

Code Ordinance

By: Human Resources
Introduced: May 9, 2022
Public Hearing: May 23, 2022
Amended: May 23, 2022
Adopted: May 23, 2022
Yes: Brown, Graham, Rubeo, Sullivan-Leonard, Velock
No: None
Absent: Johnson

**City of Wasilla
Ordinance Serial No. 22-15 (AM)**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Title 3 Personnel, By Amending Section 3.45.010, Definitions, To Revise The Definition Of Family Member, Add The Definition Of Seasonal Position, And Amend The Definition Of Work Day And Work Week; Amending Section 3.50.020, Types Of Positions And Appointments, To Add Seasonal Position And To Revise The Process For Determining The Rate Of Pay For Interns; Amending Section 3.50.050, Selection Of New Employees, To Clarify The Process For Selecting New Employees; Amending Section 3.60.010, Regular Hours Of Work – Standard Work Week And Work Day, To Clarify When The Work Week And Work Day Begin And End; And Making Other Minor Revisions.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Wasilla Municipal Code.

Section 2. Amendment of Section. WMC 3.45.010, Definitions, is hereby amended to read as follows:

“Domestic Partner” means unmarried cohabitants living together in a marriage like relationship.

“Family member” means spouse, **domestic partner, child, parent, grandparent, and siblings to include in-laws;** ~~father, mother, brother, sister, child, or family member by marriage.~~

“Seasonal position” means an employee who is hired into a position for which the customary annual employment is six months or less and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter.

“Workday” “Work-day” means a scheduled daily work period in a scheduled workweek work-week between the hours of 00:00:00 and 23:59:59 on the same day.

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“Workweek” ~~“Work-week”~~ means the period from **00:00:00 Monday** ~~midnight Sunday~~ to the following ~~midnight~~ **23:59:59 Sunday** during which an employee is regularly scheduled to work, as further defined in WMC 3.60.010.

Section 3. Amendment of Section. WMC 3.50.020, Types of positions and appointments, is hereby amended to read as follows:

A. *Regular Full-Time.* A regular full-time position is one in which the work that is required is expected to be done during the whole of the **workday** ~~work-day~~, and is expected to require 2,080 or more hours of work per year. An appointment to such a position occurs after an employee has satisfactorily completed the probationary period applicable to ~~his or her~~ **their** position.

B. *Regular Part-Time.* A regular part-time position is one in which the work involved is to be done during a portion of a **workday** ~~work-day~~, such as on a morning, afternoon, or night shift. The work shall total less than 2,080 hours per year but a minimum of 1,040 hours a year. A regular part-time appointment is an appointment to such a position. An appointment to such a position occurs after an employee has satisfactorily completed the probationary period applicable to **their** ~~his or her~~ position.

C. *Temporary.* A temporary position is one established for an employee to work up to 119 hours per month for the duration of the assignment or 40 hours per week for up to 89 calendar days. Temporary employees who work for 40 hours per week for up to 89 calendar days must have a 13-week break in employment before being eligible for reemployment.

D. Seasonal. A seasonal position is a position for which the customary annual employment is six months or less and for which the period of employment begins each calendar year in approximately the same part of

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the year, such as summer or winter. Seasonal employees can work no more than 1,250 hours in a 12-month look-back measurement.

~~D.~~ **E.** *Nonregular Hourly.* A nonregular hourly position is one needed to perform city services on a recurring basis, with the number of hours worked in a particular week varying from week to week. A nonregular hourly employee shall not work more than 119 hours per month. A nonregular hourly appointment is an appointment to such a position. A person holding a nonregular hourly position serves at-will and may terminate **their** his-or-her employment or be terminated at any time with or without cause, and for any reason or no reason. A person holding a nonregular hourly position is not covered by any of the terms of this title and is not entitled to any of the rights and benefits provided to employees under these rules unless expressly stated otherwise in specific provisions of these rules.

~~E.~~ **F.** *Probationary.* All appointments to positions in the city's classified service, except temporary, nonregular hourly, intern, and seasonal positions, shall be on a probationary basis. The probationary period for full-time positions, except police officers, is six months, unless extended in accordance with WMC 3.50.070(A). The probationary period for part-time positions is 520 cumulative hours of service unless extended in accordance with WMC 3.50.070(A). The probationary period for police officers is one year unless extended in accordance with WMC 3.50.070(A).

