

Introduced by: Mayor  
Date: 08/16/11  
Action: Postponed Until 09/06/11  
Date: 09/06/11  
Action: Postponed Until 09/20/11  
Date: 09/20/11  
Action: Adopted  
Vote: 7 Yes, 1 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2011-087**

**A RESOLUTION APPROVING A PERSONNEL POLICY FOR  
ALL ADMINISTRATIVE EMPLOYEES, THE BOROUGH CLERK, AND THE  
DEPUTY CLERK**

**WHEREAS,** KPB 3.04.160 provides that for administrative employees the assembly shall from time to time adopt, either through the annual budget or by resolution, a policy regarding the normal hours of work, holidays with pay, vacation leave with pay, sick leave, maternity leave, military leave, employee insurance coverage, and other benefits with pay, or benefits without pay; and

**WHEREAS,** outside the annual budget, a policy regarding the normal hours of work, holidays with pay, vacation leave with pay, sick leave, maternity leave, military leave, employee insurance coverage, and other benefits with pay, or without pay has not been adopted by the assembly since Resolutions 79-117 and 84-182 (Substitute) were adopted; and

**WHEREAS,** with limited exceptions Resolutions 79-117 and 84-182 (Substitute) largely provide for the administrative service employees to receive the same benefits as classified employees; and

**WHEREAS,** KPB 21.10.020 and 21.10.060 provide that for the Borough Clerk and Deputy Clerk the pay and benefits plan shall be the same as for administrative employees; and

**WHEREAS,** some members of the assembly and public have raised concerns with administrative employees receiving the same benefits as the classified employees without more review; and

**WHEREAS,** it is appropriate for the administrative and legislative service employees to have their own personnel policy;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

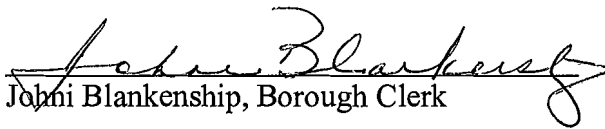
**SECTION 1.** That the attached personnel policy regarding the normal hours of work, holidays with pay, vacation leave with pay, sick leave, maternity leave, military leave, employee insurance coverage, and other benefits with pay, or without pay for administrative employees, the Borough Clerk, and the Deputy Borough Clerk is hereby approved. This does not apply to confidential employees as defined in KPB 3.04.305.

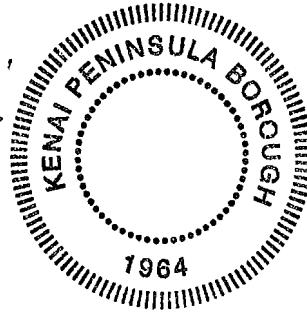
**SECTION 2.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF SEPTEMBER, 2011.**

  
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Gary Knopp, Assembly President

ATTEST:

  
Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Smalley, Smith, Tauriainen, Pierce  
No: Murphy  
Absent: Knopp

## **PERSONNEL POLICY**

**1. APPLICATION.** The following personnel policies apply to all Administrative employees other than Confidential Employees and to the Borough Clerk and Borough Deputy Clerk. The Collective Bargaining Agreement shall control all personnel policies referenced herein for Classified Service Employees regardless of whether the Employee is a bargaining member or not.

### **2. DEFINITIONS.**

The following terms shall be interpreted as set forth below:

- a. Administrative Service. Employees designated under KPB 3.04.070.
- b. Classified Service. Employees designated under KPB 3.04.060.
- c. Collective Bargaining Agreement. The agreement between the Kenai Peninsula Borough and the Kenai Borough Employees Association, Effective July 1, 2010 through June 30, 2013, and any amendments, extensions or revisions thereto.
- d. Confidential Employee. Employees designated under KPB 3.04.305.
- e. Department Head. All Administrative Employees who are the principal executive officers of each department set forth in KPB Title 2, Borough Clerk as defined in KPB 22.10 and all Chiefs and Directors of Service Areas set forth in KPB Title 16.
- f. Employee. All persons holding positions of employment defined as Administrative Service and Legislative Service
- g. Employer. The Kenai Peninsula Borough, Mayor and any Department Head.
- h. Full-time Employee. An employee who is paid on a 40 hour per week basis.
- i. Immediate Family Member. Includes an Employee's spouse, and as defined under AS 39.20.500 et seq. "child" or "parent".
- j. Just Cause. An Employee's misconduct, negligence or other wrongdoing in violation of the Employer's policies, protocols or business practice, regardless of whether the policy, protocol or practice is written or unwritten
- k. KPB. Kenai Peninsula Borough Code
- l. Legislative Service. Employees designated under KPB 3.04.061.
- m. Middle Management. Employees designated under KPB 3.04.290
- n. Part-time Employee. An employee who is paid on a less than 40 hour per week basis.
- o. Regular Status. The employment status of an Employee who is not on probation and is entitled to the all benefits and conditions set forth in this Personnel Policy.

### **3. HOURS OF WORK.**

#### **Section 1. Work Day**

The normal work day for Kenai Peninsula Borough is 8:00 am to 5:00 pm, Monday through Friday. Work schedules may vary in individual departments, as determined by the department head, but full service to the public needs to be provided. Nonmanagerial employees required to work past scheduled hours must notify and obtain approval of the supervisor. The supervisor should when appropriate arrange coverage so that an employee is not alone. The supervisor's approval is necessary prior to working any paid overtime.

