

Report on Petersburg Borough Human Resources Practices and Procedures by Assembly Member Fine-Walsh

In light of the recent ruling issued by the Alaska Supreme court in the case filed by the family of Molly Parks, I think it is important to provide an update to our community about what has been done in the time since the tragic events of July 4, 2016. I know this is very much on everyone's mind right now and I have given it a great deal of thought myself trying to figure how best to help. I have spoken with the Parks family, I have met with and interviewed borough admin, and I have reached out to municipal administrators in neighboring communities to see how their practices compare to our own.

Many members of our community, including the Parks family, have requested that the borough initiate a full investigation of the events surrounding the crash that took the lives of Molly Parks and Marie Giesbrecht. My objective today is not to assign blame to anyone, rather, my priority as an assembly member is to make sure we are doing everything reasonably possible to keep our community safe and that when those efforts do not succeed, we do everything possible to understand why and learn how we might improve our policies. Many members of the community are under the impression that the Borough has not instituted policies in response to the events of 2016, this is not true. There has been a robust response on the part of the Borough though unfortunately, Borough admin have not been very public about this.

I have spoken with borough personnel who were in place at the time of the incident to learn what new and improved procedures have been instituted to better safeguard our community. This is what I learned.

First, the borough has introduced enhanced screening of all new borough employees. All borough employees are now subject to a full background check by a reputable company based out of Ketchikan called The Safety Specialists, (TSS). Requiring all borough employees to undergo a full background check ensures that, even if an employee fails to disclose important information during the application process, and even if this information is not on any record in the state of Alaska, for instance when an employee comes from out-of-state, the borough will have this information before hiring.

Second, the borough's department heads are now very rigid about which of their employees are able to operate vehicles or other machinery on the job at all. During the application process, department heads will sit down with incoming employees and go over, in detail, every aspect of their job description. Both the Employee and the department head will sign off on this process to show that each has a full understanding of their roles and responsibilities. Only those certain employees whose job description specifically includes operation of vehicles or machinery are allowed to do so. The department heads work closely with these employees to ensure they are competent to safely carry out their job duties and that adequate accommodations are made for any disability the employee may have. Anyone whose job description does not include driving is now NOT allowed to operate ANY vehicle, regardless of whether someone may have a license to drive. It is crucial that department heads know at all

times which of their employees may be expected to operate a vehicle or other dangerous machinery.

I want to further address what borough policy looks like when an accommodation needs to be made for an employee with a disability. The Americans with Disabilities Act (the ADA) prohibits employers from automatically denying employment or removing an employee on the basis of a disability, such as seizures. Once employed, an employer, such as the Petersburg Borough is required to make reasonable accommodations for an employee with a disability, regardless of whether the employer was aware of the disability during the hiring phase or if the disability arises or becomes apparent after employment. This is why it is so important to have accurate descriptions of job duties for every position and why it is important for employees and their supervisors to know what these job descriptions include. With a detailed listing of all aspects of the roles and responsibilities for each employee position, the employee, supervisor and department heads can work with HR to determine exactly what accommodations are necessary for an employee with a disability by examining what the essential functions of that employee position are. If a job description is not complete, and an employee is undertaking functions that a department head or human resources are not aware of, they will not be able to ensure that an employee is effectively accommodated. This is why the Petersburg Borough provides a detailed job description for every position that sets out all the functions and requirements of that position. When an employee requests an accommodation for a disability an interactive process is initiated between the employer and employee, this process is a requirement under the ADA.

In the interactive process, the applicant or employee, health care provider and the Petersburg Borough may each share information about the nature of the disability and the limitations that may affect the employee's ability to perform the essential job duties. This discussion is the foundation of compliance with the Americans with Disabilities Act.

During the process the Borough may review an accommodation request from the employee or his or her health care provider. The Borough may obtain written medical release or permission from the employee. The employee's health care provider may not disclose information or answer questions about the employee's disability without the employee's permission. Finally, the Borough may ask the employee to provide appropriate documentation from the employee's health care or rehabilitation professional regarding the nature of the impairment, its severity, the duration, the activities limited by the impairment(s) and the extent to which the impairment(s) limits the employee's ability to perform the job's essential duties/functions.

From here it is the duty of the Borough Human Resources department to determine what accommodations are necessary and if accommodation is reasonably possible.

I spoke with the head of the Borough Human Resources department in Sitka and they explained that the Sitka Borough outsources the task of determining what accommodations are necessary and if accommodation is reasonably possible to a third-party agency which specializes in this area. Small communities often have only one or two individuals working in the HR department and application of ADA regulations is complicated and requires specialized knowledge of federal law.

Based on the research and interviews I conducted to compile this report, I have the following recommendations:

First, I recommend that the Petersburg Borough and Assembly consider adopting a similar practice to Sitka. The cost of hiring a third-party agency is reasonable, (Sitka spends \$3000 a year on this service) and the benefits include access to specialists with detailed knowledge of the ADA and how to apply its rules.

Second, I recommend that the Borough require that incoming Department Heads and supervisors undergo ADA training as part of their employment so they have a clear understanding of the policies put in place by the borough to accommodate employees with disabilities. It is crucial that supervisors, department heads and the human resources department know how to work together to ensure that reasonable accommodations are made when necessary and that employees and the public are not put at risk.

To conclude, I want to offer my deepest condolences to the Parks and Giesbrecht families for a loss, terrible beyond comprehension. I want to thank the Parks family and the Petersburg community for their commitment to ensuring our safety, even when it means revisiting such awful tragedy. Facing this event makes our entire community that much stronger as a result of their efforts, and that much safer.