

CITY OF SOLDOTNA  
ORDINANCE 2023-009

AN ORDINANCE AMENDING CHAPTER 2.28 OF THE SOLDOTNA MUNICIPAL CODE PROVIDING  
UPDATES TO THE PERSONNEL CODE AND AUTHORIZING PROGRAMS FROM THE  
RECRUITMENT AND RETENTION STRATEGY

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WHEREAS, on March 22, 2023, the Council approved Resolution 2023-018, supporting several strategies intended to enhance the city's ability to attract, hire, and retain a high quality workforce; and

WHEREAS, implementation of several of the strategies requires amendments to various sections of the city's Personnel Code, which is contained in Chapter 2.28 of the Soldotna Municipal Code; and

WHEREAS, in addition to authorizing the new recruitment and retention programs, the city administration periodically review the Personnel Code for needed updates and clarifications; and

WHEREAS, the City Manager and Human Resources Manager have identified several minor amendments which will add clarity and better align the code language with current practices; and

WHEREAS, it is in the best interest of the residents of the City of Soldotna that the Council amend SMC 2.28;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Amendment of Section 2.28.030. Section 2.28.030 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.030 Types of employment.

A. Regular full-time employees. Regular full-time employees are employees who have successfully completed their probationary period and are employed in a regular position where the work involved is greater than an average of 29 hours per week. Regular full-time employees shall be paid at the hourly wage rate or salary for the classification in which they are working and shall be eligible for full fringe benefits as provided in this chapter.

B. Regular part-time employees. Regular part-time employees are employees who have successfully completed their probationary period and are employed in regular positions where the work involved is no more than an average of 29 hours per week. A regular part-time employee shall be paid at the hourly rate or salary for the classification in which the employee works.

C. Temporary employees. Temporary employees are employees hired to augment the work force whenever the work load temporarily requires additional help, in the event of an emergency or unanticipated condition (or situation), or to relieve regular employees during absences. Temporary employees shall generally not be employed for more than six months unless a longer period is authorized by [THIS CODE OR AN EXCEPTION IS AUTHORIZED BY THE CITY COUNCIL] the city manager. A temporary employee shall be paid at the hourly rate or salary for the classification in which the employee works, but shall not be entitled to paid holiday pay, personal leave, health, life insurance or retirement benefits unless specifically authorized by the city council or required by federal or state law.

Temporary employees are at-will and serve at the pleasure of the hiring authority. [AND P]Provisions of this personnel code related to grievance, discipline and evaluation procedures shall not apply. Temporary employees may be considered for regular full-time or regular part-time employment and if a temporary employee is appointed to a regular position with the same job description, then the time accrued as a temporary employee may count toward the probationary period.

D. On-call employees. On-call employees are employees hired to augment the workforce when the workload temporarily requires additional help and to relieve employees during absences. An on-call employee may be employed year-round or temporarily. A limited set schedule may be changed to a purely on-call schedule at any time, for any reason. An on-call employee shall be paid at the hourly rate for the classification in which the employee works, but shall not be entitled to paid holiday, personal leave, health, life insurance or retirement benefits unless specifically authorized by the city council or required by federal or state law. On-call employees are at-will employees and serve at the pleasure of the hiring authority and provisions of the personnel code related to grievance, discipline and evaluation procedures shall not apply. On-call employees may be considered for regular full-time or regular part-time employment and if an on-call employee is appointed to a regular position with the same job description, the time accrued as an on-call employee may count towards the probationary period. On-call employees are not compensated for time not working and are not restricted in personal activities when they are not working.

E. Probationary employees. For the first six months of employment after hire, transfer, or promotion into any new position (and in the case of police officers, 12 months), a regular employee is on probation. The city manager, upon recommendation of the employee's department head or on the city manager's own initiative, may terminate a probationary employee with or without cause. Provisions related to a grievance procedure do not apply to the termination of a probationary employee, except that an employee terminated for a stated cause may appeal the finding of cause. The city manager, upon recommendation of the employee's department head or on the city manager's own initiative, may extend an employee's probationary period for one additional probationary period of up to six months. Provisions related to a grievance procedure do not apply to the extension of a probationary period.

F. Civil rights. The city shall observe all federal and state laws relating to the protection of the civil rights of an employee.

G. Designation of employee type. The choice as to whether the city will employ regular full-time, regular part-time, temporary, or on-call employees shall be based upon the current needs of the city and an analysis of comparative costs and benefits between providing services by each classification of employees. The ultimate decision is a management right.

Section 2.     Amendment of Section 2.28.040. Section 2.28.040 of the Soldotna Code of Ordinances is hereby amended to read as follows:

#### 2.28.040 Hiring procedures.

A. Nondiscrimination. When new or replacement employees are needed, employment shall be based on qualification and fitness, free of personal and political considerations, with equal opportunity for all with no restrictions as to race, color or national origin, creed, religious affiliations, age, sexual orientation, gender, gender identity, [SEX OR HANDICAP,] physical or mental disability, unless a restriction as to fitness is clearly job related. Nothing herein shall prevent the hiring authority from considering affirmatively gender, race, age or handicap, in selecting between applicants of equal qualification, when it is appropriate to do so to provide balance in the representation of minorities in the work force.

