

Presented by: The Manager
Introduced: 03/04/85
Drafted by: G.L.S.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1088

A RESOLUTION AMENDING THE PERSONNEL RULES OF THE CITY AND BOROUGH OF JUNEAU TO PROVIDE FOR PERSONAL LEAVE INSTEAD OF SEPARATE SICK AND ANNUAL LEAVE.

WHEREAS, the City and Borough of Juneau has just entered into a labor contract with its represented employees, and

WHEREAS, said contract provides for the combining of annual and sick leave into personal leave, and

WHEREAS, by a vote of approximately two to one, the employees who are not represented have expressed a preference for going to such a leave system,

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That Rule 10 of the Personnel Rules of the City and Borough of Juneau, as adopted by Resolution Serial No. 176, as amended, is further amended by repealing and reenacting said rule to read:

Rule 10

Leaves of Absence

10 01.0 Personal Leave

10 01.1 Accrual

10 01.11 Permanent, probationary, partially exempt and provisional employees assigned to a 37.5 hour work week shall accrue personal leave at the rate of:

10 01.111 Thirteen and one-tenth hours for each full month of work for employees with less than one year of service;

- 10 01.112 Fifteen hours for each full month of work for employees with one but less than two years of service;
- 10 01.113 Sixteen and nine-tenths hours for each full month of work for employees with two but less than five years of service;
- 10 01.114 Eighteen and eight-tenths hours for each full month of work for employees with five but less than ten years of service;
- 10 01.115 Twenty-two and five-tenths hours for each full month of work for employees with ten years or more of service.
- 10 01.12 Permanent, probationary, partially exempt and provisional employees assigned to a 40 hour work week shall accrue personal leave at the rate of:
- 10 01.121 Fourteen hours for each full month of work for employees with less than one year of service;
- 10 01.122 Sixteen hours for each full month of work for employees with one but less than two years of service;
- 10 01.123 Eighteen hours for each full month of work for employees with two but less than five years of service;
- 10 01.124 Twenty hours for each full month of work for employees with five but less than ten years of service;

10 01.125 Twenty-four hours for each full month of work for employees with ten years or more of service.

10 01.13 Accrual During Unauthorized Leave

There shall be no accrual of personal leave for any monthly period during which an employee is absent without approved leave.

10 01.14 New Employees

An employee will not accrue personal leave until the completion of the month following that month in which employment started. Upon completion of the month following that month in which employment started an employee will be credited with personal leave retroactive to the date of their appointment.

10 01.15 Leave Anniversary Date

An employee's leave anniversary date is the first day of the month immediately following the month in which the employee is employed. Changes to an employee's rate of accrual take effect on the employee's leave anniversary date.

10 01.16 Part-Time and Seasonal Employees

Permanent, probationary and provisional part-time and seasonal employees shall accrue personal leave on a prorata basis according to a schedule established by the personnel director.

10 02.0 Use of Personal Leave

10 02.1 Minimum Leave Use

Each employee shall take not less than one-third of the personal leave accrued during the period beginning January 1 and ending December 31.

10 02.2 Scheduled Use of Personal Leave

An employee may take personal leave at any time the work of the employee permits with the prior approval of the department director or the employee's supervisor.

10 02.3 Maximum Leave Carry-over

Leave accrued but not used shall accumulate but may not exceed eighty-four days on January 1 of any calendar year. Eighty-four days equates to 630 hours for employees assigned a 37.5 hour work week and 672 hours for employees assigned a 40 hour work week.

10 02.4 Scheduling of Leave

It is the mutual responsibility of the employee and the employee's supervisor to schedule leave so that an employee has the opportunity to take the required minimum leave and any leave that would cause the employee's accumulated personal leave to exceed the maximum carry-over allowed under Rule 10 02.3. If a supervisor fails to authorize an employee sufficient time to take the minimum required leave, the manager may discipline the supervisor, including deducting personal leave from the account of the supervisor up to an amount equal to the difference between the minimum required to have been taken by the employee and the amount actually taken.

10 02.5 Direction to Take Leave

The department director or a supervisor may, at any time, direct an employee to take accrued leave when such action is necessary to assure that the employee takes the minimum required leave and such leave as would cause the employee's accumulated leave to exceed the maximum carry-over allowed under Rule 10 02.3.

