

BARTLETT REGIONAL HOSPITAL

PERSONNEL RULES

Effective 1/24/17

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**RULE 4
SELECTION**

Section

005. General

010. Preferential Appointment Rights

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4 PR 005. General.

(a) This Rule applies only to the classified service.

(b) The department director shall first offer a vacant position to a qualified employee who holds preferential appointment rights in accordance with 4 PR 006. If there are no employees with preferential appointment rights, the department director may fill a position through the use of nonpreferential, noncompetitive appointment rights in accordance with 4 PR 010 or through a competitive selection process.

4 PR 010. Preferential Appointment Rights.

(a) If there is an employee with a preferential employment right, the department director may fill a vacancy without public announcement. The order of preferential appointment shall be:

(1) Due to a request to transfer by a pregnant employee under AS 39.20.520 or an employee with a temporary disability;

(2) Due to return from layoff in accordance with 14 PR 015;

(3) Due to reassignment of duties under the Americans with Disabilities Act.

(4) Due to the appointment of an employee that was previously employed by another organization where the Board of Directors has approved BRH taking on the services of that other organization.

4 PR 015. Preferential Rights due to a Request from a Pregnant Employee or an Employee with a Temporary Disability.

- (a) The department director shall offer the position to a qualified employee of the department if:
- (1) The employee is pregnant or has a temporary disability;
 - (2) The employee requests appointment to the position;
 - (3) The transfer is recommended by a licensed health care provider;
 - (3) The employee is qualified for transfer or demotion into the position; and
 - (4) The duties of the vacant position are less strenuous or less hazardous than those of the employee's current position.
- (5) An employee voluntarily transferred or demoted because of pregnancy or temporary disability shall return to the position previously held at such time as the employee's condition permits, provided that service in the alternate position does not exceed 18 weeks.

4 PR 020. Preferential Rights Due to Layoff.

If there are employees on layoff status, the department director shall offer a vacant position to the employee first on the recall list with the highest number of points calculated in accordance with 14 PR 025 (reduction in work force).

4 PR 025. Preferential Rights due to ADA Reassignment.

If an employee is eligible for reassignment under the Americans with Disabilities Act, the Human Resources Director shall offer a vacant position that would otherwise be publicly announced for appointment in accordance with 2 PR 010, to that employee provided the employee is qualified for the position and can perform the essential duties of the position with or without reasonable accommodation.

4 PR 030. Nonpreferential Appointment Rights without Public Announcement.

- (a) The department director may select an employee for appointment without public announcement under the following circumstances:
- (1) The employee is eligible for a transfer under 5 PR 040;
 - (2) The employee is eligible for a demotion under 5 PR 050;
 - (3) The employee is eligible for reemployment under 5 PR 060; or
 - (4) The employee is eligible for reemployment under the injured employee provisions of 4 PR 035.

4 PR 035. Nonpreferential Appointment Rights of Injured Employees.

(a) The department director may offer a position to an individual who was injured on duty and has separated from service for the purposes of treatment and recovery from the injury. The department director may offer a position to a current employee who was injured on duty and whose doctor has certified that maximum medical recovery has been reached and the employee cannot perform the essential duties of his or her current position with or without a reasonable accommodation. Such appointment shall be subject to the following rules:

(1) A request for nonpreferential placement must be made in writing to the Human Resource Director within 90 days after the date the injured employee is released to full or modified duty by the injured employee's treating physician; the request for placement must be accompanied by a copy of the treating physician's release. The request must also include:

(A) A completed employment application;

(B) A physical capacities evaluation form completed and signed by the employee's treating physician;

(C) The job classifications for which the injured employee requests placement; and

(D) Any other material that the Human Resource Director may require to evaluate the request for nonpreferential placement.

(2) If a vacancy occurs in a job classification for which the injured employee has requested placement and for which he/she meets the minimum qualifications, the Human Resource Director shall forward the completed packet of materials to the State of Alaska, Department of Labor and Workforce Development, Division of Vocational Rehabilitation. If the injured employee is certified, they will be eligible for nonpreferential placement. The decision to appoint through nonpreferential placement is at the sole discretion of BRH.

(b) Nonpreferential appointment rights under this provision expire three years from the date of the employee's injury.

4 PR 040. Local Hire Preference.

(a) When an applicant pool consists of both City and Borough of Juneau residents and non residents, the department director will give a preference in ranking to applicants eligible to claim residency in the City and Borough of Juneau by:

(1) Utilizing a point scoring system to provide for relative ranking of applicants in the screening process, and

(2) Increasing the score of an applicant eligible to claim residency by 10% of the available score.