## **Section 2. Meal and Relief Breaks**

- a. Employees working at least six (6) hours are allowed a meal break of not less than thirty (30) minutes or more than sixty (60) minutes. Meal breaks are not considered time worked and are not compensated if the employee is authorized to leave the work premises.
- b. All Employees are allowed a total of fifteen (15) minutes of relief (including smoking) break(s) during the first half of the shift (at least four hours) and a total of fifteen (15) minutes of relief (including smoking) break(s) during the second half of the shift (at least four hours). Uniform smoking rules will be applied to all Employees in each work site and they will comply with Alaska Statute 18.35.300 through 18.35.341.

## **Section 3. Work Week**

The work week shall begin on Saturday at 12:01 am and end on Friday at 11:59 pm.

## **Section 4. Benefits Based on Work Week**

Full-time time employees shall be eligible for 100% of the benefits provided in this Personnel Policy. Part-time employees who work 30 to 39 hours or more will receive 75% of the benefits. Part-time employees who work 20-29 hours per week shall be eligible for 50% of all benefits. Those part-time employees working less than 20 hours shall receive no benefits. For purposes of this Section, benefits shall include, but not be limited to, leave, holidays, insurance and expense allowances set forth in this Personnel Policy.

## **3. EMPLOYEE RECORDS**

### **Section 1. Personnel Files**

The Human Resources Office shall maintain a central personnel file. Each Employee will be furnished with copies of all information that is placed in the file. Each file will contain an Employee Discussion Record maintained by each supervisor to document any important discussions held with the Employee. All entries shall be discussed with the Employee at the time the entry is made, and the Employee's comments shall be noted. Each Employee will also be furnished with copies of all information as it is placed in the supervisor's file.

All documentation which may be used to support disciplinary action and evaluations must be initialed by the Employee prior to being placed in the files. In the event an Employee refuses to initial a document, which is to be used in support of disciplinary action, the supervisor shall note the refusal on the document, and then place it in the files. Such documents and any documentation of a derogatory nature will be purged from all files not later than 24 calendar months from the date of insertion. Documentation so purged will be sealed for an additional five (5) years and then destroyed. Sealed documents will be maintained by the Borough Attorney and only be opened by the Borough Attorney [or designee in the absence of the Borough Attorney] upon request by the General Services Director. Upon request by the General Services Director, the Borough Attorney shall provide the General Services Director with a list of documents in the file. Additionally, the General Services Director may also request a review

by the Borough Attorney only for issues with a nexus to promotion, transfer, rehire, or termination (but not rehire following layoff). Only sealed disciplinary actions which bear a direct relationship to a minimum qualification or essential function of the position into which the Employee has requested promotion, transfer or rehire, may be communicated to the General Services Director. The Employee will be notified if the file is accessed and used in any employment related action/decision. Disciplinary documentation may be retained beyond the initial 24 month period if there is a reoccurrence of the problem. Purging in that case will be based upon the date of the most recent document.

## **Section 2. Member Review**

An Employee shall have access to his or her files at any time upon reasonable notice to the General Services Director and shall be provided a copy of the files or any parts thereof upon reasonable request.

## **4. ANNIVERSARY DATE**

### **Section 1.**

Anniversary dates shall be established when one of the following events occurs:

- a. The date of initial hire into a regular position or most recent promotion or demotion.
- b. The date of transfer to a different range by change of job assignment.

### **Section 2.**

For Employees on layoff status who are recalled to work, or for Employees on leave without pay (non-medical), the anniversary date will be moved one (1) month later for each month of layoff status or leave without pay after the last anniversary date. The anniversary date will be unchanged for up to three (3) months of leave without pay (medical and maternity, paternity and adoptive).

## **5. RESIGNATION/TERMINATION**

An Employee who intends to terminate his employment with the Employer shall submit a written resignation to his/her supervisor stating the last date of employment. Resignations shall be submitted as early as possible, but at least two (2) weeks before the final work day unless previously agreed upon between the employee and the Mayor or the Mayor's designee or Assembly as applicable. A copy of an Employee's resignation shall be attached to the Personnel Action form and be filed in the Employee's personnel file. At the Employer's option the Employee may be paid two weeks full pay and benefits and be required to leave employment immediately.

If the Employee fails to provide at least two (2) weeks' notice, the Employee will waive all entitlement to any unpaid leave.

## **6. PAY PRACTICES**

### **Section 1. Pay Days**

Employees shall be paid every two (2) weeks on Fridays. The Borough will electronically direct deposit or mail checks. In the event a Friday falls on a holiday, the paychecks will be electronically deposited or mailed on the last working day preceding the Friday holiday. More than one lost or expired pay or reimbursement check in a fiscal year will incur a re-issue fee equivalent to the stop payment fee charged by the bank to the borough.

### **Section 2. Effective Date of Increases**

Monetary increases shall be effective the first day of the pay period following the date of eligibility for the increase.

### **Section 3. Itemized Deductions**

The Employer shall itemize all deductions on pay checks and shall notify the Employee in advance of all non-Employee authorized deductions.

### **Section 4. Termination Pay**

- a. When an Employee is terminated, his/her wages become due immediately and shall be paid within three (3) working days.
- b. When an Employee provides two (2) weeks written notice of resignation, his/her wages and pay for all benefits become due on the last day of employment, subject to timely submission of a correct timesheet, and shall be paid on the Employee's last day of employment. When an Employee does not provide two (2) weeks written notice of resignation, the wages shall be paid within three (3) working days of the last day of employment.