1. Promoted employees and transferred employees will serve a promotional or transfer probationary period of six months.

2. All probationary periods may be extended once for up to three months.

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F. G. *Intern.* A paid position which allows training opportunities within city departments, particularly for high school and college students ~~age individuals~~. The intern position is temporary, and means a position established for a defined period of time not to exceed 89 days except when the mayor extends the period of temporary intern appointment. Temporary intern employees will have a minimum 30-day break in service at the end of their temporary intern appointment. For budgetary reasons, the hourly rate of pay will be discussed between the department head and the finance director with final approval from the mayor. The hourly rate of pay will be determined based on the duties and responsibilities of the position and coincide with current pay ranges. The hourly pay will be at the minimum pay for Grade 1 or minimum wage, whichever is higher, of the city pay scale. Each city department is responsible for preparing position descriptions for any intern working within that department. A person holding an intern position serves at-will and may terminate their ~~his or her~~ employment or be terminated at any time with or without cause, and for any reason or no reason. A person holding an intern position is not covered by any of the terms of this title and is not entitled to any of the rights and benefits provided to employees under these rules unless expressly stated otherwise in specific provisions of these rules. An intern appointment is an appointment to such a position. Unpaid intern positions are filled by volunteers who are also not covered by any of the terms of this title and are not entitled to any of the rights and benefits provided to employees under these rules unless expressly stated otherwise in specific provisions of these rules.

Section 4. Amendment of Section. WMC 3.50.050, Selection of new employees, is hereby amended to read as follows:

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A desired selection by a department head shall be reported to the mayor for their ~~his or her~~ appointment action. No offers of employment, transfer or promotion (either oral or written) will be made by anyone without the approval of the mayor. No new hire, transfer or promotion may take effect until final processing by the human resources department and ~~without~~ the express approval of the mayor.

Section 5. Amendment of Section Title. WMC 3.60.010, Regular hours of work – Standard work week and work day, is hereby amended to read as follows:

3.60.010 Regular hours of work – Standard workweek ~~work-week~~ and workday ~~work-day~~.

A. Regular working hours of city employees shall consist of either five consecutive days of eight hours per day or four consecutive days of 10 hours per day. Regular working hours of all city employees must be approved in advance by the mayor. With approval from the mayor, a department head may assign an employee a different workweek ~~work-week~~ than provided herein in order to adequately staff their ~~his/her~~ department and serve the public.

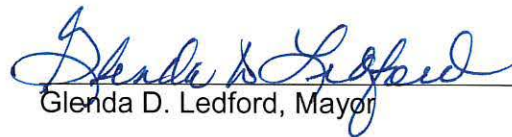
B. The mayor may designate certain full-time positions in the classified service that require the performance of managerial or professional duties as being subject to this subsection. Notwithstanding subsection (A) of this section, employees in these positions are expected to work during the whole of the workday ~~work-day~~, their work is expected to require 2,080 or more hours of work per year, and they are expected to work as many hours as is necessary to perform their jobs. An employee in a position designated under this subsection that is eligible for overtime under the federal Fair Labor Standards Act shall be paid overtime in accordance with WMC 3.60.070(B).

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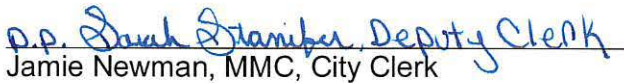
C. The standard workweek work-week shall consist of the period during which an employee is regularly scheduled to work 00:00:00 Monday from ~~midnight Sunday~~ to the following midnight 23:59:59 Sunday, although a department head may establish a different workweek work-week of seven consecutive 24-hour periods if necessary to adequately staff a particular department. The standard workday work-day commences at shall consist of the period from 00:00:00 hours and ends at midnight to midnight 23:59:59 hours on the same day.

Section 6. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Wasilla City Council on May 23, 2022.


Glenda D. Ledford, Mayor

ATTEST:


Jamie Newman, MMC, City Clerk

[SEAL]

City of Wasilla
Legislative Staff Report
Ordinance Serial No. 22-15
 (Code Ordinance)

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Title 3 Personnel, By Amending Section 3.45.010, Definitions, To Revise The Definition Of Family Member, Add The Definition Of Seasonal Position, And Amend The Definition Of Work Day And Work Week; Amending Section 3.50.020, Types Of Positions And Appointments, To Add Seasonal Position And To Revise The Process For Determining The Rate Of Pay For Interns; Amending Section 3.50.050, Selection Of New Employees, To Clarify The Process For Selecting New Employees; Amending Section 3.60.010, Regular Hours Of Work – Standard Work Week And Work Day, To Clarify When The Work Week And Work Day Begin And End; And Making Other Minor Revisions.

Originator: Jaymie Herbert, HR Generalist *JMH*
 Date: 3/14/2022

JD 5/9/2022
 Agenda of: 4/25/2022

Route to:	Department Head	Signature	Date
X	Chief of Police	<i>[Signature]</i>	<i>4/22/2022</i>
X	Public Works Director	<i>Danielle d Bischoff</i>	<i>4/22/2022</i>
X	Recreational Services Director	<i>Scott Bell</i>	<i>4-22-22</i>
X	Finance Director	<i>[Signature]</i>	<i>4-22-22</i>
X	Deputy Administrator	<i>[Signature]</i>	<i>4/22/22</i>
X	City Attorney	<i>[Signature]</i>	<i>4/25/22</i>
X	City Clerk	<i>[Signature]</i>	<i>4/25/2022</i>
X	Mayor	<i>Dennis Hedford</i>	<i>4/25/22</i>

Fiscal Impact: yes or no

Attachments: Ordinance Serial No. 22-15 (6 pages)
 Personnel Policy and Procedure No. 06-02 (1 page)

Summary Statement: Pursuant to Wasilla Municipal Code (WMC) 3.45.010, the Personnel Rules Committee (PRC) is a committee selected by the mayor and comprised of employees of the City with whom the mayor may consult from time to time regarding the rules in WMC Title 3 Personnel.

