

**CITY OF WASILLA
ORDINANCE SERIAL NO. 11-40**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WASILLA MUNICIPAL CODE CHAPTER 3.65 IN RELATION TO PAID TIME OFF FOR EMPLOYEES OF THE CITY AND REPEALING WMC 3.55.105, PAY ADJUSTMENTS DUE TO ABSENCE.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. WMC 3.65.020, Coverage, use, accrual, and other aspects of PTO, is hereby amended to read as follows:

A. Coverage and Use of PTO. Employees are required to use PTO hours for [VACATIONS; ILLNESS; INJURY; MEDICAL AND DENTAL EXAMINATIONS OR TREATMENT; NECESSARY CARE OF AN EMPLOYEE'S CHILD, SPOUSE, OR PARENT DUE TO ILLNESS OR INJURY; BEREAVEMENT; MATERNITY LEAVE; AND FOR ALL OTHER] personal needs as approved by the employee's supervisor or department head.

B. Requesting PTO. PTO must be scheduled at least thirty (30) days in advance. For an absence due to sudden illness or other unanticipated events, employees must telephone their supervisor or a designated representative of management as soon as possible prior to the time the employee is scheduled to report for work.

1. Employees may be required to take PTO if, in the opinion of the department head, they are too ill to satisfactorily perform their duties or are a health hazard to other employees.
2. Approval of PTO for vacation and non-urgent needs will be scheduled with due consideration of other employee schedules and the needs of the city. Approval of PTO is prioritized according to date of submission and urgency.

Added and underlined. [CAPS AND BRACKETS, DELETED.]

3. Department heads will maintain a PTO schedule for employees in their sections to ensure employees are granted fair opportunity to take PTO.
4. Failure to provide proper notification or repeated absences not in compliance with the city's PTO plan may result in disciplinary action up to and including termination.

C. Accrual of PTO. PTO shall not begin to accrue until the first day of the first full month following an employee's date of hire. The accrual rate for employees who hold full-time positions is:

1. Twelve (12) hours per month for employees with less than three years;
2. Sixteen (16) hours per month for employees with three years and less than eight years;
3. Twenty (20) hours per month for employees with eight years or more.

For the purposes of this subsection, the length of service of a former employee who is rehired after a period of active duty military service or after layoff shall include the period of employment before the active duty military service or layoff, respectively.

D. **Prorated PTO.** The accrual rate for employees who hold part-time and seasonal positions is prorated as provided for in Section 3.65.010.

[E. THE CITY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO GRANT PTO DURING A PROBATIONARY PERIOD TO AN EMPLOYEE WHO IS ILL, MERIT-BASED AWARDS OF ADDITIONAL PTO, OR INCREASES IN THE ACCRUAL RATE IN INDIVIDUAL CASES BASED ON PERFORMANCE.]

E[F]. Leave without pay and PTO. PTO shall not accrue during any pay period in which an employee is absent without written authorization of the department head or the mayor. PTO shall accrue during any pay period in which an employee is absent with written authorization, **except, no employee shall accrue PTO if they have accumulated more than 40 works hours, or seven calendar days of leave without pay in the calendar year. One month of service without leave without pay must be**

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

completed before accrual will resume[BUT IS IN NONPAID STATUS FOR NOT MORE THAN SEVEN CALENDAR DAYS OR FORTY (40) WORK HOURS WITHIN A CALENDAR YEAR].

F[G]. Accrual time begins. PTO accrues only upon completion of each month of service and does not begin to accrue until the first day of the first full month following an employee's date of hire.

G[H]. Probationary period and PTO. An employee does not accrue PTO during the first three months of the probationary period for a regular full-time, regular seasonal or regular part-time position. However, if the employee is still employed by the city at the end of the first three months of the probationary period, he or she will be credited with PTO retroactive to his or her date of hire and may begin to use his or her PTO at that point in time.

H[I]. Length of service in relation to PTO. Changes in the rate of accrual because of length of service shall take effect at the beginning of the month immediately following the date upon which such longevity results in an accrual rate change.

I[J]. Forfeiture, Carryover, Cash Out, and Maximum Accrual. Employees are encouraged to use their available PTO during each fiscal year.