B. Qualifications and experience for positions. The city council shall authorize, by resolution or through the city's budget process, all positions of employment. For each position of employment, other than those positions under the direction of the City Council or City Clerk, the city manager shall prepare job descriptions, and any modifications thereto, which shall contain the minimum qualifications and experience necessary to perform the duties of the employment position.

C. Employment advertising. All employment opportunities shall be posted for a minimum of five business days on employee bulletin boards in each city facility where employees regularly work. The city may concurrently to the in-house posting or after an in-house application review is completed, post the position to the general public. Public notice shall be for a minimum of five days, and advertised in a manner reasonably designed to reach prospective candidates, which may include [ AND MAY BE PROVIDED IN] a newspaper having general circulation in Soldotna, at the Kenai Job Service Office, posting on the city's official website and/or social media page, posting in occupational related media and any other type of media which will reasonably notify potential applicants of the employment opportunities. The posting advertisement shall describe the nature of the job and either include the minimum qualifications and experience for the position or provide direction to the city website for information on minimum qualifications and experience.

D. Accepting applications. All advertisements and postings for employment opportunities shall contain either a first review date or a closing date depending upon the recruitment. Only those applicants who meet minimum required qualifications and experience as advertised for the position may be considered.

E. Evaluation of applicants; selection decision. The evaluation of applicants for a position may include, but shall not be limited to: documentation of an applicant's completed city's application, resume, a background investigation; successful completion of a written examination, an interview, a review of past performance evaluations and a physical examination by a physician approved and paid for by the city. After receiving and based upon the recommendations of the department head or chair of the selection review committee as to the best applicants, the city manager shall make such appointment from among candidates who have applied for a particular position and who have met minimum qualification and experience requirements.

F. Recruitment Bonus. The City Manager is authorized to develop and institute a recruitment bonus program for the purpose of attracting qualified applicants for difficult to fill positions.

G. Relocation Assistance. The City Manager is authorized to develop and institute a relocation assistance program offering reimbursement for certain eligible expenses, as an additional incentive to attract out of area candidates to accept employment with the City.

H. Employee Referral Program. The City Manager is authorized to develop and institute an employee referral program, offering a cash bonus to existing employees who refer a candidate for a position who is subsequently hired and successfully completes their probationary period.

Section 3. Amendment of Section 2.28.100. Section 2.28.100 of the Soldotna Code of Ordinances is hereby amended to read as follows:

#### 2.28.100 Holidays.

A. Holidays established. All regular employees of the city shall have [TEN] eleven paid holidays per year plus one floating holiday, as described in the table, below. A holiday [IS THE EQUIVALENT TO EIGHT] provides paid leave for the number of hours in an employee's normal scheduled work day for those who do not work the holiday.[OF PAID LEAVE, AND THESE HOURS ARE NOT COUNTED AS HOURS WORKED FOR THE PURPOSES OF CALCULATION OF OVERTIME PAY:]

New Year's Day	January 1
President's Day	Third Monday of February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday of September
Alaska Day	October 18
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
<u>Christmas Eve</u>	<u>December 24</u>
Christmas Day	December 25
Floating Holiday	[AT EMPLOYEE'S DISCRETION] <u>Per supervisor approval</u>

B. Weekend holidays. If a recognized holiday falls on Sunday, the following Monday shall be considered the legal holiday. If a recognized holiday falls on a Saturday, the Friday immediately preceding the holiday shall be considered the legal holiday.

C. Holiday pay rates. All employees who work on a recognized paid holiday shall be paid for such holiday at the rate of one and one-half times the regular hourly rate of pay for each hour worked, plus holiday pay of one times the regular hourly rate for each hour worked.

D. Holidays falling on a scheduled day off and not worked. If a scheduled day off falls on a holiday, an employee shall receive either [EIGHT HOURS OF] straight time pay or [EIGHT HOURS OF] floating holiday credit, at the employee's option, equal to the number of hours in the employee's normal scheduled work day. If floating holiday credit is elected, it [WHICH] must be used within the same calendar year.

E. Floating holiday. Floating holiday may be taken upon two weeks' notice with department head approval. A floating holiday must be taken during the calendar year in which it was accrued. A floating holiday shall not accrue and may not be cashed in as personal leave.

Section 4. Amendment of Section 2.28.110. Section 2.28.110 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.110 [CIVIL LEAVE—]Jury duty and [HUMANITARIAN] Bereavement leave.

The following leave hours are not counted as hours worked in the week in which they are paid as it applies to overtime pay.

A. Jury and court leave. A regular employee who is called to serve as a juror or subpoenaed as a witness shall be entitled to civil leave for the actual time of appearance and not to exceed three hours each way of travel; but not for testimony as an expert witness.

B. Application for jury and court leave. Civil leave shall be supported by written documents such as a subpoena or statement of attendance from the court.

C. Jury and court leave pay. The employee shall be paid his regular rate of pay while serving as a witness or juror, but not to exceed eight hours per day or 40 hours per week. Subsistence or travel expenses shall not be authorized for civil leave. The employee shall be entitled to retain compensation received for duty as a juror. If the employee is testifying

as a witness as a representative of the city, the city shall receive any witness fees paid to the employee.

D. [HUMANITARIAN] Bereavement leave. Upon the death of a member of the immediate family of an employee, the employee [MAY AVAIL HIMSELF OF] is entitled to not more than 40 hours for regular full time/20 hours for regular part-time employee of [HUMANITARIAN] bereavement leave within the state or 64 hours for regular full time/32 hours for regular part time employee of [HUMANITARIAN] bereavement leave for out-of-state travel.