10 03.0 Transfer of Leave

The manager may allow an employee to transfer a maximum of thirty days or fifty percent of their accrued personal leave, whichever is the lesser, provided that such a transfer does not reduce the donor's personal leave account to less than twelve days. Thirty days equates to 225 or 240 hours depending on the employee's regularly assigned work week. Twelve days equates to 90 or 96 hours depending on the employee's regularly assigned work week. The transfer of personal leave may be made only to an employee who is on medical leave without pay.

10 03.1 All future rights to compensation for such transferred leave are waived by the donor. Personal leave donated for use by another employee may not be credited toward the donor's minimum leave use requirement. Donated leave may not be returned to the donor or transferred to any other employee.

10 03.2 Personal leave donated to another employee shall be given a cash value by multiplying the number of hours donated by the regular hourly pay rate of the donor. This cash value shall then be divided by the regular hourly rate of the recipient and the recipient's medical leave bank shall be credited with that number of hours which are a result of the calculations.

10 03.3 Medical leave may not be transferred to personal leave.

10 04.0 Leave Carry-over

10 04.1 Carry-Over of Excess Leave

The manager may permit the carry-over of personal leave in excess of eighty-four days when the department director certifies that the employee scheduled or attempted to schedule the excess leave and the employee was denied the

opportunity to use it. In all other instances excess leave shall be deducted from the employee's personal leave account, converted to medical leave and credited to the employee's medical leave bank.

10 04.2 Carry Over of Unused Minimum Leave

The manager may permit the carry-over of the unused portion of personal leave required to be taken as a minimum when the department director certifies that the employee was scheduled to take such leave but was denied the opportunity to use it by the department director or supervisor.

10 04.3 In those instances an employee had the opportunity to take the minimum required leave but did not take the minimum amount, the unused portion of the required minimum shall be deducted from the employee's personal leave account. The employee may not receive any credit or compensation for the personal leave so deducted.

10 05.0 Unscheduled Use of Personal Leave

10 05.1 An employee may take unscheduled personal leave when the employee's department head or supervisor is satisfied that the employee is sick or disabled to the extent that the employee cannot attend to regular duties.

10 05.2 An employee may take unscheduled personal leave when the employee's presence on the job would jeopardize the health of fellow employees.

10 05.3 An employee may take unscheduled personal leave when illness or disability of a member of the employee's immediate family who resides within the same household requires the attendance of the employee.

10 05.4 Up to five days of unscheduled personal leave may be taken upon the death of a member of the employee's immediate family.

10 05.5 A department director may require a physician's statement or other acceptable proof that an employee's condition meets the requirements of this section before authorizing the use of unscheduled personal leave.

10 06.0 Taking Banked Medical Leave

10 06.1 An employee who has banked medical leave and who is sick or disabled to the extent that the employee cannot attend to regular duties may take such leave only when the employee has no accrued personal leave, or the employee has a sickness or disability exceeding five consecutive working days.

10 06.2 In those instances of a disability exceeding five consecutive working days, the use of banked medical leave begins on the sixth day of absence. A department director may require a physician's statement or other acceptable proof that an employee's condition meets the requirements of this section before authorizing the use of banked medical leave.

10 07.0 Deduction for Workers' Compensation

Workers' compensation payments shall be deducted from any personal leave or medical leave payments made to an employee so that the total compensation received by the employee does not exceed that employee's regular salary. In such instances the amount of leave charged the employee shall be reduced to equal the leave compensation paid.

10 08.0 Leave Without Pay

10 08.1 Authorization of Leave Without Pay

An employee may be granted leave without pay provided the employee has exhausted personal leave and the granting of such leave will not cause any hardships to the municipality beyond the benefits to be gained by the municipality by granting the leave. Leave without pay may also be granted in accordance with an agreement approved by the manager made at the time the employee is hired. Leave without pay in excess of ten working days in any calendar year must be first approved by the manager.

10 08.2 Cancellation of Authorized Leave Without Pay

In those instances an employee was granted leave without pay for a specific purpose and it is determined that the employee is using the leave for purposes other than the purpose specified at the time of approval, the leave may be canceled by the supervisor or department head. Such cancellation shall be in writing and delivered to the employee or mailed to the employee's last known address.

