

CITY OF THORNE BAY
ORDINANCE 20-01-07-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 2.24-ADMINISTRATION & PERSONNEL; CHAPTER 2.24-OFFICERS & EMPLOYEES; SECTIONS 2.24.060-ANNUAL LEAVE & 2.24.070-SICK LEAVE; ADDING ABILITY TO DONATE SICK LEAVE UPON APPROVAL BY THE MAYOR OR ADMINISTRATOR

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. The title and chapter of Title 2-Administration and Personnel, Chapter 2.24-Officers & Employees; Sections 2.24.060-Annual Leave & 2.24.070-Sick Leave; is hereby amended.

Section 2.24.060 is hereby amended to read as follows:

A. Transfer or Donation of Annual Leave.

Only under extenuating circumstances, may an employee donate a portion of his/her accrued annual leave to another employee. **IN ORDER TO DONATE ANNUAL LEAVE, THE LEAVE MUST BE:**

1. Must be approved by the mayor or city administrator; and
2. Shall not be more than **80 40** hours of leave;
3. The annual leave rate shall be paid at the **LESSER** rate of that employee who is **EITHER** donating **OR RECEIVING** the time.

Section 2.24.070 is hereby amended adding subsection "N" Transfer of Sick Leave; and shall read as follows:

~~**D. Transfer or donation of sick leave. Sick leave is nontransferable.**~~

H. TRANSFER OR DONATION OF SICK LEAVE.

ONLY UNDER EXTENUATING CIRCUMSTANCES, MAY AN EMPLOYEE DONATE A PORTION OF HIS/HER ACCRUED SICK LEAVE TO ANOTHER EMPLOYEE. IN ORDER TO DONATE SICK LEAVE, THE LEAVE MUST BE:

1. **APPROVED BY THE MAYOR OR CITY ADMINISTRATOR; AND**
2. **EMPLOYEE RECEIVING LEAVE MUST HAVE EXHAUSTED ALL AVAILABLE SICK AND ANNUAL LEAVE AND BE ON FMLA**
3. **SHALL NOT BE MORE THAN 80 HOURS OF LEAVE;**
4. **THE SICK LEAVE RATE SHALL BE PAID AT THE LESSER RATE OF THAT EMPLOYEE WHO IS EITHER DONATING OR RECEIVING THE TIME.**

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED January 7, 2020

ATTEST:



Teri Feibel, CMC

Dana Allison, acting
City Clerk



Harvey McDonald, Mayor

[Introduction: December 3, 2019]
[Public Hearing: December 17, 2019]
[Public Hearing: January 7, 2020]

ORDINANCE 20-01-07-01
AMENING TITLE 2 – ADMINISTRATION & PERSONNEL
CHAPTER 2.24 – OFFICERS & EMPLOYEES

2.24.060 ANNUAL LEAVE.

- A. Permanent Full-time Employees. Permanent full-time employees shall accrue annual leave at the following rates: Four hours annual leave per pay period for the first three years of continuous city employment; five hours annual leave per pay period for the fourth and fifth years of continuous city employment; six hours annual leave per pay period for the sixth through ninth years of continuous city employment; eight hours annual leave per pay period for ten years or more of continuous city employment.
- B. Permanent Part-time Employees. Permanent part-time employees shall accrue annual leave at 50% of the rates established for full time employees.
(Ordinance 17-12-05-01)
- C. Permanent short-hours employees. Permanent short-hour employees shall accrue annual leave at 25% of the rates established for full time employees.
(Ordinance 17-12-05-01)
- D. Temporary Employees. An employee appointed for a position of a temporary nature shall not accrue annual leave credit.
- E. Leave-Without-Pay-Status. The mayor, or his/her designee, may grant leave-without-pay status to an employee at his/her request provided the mayor, or his/her designee determine the leave does not cause a hardship to the city. Such leave request must be made in writing and must be made at least four weeks in advance unless precluded by extenuating circumstances. An employee may not take leave without pay if the employee has accrued leave available for use. Leave without pay shall be classified in two categories:
 - 1. Short term up to 3 months that does not require the filling of that position. Under short term leave the employee may continue to receive benefits if granted as part of leave request.
 - 2. Long term leave over 3 months or requiring the filling of that position will be considered a termination which will include the termination of all benefits. An employee must exhaust all their earned vacation and sick leave before leave without pay is considered. Employees returning after long term leave will be given priority for any employment opportunities the city may have assuming the employee left in good standing.
- F. Saturdays, Sundays and Holidays. While on annual leave, Saturdays, Sundays and holidays will not be considered as time taken on annual leave, but only regular workdays will be counted.
- G. Pay During Annual Leave. If a payday falls during the annual leave of an employee, he/she shall be entitled to receive at the beginning of his/her annual leave the compensation due while on annual leave.
- H. Authorization. The mayor, or his/her designee, shall authorize, in writing, annual leave requested by an employee.
- I. Accumulation Limit. Up to two hundred and forty hours of annual leave time may be accrued. An employee shall forfeit any leave over two hundred forty hours.