Beginning in October 2021, the PRC comprised of Jaymie Herbert and Dani Adams, Human Resources; Crystal Nygard, Deputy Administrator; Jamie Newman, City Clerk; Troy Tankersley, Finance Director; Angella Long, Police Chief; Danielle Bischoff, Public Works Director; Scott Bell, Recreational Services Director; Zane Treesh, Library Director; Jacob Butcher, MatCom Manager; and Steve Stewart, IT Manager, convened to review and make recommendations for revisions to WMC Title 3. Attorney Jennifer Alexander, Birch Horton Bittner & Cherot, also participated in the PRC meetings.

This ordinance brings forward the proposed amendments to Title 3 as discussed by the PRC. A sectional analysis of the proposed amendments begins on page 2 of this Staff Report.

Section 2. WMC 3.45.010 Definitions.

This Ordinance amends existing definitions and adds new definitions as follows:

- The definition of “Family member” is amended to mirror the definition of family member in the City’s collective bargaining agreements with the International Union of Operating Engineers, Local 302, Alaska District Council Of Laborers, Laborers’ Local 341, and the Wasilla Police Department Employees Association.
- The definition of “Seasonal position” is added because:
 - In April every year, the hiring process for temporary employees begins for the Public Works Department. Currently, WMC Title 3 allows for those employees to be hired for 89-days and then a new batch of employees are hired and termed at the end of the season. The provision for temporary employees was implemented when the Affordable Care Act (ACA) was established. At the time, it was a requirement to offer a full-time temporary employee health insurance after the 90-day grace period. Therefore, the rule was implemented to prohibit full-time temporary employees from working more than 89 calendar days.
 - The Affordable Care Act has a provision that a seasonal employee is considered “an employee who is hired into a position for which the customary annual employment is six months or less and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter.” Every summer, we hire positions within our Public Works Department for the season. The season runs from April – September. With the current guidelines, our full-time employees must train two batches of seasonal employees. Therefore, we are trying to add the new guideline to allow for a seasonal employee. Seasonal positions are exempt from participation in the Public Employees’ Retirement System (PERS), and ACA is not applicable. Human Resources will pull a prospective employee’s hour history prior to extending an offer. The 12-month look back method will be utilized to ensure that the maximum number of service hours were not reached. Every year on April 1, the 12-month look-back period will reset. This change will save time for the Human Resources Office, full-time employees who are required to train the seasonal staff and create more productivity with experienced workers throughout the entirety of the season.
- Throughout the Ordinance the spelling of “work day” is amended to “workday” per the Merriam-Webster dictionary. Additionally, the definition is amended to reflect operations and to conform with Personnel Policy and Procedure No. 06-02.
- Throughout the Ordinance the spelling of “work week” is amended to “workweek” per the Merriam-Webster dictionary. Additionally, the definition is amended to reflect operations and to conform with Personnel Policy and Procedure No. 06-02.

Section 3. WMC 3.50.020 Types of positions and appointments.

- The spelling of “work day” is amended to “workday” in subsections (A) and (B).
- Subsection (D) is added to create the position of “Seasonal” as discussed under definitions above.
- With the addition of subsection (D), the subsequent subsections were re-lettered.
- New subsection (G) revises the process for determining the rate of pay for interns.
- Technical revisions were made throughout the section.

Section 4. WMC 3.50.050 Selection of new employees.

- There are two amendments to this section; the first is a technical revision and the second makes it clear that no hiring action whatsoever can take effect without final processing by HR and the express approval of the mayor.

Section 5. WMC 3.60.010 Regular hours of work – Standard work week and work day.

- The spelling of “work week and “work day” are amended in the section title.
- The amendments to subsections (A) and (B) are technical revisions.
- The amendment to subsection (C) conforms with the amended definitions of workweek and workday in Section 2 of the Ordinance and with Personnel Policy and Procedure No. 06-02.

Proposed Action: Introduce and set the Ordinance for public hearing.

Personnel Policy and Procedure No. 06-02



WORKWEEK AND WORKDAY

A workweek consists of seven consecutive 24-hour periods. The standard workweek commences at 00:00:00 hours Monday, and ends at 23:59:59 hours on the following Sunday. The standard workday commences at 00:00:00 hours and ends at 23:59:59 hours on the same day. A Department Head may establish a different workweek or workday for any or all employees in the department.

If you have any questions about your workday or work week, please consult your supervisor or the Human Resources Division.