10 08.3 Effect of Leave Without Pay

During any month an employee is charged with leave without pay, the employee shall accrue personal leave on a prorated basis the same as a part-time employee.

10 08.4 Adjustment of Anniversary Dates

The leave anniversary date and the merit anniversary date of an employee shall be set forward one month for each leave of absence without pay covering a full month and for each accumulation of twenty-three days of leave without pay in any calendar year. Twenty-three days equates to 172.5 or 184 hours depending on the employee's regularly assigned work week.

10 09.0 Court Leave

10 09.1 Authorized

An employee who is called to serve as a juror in any proceeding or who is subpoenaed as a witness in a proceeding involving the city and borough shall be entitled to court leave.

10 09.2 Disposition of Court Compensation

An employee on authorized court leave shall turn over or assign to the city and borough all monies received as witness fees or from the court as compensation for services and the employee shall be paid their regular salary while on court leave.

10 09.3 Proof

Court leave shall be supported by written documents such as the subpoena or the court clerk's statement of attendance.

10 10.0 Military Leave

10 10.1 Military Leave of Absence Without Pay

A permanent, probationary or partially exempt employee shall be entitled to a military leave of absence without pay to serve in the Armed Forces of the United States and shall be entitled to the reemployment benefits granted under the Universal Military Training and Service Act as amended.

10 10.2 Military Leave With Pay

A permanent, probationary or partially exempt employee who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without loss of pay for that time during which he or she is ordered to training duty, as distinguished from active duty.

10 10.3 Leave for Emergency, Search and Rescue Work

A permanent, probationary or partially exempt employee who is a member of an auxiliary or rescue component of the United States Armed Forces or a federal, state or local emergency services organization may be granted military leave without loss of pay when under direct military, federal, state or city and borough control in the performance of fire, search, rescue or similar emergency missions.

10 10.4 The total amount of paid military leave for an employee may not exceed sixteen and one-half days in any one calendar year. Sixteen and one-half days equates to 123 or 132 hours depending on the employee's regularly assigned work week.

10 11.0 Terminal Leave

10 11.1 Payment Upon Separation from Employment

An employee who is separated from employment shall receive within thirty days of separation terminal leave in the form of a lump sum payment for the number of hours of personal leave credited to the employee at time of separation.

10 11.2 Limitation on Reemployment

Except under unusual circumstances approved by the manager, a voluntarily separated employee may not be reemployed before the date upon which the separated employee's terminal leave would have expired had the employee taken leave instead of resigning. If the manager approves such a reemployment, the employee shall refund an amount equal to the compensation covering the period between the date of reemployment and expiration of the terminal leave. The

leave represented by such refund shall then be credited to the personal leave account of the employee.

10 11.3 Banked Medical Leave on Separation

All banked medical leave shall be canceled on separation and the employee may not receive any credit or compensation for such canceled leave.

2. That Rule 7 07.4 of the Personnel Rules of the City and Borough of Juneau is repealed and readopted to read:

7 07.4 Personnel who, by the nature of their duties are scheduled and regularly required to work on holidays shall accrue additional personal leave credit at a monthly rate equal to the number of specific, regularly observed holidays set out in Rule 7 07.1 divided by twelve. Other departments which, by the nature of their duties, require recurring but not necessarily regularly scheduled holiday work shall, with the approval of the manager, establish rules and regulations concerning employees working on holidays. The manager shall determine which departments require regularly scheduled work on holidays and which do not.

3. That this resolution takes effect on the first day of May 1985. The annual leave balance of each employee not covered by a labor agreement on that date shall be credited to the personal leave account of the employee. In addition, twenty percent of such employee's sick leave balance shall be credited to the personal leave account of the employee. The remaining eighty percent of the sick leave balance shall be credited to the employee's medical leave bank. If, upon conversion of an employee's sick and annual leave under this section, the employee's personal leave account exceeds the maximum accumulation permitted under Rule 10 02.2, the employee shall have until December 31, 1985 to use such excess leave. Personal leave used by an employee with such an excess, shall be considered to be used first from such excess.

Adopted this 4th day of March, 1985.



Mayor

Attest:



act Clerk