1. Immediate family means a spouse, grandparents, grandparents-in-law, parents, parents-in-law, step-parents, [BROTHERS, BROTHERS-IN-LAW, SISTERS, SISTERS-IN-LAW] siblings, siblings in-law, step-siblings, aunts, uncles, nieces, nephews, sons, sons-in-law, step-sons, daughters, daughters-in-law, step-daughters, and grandchildren.
2. Continuance of pay during the absence from duty due to [HUMANITARIAN] bereavement leave shall depend upon the employee's compliance with notification procedures established by the Human Resources department. [THE FOLLOWING PROCEDURES: (1) PRIOR TO THE FIRST DAY OF ABSENCE FROM DUTY, THE EMPLOYEE SHALL GIVE NOTICE TO HIS SUPERVISOR OR DEPARTMENT HEAD OF THE REASON FOR SUCH ABSENCE; AND, (2) WITHIN 30 HOURS AFTER RETURNING TO DUTY, THE EMPLOYEE SHALL FILL OUT AND FILE WITH SUPERVISOR A REQUEST FOR APPROVAL OF THE ABSENCE AS HUMANITARIAN LEAVE.]

Section 5. Amendment of Section 2.28.130. Section 2.28.130 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.130 Personal leave.

A. Computation period. Personal leave shall be computed bi-weekly for each eligible employee. [THESE HOURS ARE NOT COUNTED AS HOURS WORKED IN THE WEEK IN WHICH THEY ARE PAID AS IT APPLIES TO OVERTIME PAY.]

B. Accrual rate. Regular full-time employees shall accrue personal leave at the following rates:

Length of Service	Earned Monthly
0 through 2 years	15 hours
Over 2 years, less than 5 years	17 hours
Over 5 years, less than 10 years	19 hours
10 years and over	23 hours

The city manager may allow a new regular full time employee to accrue leave at a higher rate than the employee would otherwise accrue, by taking into account years of service prior to employment with the city.

C. Calculation. Personal leave will begin to accrue and employees may use personal leave immediately upon hire. Regular employees will accrue on a proportional basis for a fraction of a month. Personal leave will not accrue while an employee is on leave without pay. Regular part-time employees shall accrue personal leave on a pro-rated basis of the regular full-time accrual rate.

D. Authorization required. Personal leave may be taken only on the authorization of the department head, except in cases of illness or injury. If leave is denied, it must be for good cause and be explained in writing.

E. Use of personal leave for illness or injury. An employee who intends to use personal leave due to illness or injury shall notify the department head or his/her designee

of the intended absence and the reasons at the start of the work day or as promptly as the available means of communication permits.

Personal leave for illness or injury may be used for the following reasons:

1. Personal illness or physical incapacity of the employee;
2. A member of his/her immediate family (spouse, children (including step, adopted, and foster), and parents) having an illness or injury requiring the attendance of the employee;
3. Medical, dental and counseling appointments;
4. Family medical leave.

F. Physician's statement. When leave due to illness or injury exceeds three consecutive working days, a physician's statement may be required prior to returning to work.

G. Physician's statement; special circumstances. A supervisor may give notice to an employee that a physician's statement will be required of the employee for a stated period of time not to exceed six months for personal leave used for illness of any duration. Such a notice may be required if an employee is frequently sick on days adjoining a day off.

H. Abuse of leave. When a pattern of abuse of this benefit is suspected (such as a history of unsubstantiated personal leave use for illness before and after holidays or weekends), the employee may be subject to disciplinary procedures.

I. Accrual limitation. Regular full-time personal leave may be accrued to a total of 720 hours. Personal leave accrued in excess of 720 hours at the end of any calendar year shall be forfeited. Regular part-time personal leave may be accrued to a total of 100 hours. A regular part-time employee with a carry over greater than 100 hours will be given a 30-day grace period in which to use or forfeit the carry over amount.

J. Minimum use; cash-in. Every regular full-time employee employed for a calendar year shall take at least 40 hours personal leave each year. A regular full time employee may elect to cash-in personal leave as follows:

1. Regular full-time employees must select no later than December 29th of each calendar year the number of personal leave hours to be cashed-in during the next calendar year.
2. The election is irrevocable.
3. Regular full-time employees may cash-in personal leave up to twice per calendar year, but no more than the total amount designated by December 29th of the previous year.
4. Only those personal leave hours expected to be earned in the year of cash-in may be designated for cash-in.
5. At the time of cash-in, the employee must leave at least 80 hours of personal leave in their leave bank.
6. Request for the noticed cash-in must be received by the Human Resources Manager 14 calendar days prior to the payday the payment is desired.
7. A regular full-time employee cannot cash-in more hours than the employee has earned and are available, in the current year.
8. Leave hours cashed-in do not count toward the minimum hour use requirement.
9. Leave hours cashed-in will be at the employee's normal rate of pay, not including temporary increases.

10. Leave hours selected for cash-in must be paid out no later than the first pay period ending in December. Hours designated for (irrevocable) cash-in which have not been requested by the employee during the year will be automatically cashed-in, if leave is available, by the first pay period in December.
11. Regular full-time employees may cash-in leave that has not been pre-selected, due to an unforeseeable emergency. In order to satisfy the Internal Revenue Service's requirements for an unforeseeable emergency withdrawal, the severe financial hardship must be the result of one or more of the following:
  - a. Sudden and unexpected illness or accident to a participant, a qualifying dependent, or primary beneficiary;
  - b. Loss of, or damage to, the participant's property due to an accident, disaster, destruction, or theft;
  - c. Other similar, equally severe, and unforeseeable circumstances beyond the participant's control.