(b) If an applicant is eligible for more than one preference, no more than 10% may be added to the applicant's score.

4 PR 045. Veteran's Preference.

(a) When an applicant is a veteran who has been honorably discharged from military service, the department director will give a preference in ranking to the applicant by:

(1) Utilizing a point scoring system to provide for relative ranking of applicants in the screening process, and

(2) Increasing the score of an applicant eligible to claim a veteran's preference by 10% of the available score.

(b) If an applicant is eligible for more than one preference, no more than 10% may be added to the applicant's score.

4 PR 050. Notice to Applicants.

The department director shall send notification to all applicants not selected within ten days of making an appointment. Notification to applicants determined to not meet the minimum qualifications shall be promptly sent following the determination.

4 PR 055. Applicant Appeal Process

(a) An applicant may file an appeal to a decision made by the department director or Human Resource staff during the application, examination, or selection process for BRH employment.

(1) Appeals must be submitted in writing to the Human Resources Director within ten (10) days of the action giving rise to the complaint.

(2) Inquiries made by telephone or personal appearance will be treated as informal inquiries. An informal inquiry may be submitted in writing, or reduced to writing for submission at the request of the Department Director or Human Resource staff.

(3) The Human Resources Director shall investigate the complaint, take appropriate action to resolve the complaint, and issue a final written decision within twenty-one (21) days of receipt of the appeal. The decision of the Human Resources Director is final.

**RULE 10
PAY**

Section

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10 PR 005. Scope.

This Rule covers all employees in the classified and partially exempt services.

10 PR 010. General.

The Human Resources Director shall allocate classifications to pay ranges based on the classification plan.

10 PR 015. Basis of Pay.

- (a) An employee is paid according to the DBM rating and salary schedule assigned to the position occupied by the employee.
- (b) An employee paid on a salary basis who works less than full time shall be paid on a prorated basis.

10 PR 020. Beginning Pay.

Except as provided in 10 PR 030 (former employee), upon initial hire, the Human Resources Director, at his or her sole discretion, may place a new employee up to and including Step 4 of the DBM rating of that classification. Such placement will be in accordance with the salary placement policy.

10 PR. 025. Prior Experience Credit.

Upon successful completion of the initial probationary period and the request of the employee, the Human Resources Director may authorize up to two (2) additional steps at a rate of 1040 hours for each year of experience related to the employee's current position. Experience credit will be applied in accordance with 10 PR 070. The hours recognized under this provision shall not be credited for any purpose other than step placement.

10 PR 030. Former Employee.

(a) A former employee eligible for non-competitive re-employment under 5 PR 065, and who remained current in their field through subsequent employment, shall be placed at the step that most closely matches the employee's former rate of pay to the salary schedule since the employee's date of separation.

(b) When an employee is appointed under 4 PR 010 (a)(4), the HR Director may approve a rate of pay as if the new employee was a former BRH employee.

10 PR 035. Movement within a Job Classification Series.

Movement of an employee within a distinct job classification series will not alter the employee's accrued review hours for the purpose of step placement.

- (a) An employee who moves to a higher DBM rating within the job classification series shall serve a new probationary period.
- (b) An employee who moves to a lower DBM rating within the job classification series shall not serve a new probationary period.

10 PR 040. Movement to another Job Classification Series.

The step placement of an employee who moves from one distinct job classification series to another will be determined as follows:

(a) Promotion:

(1) An employee at steps one (1) through (3) who experiences a change in classification to a higher DBM rating shall be placed at step one (1) of the salary schedule for the new position or at such higher step that equals at least the pay rate of a one (1) step increase in the former range.

(2) An employee at step four (4) or above who experiences a change in classification to a higher DBM rating shall be placed at step one (1) of the salary schedule for the new position or at such higher step that equals at least the pay rate of a two (2) step increase in the former range.

(3) A promoted employee shall serve a new probationary period, the employee's review hours shall be established at the base hours for that step on the salary schedule and the employee shall begin to accrue review hours from that point.

(b) Demotion:

(1) An employee who experiences a change in classification to a lower DBM rating shall, if they held the classification previously during the employee's current period of employment, be placed at the step the employee would have earned had the employee remained in the former classification. The employee shall not serve a new probationary period if the employee formerly held permanent status in the job class.

