

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2022-25

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING CHANGES TO THE PERSONNEL REGULATIONS

WHEREAS, the City of Dillingham’s Personnel Regulations needs some revisions to bring the policy more in line with current practice; and

WHEREAS, the revisions also address personnel issues that we have experienced with how the policy is currently written; and

WHEREAS, the City has union contracts with Public Safety Employee Association (PSEA) and Local 71; and

WHEREAS, both unions have been notified of these revisions.


NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council authorizes the revisions to the following sections in the City of Dillingham Personnel Regulations:

See attachment A. Current language shown first, followed by proposed changes.

PASSED and ADOPTED by the Dillingham City Council on December 8, 2022.



Alice Ruby, Mayor [SEAL]

ATTEST:


Lori Goodell, City Clerk

PERSONNEL REGULATIONS ORIGINAL SECTIONS AND SUGGESTED CHANGES

LEAVE CASH-OUT

Upon written request, employees shall be permitted to cash out accrued personal leave up to two times in a fiscal year provided the request is made fourteen (14) days in advance of the next payroll action. There shall be no cash-out of accrued personal leave which would reduce the employee's accrued personal leave below a balance of forty (40) hours. Personal leave that is cashed out will not reduce the amount of mandatory personal leave that must be taken under section 5.35.

HAZARD PAY

Subject to the approval of the City Council, during a state or federal disaster or emergency declaration, of a disaster or emergency that directly inhibits working conditions at the work site, employees required to physically report to work may be paid an additional 5% of the employee's regular base pay for work performed.

SHIFT DIFFERENTIAL

The following section applies only to those employees designated in writing by their supervisor as working shifts qualifying for shift differential, or where otherwise required by a collective bargaining agreement. Supervisors will not designate a position as eligible for shift differential where the position is exempt from overtime under the Fair Labor Standards Act, where the workday is flexible, where shifts are split for the employee's convenience, where the start of the work-day is adjusted at the employee's request, or where the employee has started the workday earlier or later than the designated hours.

Employees who are assigned to a shift that begins between the hours of 1:00 p.m. and 5:59 a.m. shall be entitled to a shift differential for all hours worked, as further detailed below. If an employee straddles two shifts, the employee is paid for the entire shift at the shift differential rate in effect at the start of the shift.

Employees who qualify will receive a 2% shift differential for all hours worked on shifts between 1:00 p.m. and 9:59 p.m.

Employees who qualify will receive a 3% shift differential for the hours worked between 10:00 p.m. and 6:00 a.m.

In compliance with the Fair Labor Standards Act, for the purpose of overtime computation, shift differentials shall be included in the calculation of the straight time hourly rate of pay.

An employee's shift differential entitlement, as detailed within this article, only applies to hours worked. Shift differential is not paid on hours not worked (e.g., leave of any kind).

An employee voluntarily participating in a paid overtime assignment during the hours described in sections above shall not be eligible to receive a shift differential. "Paid overtime assignment," as used in this section, refers to overtime hours that: (i) are voluntary; (ii) are compensated by the City through grants, or (iii) would not otherwise be staffed.

Shift differential will not be paid for time that is otherwise compensated as on-call, standby, holiday, or double-time.

ACTING IN MULTIPLE JOB CLASSES

An employee who is assigned to work in a job class and perform substantial work for a distinct position that the employee was not hired for, in addition to their usual work, will receive a 10% increase while that employee is working in that job class. This bonus is for extraordinary circumstances and necessarily involves a judgment call from management that the employee is working in multiple job classes. This increase will be paid only with advanced written approval from the employee's supervisor that the employee is working multiple job classes. This bonus will be used to calculate applicable overtime but will not apply to employees who are overtime ineligible under the Fair Labor Standards Act, or for hours otherwise compensated as on-call, stand-by, double time, or hazard pay.

3.65 RESIDENCY REQUIREMENTS – Original

Because of the geographic nature of the Dillingham area, and to maximize local hire, all employees shall be Dillingham residents. However, they may be allowed to live outside of the City limits if such residency meets the following criteria:

- a) the employee shall live in an area in which commuting to the City by normal means of transportation will enable him/her to perform the duties as prescribed; in the position description and during the work hours prescribed for the position; and
- b) the employee must live within an area which is serviced by a local telephone or VHF radio, if the employee is likely to be called in for emergency situations involving his/her job function.