- 1.** Employees are required to use a minimum of sixty (60) hours of PTO during each fiscal year. Any portion of the sixty (60) hour minimum not used during the fiscal year will be forfeited unless the employee has been denied, on three separate occasions, the opportunity to use his or her PTO because of the city's operational needs.
- 2.** Any remaining time over the sixty (60) hour minimum will be carried over to the next fiscal year.
- 3.** Employees are permitted to carry over PTO hours from year to year until a maximum of seven hundred twenty (720) hours of PTO has accrued. Any accrued PTO in excess of the seven hundred twenty (720) hour maximum shall be paid out at one hundred (100) percent at the end of each fiscal year.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

4. [IN ADDITION, THE MAYOR MAY FROM TIME TO TIME ANNOUNCE OPPORTUNITIES FOR EMPLOYEES TO RECEIVE ONE HUNDRED (100) PERCENT CASH PAYMENT FOR PTO YET TO BE ACCRUED IN THE REMAINING FISCAL YEAR]. SUCH OPPORTUNITIES TO ELECT TO CASH OUT PROSPECTIVE PTO MAY OCCUR NO MORE FREQUENTLY THAN TWO TIMES PER FISCAL YEAR. EMPLOYEES SHALL BE GIVEN THIRTY (30) DAYS' NOTICE OF SUCH PTO PAYMENT OPPORTUNITIES. EMPLOYEE CASH OUT ELECTIONS SHALL BE IRREVOCABLE ONCE MADE UNTIL THE END OF THE FISCAL YEAR, OR UNTIL THE DATE THE MAYOR ANNOUNCES ANOTHER OPPORTUNITY TO MAKE A PROSPECTIVE CASH OUT ELECTION. THERE ARE NO LIMITS ON THE AMOUNT OF PROSPECTIVE (NOT YET ACCRUED) PTO THAT MAY BE CASHED OUT DURING THE ELECTION PERIOD; PROVIDED, THAT THE EMPLOYEE RETAINS AT LEAST EIGHTY (80) HOURS OF ACCRUED PTO FOR FUTURE USE BY THE EMPLOYEE.] The mayor may allow an employee to receive a hundred (100) percent cash payment for their accrued PTO. Employees electing to receive cash payment for their accrued PTO shall be required to retain at least eighty (80) hours of PTO for future use, and shall only receive payment for actual hours accrued during the designated period. The eighty (80) hours may not be donated to others under subsection M of this section.

J[K]. No Advances. PTO shall not be advanced. Employees must have accrued sufficient PTO to cover absences in order to receive PTO pay. Employees are responsible for saving adequate PTO to ensure their ability to attend to illnesses, appointments or other non-vacation purposes for which PTO is intended. The city will not automatically grant unpaid leave to satisfy employees' unforeseen PTO needs.

K[L]. Termination of Employment. Once final notice has been submitted, a resigning employee is not permitted to use any PTO during the final two weeks of work. The mayor in his or her sole discretion may elect to allow an employee to use PTO in lieu of performing services during the final two weeks of work. The employee shall be

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

paid for the employee's accrued and unused PTO that has not previously been forfeited or cashed out under subsection J of this section, at the salary rate which is being received by the employee on the last day of employment.

L[M]. Donation of PTO to Other Employees. Employees may donate PTO to a fellow employee if approved by the mayor. Requests for permission to donate PTO shall be approved only in the most serious cases such as probability of death, lingering or incurable illness, extended recovery or some truly exceptional emergency. A donation of PTO or banked sick leave shall be deemed to run concurrently with, and shall not augment any period of unpaid leave to which the employee may otherwise be entitled.

M. Salaried employees. A salaried employee, who has had approval from their supervisor or department head, and who is absent for one day or less will not be subject to an adjustment to their paid time off leave balance.

Section 3. Repeal of section. WMC 3.65.040, Payment in Lieu of PTO in an Emergency, is hereby repealed to read as follows:

[3.65.040 PAYMENT IN LIEU OF PTO IN EMERGENCY.