### **Section 5. Overpayments**

Overpayments discovered after two (2) years from the time the overpayment was made will be forgiven by the Employer, unless the overpayment was the result of fraud, deception, the Employee's gross negligence or when the Employee knew or reasonably should have known an overpayment had been made. Employees have an obligation to inform the Employer as soon as they know or suspect that an overpayment has or will occur. The rate at which the overpayment will be repaid will be calculated so that it does not cause an undue financial hardship on the Employee and complies with applicable law.

## **7. DISCIPLINE**

### **Section 1.**

The Employer retains the right to discipline and terminate Employees as set forth in this Section 1. Department Heads may be removed by the Mayor with or without "just cause." Middle Management Employees may only be removed upon "just cause". The Borough Clerk may be removed by the Assembly with or without "just cause". The Deputy Clerk may be removed by the Clerk with or without "just cause."

## **Section 2.**

The Employer shall utilize the concept of progressive discipline for the purposes of correcting the performance of a Middle Management employee, except when the conduct or performance at issue warrants immediate termination.

## **Section 3.**

In all cases of non-termination disciplinary actions, the Employer shall notify the Employee of the reasons for such action concurrent with the commencement of the action, along with a plan for improvement. The plan for improvement shall be set forth in writing and acknowledged by the supervisor and the employee. Refusal to acknowledge the plan shall constitute "just cause".

In cases of termination requiring "just cause", the Employer shall notify the Employee in writing of the reasons for the action prior to termination, when reasonable.

## **Section 4.**

All termination actions shall be signed by the authority that appointed the person to the position. [See AS 29.20.410] In case of the borough attorney, any termination action would be by the Mayor with the consent of the Assembly. [See KPB 2.32.010]

# **8. TRAINING**

## **Section 1. Training Required by the Employer**

- a. The Employer may require an Employee to register for and complete any course of academic, professional, or vocational study offered by an institution which is related to the requirements of the Employee's position. For hourly Employees, the Employee shall be given leave with pay when such courses are during normal working hours. When courses are held during the hourly Employee's non-working hours, the Employer shall compensate the hourly Employee at the Employee's normal hourly rate of pay. Employees shall be paid in accordance with this Personnel Policy governing travel, per diem, and meal allowances. The full documented and necessary cost of required training, including tuition, text/course materials and incidental expenses, shall be borne by the Employer.
- b. Hourly Employees who are required to attend training courses shall be considered in pay status for the purpose of overtime calculations.
- c. When an Employee must take training courses to maintain a job-required professional certification, the Employer agrees to compensate the Employee at the Employee's normal

hourly rate of pay. Employees attending such training shall be considered in pay status in accordance with Section 1.b above. The Employer agrees to bear the documented and necessary cost of all travel, per diem, meal allowance and incidental expenses in accordance with this Personnel Policy and also to pay all documented and necessary tuition, registration fees, certificate fees, text, and course materials including lab fees.

## **Section 2. Training Not Required by the Employer**

When an Employee takes an elective, non-continuing education training course or series of courses which is not designed to maintain a job-required professional certification, but is designed to provide the Employee with a certification or license, the Employer may require, prior to approving to compensate the employee and pay for the related expenses, the Employee to utilize the training for the enhancement of the Kenai Peninsula Borough for a minimum of one year after successful completion of the course or courses. Prior to the beginning of training, the Employee shall agree by contract with the Borough to reimburse the Borough in accordance with the following schedule if the Employee voluntarily leaves the employ of the Borough prior to the end of the utilization period.

Months of Service after Training	Amount Due Borough
0-6	All
7-8	1/2
9-10	1/4
11-12	1/8

## **9. LEAVE AND HOLIDAYS**

### **Section 1. Court Leave**

Employees called to serve on jury duty shall receive their regular pay. Jury duty pay, excepting reimbursement of expense money, shall be assigned to the Employer. If an Employee must appear in court in connection with his/her job, he/she will be considered to be in pay status for all time connected with the court appearance.

### **Section 2. Injury Leave**

- a. Subject to the conditions herein, if an Employee is injured on the job, and the injury was not self induced, caused by the Employee's own grossly negligent act, or willful or reckless misconduct, the Employer agrees to retain the Employee and to provide insurance as long as the Employee maintains his/her contributions as required by this Personnel Policy. Such an Employee shall remain on injury leave until the employee has received and delivered to the Employer a release to return to work executed by a physician. If the Employee does not return to work, the Employee shall remain on injury leave until the first of either of the following events occurs:
  1. Six months; or
  2. The retirement board determines that because of the injury the Employee is entitled to retirement benefits.



- b. The retention with insurance set forth above is expressly conditioned upon:
  1. The Employee submitting all necessary forms, reports, medical statements and all other requested information in a timely manner. The Employer will make staff available to assist an Employee with the submission of a worker's compensation claim.
  2. The Employee making a full and proper report of the injury to the Workers' Compensation Board; and
  3. The Employee cooperating with the General Services Director in the preparation and submission of any necessary retirement forms or other such forms as the General Services Director may deem necessary.
- c. Injury leave applies only to periods of absence for which an Employee is receiving temporary disability payments through workers' compensation. Personal leave may not be used during these periods.
- d. The time frames above apply for each separate injury.