(2) An employee who experiences a change in classification to a lower DBM rating for a classification not previously held, shall be placed at a step determined by the Human Resources Director provided, however, that the step placement does not exceed the pay rate of one step below the step of the higher DBM Rating. The employee shall serve a new probationary period, the employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 045. Discretionary Pay.

(a) The Human Resources Director may, at his or her sole discretion, authorize a rate of pay above that provided for in 10 PR 020 – 10 PR 040. Notification must be provided to the employee including any conditions that must be met to retain the discretionary pay.

(b) The Human Resources Director may, at his or her sole discretion, terminate previously authorized discretionary pay with at least fourteen (14) days written notice to the employee.

(c) When an employee's rate of pay is reduced due to changes in market conditions and the employee retains the same DBM rating, the employee shall be placed at the step of the DBM rating that equals the employee's current rate of pay. If there is not a step within the DBM rating that equals the employee's current rate of pay, the employee shall be placed at the step that is closest to without exceeding, the

employee's current rate of pay. The employee's pay will be frozen until such time as the salary of the assigned DBM rating and step equals or exceeds the employee's frozen rate of pay.

10 PR 050. Involuntary Demotion.

An employee demoted for cause enters the new range at a step no higher than the one occupied in the former range. The employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 055. ADA/AA Reassignment as amended.

(a) An employee who is reassigned as a reasonable accommodation under the Americans with Disabilities Act shall enter the new range at a step no higher than the one the employee occupied in the former range.

(b) The employee shall serve a new probationary period and establish a new merit anniversary.

10 PR 060. Transfer and Lateral Movement.

(a) The review hours and step placement of an employee transferred in accordance with 5 PR 040 with no change in job classification and DBM rating will not change due to the transfer.

(b) The step placement of an employee transferred to a closely related job classification in accordance with 5 PR 040 will not change. The employee's review hours will remain the same unless the employee serves an amended probationary period.

(c) The step placement of an employee who laterally moves to a position that is not considered a transfer in accordance with 5 PR 040 will not change. The employee will serve a new probationary period and the employee's review hours shall be established at the base hours for that step on the salary schedule, and the employee shall begin to accrue review hours from that point.

10 PR 065. Review Date.

An employee's review date is the first day of the pay period following 2,080 hours in pay status or twenty-six (26) consecutive pay periods, whichever occurs later.

10 PR 070. Merit Increase.

(a) Steps 2 through 13 in the pay schedule recognize merit. Permanent and partially exempt employees are eligible for step increases on his or her review date in accordance with the schedule outlined in 10 PR 070 (b).

(b) A step increase of 1 step in the pay range is given to a permanent or partially exempt employee who receives an overall performance rating of "meets" or better. Such increase is due when the employee reaches his or her date set in accordance with 10 PR 065 according to the following schedule:

(1) Steps 2 through 4: One (1) year of service. One (1) year of service is defined as 2,080 hours in pay status or twenty-six (26) pay periods of continuous service, whichever is greater.

(2) Beyond step 4: Three (3) years of service. Three (3) years of service is defined as 6,240 hours in pay status or seventy-eight (78) pay periods of continuous service, whichever is greater.

(c) The Chief Executive Officer may award up to 4,160 review hours and advance the review date of an employee who receives an overall performance rating of “outstanding”, and where other exceptional circumstances exist. The award of additional review hours shall be considered to meet the equivalent continuous service requirement.

10 PR 075. Merit Increase Not Earned.

(a) If an employee receives an overall performance rating of less than “meets,” the employee shall not be eligible for a merit increase.

(b) The employee’s review date does not change when a step increase has not been earned due to less than acceptable performance.

(c) If the employee’s overall performance rating reaches “meets” a step increase will be given effective the first day of the pay period following the “meets” evaluation.

(d) Should a merit increase be withheld, the supervisor must implement a performance improvement plan consistent with the provisions of 8 PR 025.

10 PR 080. Step Reduction.

(a) If an employee receives an overall performance rating of “unacceptable” the department director may reduce the employee’s step placement by one step, after consultation with the Human Resources Director in accordance with 13 PR 035.

(b) The employee’s review date does not change when a step has been reduced or restored. The reduction is effective the first day of the pay period following written notice to the employee. Not less than 2 pay periods must pass before a step reduction may be restored.

(c) If the employee’s overall performance rating reaches “meets” the former step will be restored effective the first day of the pay period following the “meets” evaluation.

(d) If an employee receives a step reduction, the supervisor must implement a performance improvement plan consistent with the provisions of 8 PR 025.

