

Introduced by: City Manager Weaver  
Date: February 13, 1996  
Public Hearing Date: February 27, 1996  
Action: Referred to Attorney  
for Labor Negotiations  
Vote: 6-Yes, 0-No

**ORDINANCE #96-10**

**AN ORDINANCE OF THE CITY OF BETHEL AMENDING THE CITY OF BETHEL PERSONNEL RULES.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL:**

Section 1. Classification. This is a code ordinance.

Section 2. Severability. If any part or provision of the ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confirmed in its Operation to the part, provision, or application directly involved in all controversy in which this Judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Repeal of Portions of Personnel Rules. Title 3 of the Bethel Municipal code is hereby amended as follows:

- A. Section 3.044(A)(6) is hereby repealed.
- B. Section 3.044(A)(7) is hereby repealed.
- C. Section 3.044(A)(8) is here-by repealed.

Section 4. Clarification of definition of Grievant. The definition of grievant in Section 3.005 is amended in order to clarify the definition (not to change the previous meaning of the definition) to read as follows (underlined portions are additions):

Grievant means an individual employee or group of employees who have successfully completed the probationary period in accordance with Rule 7, except for those who serve at the pleasure of the City Council or the City Manager.

Section 5. Application Of Rules to At Will Employees. In order to clarify application of the personnel rules to at-will employees, (not to change the previous application of the personnel rules), Section 3.012 of the personnel rules is amended by adding a new subsection D to read as follows:

Rules 1, 2, 3, 6, 7, 8, 9, 10, Sections 3.111 and 3.112 of Rule 11, and Rule 13 do not apply to employees of the City who are appointed by, and serve at the pleasure of, either the City Manager or the City Council.

Section 6. Amendment of Section 3.103(A). Section 3.103(A) of the personnel rules is hereby amended to read as follows (overstruck portions are deletions):

Before a Department Head may dismiss, demote with a reduction in pay or suspend without pay an employee, the employee shall receive written notice of intent to discipline containing a reasonably specific statement of the basis for the intended discipline. Depending on the circumstances of the occurrence, in the judgment of the Department Head, immediate suspension without pay may be required on the basis of just cause, or immediate danger to health, safety and welfare of City employees or the public. Also contained in the written notice of intent to discipline will be an explanation of the employee's entitlement to ask for a hearing at which such intended discipline may be reviewed ~~and the name of the hearing officer who will be used at the hearing if a hearing is requested~~. If the employee is unavailable, the notice shall be given by mail.

Section 7. Amendment of Section 3.114. Section 3.114 of the Personnel Rules is hereby amended to read as follows (overstruck portions are deletions, underlined portions are additions):

An employee who is unable to return to work following approved medical leave without pay ~~shall~~ may be separated in good standing from City of Bethel Employment. Depending on the type of injury or illness, and whether it happened on or off the job, the employee may be able to take part in either the Long Term Disability Program with the City of Bethel health benefit plan or the Long Term Disability Plan under the retirement system. Employees are responsible to make themselves aware of the particular requirements in both Long Term Disability plans and should contact the Personnel Officer if further information is required, beyond what is provided in the plan documents.

Section 8. Amendment of Section 3.151. Section 3.151 of the Personnel Rules is hereby amended to read as follows (underlined portions are additions):

Policy.

Annual leave, sick leave, and other additional leaves as specified are provided to the City of Bethel employees. Employees in regular full-time positions and regular part-time positions shall be entitled to leave accrual benefits. Temporary employees shall not accrue leave. All leave shall be earned and used on an hour for hour basis. Employee shall not accrue leave while serving a probationary period except as provided in Rule 7 Section 3.073(B).

Section 9. Amendment of Section 3.1512. Section 3.1512 is hereby repealed in its entirety and replaced with the following Section 3.1512:

3.1512 Leave Without Pay.

A. Family and Medical Leave.

Employees shall be entitled to receive unpaid family and medical leave as allowed by applicable State of Alaska law or federal law and regulations. In the case of any conflict between state law and federal law, the City shall follow the requirement of state law.

B. Other Leave Without Pay.

Department heads, with the approval of the City Manager and the Personnel Officer, may grant leave without pay to any regular employee for a period not to exceed one (1) year. (including all periods of unpaid family and medical leave). Such leave shall only be considered when the employee submits a written request setting forth the reasons for the proposed absence. Such reasons may include, but will not be limited to the following:

1. Educational Leave Without Pay – Available if such education will benefit the City of Bethel. Employee must have used all annual leave.