3.65 RESIDENCY REQUIREMENTS – Suggested Changes

Because of the geographic nature of the Dillingham area, and to maximize local hire, all employees shall have their primary and actual physical residence in Dillingham. However, they may be allowed to live outside of the City limits if the following criteria is met:

- c) the employee shall live in an area in which commuting to the City by normal means of transportation will enable him/her to perform the duties as prescribed in the position description and during the work hours prescribed for the position; and
- d) the employee must live within an area which is serviced by a local telephone or VHF radio, if the employee is likely to be called in for emergency situations involving his/her job function; and

- e) the employee has entered into a remote employment agreement with their supervisor and the City Manager.

5.80. LEAVE WITHOUT PAY – Original

Leave without pay that would not qualify under the Family Medical Leave Act or the Alaska Family Medical Leave Act, may be granted to any regular employee after all other leave has been exhausted and upon recommendation of the department head and approval of the City Manager. Length of leave will be determined by the department head and City Manager based on the particular circumstances. Leave without pay for over 10 workdays will require adjustment of the anniversary date. No benefits will accrue. If medical and life insurance coverages are continued during the leave without pay, the employee will reimburse the City on a pro rata basis of 365 days in a year.

5.80. LEAVE WITHOUT PAY – Suggested Changes

Leave without pay that would not qualify under the Family Medical Leave Act or the Alaska Family Medical Leave Act, may be granted to any regular employee after all other leave has been exhausted and upon recommendation of the department head and approval of the City Manager. Length of leave will be determined by the department head and City Manager based on the particular circumstances. Leave without pay for over 10 workdays will require adjustment of the anniversary date.

9.40. OVERTIME - Original

The City will maintain hours of work which are compatible with applicable federal and state laws, especially the requirement of the Fair Labor Standards Act (FLSA) legislation related to the payment of overtime.

The FLSA requires the City to maintain an accurate accounting of hours worked and to pay 1 ½ times the regular hourly rate of pay to every nonexempt employee who works more than 40 hours in one week. Under FLSA, special agreements are in force for public safety personnel for additional work time not classed as overtime. Also, Alaska law states that written arrangements may be made for voluntary flex time for certain activities if it is deemed necessary and has been approved by the City Manager. (See Section 2.3) Written agreements concerning overtime, call-out-pay, shift differential, on-call pay, etc. are maintained on file in each employee's personnel file.

Overtime is an occasional necessity and must be worked if assigned. Department heads and supervisors are responsible for seeing that no abuse of overtime occurs. All overtime work must have the prior approval of the department head except in emergencies that preclude such prior approval. There shall be no compounding of overtime rates and overtime computation should be at the highest applicable overtime rate.

In the event overtime is officially ordered only individuals paid an hourly wage will be eligible for overtime pay. A greater degree of service is expected of administrative, supervisory, and professional positions, with salaries to be set accordingly. Employees in these positions are not eligible for overtime pay.

A. TIME AND ONE-HALF Employees shall be paid at one and one-half times their regular rate of pay for all hours worked as follows:

1. Hours in excess of 40 in one week;
2. All hours worked on regularly scheduled days off.

Annual leave, sick leave, etc. shall be considered as being part of the work week, and shall be taken on an hour for hour basis in accordance with their established schedule.

B. DOUBLE TIME All time worked on the seventh day of a workweek in excess of 48 hours total time worked within that week, except for regularly scheduled and approved seven day work weeks for specific divisions.

C. HOLIDAY PAY Employees who are required to work on holidays shall be paid at their regular rate of pay plus time and one half for all hours worked on a holiday except for the birthday holiday which must be rescheduled.

D. CALL-OUT PAY Employees who have completed their scheduled shift and are "called out" to perform additional work, shall be paid a minimum of one hour of overtime.

9.40 OVERTIME – Suggested Changes

All following types of pay in Section 9.40 apply only to employees who are overtime-eligible under the Fair Labor Standards Act.