10 PR 085. Longevity Pay.

Fulltime and part-time employees with greater than 31,200 benefit hours shall receive an annual longevity award in accordance with 18 PR 055 providing the employee receives an overall performance rating of “meets” or better on his or her review date.

10 PR 090. Temporary Assignment Pay.

- (a) An hourly employee temporarily assigned the duties of a higher level position because the incumbent is on leave or the position is vacant is paid temporary assignment pay.
- (b) Temporary assignment of duties under this section may not exceed two (2) weeks.
- (c) An employee is not entitled to temporary assignment pay when the incumbent of the higher level position is on a scheduled day off work.

10 PR 095. Acting in a Higher Range Pay.

- (a) Regular Compensation for Acting in a Higher Range
 - (1) When an employee is assigned to perform the duties of a higher classification under 5 PR 035, the employee shall be paid according to the DBM rating and salary schedule of the higher level position. Step placement in the higher DBM rating shall be the same as if the employee were promoted to the higher classification.
 - (2) An employee who is acting in a higher range is not eligible for the higher job class rate of pay when on leave. Leave time shall not reduce the overall duration of the acting in a higher range appointment.
- (b) Overtime Compensation for Acting in a Higher Range Appointment. An hourly employee appointed to a higher level job class in a salaried position remains eligible for overtime pay.
- (c) Overtime Compensation for a Salaried employee working in an Hourly position. A salaried employee who works, with the approval of his/her director, out of class in an hourly position and who works the majority of his or her work day performing the duties that are normally compensated at an hourly rate of pay, shall be eligible for overtime compensation for hours exceeding the thresholds defined in 10 PR 110.

10 PR 100. Shift Differentials.

An employee, paid on an hourly basis, and who is assigned to work a designated evening or night shift, shall be paid the applicable shift differential in addition to the employee's straight time rate of pay.

- (a) An employee who works four (4) or more hours between 2:00 p.m. and 10:00 p.m. will be paid evening shift differential.
- (b) An employee who works four (4) or more hours between 10:00 p.m. and 6:00 a.m. will be paid night shift differential.
- (c) Once the payment of shift differential has commenced, the employee will be paid the applicable shift differential through the conclusion of the employee's shift.

- (d) Hours worked by an employee in on-call status shall not be considered shift differential hours.
- (e) The hourly premium pay rate associated with shift differential is provided in 18 PR 010.
- (f) An employee who has the flexibility to set their own work hours without impacting the operations of the BRH may, with supervisory approval, waive their right to applicable shift differential. The waiver must be in writing and may be cancelled with written notice at least fourteen (14) days prior to posting of the next work schedule.

10 PR 105. On-Call Pay.

- (a) An employee assigned to on-call duty is paid on-call pay for each hour of on-call duty.
- (b) The hourly on-call rate is provided in 18 PR 015. An employee assigned to on-call duty on a holiday is paid at one and one-half (1½) times the hourly on-call rate.
- (c) If called back the employee is paid at the overtime rate and on-call pay ceases.
- (d) On-call status is not credited to an employee for purposes of determining overtime eligibility, longevity increments or fringe benefits.
- (e) On-call pay is available only to full-time, seasonal full-time, and part-time employees paid an hourly rate.

10 PR 110. Overtime Defined.

All overtime must be pre-approved by the employee's immediate supervisor or his or her designee.

- (a) All hours worked in excess of forty (40) hours in a workweek, excluding hours paid at a premium rate of pay, is paid at the overtime rate.
- (b) Only hours worked count toward the overtime threshold.
- (c) Overtime pay is available only to an employee paid an hourly rate.
- (d) There shall be no pyramiding or duplication of overtime pay and/or other premium compensation.

10 PR 115. Overtime Rate.

The overtime rate for an hourly paid employee is one and one-half (1 ½) times the blended rate of pay.

10 PR 120. Premium Pay.

(a) Premium pay is any rate of pay other than overtime paid at the rate of one and one-half (1 ½) times the straight time rate of pay. If the total hours worked in the work day or period result in overtime, the premium hours shall be considered and paid as overtime.

(b) Premium pay is available only to an employee paid an hourly rate.

10 PR 125. Holiday Pay.

(a) An hourly employee who works on a day listed in 7 PR 075(a)(1)-(11) is paid at one and one-half (1 ½) times the employee's straight time rate of pay for hours worked.