Requests for emergency cash-ins must be made to Human Resources in writing, and must include proof of emergency circumstances. Additional documentation may be requested by Human Resources in order to assess the request's compliance with the requirements. Requests must be approved by Human Resources prior to cash-ins under this provision.

K. Termination leave. Upon separation of an employee for any reason after successful completion of the initial probation period following hire or re-hire into City service, the employee shall be paid a lump-sum payment for all earned but unused personal leave.

L. Leave donation. An employee may voluntarily donate accrued personal leave hours to a fellow employee who is ill or injured, or has an immediate family member who is ill or injured, or is attending to a death in his/her immediate family requiring absence from work for more than 20 consecutive days and has exhausted all his/her leave. Personal leave that is being donated under this section shall be donated at the donating member's current rate of pay and that sum of money shall be credited to the personal leave balance to whom the leave is being donated. The donated personal leave shall be subject to all taxation and contributions required of all payroll compensation and shall be borne by the member to whom the leave is being donated. Donated leave shall be used on a first donated, first used basis until the need for donated leave ends. Exceptions to this section may be granted by the City Manager.

M. Effect of holidays. If a holiday occurs when an employee is on personal leave, the employee shall be paid for the holiday without a deduction from accrued leave.

N. Benefits while on personal leave. Employees on authorized personal leave will continue to receive health and life insurance benefits until accrued personal leave has been exhausted. When on extended personal leave due to illness or injury (defined as two payroll periods or longer), personal leave shall not accrue.

O. Health and life insurance. [EXCEPT FOR AUTHORIZED LEAVES OF ABSENCE WITHOUT PAY, A]Any employee on leave for medical reasons will continue to receive all health and life insurance benefits paid by the city for a period of time in accordance with state and federal laws.

P. Workers' compensation insurance. An employee on an extended absence for illness or injury must apply for any other available compensation and benefits. Personal leave benefits may be used to supplement any payments that an employee is eligible to receive from worker's compensation insurance.

1. The combination of worker's compensation benefits and personal leave benefits cannot exceed the employee's normal weekly base net pay. Payroll deductions

from the personal leave account shall be made for deductions the employee has authorized.

2. Worker's compensation benefits are excluded from "gross wages" reported to Public Employee Retirement System (PERS) for computing service credit. An employee may be eligible to receive service credit, if workers' compensation benefits are received, by applying to PERS.

Q. Position holding. In case of an occupational injury, the employee's position or a comparable position shall be held based upon state and federal laws.

Section 6.     Amendment of Section 2.28.140. Section 2.28.140 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.140 [RESERVED] Parental Leave.

A.     Parental Leave. The City Manager is authorized to develop and implement a paid parental leave program, providing up to six (6) weeks of paid leave for an employee who is eligible under the Family Medical Leave Act (FMLA) upon the qualifying birth, adoption, foster care, or legal guardianship of a child.

Section 7.     Amendment of Section 2.28.150. Section 2.28.150 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.150 Leaves of absence without pay.

A.     Basic rule. Employees may be granted leave of absence without pay not to exceed ten working days in a calendar year, if the employee has no applicable leave accrued, [A LEAVE OF ABSENCE WITHOUT PAY, NOT TO EXCEED TEN WORKING DAYS IN A CALENDAR YEAR, FOR ANY REASON,] at the discretion of the department head [SO LONG AS THE ABSENCE WILL NOT INTERFERE MATERIALLY WITH THE WORK OF THE DEPARTMENT IN THE LONG TERM].

B.     Extended leave. Employees may be granted a leave of absence without pay for periods in excess of ten working days on the basis of applications approved by the [DEPARTMENT HEAD AND THE] city manager upon the recommendation of the department head.

C.     Armed forces leave. An employee who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without pay according to applicable state and federal laws.

D.     Benefits status. Employees on leave of absence without pay will not receive health and life insurance benefits, unless authorized by the City Manager or required under 2.28.130(O). Personal leave will not accrue during the term of any leave of absence without pay.

Section 8.     Amendment of Section 2.28.160. Section 2.28.160 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.160 Training.

A.     Training program established. Each department head shall develop and conduct such practical training programs as are suited to special requirements of the department. Training programs shall emphasize requirements for occupational certification, job skill enhancement, accident prevention, employee safety, public relations and sensitivity to differences in race, religion, color or national origin, age, sexual orientation, gender, gender identity, physical or mental disability, [SEX,] marital status, changes in marital status, pregnancy or parenthood as they relate to employment practices.



B. Education benefits. Employees are encouraged to take advantage of education and training benefits to improve job skills, to meet requirements of job descriptions, and to qualify for transfers and promotions. These benefits are limited to training and education conferences, seminars, workshops or other functions of a similar nature which are relevant to the employee's current job description and promotion opportunities. Requests will be considered for attendance at accredited colleges, universities, and business and technical schools for single courses or programs leading to a degree or certificate, or job-related courses which would benefit the city. These benefits will be available to all employees without prejudice on a first-come, first-served basis, subject to the availability of budgeted funds and, where a conflict exists, considering the benefit that will accrue to the city.

