

**CITY OF GUSTAVUS, ALASKA  
TITLE III  
Personnel**

**AN ORDINANCE OF THE CITY OF GUSTAVUS CREATING AND  
ADOPTING TITLE 3 PERSONNEL ORDINANCE**

**BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:**

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

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons or circumstances shall not be affected thereby.

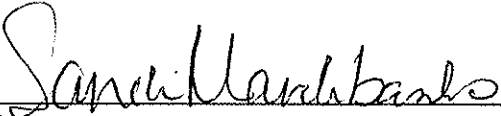
Section 3. Enactment. Now, therefore, be it enacted by the Gustavus City Council that Title 3, Personnel Ordinance be created and adopted.

Section 4. Effective Date. This ordinance becomes effective July 16, 2004.


DATE INTRODUCED: June 16, 2004

DATE OF PUBLIC HEARING: July 16, 2004

PASSED AND ADOPTED by the Gustavus City Council this 16th day of July, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

**City of Gustavus, Alaska Municipal Code**

**Title 3**

**PERSONNEL**

**Chapters:**

- 3.01 GENERAL PROVISIONS**
- 3.02 RECRUITMENT PROCEDURES**
- 3.03 EMPLOYMENT SYSTEM**
- 3.04 EMPLOYEES**
- 3.05 VOLUNTEERS**

**Chapter 3.01 General Provisions**

**Sections:**

- 3.01.010 Federal and State Law**
- 3.01.020 Equal Employment Opportunity**
- 3.01.030 Hiring of Relatives**
- 3.01.040 Immigration Law Compliance**
- 3.01.050 Conflicts of Interest**
- 3.01.060 Disability Accommodation**
- 3.01.070 Standards of Employee Conduct**
- 3.01.080 Workman's Compensation Insurance**
- 3.01.090 Time Off to Vote**
- 3.01.100 Jury and Witness Duty**

**Section 3.01.010 Federal and State Law.**

To the extent that any provision of Title 04 is determined to be illegal under federal and state law, then such federal or state law shall control.

**Section 3.01.020 Equal Employment Opportunity.**

- a. In order to provide equal employment and advancement opportunities to all individuals, employment decisions of the City of Gustavus will be based on merit, qualifications, and abilities. The City of Gustavus shall not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, or any other characteristic protected by law.
- b. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

- c. Any employees with questions or concerns about any type of discrimination in the workplace should bring these issues to the attention of their immediate supervisor. Employee can raise concerns and make reports without fear of reprisal. Unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.
- d. An employee may not be discharged, threatened or otherwise discriminated against regarding the employee's compensation, terms, conditions, location, or privileges of employment for any reason outlined in Alaska Statute 39.90.100 regarding protection for whistleblowers.

**Section 3.01.030 Hiring of Relatives.**

- a. No persons may be employed in a position supervised by a family member. If an employee and his supervisor should marry, they shall elect which employee may continue with the department and which employee shall terminate or transfer.
- b. For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

**Section 3.01.040 Immigration Law Compliance.**

- a. The City of Gustavus is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.
- b. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

**Section 3.01.050 Conflicts of Interest.**

- a. Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the city business dealings.
- b. For the purposes of the policy, a relative is any person who is related by blood or marriage, or whose relationship with the

employee is similar to that of persons who are related by blood or marriage.

- c. No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if employees have an influence on transactions involving purchases, contracts, or leases, they shall disclose the existence of any actual or potential conflict of interest to an officer of the city so that safeguards can be established to protect all parties.
- d. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the city does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the city.

**Section 3.01.60 Disability Accommodation.**

The City of Gustavus is committed to complying fully with the American with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities shall be conducted on a non-discriminatory basis, and pre-employment inquiries shall be made only regarding an applicant’s ability to perform the duties of the position.

**Section 3.01.070 Standards of Conduct.**

- a. City employees are expected to abide by the Law.
- b. If an employee believes that anyone in or associated with the municipality has requested or directed him or her to do anything that violates the law, or has prohibited the employee from doing anything that the law requires, the employee must report this immediately to a supervisor.
- c. Employees are responsible for proper conduct in the maintenance of production and service standards, use of work time; cooperation with supervisors and other employees; use of city equipment and materials, respect for other employees and their property, conformance lawful dress codes and appearance standards, and the protection of confidential information.
- d. Any person holding a municipal position, be they employee or volunteer, shall at all times employ proper decorum in all communications with the public.

**3.01.080 Workers Compensation Insurance.**

- a. Subject to legal requirements, the city will provide comprehensive workers’ compensation insurance at no cost to employees to cover

any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. The workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

- b. To enable eligible employees to qualify for coverage as quickly as possible, employees should report work related injuries or illnesses to their supervisors or city management immediately, no matter how minor the on-job related injury may appear.