The City will maintain hours of work which are compatible with applicable federal and state laws, especially the requirement of the Fair Labor Standards Act (FLSA) legislation related to the payment of overtime.

The FLSA requires the City to maintain an accurate accounting of hours worked and to pay 1 ½ times the regular hourly rate of pay to every nonexempt employee who works more than 40 hours in one week. Under FLSA, special agreements are in force for public safety personnel for additional work time not classed as overtime. Also, Alaska law states that written arrangements may be made for voluntary flex time for certain activities if it is deemed necessary and has been approved by the City Manager. (See Section 2.3) Written agreements concerning overtime, call-out-pay, shift differential, on-call pay, etc. are maintained on file in each employee's personnel file.

Overtime is an occasional necessity and must be worked if assigned. Department heads and supervisors are responsible for seeing that no abuse of overtime occurs. All overtime work must have the prior approval of the department head except in emergencies that preclude such prior approval. There shall be no compounding of overtime rates and overtime computation should be at the highest applicable overtime rate.

In the event overtime is officially ordered only individuals paid an hourly wage will be eligible for overtime pay. A greater degree of service is expected of administrative, supervisory, and professional positions, with salaries to be set accordingly. Employees in these positions are not eligible for overtime pay.

A. TIME AND ONE-HALF Employees shall be paid at one and one-half times their regular rate of pay for all hours worked as follows:

1. Hours in excess of 40 in one week;
2. All hours worked on regularly scheduled days off.

Annual leave, sick leave, etc. shall be considered as being part of the work week, and shall be taken on an hour for hour basis in accordance with their established schedule.

B. DOUBLE TIME All time worked on the seventh consecutively worked day of a workweek in excess of 48 hours total time worked within that workweek, except for regularly scheduled and approved seven-day work weeks, shall be paid at two (2) times the basic rate of pay. Time compensated as leave, call-out, on-call, or stand-by will not count towards a collective bargaining agreement. Employees who request to stretch their hours across seven (7) days for their convenience are not eligible for double time.

C. HOLIDAY PAY Employees who are required to work on holidays shall be paid at their regular rate of pay plus time and one half for all hours worked on a holiday except for the birthday holiday which must be rescheduled.

D. CALL-OUT PAY Employees who have completed their scheduled shift and left the workplace and are “called out” to perform additional work, shall be paid a minimum of one (1) hour of overtime.

E. STAND-BY PAY A stand-by employee will be paid \$3.50 per hour for each hour on stand-by. A stand-by employee is not severely restricted in activities but is available for call-out. Work performed will be paid as Call-Out Pay specified in paragraph D. Employees not formally designated in writing as on a stand-by or on an active stand-by list are not on stand-by and will not receive stand-by pay.

9.50 PAY FOR TEMPORARY ASSIGNMENT – Original

Employees temporarily assigned to a higher-level position for a period of 20 consecutive workdays or more, shall be paid at the first step of the higher pay range or be granted a one-step increase, whichever is higher, for the full period worked in the temporary assignment. An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay if the assignment is not for disciplinary reasons or in lieu of lay off due to lack of funds or the inability to perform the duties of the previous position.

9.50 PAY FOR TEMPORARY ASSIGNMENT – Suggested Changes

Employees temporarily assigned to formally act in and perform essentially all of the functions of a higher-level position for a period of 5 consecutive workdays or more, shall be paid at the first step of the higher pay range or be granted a one-step increase, whichever is higher, for the full period worked in the temporary assignment. An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay if the assignment is not for disciplinary reasons or in lieu of lay off due to lack of funds or the inability to perform the duties of the previous position.

9.55 TRAVEL EXPENSES – Original

- c) Expenses to be paid for each trip include the following:
 1. Coach air fares;
 2. Hotel room charges;
 3. Phone charges directly related to business;
 4. Car rental or taxi fees required for City business;
 5. Necessary miscellaneous expenses; and
 6. Meal per diem based on current rate.

9.55 TRAVEL EXPENSES – Suggested Changes

- c) Expenses to be paid for each trip include the following:
 1. Coach air fares;
 2. Hotel room charges;
 4. Car rental or taxi fees required for City business;
 5. Necessary miscellaneous expenses; and
 6. Meal per diem based on the current GSA Rate.