

By: Administration  
Introduced: April 14, 2014  
Public Hearing: April 28, 2014  
Amended: April 28, 2014  
Adopted: April 28, 2014

Vote: Buswell, Harris, O’Barr, Sullivan-Leonard, Wall and Wilson in favor

**City of Wasilla  
Ordinance Serial No. 14-16(AM)**

**An ordinance of the Wasilla City Council amending Wasilla Municipal Code Title 3, Personnel, regarding Definitions, Recruitment, Selection, Promotion and Demotion, Work Hours, Holidays and Benefits, Paid Time Off and Other Leave, Separation related to classes of employees, and amending Wasilla Municipal Code Chapter 2.12, City Officers Generally regarding changing definitions of employees.**

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**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 3.45.010, Definitions, the following definitions and the introductory paragraph, is hereby amended to read as follows:

The ~~When used in this title, the following words and phrases, when used in the title,~~ shall have the meanings set forth in this section:

“Employee” ~~Any means any person who is in the employment of the city and who is subject to these rules and whose activities are directed by the city. Includes regular full-time, regular part-time, temporary, non-regular hourly, intern and probationary employees of the city, whether in a confidential/managerial position or in classified service.~~

“Temporary employee” ~~An means an employee appointed to a temporary position of the city. Temporary employees are . A “temporary employee” is not covered or by any of the terms of this title and is not entitled to any of the rights and benefits provided to employees under this title unless expressly stated otherwise in specific provisions of the title. A temporary employee’s personnel file shall document the fact that the employee is not entitled to any of the rights and benefits provided to employees under this title unless expressly stated otherwise in specific provisions of the title. This definition includes intern and non-regular hourly employees.~~

“Temporary position” ~~means a~~ position established for a defined period of time not to exceed ~~six months~~ 89 days except when the mayor extends the period of the temporary ~~position~~ appointment. ~~Temporary employees must~~ will have a minimum 30 day break in service at the end of their temporary appointment.

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**Section 3. Amendment of section.** WMC 3.50.020.C, 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 work day, and is expected to require two thousand eighty (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 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 work day, such as on a morning, afternoon, or night shift. The work shall total less than two thousand eighty (2,080) hours per year but a minimum of one thousand forty (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 his or her position.

~~C. Regular Seasonal. A regular seasonal position is one needed to perform city services on a recurring seasonal basis and can be either full-time or part-time. A seasonal position can be filled for any period of time up to nine months. An appointment to such a position occurs after an employee has satisfactorily completed the probationary period applicable to his or her position.~~

~~D. Temporary. A temporary position is one established for a defined period of time not to exceed six months except when the mayor extends the period of the temporary appointment position. A temporary employee must have a minimum of 30 days break in service to qualify to serve in another temporary appointment. A temporary appointment is an appointment to such a position.~~

~~DE. Non-Regular Hourly. A non-regular 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. The total number of hours worked per year in a non-regular hourly position shall be less than one thousand forty (1,040). A non-regular hourly appointment is an appointment to such a position. A person holding a non-regular hourly position serves at-will and may terminate 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 non-regular 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.~~

EF. Probationary. All appointments to positions in the city's classified service, except temporary, non-regular 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 Section 3.50.070(A). The probationary period for part-time positions is five hundred twenty (520) cumulative hours of service unless extended in accordance with

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Section 3.50.070(A). The probationary period for police officers is one year unless extended in accordance with Section 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.

FG. Intern. A paid position which allows training opportunities within city departments, particularly for high school and college age individuals. The intern position is temporary, and means a position established for a defined period of time not to exceed but ~~may extend beyond six months~~ 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. The hourly pay will be at the minimum pay for Grade 1 or a 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 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 3.60.080, Retirement and supplemental benefits, is hereby amended to read as follows:

A. Employees of the city are not covered by the federal Social Security system.

B. Employees who hold regular full-time, regular part-time, ~~regular seasonal~~, and confidential/managerial positions shall be enrolled in the State of Alaska, Public Employees Retirement System (PERS) on their date of hire unless the position is exempt from PERS in accordance with the PERS agreement between the city and the ~~s~~State of Alaska. All city employees shall be enrolled in the State of Alaska Supplemental Annuity Plan on their date of hire.

**Section 5. Amendment of section.** WMC 3.60.090, Health, life, disability and other benefits, is hereby amended to read as follows:

A. All employees hired after April 1986 are eligible to receive federal Social Security disability benefits if they meet the requirements for doing so.

B. Employees who hold regular full-time, regular part-time, ~~regular seasonal~~, and confidential/managerial positions and other eligible employee types

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~~may be eligible to~~ enroll for city-sponsored health, dental and life insurance benefits commencing on the first day of the month following the completion of the waiting period of one full calendar month of continuous employment with the city on the first day of the month following the completion of one full calendar month of employment. Employees may be required to pay a portion of the premium cost of such benefits. Regular part-time ~~and regular seasonal~~ employees shall receive coverage on a pro-rated premium basis. The city council shall determine the extent of benefits coverage, and may from time to time change, amend or otherwise alter the benefits provided to employees. Any change, amendment or alteration to benefits shall apply to all employees upon the effective date of the change, amendment or alteration, even if an employee was hired before the effective date of the change, amendment or alteration to the benefits.