A. CASH IN LIEU OF ACCUMULATED PTO MAY BE OBTAINED, UNDER EMERGENCY CONDITIONS OUTLINED IN WRITING AND APPROVED BY THE MAYOR, SO LONG AS THE EMPLOYEE WILL RETAIN AT LEAST EIGHTY (80) HOURS OF PTO IN RESERVE FOLLOWING CASH PAYMENT.

B. THE SALARY RATE USED IN COMPUTING THE CASH PAYMENT TO BE MADE SHALL BE THAT RATE WHICH IS BEING RECEIVED BY THE EMPLOYEE ON THE DATE THE APPLICATION FOR CASH PAYMENT IS APPROVED BY THE MAYOR.]

Section 4. Amendment of section. WMC 3.65.080, Unauthorized absences, is hereby amended to read as follows:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

3.65.080 Unauthorized absences.

An employee who plans to take PTO or another form of leave authorized by these rules shall notify their supervisor or department head [THE CITY] in advance of taking the leave as provided for in this chapter. [ANY EMPLOYEE WHO SHALL BE OR IS ABSENT FROM DUTY SHALL REPORT THE REASON FOR THE ABSENCE TO HIS OR HER DEPARTMENT HEAD OR THE DEPARTMENT HEAD'S DESIGNEE AS SOON AS POSSIBLE.] Any unauthorized or unreported absences shall be deemed an absence without pay and may be cause for disciplinary action up to and including termination.

Section 5. Repeal of section. WMC 3.55.105, Pay adjustments due to absence, is hereby repealed to read as follows:

[3.55.105 PAY ADJUSTMENTS DUE TO ABSENCE.

AN EMPLOYEE WHO IS ABSENT FOR ONE DAY OR LESS WHO IS PAID ON A SALARY BASIS WILL NOT BE SUBJECT TO A PAY DEDUCTION AND WILL NOT HAVE HIS OR HER PAID TIME OFF ADJUSTED FOR THE ABSENCE.]

Section 6. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on November 14, 2011.


VERNE E. RUPPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Harris, Katkus, Menard, Sullivan-Leonard and Woodruff in favor. Holler absent.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

ORDINANCE SERIAL NO. 11-40: AMENDING WASILLA MUNICIPAL CODE CHAPTER 3.65 IN RELATION TO PAID TIME OFF FOR EMPLOYEES OF THE CITY AND REPEALING WMC 3.55.105, PAY ADJUSTMENTS DUE TO ABSENCE.

Agenda of: October 24, 2011

Date: October 13, 2011

Originator: Kristie Smithers, City Clerk for Richard Payne, City Attorney

Route to:	Department	Signature/Date
X	Finance Director	<i>[Signature]</i> 10/14/11
X	Interim Deputy Administrator	<i>[Signature]</i> 10-14-11
X	City Attorney	<i>[Signature]</i>
X	City Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes\$ or no Funds Available yes no

Account name/number: none

Attachments: Proposed Ordinance Serial No. 11-40

SUMMARY STATEMENT: The City Attorney and the City Clerk have prepared these ordinance changes because they were discovered to be lacking or confusing. These corrections were discovered after making an effort to respond in full to a request from the City Council.

The City Council requested that several ordinances that deal with Paid Time Off (“PTO”) be amended to clarify the intent of the Council. In an effort to be thorough it appeared the following provisions needed revision as well: Amending Wasilla municipal code chapter 3.65 in relation to paid time off for employees of the city.

Many of the corrections make the sections easier to read by creating concise subsection rather than lengthy multi-issued subsections. WMC 3.65.020.E was also deleted in an effort to tighten the language surrounding the accrual rate of PTO. WMC 3.65.020.I.4 was also deleted in large part because it conflicted with other section of the code which prohibits the City of Wasilla from authorizing cash payments of PTO that had not been accrued. WMC 3.65.040 was also deleted because it was repeating language contained in WMC 3.65.020. WMC 3.65.080 was clarified and WMC 3.55.105, was deleted, however the language was moved to WMC 3.65.020.M which is more appropriate.

STAFF RECOMMENDATION: Introduce and set for public hearing, Ordinance Serial No. 11-40.