

Introduced by: Mayor
Date: 12/06/11
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2011-109**

A RESOLUTION RATIFYING AMENDMENT #1 TO THE 2010-2013 COLLECTIVE BARGAINING AGREEMENT WHICH DELETES THE MINIMUM LEAVE BALANCE REQUIREMENT AND PHYSICIAN SIGNATURE REQUIREMENT TO USE PERSONAL LEAVE WHEN SICK

WHEREAS, on April 3, 2010, the assembly passed Resolution 2010-032, A Resolution Approving a New Collective Bargaining Agreement; and

WHEREAS, on August 5, 2010, an agreement entitled Amendment #1 was executed by the KBEA President and Mayor deleting the minimum leave balance requirements of Article 30, Section 3.d and the physician's signature requirement to use medical or personal leave in the absence of sick leave in Article 30, Section 3.h; and

WHEREAS, as leave accrual was changed such that sick leave is no longer accrued separately from personal leave, deleting the sentence requiring the physician's signature was necessary; and

WHEREAS, the Amendment #1 was not submitted to the assembly for approval and is being submitted at this time for review and approval;

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

SECTION 1. That the attached Amendment #1 to the 2010-2013 Collective Bargaining Agreement which is incorporated by reference is hereby approved and ratified.

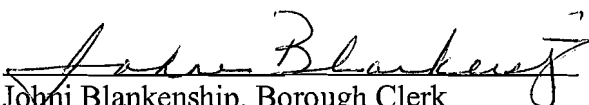
SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF DECEMBER, 2011.

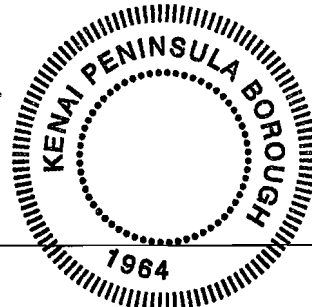


Gary Knopp, Assembly President

ATTEST:



Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None

Amendment #1
2010-2013 Collective Bargaining Agreement
between
Kenai Peninsula Borough
and the
Kenai Borough Employees Association
Local # 6140

RE: Article 30 Personal Leave

It is hereby agreed and understood between the parties that the minimum leave balance requirements of Article 30, Section 3.d are deleted as follows:

Article 30 Section 3. Personal Leave

d. 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 (112 for 56-hour Employees) 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 said unused personal leave, unless the Employer has not afforded the Employee a reasonable opportunity to use 80 hours (or 112 for 56 hour employees). Only personal leave which is actually taken may count as part of the 80 hour minimum. Leave used from the Employee's medical leave bank or leave cashed in does not qualify as part of the minimum. For Employees covered by Article 29, Section 1.d., administrative leave may be used to meet the above minimums.
3. ~~The Employee's personal leave balance may not be cashed in (except at termination) or used for other than sick leave purposes, when the balance is at or below eighty (80) hours for non-56 hour, and 112 hours for 56 hour employees.~~
4. Approval for 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. Except as provided for 56-hour Employees, leave may not be requested more than twelve (12) months in advance.
45. Except in emergency situations, personal leave which has been approved at least sixty (60) days in advance shall not be changed without mutual agreement.
56. Where two or more Employees within a department simultaneously request personal leave having overlapping times, the employee having the most seniority will be given his/her choice. Otherwise leave shall be granted on a first come first served basis. Where Employees are co-workers with employees of other agencies, seniority will be based on service with their respective agencies.

It is hereby agreed and understood between the parties that the requirement of a physician's statement of Article 30, Section 3.h is modified as follows:

- g. Medical or 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 Personnel Manager shall determine, in writing, to qualify for the use of medical or personal leave in each individual case.

5. Paternity, adoptive and bereavement leave.

- ✎ Such absence 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 and nature of the illness or injury. ~~Employees without sufficient sick leave to cover a period of illness or injury may use medical or personal leave only if supported by a physician's statement.~~
- ✎ Abuse of this leave policy shall be considered an attempt of fraud against the Employer.
- ✎ 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.

All provisions of the collective bargaining agreement not modified herein shall remain in full force and effect.

Entered into this 5th day of August, 2010, at Soldotna, Alaska.

For the Borough:

David R. Carey
David R. Carey
Mayor

For the KBEA:

Lynne Anne Carter
Lynne Anne Carter
President, KBEA