(b) An hourly employee who works overtime as defined in 10 PR 110 on a day listed in 7 PR 075(a)(1)-(11) is paid for the overtime hours at two (2) times the employee's straight time rate of pay.

(c) An hourly employee not normally scheduled to work holidays may waive his or her right to holiday pay, and with prior written supervisory approval, work the holiday at the employee's straight time rate of pay.

10 PR 130. Report Pay.

(a) Unless notified in advance, an hourly employee who reports to work as scheduled and is released for any reason other than discipline shall receive a minimum of four (4) hours pay at the employee's straight time rate of pay.

(b) An hourly employee shall not be eligible for Report Pay if the employer made reasonable attempts to contact the employee by telephone, including unanswered calls, messages left with third parties, or through an employee's voice mail account.

10 PR 135. Weekend Differential.

(a) An hourly employee scheduled to work on the weekend shall receive a weekend differential in accordance with 18 PR 030.

(b) An hourly employee who has the flexibility to set his or her own work hours without impacting business operations may, with prior written supervisory approval, waive their right to weekend differential.

(c) An employee may rescind this waiver with written notice at least fourteen (14) days prior to the posting of the next work schedule.

10 PR 140. Certification Pay.

(a) An employee, who holds a nationally recognized certification(s) that meets the criteria determined by policy, and who has worked 312 or more hours within the previous calendar year, shall be eligible for certification pay annually in accordance with 18 PR 045.

(b) To be eligible for payment, an employee holding a nationally recognized certification(s) which is not required of the position the employee holds, and for which the expenses were borne by the employee, must provide a copy of each certification and requested documentation to the Human Resources Director prior to January 1st of the first year holding such certification and after each renewal.

(c) Certification pay will be distributed the first pay period in February.

(d) An employee who receives certification pay shall work in the discipline for which they hold certification if requested to do so.

10 PR 145. Preceptor Pay.

(a) The department director may authorize an employee who meets the criteria defined in the Preceptor Policy to serve as a preceptor.

(b) An employee who serves as a preceptor shall be compensated in accordance with 18 PR 020.

10 PR 150. Patient Transports.

(a) An employee who is selected to act as an escort for a patient who is being transported to another facility, and accompanies the patient out-of-town, shall receive eight (8) hours of pay at the employee's straight time rate per trip.

(b) If weather conditions render it impossible for the employee to return to Juneau within twenty-four (24) hours from departure, the employee shall receive an additional eight (8) hours of pay at the employee's straight time rate for each additional twenty-four (24) hour period.

(c) If provisions of the Fair Labor Standards Act provide a greater benefit the provisions of the Act are to be followed.

10 PR 155. Adjustments in Posted Work Schedules.

(a) An employee who is required to report to work in advance of a scheduled shift and continues to work the scheduled shift, will be compensated for all hours worked prior to the scheduled shift in accordance with 10 PR 120.

(b) A fulltime employee who is released from duty during a scheduled shift and asked to report for a later shift will be compensated for a minimum of four (4) hours for the scheduled shift. All hours worked during the later shift will be compensated in accordance with 10 PR 120.

- (c) An employee who is directed to delay reporting to a scheduled shift will be compensated for all hours worked outside the scheduled shift in accordance with 10 PR 120.
- (d) An employee who is required to report to work on their regular day off or during non-scheduled hours shall be compensated for a minimum of three (3) hours in accordance with 10 PR 120 providing the employee is not on-call due to a low census release. If the employee is required to report to work more than once within a given three (3) hour window the employee will be compensated for a maximum of three (3) hours unless the actual time worked exceeds three (3) hours.
- (e) An employee who is required to substantively respond by telephone or computer shall be compensated for a minimum of thirty (30) minutes. Hourly employees will be compensated for this time in accordance with 10 PR 120.
- (f) The provisions of this section, with the exception of (e), only apply to full-time and part-time employees.
- (g) In lieu of compensation under (a) – (d) above, a PRN employee will receive a PRN Premium in accordance with 18 PR 035.

10 PR 160. Total Remuneration.

No salary, wage or benefit may be paid to an employee except as provided in these rules, by ordinance or resolution of the Assembly, or as required by state or federal law.

**RULE 11
LEAVE**

Section

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11 PR 005. Scope.

This Rule covers absences from regularly scheduled work for employees with probationary or permanent full-time or part-time status or partially exempt status. Full-time seasonal, casual, casual seasonal, PRN temporary and emergency employees shall not be subject to personal leave accrual or use.