**Section 3. Personal Leave**

- a. Personal leave means leave taken when the employee is unavailable to perform the job functions due to vacation, sickness, or other absences from the workplace except for absences covered by worker's compensation insurance.
- b. Each full time Employee shall be credited, per pay period, with personal leave according to the following schedule:

<u>Length of Service</u>	<u>40 Hour Employee</u>
0 through 2 years	6.4616 hours
over 2 years but less than 5 years	7.6923 hours
over 5 years but less than 10 years	9.2308 hours
over 10 years	10.7692 hours

- c. Accumulation of personal leave credit shall begin after completion of six (6) months of the probationary period and shall be retroactive to the date of hire. This notwithstanding, such probationary Employees may apply for up to five (5) days personal leave with the approval of the Department Head or in the case of a Department Head, approval by the Mayor or Assembly President as applicable. Employees who are granted use of personal leave prior to completion of probation will be deducted the cost of the leave time from the total amount of accrued leave granted at the completion of probation. Personal leave shall be credited at the end of each full pay period of employment. Personal leave accrual shall be reduced by 1/80 for

each hour the Employee is on leave without pay, suspension or injury leave. Personal leave may be used at any time after six months of paid service and with the approval of the Department Head in whose department the Employee works.

d. Personal leave accumulation shall not exceed 800 hours as of December 31<sup>st</sup> of each calendar year. On the first pay day after January 15 of each calendar year the Employee will be paid for personal leave accumulation in excess of the above maximums. In either case, the payment shall be based upon the Employee's regular rate of pay as of December 31<sup>st</sup>.

e. Upon termination, the Employee shall be paid only for any unused personal leave at the Employee's normal rate of pay if the termination is the result of a voluntary termination with two week's notice, disciplinary action or layoff. An employee may be entitled to unused Administrative Leave [See Section 13, Subsection 3(e)], but no other unused form of leave will be paid including prior earned and banked medical leave.

f. Personal leave, usage.

1. Except for emergency situations, and the first calendar year of employment, every Employee shall be required to use at least 80 hours of personal or administrative leave during each year. Effective the end of the first pay period of each calendar year, each Employee's personal leave account shall be reduced by an amount equal to the difference between 80 hours and the amount of personal leave the Employee actually used.

2. The Employee shall not be compensated for any of the unused personal leave, unless the Employer has not afforded the Employee a reasonable opportunity to use 80 hours. Only personal leave which is actually taken may count as part of the 80 hour minimum. Leave cashed in does not qualify as part of the minimum.

3. Personal leave for other than sickness or bereavement shall be approved in advance by the Department Head, or in the case of a Department Head request, by the Mayor or Assembly President as applicable. Approval for such personal leave shall take into consideration the demands of workload. Every reasonable effort shall be made to schedule personal leave at the convenience of the Employee. The Employer shall respond to the Employee's request for personal leave within ten (10) calendar days if the leave is requested within three months, within twenty (20) days if within six (6) months, and thirty (30) days if within twelve months.

4. Except in emergency situations, personal leave which has been approved at least sixty (60) days in advance shall not be changed without the Department Head's approval, in the case of a Department Head, the Mayor or Assembly President's approval as applicable.

5. Where two or more Employees within a department simultaneously request personal leave having overlapping times, the Department Head shall have complete discretion over whom shall be granted leave. Otherwise leave shall be granted on a first come first served basis.

g. Personal Leave Pay Advance.

Upon a written request to the payroll clerk at least fourteen calendar days prior to the last pay day before an Employee is scheduled to go on personal leave, he/she shall receive, in advance on the day before he/she leaves, all accrued personal leave pay to which he/she is entitled on all pay days occurring during his/her absence. Any Employee who works a partial pay period before going on leave may have that pay period check deposited to his/her account on the normal pay day or mailed to a prescribed address. Split periods will not be paid in advance.

h. Cash-in.

Employees may cash in personal leave up to four times per calendar year. A minimum of 40 hours must be cashed in each time. Requests for cash-in must be received by the payroll clerk seven (7) calendar days prior to the payday the payment is desired. At no time may an Employee's personal leave balance drop below the difference between leave taken and the minimum amount of leave required to be taken as specified in Section f.1, above. Leave hours cashed in do not count towards the minimum hour requirement in Section f.1 above. Hours cashed in will be at the Employee's regular rate of pay, not including temporary increases.

i. Personal leave for illness or injury may be granted only after the Department Head is satisfied that the absent Employee was entitled to it because of:

1. An illness or injury which would inhibit the Employee from performing his/her duties effectively;
2. A communicable disease;
3. A member of his/her immediate family having an injury or illness requiring the attendance of the Employee;
4. Such other conditions which substantially affect the physical or psychological health and well-being of the Employee, for which the General Services Director shall determine, in writing, to qualify for the use of medical or personal leave in each individual case.
5. Paternity, maternity, adoptive and bereavement leave.

j. Personal leave for illness or injury may be required to be supported by a physician's certificate. Employees will not be required to provide physician's certificates for illness or injury of less than three days, unless the Employer has reasonable grounds to suspect fraud. A physician's statement must state the time period, nature of the illness or injury and that the Employee may return to work. If the return to work is conditional or limited in duties, the statement shall so state. The Employer may request a medical release from the Employee for the sole purpose of and limited to obtaining further information or clarification on return to work duties.

k. Abuse of this leave policy shall be considered an attempt of fraud against the Employer.

l. Medical or personal leave will be allowed for medical, dental, optical, chiropractic, optometric, and psychiatric appointments which the Employee cannot schedule for non-work time.

For services which are available locally, travel time from the Employee's work place to the place of appointment and return, will be chargeable to medical or personal leave but is restricted to not more than thirty (30) minutes each way. For services which are not available locally, reasonable travel time to and from facilities will be chargeable to medical or personal leave.

m. New Hire. New hires, upon recommendation from the General Services Director to the Mayor or Assembly as applicable, may be provided credit for "Length of Service" in similar previous position[s] in determining Personal Leave under subsection b, above. Factors to be considered shall be the similarity in position descriptions and the length of time, if any, between the prior position and the time of new hire.