C. Program approval. Requests for education and training may be initiated by either the employee or the department head. The final decision on requests and expenditures for education and training will be made by the city manager.

D. Education program application. Written requests for a proposed training program with a proposed curriculum of study and the endorsement of the immediate supervisor and department head must be submitted to the city manager at least 30 days prior to the registration deadline for such classes.

E. Mandatory education. When attendance at a training program is mandatory as directed by a department head, the employee shall be compensated at his regular rate of pay and shall be entitled to overtime pay for all scheduled training hours in excess of eight hours per day or 40 hours per week. In addition, the city shall pay for the cost of registration, tuition, publications, transportation and per diem.

F. Education program agreements. When a training program is authorized in response to an employee request, the city manager may attach conditions applicable to compensation while in training including a waiver of compensation, cost sharing arrangements and requirements for continued employment with the city. Such conditions shall be established prior to the beginning of the training program.

G. Education program funding. If a training request is approved by the city manager, the employee may receive reimbursement or advances for the cost of registration, tuition, publications, transportation, and per diem. Employees are prohibited from receiving double funding for education; i.e. from the city and another source such as the Veterans Administration. Employees may be required to sign a statement verifying that the city is the sole source of funding.

H. Credential upgrading. When employees do not currently possess minimum requirements of qualifications and experience prescribed by revised job descriptions, such employees will have up to 18 months from the date of approval of the revised job descriptions to upgrade their credentials to meet the minimum standards. The employer will authorize the necessary training hours for each employee to procure credentials specified in a revised job description. If a job description is revised to require a minimum amount of college education, an existing employee shall not be required to comply with college education requirements.

Section 9.     Amendment of Section 2.28.170. Section 2.28.170 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.170 Reimbursable expenses.

A. Authorized expenses. Employees shall be reimbursed for reasonable actual expenses incurred on city business for travel if documentation is presented to the finance director for any of the following expenses:

1. The most economical coach fare appropriate for the circumstances (accompanied by a legible ticket or receipt);

2. Ground transportation accompanied by receipt (from taxi, bus, shuttle, or car rental agency);
  3. Personal vehicle use at the current IRS rate (report mileage);
  4. Lodging and tax (must be accompanied by legible copy of bill);
  5. Conference, seminar or meeting registration fees; and
  6. Allowances for travel within Alaska of \$[55]65 per day for meals, tips and all other miscellaneous expenses (to commence on the date of departure and end on date of return, excluding personal vacation or non-city business). Fractional days shall be divided as follows:
    - a. \$[13]15 from 11:00 p.m. to 11:00 a.m.;
    - b. \$[14]18 from 11:00 a.m. to 5:00 p.m.; and
    - c. \$[28]32 from 5:00 p.m. to 11:00 p.m.
  7. Allowances for travel outside of Alaska for meals, tips and all other miscellaneous expenses (to commence on the date of departure and end on date of return, excluding personal vacation or non-city business) will be based on the current federal government rate as published by the U.S. General Services Administration. Fractional days shall be divided as follows:
    - a. Breakfast rate from 11:00 p.m. to 11:00 a.m.
    - b. Lunch rate from 11:00 a.m. to 5:00 p.m.
    - c. Dinner rate from 5:00 p.m. to 11:00 p.m.
  8. Airport parking lot fees accompanied by a receipt.
  9. Reasonable laundry expenses for trips lasting more than seven calendar days accompanied by a receipt.
- B. Non-reimbursable expenses. Telephone bills; movies or entertainment expenses of any type unless included in a registration fee; and any expenses such as meals included in a registration fee.
- C. Travel advances. Employees may request an advance of anticipated expenses for travel on approved official business.
- D. Personal vehicle use. Employees required to use their personal vehicle in the conduct of city business will be reimbursed at the current IRS rate per mile. Workers' compensation insurance coverage will also apply when employees use a personal vehicle for official business, but not for the period of time in which an employee is commuting to and from home and a duty station, except for call-outs.
- E. Personal vehicle; air travel reimbursement. Employer may allow an employee to drive a personal vehicle instead of traveling by air. In these circumstances, the employee will be reimbursed at the current IRS rate per mile and in accordance with the Fair Labor Standards Act. [OR THE MOST ECONOMICAL COACH AIR FARE, WHICHEVER IS LESS. EMPLOYEES WHO DRIVE A PERSONAL VEHICLE WILL TRAVEL ON THEIR OWN TIME.]
- F. Compensable time for non-exempt employees during travel. Hourly [E]employees will be paid during authorized travel in accordance with the Fair Labor Standards Act. [HOURLY EMPLOYEES WILL BE COMPENSATED FOR ALL HOURS TRAVELING IN A NON-COMMON CARRIER (E.G. COS OR PRIVATE VEHICLE) UNLESS DOING SO VOLUNTARILY PER PARAGRAPH E ABOVE. TRAVEL TIME ON A COMMON CARRIER (E.G. AIRPLANE, BUS, TAXI, SHUTTLE) IS ONLY COMPENSABLE FOR AND LIMITED TO NORMAL WORK DAY HOURS.] When in travel/training status for overnight travel/training, employees will only be paid up to one regular day of pay with no overtime pay or compensatory time for each day of travel/training.