2. Personal Leave without Pay – Available for no more than three (3) months at a time. Employee must have used all annual leave and must have stated an important reason to support his leave application.

C. Return to Work.

An employee's return to work following family and medical leave without pay will be governed by the requirements of applicable state and federal law. An employee's return to work following other leave without pay will be as follows:

1. If the leave without pay was for three months or less, the employee shall be reinstated to the same position previously filled.

2. If the leave without pay was for more than three months the employee may be reinstated either to the same position vacated or to any vacant position in the same classification for which the employee is qualified, however, if there is no position available the employee will be placed on layoff status, or offered a position in a lower classification at the sole discretion of the City.

D. Benefits during Leave Without Pay.

1. Family and Medical Leave.

Benefits shall be provided to employees entitled to family and medical leave to the extent required by applicable state of Alaska or federal law. In the case of any conflict between state law and federal law, the City shall follow the requirements of state law.

2. Other Leave Without Pay.

Sick leave and annual leave benefits shall not accrue during an absence of leave without pay. Nor will the City make any contributions during that period for retirement, hospitalization, or life insurance benefits. However, the employee may participate in group insurance programs during the period of extended leave without pay provided the City employee deposits with the City the amounts necessary to cover the total costs of premiums, and otherwise complies with any conditions for continuation of coverage.

Section 10. Amendment of Section 3.1514. Section 3.1514 of the Personnel Rules is hereby repealed in its entirety and replaced with the following Section 3.1514:

Maternity/Paternity Leave.

An employee shall be entitled to Maternity or paternity leave to the extent required and under the conditions imposed by applicable State of Alaska or federal law. In the case of any conflict between state law and federal law, the City Shall follow the requirements of state law.

Section 11. Amendment of Section 3.161 (Utility Benefit). Section 3.161 (utility Benefit) is repealed and replaced with the following:

Utility Benefit.

Regular full-time and part-time employees, who work more than fifteen (15) hours per week, shall be provided as a benefit of their employment a reduction in the utility rates otherwise applicable to customers of the public utilities operated by the City of Bethel in an amount to be determined by the City Council. The City Manager shall develop policies and procedures for implementation and use of this benefit. If allowed by the City Council or the policies and procedures adopted by the City Manager, seasonal employees shall be able to participate in the utility benefit during their full-time employment with the City. After leaving their position for the season or the completion of the temporary service, the benefit will expire.

Section 12. Amendment of Section 3.166(D). Section 3.166 (D) of the personnel rules is hereby amended to read as follows (overstruck portions are deletions, underlined portions are additions):

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspects of personnel administration because of political or religious opinions or affiliations or because of race, color, creed sex, religion, national origin or ancestry, age and disability except where physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, is Prohibited ~~or~~ except as allowed in Section 3.011 (C) of these rules.

Section 13. Amendment of Section 3.169. Section 3.169 is hereby amended to read as follows (underlined portions are additions):

Political Activity. An employee who is elected as a member of the Bethel City council or to a state or national elected political office, shall immediately resign from City employment. In this Section, "elected" means the status of a candidate upon certification of a local election or at the time the candidate is sworn into a state or national office following an election. In this Section, "state or national elected political office" shall not include any school board or advisory school board of the Lower Kuskokwim School District.

Section 14. Addition of Drug Testing Provision. The City Of Bethel Personnel Rules are amended by adding a new Section 3.1611 to read as follows:

3.1611. Drug Testing.

Employees of the City required to be tested for alcohol and drugs by the Omnibus Transportation Employee Testing Act of 1991, or any other applicable federal or state law or regulation shall be tested by the City as required by law or regulation or in accordance with any written drug testing policy adopted by the City of Bethel and approved by the City Council.

Other City employees shall be tested for alcohol or drugs only as required by a written drug testing policy adopted by the City of Bethel and approved by the City Council or as agreed to in any collective bargaining agreement approved by the City Council and a union representing City employees.

Section 15. Effective Date. This ordinance takes effect upon adoption.

**PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 1996.**

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Ruth M Richardson, Mayor

ATTEST:

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Laurie J. Adams, Acting City Clerk