#### Section 4. Paid Holidays

a. All Full-time Employees shall receive their regular compensation for the following holidays:

New Year's Day	(January 1)
Martin Luther King, Jr. Day	(Third Monday in January)
President's Day	(Third Monday in February)
Memorial Day	(Last Monday in May)
Independence Day	(July 4)
Labor Day	(First Monday in September)
Veteran's Day	(November 11)
Thanksgiving Day	(Fourth Thursday in November)
Day after Thanksgiving	
Christmas Eve	(When Christmas is on Tuesday, Wednesday, Thursday or Friday)
Christmas Day	(December 25)

b. AND two (2) floating holidays (in lieu of Seward's Day on the last Monday in March, and Alaska Day on October 18), to be credited to the Employee's personal leave account on the holiday date. As an exception to the foregoing, Presidents' Day and Veterans' Day shall be treated as floating holidays for Maintenance Department and Solid Waste Landfill Employees.

c. When a holiday listed in subsection a. above falls on Saturday, the preceding Friday shall be observed as a holiday; and when the holiday falls on Sunday, the following Monday shall be observed as a holiday.

For Full-time employees, if a holiday falls on an Employee's normal day off, he/she shall have one work day added to his/her leave time or have the following work day off at the Employee's option subject to the Employer's needs.

- d. Any hourly Employee who is required to perform work on one of the holidays listed in subsection a. above shall be compensated at one and one-half times the rate of regular pay for hours worked and shall receive the equivalent of one work day of holiday pay.
- e. Employees must be regular Employees on the work day before and work day after the holidays listed in a. and b. above to be eligible for holiday pay.
- f. When Employees are job sharing a position, the Employee who has the holiday fall during his/her scheduled period, will receive the holiday pay. Employees job sharing a position on a half day basis will share the holiday pay equally.

### **Section 5. Family and/or Medical Leave of Absence**

a. Policy.

The following conditions apply to instances when an Employee requests time off for family and medical leave of absences for a limited period with job protection and no loss of accumulated service provided the Employee returns to work. It is the intent of the Employer to grant family and medical leave as required by both the Federal Family and Medical Leave Act of 1993 and the provisions of AS 39.20.500 et seq., whichever provides greater rights. Should AS 39.20.500 et seq. be repealed, this policy shall automatically be modified to comply with the federal law and any newly enacted state law.

b. Definition of Family and Medical Leave.

A family and/or medical leave of absence shall be defined as an approved absence available to eligible Employees for up to eighteen (18) weeks of leave in any consecutive 24 month period or twelve (12) weeks in any consecutive 12 month period under particular circumstances that are critical to the life of a family member. Leave may be taken: upon the birth of the Employee's child; upon the placement of a child with the employee for adoption or foster care; when the Employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the Employee is unable to perform the functions of his or her position because of a serious health condition.

c. Scope of Family and Medical Leave.

The provisions of this policy shall apply to all family and medical leaves of absence except to the extent that such leaves are covered under other paid employment benefits plans or policies for any part of the eighteen (18) weeks of leave to which the Employee may be entitled under this policy. In other words, if an Employee is entitled to paid leave under another benefit plan or policy, the employee must take the paid leave first. However, an Employee may choose to enter leave without pay status and retain up to 40 hours of personal leave.

d. Eligibility for Family and Medical Leave.

To be eligible for leave under this policy an Employee must have been employed for at least 35 hours a week for six consecutive months or at least 17.5 hours a week for twelve consecutive months preceding the commencement of the leave.

e. Basic Regulations and Conditions of Family and Medical Leave.

1. The Employer will require medical certification to support a claim for leave for an Employee's own serious health condition or to care for a seriously ill Immediate Family member. For the Employee's own medical leave, the certification must include a statement that the Employee is unable to perform the functions of his or her position. For leave to care for an Immediate Family member, the certification must include an estimate of the amount of time the Employee is needed to provide care. At its discretion, the Employer may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the Employer and the Employee.
2. If medically necessary for a serious health condition of the Employee or his or her Immediate Family member, leave may be taken on an intermittent or reduced leave schedule.
3. Spouses who are both employed by the Employer are each entitled to a total of eighteen (18) weeks of non-concurrent leave for the birth or adoption of a child or for the care of an Immediate Family member.
4. The Employer shall designate qualifying periods of leave as family or medical leave.
5. The Employer may designate an Employee as a 'Key Employee' as defined in 29 CFR §825.217(c). If so designated, the Employee may be denied job restoration if such denial is necessary to prevent substantial and grievous economic injury to the operations of the Employer.

f. Notification and Reporting Requirements for Family and Medical Leave.

When the need for leave is foreseeable, such as the birth or adoption of a child or planned medical treatment, the employee must provide reasonable prior notice and make efforts to schedule leave so as not to disrupt Employer operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work.

g. Status of Employee Benefits during Family and Medical Leave of Absence.

During the first eighteen weeks of family leave, the Employer must maintain the Employee's coverage under any group health plan on the same conditions and at the same level as coverage would have been provided if the Employee had been continuously employed during the entire leave period. However, the Employer may require an employee to pay all or part of the costs of maintaining health insurance coverage during any additional periods of unpaid leave.

h. Procedures for Requesting Family and Medical Leave.

