Valdez corporate boundaries.

APPENDIX A

Bi-Weekly Pay Schedules

Appendix B

Procedure Guidelines - Employee Efficiency Incentive Program

A. SUGGESTIONS/IDEAS

1. CRITERIA

a. In order for a suggestion to become eligible for an award it should be of such a nature as to accomplish one of the following objectives:

- i. An identifiable savings of time, material, or money
- ii. Significant improvement in procedures
- iii. More cost effective tools or equipment
- iv. Increase in efficiency
- v. Elimination of hazard to personnel
- vi. Improvement in working condition
- vii. Improvement in public relations
- viii. Improvement in public service without increased cost

b. The suggestion must concisely identify a problem or area in which productivity or efficiency can be improved and recommend a solution for the problem or area.

c. A suggestion pertaining to the following will not be eligible (Please note, this list is not all inclusive):

- i. Opinion/suggestion which does not offer a specific solution or procedure that can be readily implemented.
- ii. A request for additional equipment of a common nature, or for obvious replacement, repair, or maintenance.
- iii. Improving or correcting conditions which exist because required policy and procedures are being followed.
- iv. Petition or an anonymous suggestion.
- v. Suggestions or changes in procedures for new buildings, equipment, and/or installations, which have been in operation for 12 months or less; since such ideas generally cover items that are part of the normal trial-run adjustments ordinarily made within that time.
- vi. Personal grievances, position classifications, or salary recommendations.
- vii. Revenue generating efforts unless they result in better procedures or practices.
- viii. Matters governed by state or federal safety regulations.
- ix. Those that propose materials or methods which require costly testing before acceptance and implementation.
- x. Routine or deferred maintenance and housekeeping.

- xi. Experimental installations, procedures, or forms.
- xii. Errors in drawings, regulations, or specifications that would be corrected routinely.
- xiii. Ideas already under active consideration.
- xiv. Ideas that are not original.
- xv. Ideas resulting from surveys, research, or audits.
- xvi. Matters requiring legislative or court action, or inter-governmental agreements.
- xvii. Suggestions that do not relate to City activities.

2. PROCEDURE FOR EVALUATING AND PROCESSING SUGGESTIONS

a. Suggestions must be submitted on a form designed and approved by the City Manager. Supplementary data may be attached. All suggestions must be submitted to the Manager's Office. Upon receipt, the suggestions shall be dated and numbered.

b. The Assistant City Manager will initially review the submission and refer the suggestion for evaluation to the department(s) most affected by the proposal. The department director will then evaluate the suggestion and report on the following:

- i. Does the suggestion identify a bonafide concern?
- ii. Is the concern of sufficient magnitude to justify evaluation time and implementation costs?
- iii. Will the suggested solution mitigate the concern in any way?
- iv. What individual or individuals need to be contacted to obtain a full and fair evaluation of this suggestion?
- v. Other considerations include the:
 - 1. Estimated implementation costs of the suggestion.
 - 2. Results of consultation with City Attorney, if required.
 - 3. Cost savings estimate.
 - 4. Estimate of benefits derived from implementing the suggestion.

c. Department directors shall be responsible for providing analysis of the tangible or intangible affects for suggestions implemented in their department(s). The department director will forward the evaluation, the analysis, and a recommendation for approval or disapproval of this suggestion to the Assistant City Manager who will present it to a Suggestions Committee appointed by the City Manager.

d. A Selection Committee will then review the suggestions/ideas as well as the department director's recommendations. The Committee will then vote on the suggestion. One of the following procedures will be followed:

- i. The Committee votes not to implement the suggestion. The Assistant City Manager shall notify the suggester(s) in writing as to why the suggestion is not being implemented. The letter will include reasons for non-adoption and any backup documentation.
 - ii. The Committee votes in favor of the suggestion and forwards their recommendation to the City Manager. If the suggestion is approved by the City Manager, he/she will use the Award Guidelines to determine the type and amount of the award.
- e. Suggestions rejected may be resubmitted if changing conditions warrant. Any suggestion that has been submitted, considered, and denied must be resubmitted in order to be reconsidered. All suggestions become property of the City and are subject to applicable public information and public records laws. Employees who submit a suggestion for consideration therewith agree to be governed by these laws and all suggestion program policies and procedures.

B. AWARD GUIDELINES

1. An individual will be entitled to an award consideration even though the suggestion may be adopted in a modified form.
2. Awards are made for ideas and proposals yielding positive results, either tangible or intangible.
 - a. Tangible Results: Suggestions, when implemented, yield tangible results when the benefits can actually be measured in before and after costs.
 - b. Intangible Results: Suggestions, when implemented, yield intangible results when an overall benefit exists, but cannot be readily measured in dollars.
3. The amount of award varies depending upon the degree of positive impact upon the City and whether or not the results are tangible or intangible.
 - a. Awards for Tangible Results
 - i. The range of awards shall be from \$100 to \$1000. The minimum qualifying idea must realize an annual or one time savings to the City of Valdez of at least \$500. Awards will be authorized based on 20% of the total annual (or one time) savings realized by the City, up to the maximum payment of \$1000.
 - ii. Additional recognition may be provided to employees whose suggestions are considered to be extraordinary in their impact on the City of Valdez. These may include: a letter of appreciation from the City, a certificate and/or appreciation pin/plaque, and/or additional leave time.
 - iii. A Certificate of Appreciation will be given when a suggestion has positive effect, but has minimal net savings in expenditures.

b. Awards for Intangible Results

- i. Intangible Results shall be eligible for a cash award not to exceed \$100 upon the adoption and/or successful implementation of the suggestion.
- ii. A Certificate of Appreciation without a cash award may be recommended for any suggestion adopted and placed into operation that solves a problem of a minor nature.

5. Any award granted for a suggestion submitted over the names of two or more suggesters shall be equally divided amount the suggesters unless such other division is requested by the persons making the suggestions. The Committee shall, upon the request of multiple suggesters, recommend the appropriate division to the City Manager.

6. It is acknowledged that cash rewards are expressly contingent upon there being available funds for the purpose of this program.

C. SUGGESTION AWARDS COMMITTEE

1. Membership. The membership of the Suggestions Awards Committee shall be determined on a case by case basis. Selection Committee members shall be chosen by the City Manager. The Assistant City Manager shall serve as chairperson. Membership will typically include at least two department directors and/or other members as may be deemed appropriate by the City Manager.

2. Meetings. The Committee shall meet in on a bi-monthly basis, provided that there is business to conduct. Additional meetings may be called at the discretion of the Chairperson.

3. Chairperson Responsibilities.

- i. The Chairperson shall be responsible for making all arrangements for Committee Meetings.
- ii. The Chairperson shall be responsible for preparing the agenda and any materials necessary to conduct Committee business.
- iii. The Chairperson shall be responsible for the preparation and distribution of documentation of all Committee business.
- iv. The Chairperson shall prepare an annual report detailing the work accomplished during the year, the awards granted, and a general review of the effectiveness of the suggestions which have been put into effect.