11 PR 010. Accrual Rates.

(a) The rate of accrual is determined as follows:

(1) For employees with less than 2,081 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1000;

- (2) For employees with 2,081 but less than 4,161 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1385;
 - (3) For employees with 4,161 but less than 10,401 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1500;
 - (4) For employees with at least 10,401 but less than 20,801 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1615;
 - (5) For employees with at least 20,801 hours of employment, the total number of hours in pay status within the pay period is multiplied by .1846.
- (b) Hours of employment for the purpose of computing an employee's personal leave accrual rate includes all hours an employee is compensated for, except on-call hours.
 - (c) Pay status for the purpose of computing pay period leave accrual includes all hours an employee is compensated for, except on-call hours.
 - (d) If a former employee who left in good standing returns to BRH service, the employee shall be placed at the level of leave accrual formerly held.
 - (e) The Chief Executive Officer may, at his or her discretion, authorize an advanced leave accrual rate.
 - (f) Upon appointment, Directors are advanced six (6) months (104 hours) of leave accrual. No additional leave accrual is granted until the indebtedness is satisfied.

11 PR 015. Personal Leave Cash-in.

(a) An employee who has completed his or her initial probationary period may cash in personal leave providing the employee's leave balance after the cash-in is not less than 80 hours. The Chief Executive Officer may, at his or her discretion, authorize an exception for an unforeseen hardship.

(b) A personal leave cash-in does not count toward minimum leave use requirements.

11 PR 020. Accrual During Disciplinary Leave.

Leave is not accrued for any pay period during which an employee is absent on disciplinary leave.

11 PR 025. Increase of Leave Accrual.

A change to an employee's rate of accrual is effective on the first day of the pay period following the pay period in which the employee meets the hours threshold for the next higher accrual rate.

11 PR 030. Minimum Leave Use.

(a) An employee must use not less than 120 hours of personal leave during the calendar year. Leave cashed in or donated shall not count as use for purposes of this rule. The 120 hours will be prorated for part-time employees.

(b) Minimum leave not used is deducted from the employee's leave balance on January 1st of the following calendar year unless the employee's department director certifies in writing that there was no opportunity for the employee to use the leave. An employee may not receive any credit or compensation for deducted leave.

11 PR 035. Maximum Leave Carry-over.

(a) Accrued personal leave may not exceed 750 hours on the first day of the calendar year. Leave in excess of 750 hours is paid out to the employee at his or her current base rate of pay and will be included in the employee's pay for the first pay period in January.

11 PR 040. Use of Personal Leave.

(a) Personal leave may be granted at any time the work load permits with the prior approval of the employee's supervisor.

(1) Requests for personal leave must be made no less than fourteen (14) days prior to the date the work schedule is to be posted.

(2) Employees will be notified in writing within one (1) week of submittal whether the request for personal leave is approved.

(3) Employees requesting personal leave ninety (90) or more days in advance, but no further than eleven (11) months in advance, will be notified in writing within thirty (30) days of the request whether the requested personal leave is approved.

(4) An employee who requests personal leave at least ninety (90) days in advance may rescind the approved request up to thirty (30) days after the approval. Requests to rescind approved personal leave more than thirty (30) days after approval require the department director or his or her designee's consent.

(5) Nothing in this rule prohibits a department director from establishing policy that creates restrictions on the length or amount of leave allowable due to business operational requirements. Department specific rules must be approved by the Human Resources Director.

(b) Personal leave for medical reasons may be granted if the supervisor is satisfied that:

(1) The employee is sick or disabled to the extent that the employee cannot perform regular duties;

(2) The employee's presence on the job would jeopardize the health or safety of fellow employees or patients; or

(3) The employee's presence is required to care for the employee's family member as defined in the Family and Medical Leave Act or such others as may be approved by the Human Resources Director.

(c) Personal leave may also be used for Family Medical Leave purposes consistent with the provisions of 11 PR 075.

(d) A department director may require an employee to provide a statement from a health care provider or other acceptable proof that the conditions of this section have been satisfied before authorizing use of personal leave.

(e) An employee is required to promptly advise the supervisor or department director of his or her absence and the reason for his or her absence when requesting the use of unscheduled leave.

(f) An employee may not separate from service from leave status unless extenuating circumstances exist and approval is granted by the Human Resources Director.

11 PR 045. Use of Personal Leave for Holidays.

(a) An employee is required to use a day of personal leave for each designated or observed holiday unless the employee is required to work on the holiday or it is a regularly scheduled day off for the employee.