1. Completion of Request for Family and Medical Leave of Absence Form: A request for Family and Medical Leave of Absence form must be originated in duplicate by the Employee. This form should be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approvals, and forwarded to the General Services Director. (See Human Resources for a copy of Request for Family and Medical Leave of Absence form.) If possible, the form should be submitted thirty (30) days in advance of the effective date of the leave.
2. All requests for family and medical leaves of absence due to illness will include the following information attached to a completed Request for Family and Medical Leave of Absence: sufficient medical certification stating (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, for purposes of leave to care for a child, spouse, or parent, the certificate should give an estimate of the amount of time that the employee is needed to provide such care. For purposes of leave for an Employee's illness, the certificate must state that the Employee is unable to perform the functions of his or her position. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.

i. Employee Status after Leave.

An eligible Employee, who takes family leave for the intended purpose of family leave, shall be entitled on return from such leave:

1. to be restored to the position of employment held by the Employee when the leave commenced; or
2. to be restored to an equivalent position with equivalent employment benefits, pay and other conditions of employment.

j. Intermittent Leave or a Reduced Work Schedule.

An Employee may take family and medical leave or medical leave intermittently if necessary. When the need for intermittent leave is foreseeable, the Employee must give notice to the Employer thirty (30) days in advance of the time the leave is to begin. If the Employee cannot give thirty (30) days notice, he must give notice as soon as practicable. When an employee takes intermittent leave for family or medical leave purposes, the Employer may require the Employee to show that the intermittent leave was medically necessary. The Employee can be required to produce a health care provider certification showing that the intermittent absences are a part of, or may result from, the treatment the Employee is receiving for a serious health condition. The Employer has the right to require the Employee to recertify the medical necessity of the leave, which ordinarily will not be required more frequently than every thirty (30) days. However, if the Employer receives information that casts doubt on the validity of the certification, the Employer may require recertification on a more frequent basis. If the Employer for some reason suspects that the

employee's doctor has misdiagnosed the condition or is fraudulently certifying the need for leave, the Employer has the right to have a doctor of its choosing examine the employee. The Employer will pay for the second examination and it will not be performed by a doctor who is employed on a regular basis by the Employer. The Employer will not contact the Employee's doctor to verify the legitimacy of the certification. If the opinion of the doctor selected by the Employer differs from that of the Employee's doctor, the Employer may require a third examination, at its expense, to be performed by a doctor designated or approved jointly by the Employer and the Employee.

#### **Section 6. Leave without Pay (Non-medical)**

- a. Employees may be granted leave without pay not to exceed a total of 80 hours in any anniversary year at the discretion of the Mayor or Assembly as applicable and department head for whom the Employee works. Such leave shall not be unreasonably denied.
- b. Regular Employees may be granted leave of absence without pay in excess of 80 hours but for not more than 12 consecutive months. Requests for leave of absence without pay under this section shall be in writing and shall set forth periods of time requested for a leave of absence and shall also set forth the purpose of such leave of absence. After review of the application, leave of absence without pay may be granted upon the approval of the department head and the Mayor or Assembly as applicable.
- c. Employees using leave of absence under this section shall first use accumulated leave to be followed by leave of absence without pay unless prior approval is received from the Employee's Department Head or in the case of the Department Head, approval by the Mayor or Assembly as applicable.
- d. During the leave of absence period all pay, all benefits, and all other conditions of employment shall become suspended until such time as the Employee returns to duty, except that portion of a leave of absence covered by the Employee's accumulated leave shall be treated as ordinary leave.
- e. All leaves of absence shall be subject to the condition that the department head may cancel leave at any time upon prior written notice to the Employee specifying a reasonable date of termination of such leave. The Mayor or his/her designee or Assembly as applicable may serve notice on the Employee that his/her leave of absence is terminated and that the Employee will be advised to return to duty by a certain day or his/her employment will be terminated. Except for department heads, cancellation may only be for reasonable cause and the Employer's notice shall specify reasons for cancellation.
- f. Leave without pay may be terminated upon the discovery that the Employee is using said leave for purposes not approved.
- g. Employees on approved leaves of absence may be replaced with temporary Employees if necessary. Returning Employees will resume their former positions with appropriate adjustments to anniversary and seniority dates.



### **Section 7. Paternity Leave**

The Borough shall grant male Employees paternity leave in the same manner the Borough grants maternity leave.

### **Section 8. Adoptive Leave**

The Borough shall grant Employees leave for adoption in the same manner the Borough grants maternity leave.

### **Section 9. Bereavement**

- a. Full-time Employees.  
Employees shall have the option to take up to 64 hours of personal or medical leave per instance upon notification to the Employer of a death or imminent death of a member of the Employee's Immediate Family. A maximum of 128 hours (2 separate qualifying periods) of personal or medical leave may be utilized for each family member. Time taken for bereavement in excess of 128 hours shall be first charged to personal leave and then to leave without pay.
- b. Claims for bereavement leave for other than reasons of death may be required to be supported by a statement from a physician.

### **Section 10. Military Spousal Leave**

An Employee may use accrued leave (or take unpaid leave) not to exceed 10 regularly scheduled work days when the Employee's spouse is on leave from military deployment in a geographic area that is designated a combat zone. To qualify, the spouse must be a member of a regular, reserve, or auxiliary component of the armed forces of the United States or the organized militia under AS 26.05.010 who is deployed during a period of military conflict and is on leave from military deployment in a geographic area that is designated a combat zone by the President of the United States. Such leave will not be denied.

## **10. INSURANCES, RETIREMENT**

### **Section 1. Health Insurance – Medical, Dental and Eye Care**

- a. The Employer will provide the Employee with health insurance to include medical, dental and eye care according to the Kenai Peninsula Borough Health Care Plan adopted by the Kenai Peninsula Borough Assembly. Employees with dual healthcare coverage through the Kenai Peninsula Borough/School District must satisfy the individual and/or family deductibles for both before benefit payment by this Plan will be made.
- b. Deductible. The deductible is \$200 per person, \$600 maximum per family. The maximum out of pocket costs is \$1,250 per person, \$3,750 maximum per family.