**3.01.090 Time Off to Vote.**

The city encourages employees to participate in elections and if employees are unable to vote in an election during their non-working hours, the city will grant up to one hour of paid time off to vote.

**3.01.100 Jury and Witness Duty.**

- a. The city encourages employees to serve jury duty and perform witness duty when required. Employees may request unpaid leave to fulfill these obligations for the length of the absence. Employees must show the jury duty summons or the witness duty subpoena to their supervisor as soon as possible so arrangements to accommodate their absence can be made.
- b. If employees have been subpoenaed or otherwise requested to testify as a witness by the City of Gustavus they will be reimbursed for travel, lodging and meal expenses as provided in section 04.03.13.

**Chapter 3.02 Recruitment Procedures**

**Sections:**

- 3.02.010 Job Descriptions**
- 3.02.020 Application Procedures**
- 3.02.030 Municipality Resident**
- 3.02.040 Job Application Forms**
- 3.02.050 Certification Statement**
- 3.02.060 Rejection of Applications**

**Section 3.02.010 Job Descriptions.**

Job descriptions shall be developed for all city positions describing employee category, duties, requirements, responsibilities, supervision, rates of pay and the appointing authority. Job descriptions will include an equal employment opportunity statement.

**Section 3.02.020 Application Procedure.**

- a. Job announcements for city positions will include the position title, employee category, duties, requirements, responsibilities, supervision, rate of pay, availability of applications, application deadline, and how and when appointment to position will be made. Job announcements will include an equal employment opportunity statement.
- b. Job announcements should be posted in at least three public places within the city of Gustavus, to include the council chambers, for a minimum of ten working days.

**Section 3.02.030 Municipal Residents.**

Employment shall be given to residents of the City of Gustavus or those willing to relocate.

**Section 3.02.040 Job Application Forms.**

All applications for employment shall provide a cover letter and résumé, which shall contain information on education, training, degrees, certificates and licenses, prior employment, experience, skills and references.

**Section 3.02.050 Certification Statement.**

To be considered for employment, a certification statement form is to be signed and dated by the applicant and a witness, as follows: “I certify that the information on this my application is true and complete to the best of my knowledge. I understand that if I deliberately conceal or enter false information on this form my appointment may be rejected, that my name may be removed from the list of eligible candidates, or that I may be removed from my job; that the information in this application may be released in an authorized legal investigation; and that for the purposes of this certification, a photocopy of my original signature shall have the same force and effect as my original signature. I agree that the City of Gustavus may contact former employers or other persons who know me in order to obtain additional information.”

**Section 3.02.06 Rejection of Applications.**

- a. An application may be rejected when it is shown that an applicant does not meet requirements in the job description for the position.
- b. When an application is rejected because of provisions of this section, the criteria of rejection must have been applied to all applicants for the position.
- c. Applications may be rejected when the applicant:
  1. has deliberately falsified information;

2. fails to meet minimum qualifications outlined in the job description;
3. does not meet physical or other requirements contained in the job description;
4. does not meet age or other requirements established by law;
5. has established an unsatisfactory employment record demonstrating unsuitability for the position.

### **Chapter 3.03 EMPLOYMENT SYSTEM**

#### **Sections:**

- 3.03.010 Probationary Period**
- 3.03.020 Access to Personnel Files**
- 3.03.030 Employment Reference Checks**
- 3.03.040 Personnel Data Changes**
- 3.03.050 Performance Evaluation**
- 3.03.060 Timekeeping**
- 3.03.070 Paydays**
- 3.03.080 Employment Termination**
- 3.03.090 Pay Deductions**
- 3.03.100 Work Schedules**
- 3.03.110 Rest & Meal Periods**
- 3.03.120 Business Travel**
- 3.03.130 Smoking**

#### **Section 3.03.010 Probationary Period.**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether new positions meet expectations. The City of Gustavus uses this period to evaluate employee capabilities, work habits and overall performance.

- a. All new and rehired employees will work on a probationary basis for the first six months after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the city determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period.
- b. Upon satisfactory completion of the probationary period, employees enter the "regular" employment classification.

### **Section 3.03.020 Access to Personnel Files.**

- a. The City of Gustavus will maintain a personnel file on each employee. The personnel file will include such information as the employee's job application form, resume, records of training, documentation of performance appraisals and salary increases, timesheets and payroll records, and other employment records.
- b. Personnel files are the property of the City of Gustavus and access to the information they contain is restricted. Only supervisors and management personnel of the city, or those with lawful reasons, may review information in personnel files.
- c. An employee or former employee may inspect and make copies of their personnel files, and other personnel information maintained by the city concerning the employee, in the Gustavus City Office and in the presence of an individual appointed by the city to maintain the files.