(b) An employee using personal leave on a holiday who is called into work on the holiday shall not be required to use personal leave for the hours actually worked.

(c) An employee who is not normally scheduled to work holidays may voluntarily sign a waiver and with supervisory approval, work the holiday at their straight time rate of pay in lieu of using personal leave.

11 PR 050. Direction to Take Leave.

A supervisor or department director may direct an employee to use accrued leave when necessary to assure the employee uses the minimum required leave or when the employee's accumulated leave may exceed the maximum carry-over.

11 PR 055. Bereavement Leave.

(a) When a death occurs in the employee's immediate family, upon request to the employee's supervisor, the employee may be granted a leave of absence with pay from scheduled work of up to forty (40) hours to participate in the memorial service and/or attend to the affairs of the deceased. The forty (40) hours will be prorated for part-time employees.

(b) For an employee who must travel outside of Juneau, the leave of absence will be extended to ten (10) days. However, only the first forty (40) hours is compensated under this rule.

(c) An employee who is on personal leave when a death occurs in his or her immediate family, may convert his or her personal leave to bereavement leave provided the employee submits a written request to his or her department director within five (5) business days of the employee's return from leave.

(d) For purposes of this rule, immediate family member is defined as grandparent, parent, spouse, domestic partner, sibling, child, grandchild, parent-in-law, son/daughter-in-law and other relationships as may be approved by the Human Resources Director.

11 PR 060. Use of Leave to Supplement Workers' Compensation.

(a) An employee may supplement workers' compensation payments with the use of personal leave provided the employee's net compensation does not exceed what the employee would have received had the employee worked a regular schedule.

(b) Employees receiving workers' compensation are on leave without pay for that time covered by the payments.

11 PR 065. Leave Without Pay.

(a) An employee may be granted leave without pay provided the leave does not adversely impact the employer's operations. Except as provided in 11 PR 075 and 13 PR 030, an employee may not take leave without pay if the employee has accrued personal leave available for use.

(b) Leave without pay in excess of five (5) days in a calendar year must be approved by the Chief Executive Officer or his or her designee unless authorized as family/medical leave under the provisions of 11 PR 075 or bereavement leave under the provisions of 11 PR 055.

11 PR 070. Leave of Absence.

(a) A permanent employee may be granted a leave of absence without pay for up to one (1) year for educational, sabbatical, medical, or personal reasons upon approval of the Chief Executive Officer. Accrued but unused personal leave shall be paid to the employee as a lump sum at the employee's hourly pay rate when the leave of absence begins and is subject to 11 PR 135(b).

(b) Upon return from an approved leave of absence:

(1) The employee will be placed in the position he or she previously held, if vacant;

(2) If the position the employee previously held is not vacant, the employee will be offered another vacant position in the job classification or a closely related job classification for which the employee qualifies; or

(3) If another position in the job classification or a closely related job classification is not available, the employee will be placed in layoff status.

(4) If the employee fails to accept the position offered, the employee will be separated.

11 PR 075. Family/Medical Leave.

The BRH complies with the Family and Medical Leave Act and the Alaska Family Leave Act.

11 PR 080. Cancellation of Leave.

The BRH retains the right to cancel pre-approved leave when circumstances require such cancellation.

11 PR 085. Effect of Leave Without Pay.

During each pay period an employee uses leave without pay, the employee accrues leave and other benefits on the same prorated basis as a part-time employee.

11 PR 090. Employee Furloughs.

The Chief Executive Officer may, at his or her discretion, authorize a period of employee furlough on a voluntary or mandatory basis to reduce the operating costs of the organization. An employee may be placed on furlough even if the employee has a personal leave balance.

11 PR 095. Jury Duty Leave.

(a) An employee called to serve as a juror on his or her regularly scheduled workday shall be paid his or her regular wage for the time spent in court or the length of the shift, whichever is less. The employee shall remit to BRH all juror fees for such service. Scheduled hours in excess of time in court may, with supervisor's approval, be taken as personal leave or leave without pay.

(b) An employee scheduled to work the evening shift may be excused from work on the day of the jury duty.

(c) An employee scheduled to work the night shift may be excused from work either the night preceding or the night immediately following serving as a juror.

(d) An employee covered under (c) of this rule who voluntarily elects to work their scheduled shift shall retain the juror fee for their service.

(e) Court leave must be supported by written documents such as a court clerk's statement of attendance.

11 PR 100. Employer Witness Duty.

An employee called to be a witness on behalf of the employer shall be paid his or her regular wage for the time spent in preparation for and in such legal proceedings.