- c. Dental. The Borough will pay benefits for the usual and customary charges for Covered Dental Expenses which exceed a \$50 per person, \$150 per family. The calendar year maximum dental benefits shall be \$1,500. All covered dental Expenses are subject to the Maximum Amount and Limitations sections of the Benefit Provision.
- d. The Plan will pay up to \$150 for one set of frames per covered person per twenty-four (24) month period. The plan will include RX safety glasses in the vision benefit.
- e. Prescriptions – Employees will be required to pay 20% of the Borough’s preferred price for non-generic prescriptions up to an annual out of pocket maximum of \$100.
- f. Voluntary Enrollment in Cost Shifting Plan Option.  
If an Employee’s spouse voluntarily elects a plan design through his/her employer whose benefits are payable at 80% or less and another high option plan exists, benefits paid by the Borough will be reduced to 20%. Additionally, if the spouse's reduced plan design contains a maximum annual benefit payment, the benefits payable under the Borough plan will be limited to that same amount. This reduced benefit will apply to the spouse and any dependent children who are primary under the spouse's plan.
- g. Each Employee will be required to contribute to the cost of the healthcare for himself/herself, spouse and/or children in accordance with the following schedule:
  - Individual - \$21.9446 per pay period
  - Spouse - \$80 per month
  - Children - \$28 per child, per month
- h. Employees who have full medical coverage through a spouse, may choose to opt out of healthcare coverage from the Borough. Such an opt-out, or subsequent opt back into the Borough paid healthcare, could only be made during the normal open enrollment period or as otherwise identified in the Borough’s health plan document.
- i. The Employee shall be responsible for paying the Employer’s cost of payroll tax associated with disability payments the Employee receives from AFLAC or other 3<sup>rd</sup> party vendor.

**Section 2. Retirement and other Benefits**

- a. All Employees [except temporary employees] covered by this Personnel Policy may participate in the State of Alaska’s Public Employees Retirement System for retirement benefits.
- b. The Employees may participate in a deferred compensation 457(b) program to be funded entirely by Employee contribution.
- c. The Employee may participate in the IRS "125" dependent care and health care programs. The Health Care Spending Account limit is \$3,000, and the dependent care to the maximum allowed by law.

- d. The Borough provides life insurance in an amount equal to the Employee's annual salary, rounded to the nearest \$1,000, at no cost to the Employee. The policy also provides for a double indemnity accidental death clause. A dependent life insurance policy with \$2,000 coverage is also provided at no cost to the Employee. Optional life insurance may be purchased by the Employee in an amount equal to the Employee's annual salary for a cost per month of \$0.13 for every \$1,000 of the employee's annual salary. If an employee elects the optional coverage, the employee can elect optional dependent life insurance for the spouse, increasing that coverage from \$2,000 to \$12,000.
- e. The Borough also provides at no cost to the Employee travel insurance for each Employee against accidental death or dismemberment while the employee is traveling in the course and scope of his/her duties in the amount of \$100,000.

## **11. REIMBURSABLE EXPENSES**

### **Section 1. Travel**

- a. Employees while traveling on approved Borough business requiring an overnight stay will be reimbursed for food and lodging expenses as follows:
  - 1. Either \$100.00 per day; or
  - 2. Actual expenses plus meal allowances as set out in Section 3 of this Article.
- b. Employees required to travel by air will be reimbursed for any airline fees in addition to airfare, not to exceed the coach fare and one checked in luggage, unless the purpose of the trip requires additional items to be transported.
- c. Employees required to rent or lease vehicles or travel by taxi at their point of destination will be reimbursed for actual expenses.
- d. The Employee must provide actual receipts in order to receive reimbursement. The Employee may utilize the Department issued credit card for all travel expenses and comply with the policy set forth by the Finance Department pertaining to the use of that credit card.

### **Section 2. Personal Vehicle Usage**

- a. The Borough may provide vehicles necessary to conduct official Borough business, in lieu of providing a monthly car allowance. The Borough shall give current Employees receiving a car allowance a minimum of six (6) months notice prior to providing each with a vehicle. Prior to developing an RFP for the purchase of vehicles, the Borough will meet with the users to gather vehicle information and specifications for Employees to perform their jobs safely.
- b. Employees required to use their personal vehicle in the conduct of Borough business will be reimbursed as follows:

1. When in the best interest of the Borough and upon approval of the Mayor or Assembly as applicable, an Employee will be reimbursed \$300.00 per month car allowance plus the federal mileage rate less 6 cents per mile traveled on Borough business; or
2. An Employee who does not receive a car allowance above shall be reimbursed at the federal mileage rate plus 6 cents per mile for each mile driven on approved Borough business.
3. Any Employee in subsection 2 above shall receive no less than \$2.00 per minimum trip.
4. In the event of a federal mileage rate change, the new mileage rate will be in effect starting the 2<sup>nd</sup> full pay period following publication of the new rate.