Section 10.    Amendment of Section 2.28.180.    Section 2.28.180 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.180 Working hours and overtime compensation.

A.        Regular work week. The regular work week for employees, [EXCEPT] other than shift employees [AND POLICE DEPARTMENT EMPLOYEES ASSIGNED TO A TEN HOUR WORK DAY], shall be 40 hours in five consecutive days. The City Manager may authorize alternate or flexible work schedules for an individual or working group, upon the recommendation of the department head.[BY MUTUAL AGREEMENT OF THE MAJORITY OF THE EMPLOYEES AT A DUTY STATION AND CITY MANAGEMENT, ARRANGEMENTS MAY BE MADE FOR OTHER WORK WEEKS.]

B.        Regular work day. Except for [POLICE DEPARTMENT AND] shift employees and employees approved for an alternate work schedule, [ASSIGNED TO A TEN HOUR WORK DAY,] the regular work day for employees shall be eight and one-half consecutive hours with one-half hour off without pay for lunch. The lunch period may be lengthened to one hour and the stopping time advanced correspondingly [BY MUTUAL AGREEMENT OF A MAJORITY OF THE EMPLOYEES AT A DUTY STATION].

C.        Regular working hours. Except for shift employees and employees approved for an alternate work schedule, [POLICE DEPARTMENT EMPLOYEES ASSIGNED TO A TEN HOUR WORK DAY,] the normal work day shall fall between the hours of 7:00 a.m. and 5:00 p.m.[, EXCEPT T]The city retains the right to implement variable work day schedules on 24 hours' notice according to the work load or when it is determined necessary for the welfare of customers to handle operations such as cleaning of water lines, removing snow, or during emergency conditions. [OTHER SHIFTS MAY BE TEMPORARILY ESTABLISHED BY MUTUAL AGREEMENT OF THE EMPLOYEE AFFECTED.]

D.        Breaks. The normal work day shall include two 15-minute breaks with pay after each two consecutive hours of work and a 30-minute meal break without pay after each four hours of work to be scheduled by supervisors. Employees working ten-hour days shall receive an additional 15-minute break each day (for a total of three). Breaks shall be taken at the job site or other approved locations, but travel time to locations other than the job site shall be included in the break time. It is the employee's responsibility to coordinate break times with the employee's day-to-day work load. If the daily work load requires, one 15-minute break can be taken in conjunction with a second 15-minute break, but not with a third break.

E.        Overtime pay. Work performed in excess of the regular work day or regular work week shall at least be compensated at one and one-half times the straight time rate of pay. Personal leave and holiday pay are counted as hours worked in the week in which they are paid, as it applies to overtime pay.

F.        Overtime distribution. Insofar as practical (where work assignments are not dictated by third parties such as police court duties), overtime work shall be divided as equally as possible among all of the employees working at a duty station. To facilitate this even distribution, a current overtime roster shall be maintained and posted upon duty station bulletin boards.

G.        Minimum overtime. Overtime eligible [E]employees who are called back to the job site, after having departed the job site to perform not previously scheduled work outside their normal work day shall be paid a minimum of two hours' pay at the applicable time and one-half overtime rate. [LEAD WORKERS CONTACTED AT HOME FOR TELEPHONE ADVICE OR TO DISPATCH OTHER EMPLOYEES, SHALL BE PAID A MINIMUM OF ONE HOUR STRAIGHT TIME RATE PER INCIDENT.]

H.        Maximum working hours. Where work assignments are not dictated by third parties such as police court duties, work shall be scheduled in a manner so that employees will

not be directed to work for more than 14 consecutive hours (including breaks for relief and meals) without a minimum of eight consecutive hours of relief.

I. Compensatory time for non-exempt employees. Compensatory time for non-exempt employees may be given in lieu of immediate overtime pay at the rate of one and one-half hours for each hour of overtime worked, upon prior approval by the city manager or his/her designee if an agreement has been arrived at with the employee prior to performance of the work.

1. "Compensatory time" and "compensatory time off" are hours when an employee is not working and which are paid for at the employee's regular rate of pay. These hours are not counted as hours worked in the week in which they are paid as it applies to overtime pay.
2. A maximum of 30 compensatory hours may be accrued for overtime hours. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.
3. Payment for accrued compensatory time upon termination of employment shall be calculated at the average rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.
4. In circumstances of a conflict between work assignments and an employee's desire to take compensatory time off, the dispute shall be resolved by payment for compensatory time accrued.

J. Administrative leave for exempt employees. The City Manager is authorized to establish guidelines for the use of flex time, and to develop and implement an administrative leave bank providing up to 80 hours per year of paid administrative leave for employees in positions exempt from the Fair Labor Standards Act.

Section 11. Amendment of Section 2.28.190. Section 2.28.190 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.190 Temporary assignments to job classifications.

Any employee placed on temporary assignment for three or more consecutive days to a higher paying job classification shall receive a five percent wage increase for the actual time worked. The City Manager may authorize an alternate pay adjustment for an employee designated to an acting or interim department head position for an extended period of time.

Section 12. Amendment of Section 2.28.210. Section 2.28.210 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.210 Other employment.

A. Statement of policy. No employee shall engage in an occupation which adversely affects the performance of municipal duties. Each employee is personally responsible for meeting this standard.