C. Employees who hold regular full-time, regular part-time and confidential/managerial positions All city employees are eligible to enroll in the State of Alaska Supplemental Benefits System on the first day of the month following their date of hire and during each annual open enrollment period. Employees may select from a list of benefits, including life, short-term disability, long-term disability, accidental death and dismemberment, and optional health insurance. Coverage is effective for new hires the first day of the month following the completion of one full calendar month of employment, or the day after the annual open enrollment period ends. Payments for optional benefits are made by payroll deduction.

**Section 6. Amendment of section.** WMC 3.65.010, Eligibility for Paid Time Off (“PTO”), is hereby amended to read as follows:

Paid time off (“PTO”) is provided to employees who hold regular full-time, part-time, and ~~seasonal positions as well as employees who hold confidential/managerial positions.~~ Employees in all other positions do not accrue PTO. PTO is pro-rated depending upon the amount of hours an employee who is eligible for PTO is regularly scheduled to work. For example, an employee who regularly works forty (40) hours per week will receive one ~~hundred~~ hundred (100) percent of the monthly PTO accrual set forth in Section 3.65.020(C). An employee who works thirty (30) hours per week will receive seventy-five (75) percent of the monthly PTO accrual set forth in Section 3.65.020(C).

**Section 7. Amendment of section.** WMC 3.65.020, within 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 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

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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.

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. 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 completed calendar month, not 30 days of service without leave without pay must be completed before accrual will resume.

**F. 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. 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.

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**H. 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. 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.

4. 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 L of this section. Any other leave accrual types are not available for cash outs.

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

**L. 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

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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 8. Amendment of subsection.** WMC 3.80.020.A, Layoffs, is hereby amended to read as follows:

A. **Reason for Layoff.** The city has the sole and exclusive discretion to lay off employees due to the following:

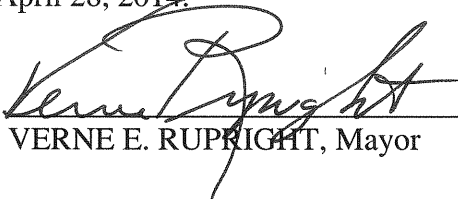
1. Budgetary and/or fiscal constraints;
2. Elimination of a position, a reduction in force, or a material change in departmental organization;
3. Suspension of seasonal work;
4. Failure of an employee to successfully complete the probationary period following promotion or transfer;
5. Material change in the duties of the position for which the employee lacks the necessary skills, knowledge or aptitude; and
6. Any other legitimate business reason determined by the mayor in his or her sole and exclusive discretion.

**Section 9. Amendment of section.** WMC 2.12.005, within Definitions, is hereby amended to read as follows:

“Employee” Any person who is employed by the city as described in Title 3.~~means a permanent, probationary, seasonal, or temporary employee of the city, whether in a confidential/managerial position or the classified service.~~

**Section 10. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 28, 2014.

  
VERNE E. RUPRIGHT, Mayor

ATTEST:

  
KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

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**CITY COUNCIL LEGISLATION STAFF REPORT**

**Ordinance Serial No. 14-16: An Ordinance Of The Wasilla City Council amending Wasilla Municipal Code Title 3, Personnel, regarding Definitions, Recruitment, Selection, Promotion and Demotion, Work Hours, Holidays and Benefits, Paid Time Off and Other Leave, Separation related to classes of employees and amending Wasilla Municipal Code Chapter 2.12, City Officers Generally regarding updating the definition of employee.**

Originator: Donna Faeo, HR Generalist

Date: 3/7/2014

Agenda of: 4/2/2014

Route to:	Department Head	Signature	Date
X	Finance Director		2/10/14
X	Deputy Administrator		3/12/14
X	City Clerk		3/2/14

Reviewed by Mayor Verne E. Rupright: 

Fiscal Impact:  yes or  no

Funds Available:  yes or  no

Attachments: Ordinance Serial No. 14-16 (7 pages)

**Summary Statement:** The proposed ordinance serves to revise Title 3, Personnel and Title 2, Administration, Chapter 2.12 to provide conformity to definitions of employee types employed at the City of Wasilla. The following sectional analysis is provided to detail and describe the proposed amendments.

Section 2: WMC 3.45.010, Definitions: Define employee, temporary employee and temporary position.

Section 3: WMC 3.50.020.C, Types of Positions and Appointments: Updating term limits for Temporary and Intern employee types, removing Regular Seasonal employee and making grammatical edit to probationary section.

Section 4: WMC 3.60.080, Retirement and Supplemental Benefits: Removing Regular Seasonal employee.

Section 5: WMC 3.60.090, Health, Life, Disability and Other Benefits: Removing Regular Seasonal employee and correcting the waiting period for commencement of benefits eligibility to conform to the City of Wasilla Health Plan Document.

Section 6: WMC 3.65.010, Eligibility for Paid Time Off: Removing Seasonal and making grammatical edit.



Section 7: WMC 3.65.020, Coverage, Use, Accrual, and Other Aspects of PTO: Removing Seasonal and Regular Seasonal positions.

Section 8: WMC 3.80.020, Layoffs: Removing Suspension of Seasonal Work and re-numbering.

Section 9: WMC 2.12.005, Definitions: Define Employee and referring to Title 3 for full definitions of employee types.

**Staff Recommendation:** Introduce and set for public hearing Ordinance Serial No. 14-16.