- J. Termination. Accrued annual leave time up to two hundred forty hours will be paid to employees who terminate their employment with the city after six months of service. Payment will be based on salary on date of termination.
- K. Pay in lieu of time off. There shall be no pay in lieu of earned annual leave time except on termination of an employee. The mayor or mayor designee and city administrator may approve an exception to Payment in Lieu of Time off under extenuating circumstances not caused by employee.
- L. Probationary Period. Unless authorized by the mayor, annual leave time may not be taken prior to six months of continuous service. Annual leave shall accrue from the date of employment.
- M. Notice of Annual Leave. All employees shall serve at least two weeks' notice of anticipated annual leave to the mayor or his/her designee in writing and secure written permission for leaves.
 - 1. Any employee that is approved for a draw for any amount will not be deducted in full in the upcoming paycheck, the employee will guarantee this amount by maintaining the full number of vacation hours at the amount necessary to pay back the draw if their employment should end prior to fulfilling their debt unless authorized by the mayor.
 - 2. Any annual leave otherwise taken shall be deemed as unauthorized, and no vacation pay is permitted, and no other benefits shall accrue. Unauthorized annual leaves may be reason for termination.

(Ordinance 17-12-05-01; Prior Ord. 09-02-17-01 & Ord. 8201-2 § 6, 1986)

N. Transfer or Donation of Annual Leave.

Only under extenuating circumstances, may an employee donate a portion of his/her accrued annual leave to another employee.

- 1. Must be approved by the mayor or city administrator; and
- 2. Shall not be more than ~~80~~ **40** hours of leave;
- 3. The annual leave rate shall be paid at the LESSER rate of that employee who is EITHER donating OR RECEIVING the time.

(Ordinance 20-01-07-01; Prior Ord. 18-10-15-01; adding Subsection N)

2.24.070 SICK LEAVE

- A. Policy. All permanent full-time and part-time employees shall accrue and may use as accrued, sick leave on the basis of:
 - a. Permanent Full-time. Four hours per pay period;
 - b. Permanent Part-time. At 50% of the rates established for full-time employees.
 - c. Permanent Short-hours Employees. Permanent short-hour employees shall accrue sick leave at 25% of the rate established for full time employees.
- B. Notification to Superior. Any employee absent due to illness or injury shall immediately notify the city offices within one hour after the normal time for reporting for duty, or as soon as possible. Failure to keep superior informed of expected return date may result in termination of employment.

C. Upon Separation. Upon his/her separation, the unused sick leave of the employee is automatically canceled without pay.

~~D. Transfer or donation of sick leave. Sick leave is nontransferable.~~

D. Accumulation. Sick leave accrued, but not used, shall accumulate until termination of employment. Upon the death of any employee, any unused sick leave in his/her account will be paid in cash to his/her beneficiaries at the employee's rate of pay at the time of death.

E. Availability of Sick Leave.

1. Sick leave shall be granted only in the following instances, or as otherwise deemed allowable by the mayor or his/her designee:

- a) Medical or Dental Appointments. An employee may be granted sick leave for medical or dental appointment for himself, herself, or immediate family.
- b) Illness or Injury. An employee may be granted sick leave for personal illness or injury where his/her presence on the job could jeopardize his or her health or that of fellow employees. An employee may be granted sick leave to attend to the injury or illness of a member of his or her immediate family.
- c) Death in the Family. An employee may be granted sick leave to attend the funeral of a member of his/her immediate or extended family.

2. Sick leave may not be paid in addition to work performed and paid for in excess of 40 hours per week.

- a) Example: Employee works Monday – Friday and logs 40 hours of work on his time sheet (Monday through Friday). He/she puts down 6 hours of sick leave for Saturday that same week. This employee will not be granted the use of 6 hours sick leave.
(Ordinance 18-10-15-01; adding subsection (f)(2)(i))

F. Doctor's or Nurse's Certificate. More than five consecutive days sick leave used may require a signed medical certificate.

G. Under certain circumstances, a permanent, non-probationary employee may be entitled to leave for family or medical matters under the Alaska Family Act and upon application for same.

H. TRANSFER OR DONATION OF SICK LEAVE.

ONLY UNDER EXTENUATING CIRCUMSTANCES, MAY AN EMPLOYEE DONATE A PORTION OF HIS/HER ACCRUED SICK LEAVE TO ANOTHER EMPLOYEE. IN ORDER TO DONATE SICK LEAVE, THE LEAVE MUST BE:

- 1. APPROVED BY THE MAYOR OR CITY ADMINISTRATOR; AND
- 2. EMPLOYEE RECEIVING LEAVE MUST HAVE EXHAUSTED ALL AVAILABLE SICK AND ANNUAL LEAVE AND BE ON FMLA
- 3. SHALL NOT BE MORE THAN 80 HOURS OF LEAVE;
- 4. THE SICK LEAVE RATE SHALL BE PAID AT THE LESSER RATE OF THAT EMPLOYEE WHO IS EITHER DONATING OR RECEIVING THE TIME.

(Ordinance 20-01-07-01; Prior Ord. 18-10-15-01; adding Subsection D; prior Ord. 17-05-02-01; Prior Ordinances: 17-12-05-01; Ord. 96-07 § 3(part), 1996: Ord. 8201-2 § 7, 1986)