B. Approval for other employment. An employee who desires to engage in off-duty employment with another employer or have a secondary occupation for compensation outside his employment for the city must obtain written approval from the city manager prior to engaging in the off-duty employment or secondary occupation; however, the manager's approval shall not be required for any existing employment relationship of a city employee so long as it does not change and provided the employee notified the City of the other employment. Such approvals by the city manager shall be kept on record in the employee's personnel file.

[C. ADVISORY RULINGS. IF AN EMPLOYEE OR THE CITY MANAGER IS IN DOUBT REGARDING THE RULE STATED IN THIS SECTION, EITHER THE EMPLOYEE OR THE CITY MANAGER SHALL SEEK A RULING BY THE CITY ATTORNEY REGARDING ANY SUCH OCCUPATION. THE EMPLOYEE HAS A RIGHT TO A RULING TO BE WRITTEN BY THE CITY'S ATTORNEY AND PLACED IN THE EMPLOYEE'S PERSONNEL FILE FOR THE EMPLOYEE'S PROTECTION. ]

[D]C. Constitutional rights. Nothing in this section may be construed as limiting any constitutional rights, such as rights of association and free speech which each employee enjoys as a citizen.

Section 13. Amendment of Section 2.28.230. Section 2.28.230 of the Soldotna Code of Ordinances is hereby amended to read as follows:

2.28.230 Nepotism.

A. Definitions.

1. "Municipal officer" means: the mayor, a member of the city council, city manager or supervisor.
2. "Related person" means, with respect to a municipal officer: an individual who is related to the municipal officer as a spouse, parent, step-parent, grandparent, child, step-child, sibling, step- or half-sibling, uncle, aunt, first cousin, nephew, niece, grandchild, roommate, or in-law.
3. "Roommate" means a person with whom the municipal officer resides with other than on a temporary (one month) basis.
4. "Employ" and "employment" include appointment, advancement and promotion.

B. Prohibited employment actions.

1. A municipal officer may not employ for regular employment any person who is a related person to the municipal officer.
2. No municipal officer may supervise a related person.

C. Enforcement.

1. A municipal officer who knowingly permits a violation of this section to occur is subject to discipline.

D. Exceptions.

1. In the event that a municipal officer becomes related to a person during the course of the employment, each is responsible to report the fact to the city manager. The employment can continue concurrently with the relationship for 60 days. In the event that the manager is unable to work out a different employment that will resolve the violation, consistent with personnel rules and labor agreements, then one of the employees must resign or otherwise act to end the violation. If no action is taken voluntarily, the manager may take whatever action is deemed to be in the best interest of the city and in compliance with the ordinances.
2. This section does not apply to any existing employment relationship of the city employee so long as it does not change.
3. The city manager may authorize the employment of a person whose employment would otherwise be prohibited by this section in the event of an emergency resulting from a natural disaster or similar unforeseen event.

Section 14. Amendment of Section 2.28.270. Section 2.28.270 of the Soldotna Code of Ordinances is hereby amended to read as follows:


2.28.270 Job classifications.

A. Position description required. Each position of the city[, OTHER THAN POSITIONS SUPERVISED BY THE CITY COUNCIL OR THE CITY CLERK,] shall be defined by a written job description [WHICH SHALL BE PREPARED AND MODIFIED AS NEEDED BY THE CITY MANAGER]. Each position shall be authorized and assigned to a pay range in the pay plan by the city council either by resolution or via the budget process.

B. Establishing position pay range. The range on the pay plan for each position shall be selected considering the minimum qualifications and experience for the job, the responsibility of the position and the equivalent wage or salary for the same or similar positions in other local government and private sector employment.

Section 15. This ordinance shall become effective May 1, 2023.

ENACTED BY THE CITY COUNCIL THIS 26TH DAY OF APRIL, 2023.

  
Paul J. Whitney, Mayor

ATTEST:

  
John Blankenship, MMC, City Clerk

Yes: Carey, Chilson, Hutchings, Parker, Nelson  
No: None  
Absent: Wackler



# SOLDOTNA

OFFICE OF THE CITY MANAGER

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## MEMORANDUM

**TO:** MAYOR WHITNEY AND CITY COUNCIL MEMBERS  
**FROM:** STEPHANIE QUEEN, CITY MANAGER  
**CC:** JESSICA O'REAGAN, HR DIRECTOR  
**DATE:** APRIL 5, 2023  
**SUBJECT:** ORDINANCE AMENDING SMC 2.28, SOLDOTNA PERSONNEL CODE

The Administration recently presented several strategies aimed at increasing the City's competitiveness in recruiting, hiring, and retaining a high quality workforce. These recommendations were presented to the Council on March 22<sup>nd</sup>, in Resolution 2023-018. Several of the strategies require an amendment to Chapter 2.28 of the Soldotna Municipal Code, and this ordinance provides that authorization as well as several minor amendments identified by Human Resources Manager Jessica O'Reagan and me.

Individual amendments are explained and summarized in the sectional analysis, below. Thank you for your consideration.

### Section 1. Amendment of SMC 2.28.030, Types of Employment.

SMC 2.28.030.C is amended to authorize the City Manager, rather than the City Council, to extend a temporary employee's employment beyond six months. The City hires many seasonal temporary employees, both in our Parks and Recreation Department and our Streets and Maintenance department. Depending on workload and the transition between seasonal hiring, we occasionally need to retain a temporary employee for several additional weeks or months. There is no additional fiscal impact to the City, and allowing the City Manager rather than the Council to authorize this extension would be more practical and responsive to our operational needs.