(a) An employee scheduled to work the day shift may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for

the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.

(b) An employee scheduled to work the evening shift will be reassigned to the day shift on the day of witness duty. The employee may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.

(c) An employee scheduled to work the night shift may be excused from work on the night preceding the day of witness duty. On the day of witness duty, the employee will be reassigned to work day shift hours. The employee may be required, at the manager's discretion, to report to work after the employee's court appearance if the day would otherwise be a normal workday for the employee. If business allows, the employee may request to use personal leave in lieu of returning to work.

(d) An employee subpoenaed for proceedings that are not on the behalf of the employer will be given release time. Such release time will be taken as personal leave or leave without pay.

11 PR 105. Military Leave Without Pay.

An employee is entitled to leave without pay to serve on active duty in the United States uniformed services and is entitled to the reemployment benefits granted under the Uniformed Services Employment Reemployment Rights Act (USERRA).

11 PR 110. Military Leave with Pay.

(a) An employee who is a member of a reserve component of the United States uniformed services is entitled to a leave of absence without loss of pay for that time during which the employee is ordered to training duty, as distinguished from active duty, or for field exercises, for instruction with troops or when under direct military control for search and rescue missions.

(b) An employee who is called to active duty by the governor is entitled to 5 paid work days of military leave per year (January 1 through December 31).

11 PR 115. Emergency Service Leave.

An 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 emergency service leave with pay for the performance of fire suppression, search, rescue or similar emergency missions under direct military, federal, state or CBJ control.

11 PR 120. Maximum Paid Military and Emergency Service Leave.

The combined total of paid military leave and paid emergency service leave for an employee may not exceed 16.5 days in a calendar year.

11 PR 125. Educational Leave.

An employee, except a salaried employee, may request up to twenty-four (24) hours of paid educational leave per calendar year to attend an educational program approved by the department director. In lieu of such leave, the employee may request twenty-four (24) hours of pay for participation in an approved educational program outside of work hours. The approval of educational leave or pay is subject to budgetary considerations and scheduling requirements.

11 PR 130. Professional Leave.

An employee may request up to twenty-four (24) hours of paid professional leave per calendar year to attend conferences, seminars or trade shows sponsored by a recognized professional organization. The employee must be a member of a related professional organization and the event must be related to the duties of the employee's position. The approval of professional leave is subject to budgetary considerations and scheduling requirements.

11 PR 135. Donation of Leave.

(a) An employee may donate a maximum of 30 days or 50 percent of accrued personal leave, whichever is less, provided that the donation does not reduce the employee's total leave balance to less than 80 hours.

(b) The transfer of leave may only be made:

(1) To an employee who is on leave without pay and whose absence from work is due to:

(A) Illness or injury;

(B) Illness or injury of the employee's immediate family member as defined in 11 PR 040(b)(3) and the employee's presence is required to provide care to the immediate family member; and

(C) The employee is on approved military or emergency service leave per 11 PR 100.

(2) To a member of the immediate family of a deceased employee.

(c) Unused donated leave will be returned to the donor.

(d) Leave donated to another employee may not be credited toward the donor's minimum leave use requirement.

(e) Leave donated by an employee shall be given a cash value by multiplying the number of hours donated by the regular hourly pay rate of the donor.

(1) The cash value is given to the family of the deceased employee, or

(2) The cash value is divided by the regular hourly pay rate of the recipient whose personal leave balance will be credited with the hours. The credited hours may not exceed the leave without pay the recipient incurred for the pay period.

11 PR 140. Personal Leave on Separation.

(a) A permanent employee separating from employment will receive, within 30 days of separation, terminal leave in the form of a lump sum payment for the personal leave balance at time of separation providing that the employee gave proper written notice as specified in 12 PR 005(d) and the employee is not resigning in lieu of or discharged for gross misconduct or a serious infraction.

(b) An employee reemployed who had a terminal leave cash in of 80 hours or more must refund an amount equal to 80 hours to be credited to the employees personal leave account.

11 PR 145. Personal Leave Balance Upon Appointment

(a) An employee shall have a zero leave balance upon appointment, except as provided under 11 PR 010 (f) or 11 PR 145 (b).

(b) Upon appointment of an employee that was previously employed by another organization, where the Board of Directors has approved BRH taking on the services of that other organization, the CEO may authorize a leave balance of the same or similar value to that employee's leave balance at the other organization upon termination from that organization.