### **Section 3.03.030 Employment Reference Checks.**

The City of Gustavus will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates and positions held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

### **Section 3.03.040 Personnel Data Changes.**

It is the responsibility of the employee to promptly notify the city of any changes in personnel data, such as: Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports.

### **Section 3.03.050 Performance Evaluation.**

Supervisors and employees should discuss job performance and goals on an informal, day-to-day basis. An annual performance evaluation will be conducted to provide both supervisors and employee the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches of meeting goals.

### **Section 3.03.060 Timekeeping.**

- a. Accurate recording of time worked is the responsibility of every employee. Federal and state law requires the city to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.



- b. Overtime work must be approved before it is performed. Overtime compensation will be based on actual hours worked and will be paid in accordance with federal and state wage and hour restrictions.
- c. Altering, falsifying, or tampering with time records may result in disciplinary action up to and including termination of employment.
- d. Employees will sign their time records to certify the accuracy of all time recorded. The supervisor will review and sign the time record before submitting it for payroll processing.

**Section 3.03.070 Paydays.**

- a. All employees will be paid monthly by the 4<sup>th</sup> day of the following month. Each paycheck will include earnings for all work performed through the end of the monthly pay period.
- b. In the event that a regular scheduled payday falls on a day off such as a weekend or holiday, employees will be paid by the first day of work following the regularly scheduled payday.

**Section 3.03.080 Employment Termination.**

- a. Termination of employment may be by:
  - 1. Resignation – the voluntary employment termination initiated by an employee in writing.
  - 2. Discharge – the involuntary employment termination initiated by the city.
  - 3. Layoff – the involuntary employment termination initiated by the city council for non-disciplinary reasons.
  - 4. Employees will receive their final pay in accordance with applicable state law.

**Section 3.03.090 Pay Deductions.**

The law requires that the city make certain deductions from every employee's compensation. Among these are federal and state income taxes, social security and Medicare taxes, and state unemployment tax.

**Section 3.03.100 Work Schedules.**

Work schedules for employees will vary. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

**Section 3.03.110 Rest and Meal Periods.**

- a. Each workday, full-time employees will be provided with two rest periods. Supervisors will advise employees of the regular rest period length and schedule and to the extent possible they will be in the middle of work periods. Rest periods are counted and paid as time worked, and employees must not be absent from their workstations beyond the allotted rest period time.
- b. All full-time employees will be provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for the time.

**Section 3.03.120 Business Travel Expenses.**

- a. The City of Gustavus will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Treasurer or Mayor/Mayor designee.
- b. Employees whose travel plans have been approved are responsible for making their own travel arrangements.
- c. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts.
- d. Expenses that generally will be reimbursed include the following:
  - 1. Airfare or train fare for travel in coach or economy class or the lowest available fare;
  - 2. Car rental fees, only for compact or mid-sized cars;
  - 3. Fares for shuttle or airport bus service, where available, costs of public transportation for other ground travel;
  - 4. Taxi fares, only when there is no less expensive alternative;
  - 5. Mileage cost for use of personal cars, only when less expensive transportation is not available;
  - 6. Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings;
  - 7. Cost of meals not to exceed \$42.00 per day;

8. Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare;
  9. Charges for telephone calls, fax, and similar services required for business purposes.
- e. Any employee who is involved in an accident while traveling on business must promptly report the incident to the immediate supervisor. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.
  - f. Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.
  - g. When travel is completed, employees should submit completed travel expense reports within five (5) working days. Reports should be accompanied by receipts for all expenses to be reimbursed.
  - h. Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.
  - i. Abuse of this Business Travel Expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

### **Section 3.03.130 Smoking.**

In keeping with the City of Gustavus intent to provide a safe and healthy environment, smoking is prohibited throughout the workplace.

## **Chapter 3.04 Employees**

### **Sections:**

- 3.04.010 Employee Conduct and Work Rules**
- 3.04.020 Attendance and Punctuality**
- 3.04.030 Return of Property**
- 3.04.040 Resignation**
- 3.04.050 Solicitation**
- 3.04.060 Drug and Alcohol Use**
- 3.04.070 Progressive Discipline**
- 3.04.080 Problem Resolution**
- 3.04.090 Life Threatening Illness in the Workplace**

### **3.04.100 Holiday**

#### **Section 3.04.010 Employee Conduct and Work Rules**

- a. To ensure orderly operations and provide the best possible work environment, the City of Gustavus expects employees to follow rules of conduct that will protect the interests and safety of all employees and the city.
- b. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:
  1. theft or inappropriate removal or possession of city property;
  2. falsification of timekeeping records;
  3. working under the influence of alcohol or illegal drugs;
  4. possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty or while operating employer owned vehicles or equipment;
  5. fighting or threatening violence in the workplace;
  6. boisterous or disruptive activity in the workplace;
  7. negligence or improper conduct leading to damage of employer or customer property;
  8. sexual or other unlawful or unwelcome harassment;
  9. possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
  10. excessive absenteeism or any absence without notice;
  11. unsatisfactory performance or conduct
  12. breach of confidentiality
  13. violations of conflict of interest policies described in section 03.01.050
  14. any behavior that would reflect poorly on the city or city officials

#### **Section 3.04.020 Attendance and Punctuality**

- a. To maintain a safe and productive work environment, the city expects employees to be reliable and to be punctual in reporting for scheduled work. In the rare instance when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.
- b. Poor attendance and excessive tardiness is disruptive and either may lead to disciplinary action up to and including termination of employment.