### **Section 3. Meal Allowance**

- a. A meal allowance will be allowed an Employee who is on travel status outside a radius of 30 miles from the employee's usual place of work, or when the Employee is required to travel off the road system in the Borough, for at least three hours between the hours of:

Midnight to 10:00 AM	Breakfast	\$11.00
10:00 AM to 3:00 PM	Lunch	\$14.00
3:00 PM to Midnight	Dinner	\$25.00

- b. The above rates are applicable within Alaska. Rates for travel outside of Alaska will apply to the same time frames, but will for each calendar year be based on the federal government local meal rate plus \$1 per meal, effective on January 1st of that calendar year.
- c. These are maximum allowable rates and are intended to include tips.
- d. Meal allowances will not be paid if the applicable meal is provided by the Borough paid event, conference or transportation.
- e. Employees working four (4) hours overtime shall receive a lunch meal allowance, or Employees working six (6) hours overtime or more shall receive a dinner meal allowance.

### **12. OUTSIDE EMPLOYMENT**

An Employee may work in other employment (including self-employment) subject to the following limitations:

- a. The outside employment does not constitute a Conflict of Interest under Chapter 2.58 or violate the Code of Ethics under Chapter 2.90, both Chapters under Title 2 of the Kenai Peninsula Borough Code of Ordinances
- b. His/her additional job will not interfere with his/her performance as a Borough Employee, is not performed during his/her scheduled Borough work hours, and does not reflect discredit on the Borough.

- b. His/her Borough employment is not used to gain an unfair advantage for his/her outside employment.
- c. Borough time, equipment and/or supplies are not used.
- d. He/she has written prior approval from his/her Department Head, the General Services Director and the Mayor or Assembly President as applicable. Such approval shall not be unreasonably denied and requests for such approval will be processed in a timely fashion.

The Employee shall prepare the Potential Violation or Conflict Disclosure Form and deliver the completed form to the Department Head. The Department Head will prepare the Outside Employment Disclosure Form and present both forms to the General Services Director and the Mayor or Assembly President as applicable for review and signature.

### **13. ADMINISTRATIVE LEAVE POLICY**

#### **Section 1. Purpose**

The purpose of this policy is to provide consistency and fairness in the accumulation and use of administrative leave.

#### **Section 2. Qualifications**

Only employees exempt from the Fair Labor Standards Act's minimum wage and overtime requirements (FLSA exempt employees) may receive administrative leave.

#### **Section 3. Policy**

**a. Administrative Leave Credited.** FLSA exempt employees will be credited with 80 hours administrative leave on the first pay period of each calendar year. Administrative leave may not be used in excess of 80 hours per calendar year.

**b. Earning, Using and Documenting Administrative Leave.** Administrative leave can only be earned for time worked in excess of 40 hours a week calculated Saturday through Friday. Administrative leave can be earned in increments of 15 minutes. Administrative leave time shall be documented on time sheets, under "ADM Leave Earned" for any 15 minute period worked greater than 8 hours on a regular work day, but will only be credited if the total number of hours worked (plus any applicable holiday or leave hours) exceeds 40 hours in a 40 hour week.

Employees shall only record actual hours worked under "Regular Hours" on timesheets.

FLSA exempt employee leave, whether personal, administrative, or other, need only be used and documented for periods of absence that last for an entire work day Monday through Friday. With the exception of subsection g [H] below, leave must be used for any workday in which no hours are worked. Therefore, administrative leave, personal leave and other leave will only be used in 8 hour increments, or other full day equivalents.

Employee leave for periods of one workday need not be used if equivalent hours are worked during the same 40 hour work week for at least a total of 40 hours actually worked. These additional equivalent hours will be exchanged for the workday absence and would not affect either the amount of earned or used administrative leave.

If leave for a period of an entire workday is used during a 40 hour week, that leave will count for 8 hours of "Regular Hours" for purposes of calculating administrative leave if less than 8 additional hours are worked during that work week. For example, if no hours are worked one day and 36 hours are worked the remainder of the work week, 8 hours will be taken from the available administrative leave with 4 hours added to administrative leave earned. Adjustments will be made accordingly for employees working work days other than 8 hours.

**c. Administrative Leave Used but Not Earned.** If at the end of 26 pay periods, or upon separation from employment, the employee has not earned sufficient administrative leave to cover the amount of administrative leave taken, hours taken but not earned will be deducted from the employee's personal leave balance.

**d. Rolling Over Administrative Leave.** Administrative leave will only be rolled over from one calendar year to another in special circumstances as determined by the Mayor or his/her designee or Assembly President as applicable.

**e. Administrative Leave Earned but Not Used Prior to Separation from Employment.** Administrative leave earned up to the allowable maximum but not used at the time of the employee's separation from employment will be paid out the same as personal leave if the separation is due to termination or layoff. If the separation from employment is due to the choice of the employee (for example resignation), earned but not used administrative leave will not be paid out, as the employee controls the date of separation and has the opportunity to use the administrative leave earned prior to the time of separation.

**f. Administrative Leave and Assembly Meetings.** Administrative and/or Regular Hours may only be earned by attendance at a Borough Assembly meeting if the employee's attendance is specifically requested by the Mayor or his/her designee. An employee's supervisor may not request the employee's attendance at an Assembly meeting without prior approval by the Mayor or his/her designee. This section does not apply the Legislative Services employees.

**g. Working while on Leave.** If a person is on Personal Leave or Administrative Leave and performs work functions while on leave; i.e. checking email or attending telephone conferences, the employee may claim administrative leave for that time actually worked, calculated in 15 minute increments.

#### **14. PROBATION**

Probationary periods for Administrative Service covered by this Personnel Policy shall be six [6] to twelve (12) months, at the discretion of the Mayor or Assembly as applicable. A probationary Employee who has not attained Regular Status may be dismissed at any time during the probationary period if in the sole opinion of the Employer, the Employee will not reach

satisfactory status.. Upon satisfactory completion of the probationary period, the Employee automatically attains Regular Status.