An amendment to SMC 2.28.030.E clarifies that an employee will serve a probationary period for any new position with the City, for example if they take a promotion or transfer to a different position.

### Section 2. Amendment of SMC 2.28.040, Hiring Procedures.

SMC 2.28.040.A is amended to update and align the City's nondiscrimination statement with the U.S. Equal Employment Opportunity Commission (EEOC)'s recommendations with respect to sexual orientation and gender identity discrimination.

SMC 2.28.040.B clarifies that the City Manager prepares all job descriptions, other than those directly supervised by the City Council or City Clerk.

Three new subsections SMC 2.28.040.F, G, and H are added which authorize the City Manager to develop and implement policies and procedures offering Recruitment Bonuses, Relocation Assistance, and an Employee Referral program.

### Section 3. amends SMC 2.28.100, Holidays.

SMC 2.28.100 is amended to add Christmas Eve as an official holiday, bringing the total number to 11 plus a floating holiday.

Also, a proposed amendment would remove the restriction that holiday hours *not* be counted when determining hours worked for the purpose of overtime pay. Currently, if an employee was out Monday because the City was closed for an official holiday, and they worked their normal 8-5 schedule Tuesday through Thursday, if they were required to come in and work that Saturday it would *not* be eligible for overtime because our current language does not ‘count’ the holiday towards their 40-hours worked. The proposed change is a benefit to employees, is not expected to have a significant financial impact to the City, and would align non-represented employees with how the PSEA agreement addresses this issue.

Lastly, this section is amended to clarify that a holiday pays the employee the number of hours in their normal scheduled work day (so will vary for employees depending on whether they’re working a traditional 5-8 schedule, verses a 4-10 one for example).

#### Section 4. amends SMC 2.28.110, Jury duty and Bereavement leave.

Proposed amendments to this section redefine ‘humanitarian’ leave as ‘bereavement’ leave, which is a more accurate description. Also, the definition of ‘immediate family’ is expanded to include step-parents, step-siblings, and step-children.

#### Section 5. amends SMC 2.28.130, Personal Leave.

As with the section regarding Holidays above, this section would be amended so that an employee’s use of personal leave would be counted as hours worked for the purpose of determining overtime eligibility.

Subsection K. currently specifies that an employee is not eligible to ‘cash out’ accrued leave if they separate without successfully completing their probationary period. The proposed amendment would clarify that this only applies to an employee’s initial probation, and not the scenario where a long-term employee may be on probation after taking a new position with the City.

Subsection L. would authorize the City Manager to grant exceptions to the City’s leave donation policy. This flexibility would allow us to better support employees in responding to unique circumstances and needs.

#### Section 6. amends SMC 2.28.140, Parental Leave

New language in SMC 2.28.140 would authorize the City Manager to develop policy and procedures offering up to 6 weeks of paid parental leave for employees upon the FMLA-qualifying birth, adoption, foster care, or legal guardianship of a child.

#### Section 7. amends SMC 2.28.150, Leaves of Absence without pay.

Proposed amendments to this section clarify the process for employees requesting short-term or long-term leaves of absence without pay, and authorizes the City Manager to continue the employee’s benefit status for certain circumstances (for example, an employee approved for an unpaid sabbatical).

#### Section 8. amends SMC 2.28.160, Training.



This section is updated to align the City's training standards with the anti-discrimination language from the EEOC referenced in SMC 2.28.040.A.

Section 9. amends SMC 2.28.170, Reimbursable expenses.

This section of the Soldotna Municipal Code covers reimbursable expenses and time for employees who are traveling for work (training, conference, official meetings, etc.). The daily meal per diem for travel within the state would be increased from \$55 to \$65 to reflect actual cost increases. Subsections E. and F. are amended to clarify that they apply only to non-exempt (i.e. 'hourly') employees who fall under Fair Labor Standards Act requirements.

Section 10. amends SMC 2.28.180, Working hours and overtime compensation.

This section is updated to reflect current working conditions. The City Manager upon the recommendation of a department head can approve flexible work arrangements – either for a single employee or an entire work group. This is current practice, to best meet the operational needs of the City.

A new subsection J. is added, authorizing the City Manager to develop an administrative leave bank of up to 80 hours per year for exempt (i.e. salaried) employees in recognition that their duties often require they work in excess of a normal 40-hour week. This would replace the City's longstanding practice of allowing exempt employees to accrue comp. time, as noted in our Recruitment and Retention Strategy discussions. It will have no fiscal impact to the City, compared to current practices.

Section 12. amends SMC 2.28.210, Other Employment.

This section is amended to remove reference to an employee seeking an 'advisory ruling' from the City attorney regarding a determination about outside employment. To my knowledge this has never been done, and would not be appropriate since the City Code already provides a grievance process in SMC 2.28.050 whereby an employee can remedy a perceived misinterpretation or misapplication of the personnel code.

Section 13. amends SMC 2.28.230, Nepotism.

An amendment to this section would include a spouse, step-parent, grandparent, and grandchild to the definition of 'related person' with respect to restrictions on a municipal officer (the Mayor, Council, City Manager, or any supervisor) having direct supervision over a related person.

Section 14. amends SMC 2.28.270 Job Classifications.

This section is amended to clarify how job descriptions are prepared, and remove redundancies from other sections of the Personnel Code.