#### **Section 3.04.030 Return of Property.**

Employees are responsible for all city property, materials, or written information issued to them or in their possession or control. All city property must be returned by employees to their supervisor, the mayor or the city clerk on or before their last day of work.

**Section 3.04.040 Resignation.**

Resignation is a voluntary act initiated by the employee to terminate employment with the City of Gustavus. Although advance notice is not required, the City of Gustavus requests at least two weeks written resignation notice from all employees.

**Section 3.04.050 Solicitation.**

The city recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.) If employees have a message of interest, they may submit it to the mayor for approval before it can be posted in the workplace.

**Section 3.04.060 Drug and Alcohol Use.**

- a. The city wants to provide a smoke-free, drug-free, healthful, and safe workplace and employees will be required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.
- b. While on city premises and while conducting business related activities off of city premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
- c. Violations of the policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.
- d. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the City of Gustavus of a criminal conviction of drug related activity occurring in the workplace within five (5) days of the conviction.

- e. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the mayor without fear of reprisal.

### **Section 3.04.070 Progressive Discipline**

- a. The purpose of this policy is to state the City of Gustavus' position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure comes from good leadership and fair supervision at all employment levels.
- b. The city's purpose in any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future. To ensure fair treatment of all employees, disciplinary actions should be prompt, uniform and impartial.
- c. Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, or termination of employment – depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.
- d. Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.
- e. Certain types of employee problems are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.
- f. With the use of progressive discipline, most employee problems should be able to be corrected at an early stage to the benefit of both the employee and the city.

### **Section 3.04.080 Problem Resolution.**

- a. The City of Gustavus is committed to providing the best possible working conditions for its employees and encourages an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from city supervisors and management.
- b. To ensure fair and honest treatment of all employees, supervisors, managers and employees are expected to treat each other with

mutual respect. Employees are encouraged to offer positive and constructive criticism.

- c. If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized formally or informally, for voicing a complaint with the city in a reasonable, business-like manner, or for using the problem resolution procedure.
- d. If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.
  - 1. The aggrieved employee or group of employees shall orally present the grievance to the immediate supervisor within five (5) working days of its occurrence, not including the day of the occurrence. The supervisor shall give his oral reply within, three (3) working days of the date of presentation of the grievance, not including the date of presentation.
  - 2. If the grievance is not settled in step 1, it shall be reduced to writing. The grievance shall be dated and signed by the aggrieved employee or group of employees and shall be presented to the mayor within five (5) working days after the supervisors oral reply is given not including the day the answer is given. The mayor shall reply in writing to the grievance within five (5) working days of the date of the presentation of the written grievance, not including the day of the presentation.
  - 3. If the grievance is not settled in step 2, the written grievance shall be presented along with all pertinent correspondence, records and information accumulated to date to City Council, or sub-committee thereof which reviews and considers the problem, meeting in executive session when appropriate. The City Council, or sub-committee thereof, must inform the employee of its decision within 90 calendar days and forward a copy of their written response to the mayor for placement in the employee's personnel file. The City Council, or sub-committee thereof, has authority to make legal adjustments appropriate to resolution of the problem.
  - 4. It is expected that not every problem can be resolved to everyone's total satisfaction, but employees, management and the City Council should pursue understanding through the development of confidence in mutual and open discussions of problems brought to them.

**Section 3.04.090 Life-threatening Illnesses in the workplace.**

- a. Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The city supports these endeavors as long as employees are able to meet acceptable performance standards.
- b. Medical information on individual employees is treated confidentially. The city will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action up to and including termination of employment.

**Section 3.04.100 Holidays.**

The City of Gustavus will grant holiday time off to all non-essential employees on the holidays listed below:

New Year's Day	January 1 <sup>st</sup>
Memorial Day	last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	first Monday in September
Thanksgiving	fourth Thursday in November
Christmas	December 25 <sup>th</sup>

**Chapter 3.05 Volunteers**

All volunteers working for the City of Gustavus are subject to the guidelines set forth in sections 3.01.070 and 3.04.010. All violations of these rules will be handled according to the procedures set forth in section 3.04.070.