

Introduced by: City Manager Healy  
 Date: November 23, 2004  
 Public Hearing: December 14, 2004  
 Action: Adopted  
 Vote: Unanimous

## CITY OF PALMER, ALASKA

### ORDINANCE NO. 646

AN ORDINANCE REGARDING CHAPTER 2.58 (PERSONNEL REGULATIONS); AMENDING SUBSECTION C OF 2.58.040 (APPLICATION); AMENDING SUBSECTION C OF SECTION 2.58.320 (OVERTIME AND HOLIDAY PAY); AMENDING SUBSECTION B OF 2.58.420 (SICK LEAVE BANK); AMENDING SUBSECTION H OF 2.58.635 (EMPLOYEE'S RIGHT TO A HEARING ON DEPARTMENT HEAD'S INTENT TO IMPOSE ADVERSE ACTION); AMENDING SUBSECTION B OF 2.58.640 (CITY MANAGER PROCEDURE FOR IMPOSING ADVERSE ACTION); AMENDING SUBSECTION H OF 2.58.645 (EMPLOYEE'S RIGHT TO A HEARING ON CITY MANAGER'S INTENT TO IMPOSE ADVERSE ACTION); AMENDING SECTION 2.58.660 (RETIREMENT) AND AMENDING SUBSECTION 2.58.810 C (STATEMENT OF PROHIBITED CONDUCT) OF TITLE 2 (ADMINISTRATION AND PERSONNEL)

The City of Palmer ordains:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Section 2.58.040 (C) is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

#### **2.58.040 Application.**

C. Elected officials, appointive officers, volunteer fire fighters, volunteer medical personnel, and volunteer peace officers are not classified employees; provided, that the council may make some or all of the personnel regulations applicable to the city manager and clerk. All other officers and employees are classified employees.

Section 4. Section 2.58.320 (C) is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

#### **2.58.320 Overtime and holiday pay.**

C. Overtime pay shall arise because an employee is both authorized to work and actually works more than 40 hours in a work week, which is designated as Monday through Sunday. No overtime pay shall arise merely because an employee works more than five days in a row. No overtime pay shall arise merely because an employee works on a Saturday, Sunday, or on any holiday not specified in PMC 2.58.310(A). ~~Subject to subsection (D) of this section,~~ Overtime work shall be paid at the rate of time and one-half.

D. Repealed by Ord. 542. (Ord. 542 § 9, 1999; Ord. 506 § 7, 1996; Ord. 490 § 3, 1995)

Section 5. Section 2.58.420 (B) is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

**2.58.420 Sick leave bank.**

**B. Sick-Leave Bank Eligibility.**

1. The sick-leave bank enables a member, because of unusual circumstances, to draw up to 10 days (80 hours) with an application made to the committee.
2. The sick-leave bank will not cover the first 10 working days of each individual illness following the use of all accumulated sick leave and vacation leave. An application for the use of the sick-leave bank shall only be for a maximum of 10 days. A 10-day waiting period must be observed before making an application for additional use of the sick-leave bank.
3. There shall be a 10-day lapse between the last day of sick leave/personal leave and the beginning of the sick-leave bank eligibility.
4. ~~An employee may not withdraw more hours from the sick-leave bank than they would have acquired during their tenure with the city. For example, a one-year employee could at the maximum draw 12 days from the sick-leave bank.~~
5. Sick-leave bank withdrawal payments shall be less the amount paid by the city of Palmer's insurance policy in effect at the time of illness.
6. If an employee has used in excess of two-thirds of their leave time (plus all previously accrued sick leave), they may make application for leave from the sick-leave bank, if funds exist in the sick-leave bank.
7. Hours may be collected in the sick-leave bank by donations solicited by an employee when in need and in accordance with ~~PMC 2.58.400(G)~~ 410 (D).

Section 6. Subsection 2.58.635 (H) is amended to read as follows (new language is underlined and deleted language is stricken out):

**2.58.635 Employee's right to a hearing on department head's intent to impose adverse action.**

H. All testimony shall be under oath. The proceedings shall be ~~tape~~-recorded. Upon written request, the employee is entitled to a copy of the ~~tape~~ recording at no charge. The employee or representative and the department head or representative may examine and cross-examine witnesses. The city manager or representative may also question witnesses. Exhibits may be introduced. The rules of evidence need not be strictly followed. Irrelevant or unduly repetitious evidence may be excluded. The factual record is closed at the close of the hearing. The city manager may continue the hearing for good cause.

Section 7. Subsection 2.58.640 (B) is amended to read as follows (new language is underlined and deleted language is stricken out):

**2.58.640 City manager procedure for imposing adverse action.**

B. The notice of intent to impose adverse action shall notify the employee:

1. Of the city manager's intent to impose a specified adverse action on the employee;
2. Of the statement of cause for the action including the determination of items in subsections (A)(4) and (5) of this section;
3. That the employee has the right to a hearing before the city manager to contest the imposition of the adverse action; and

4. That if the employee does not deliver a written request for the hearing to the city manager within five working days after service upon the employee of the notice of intent, the adverse action shall be imposed and the employee shall have waived all right of review.

Section 8. Subsection 2.58.645 (H) is amended to read as follows (new language is underlined and deleted language is stricken out):

**2.58.645 Employee's right to a hearing on city manager's intent to impose adverse action.**

H. All testimony shall be under oath. The proceedings shall be ~~tape~~-recorded. Upon written request, the employee is entitled to a copy of the tape recording at no charge. The employee or representative and the person presenting in support of the city manager's notice of intent may examine and cross-examine witnesses. The city manager or his or her representative may also question witnesses. Exhibits may be introduced. The rules of evidence need not be strictly followed. Irrelevant or unduly repetitious evidence may be excluded. The factual record is closed at the close of the hearing, and may be reopened only upon good cause. The city manager may continue the hearing for good cause.

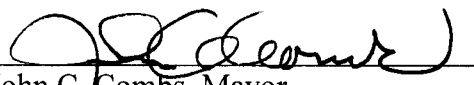
Section 9. Subsection 2.58.660 is amended to read as follows (new language is underlined and deleted language is stricken out):

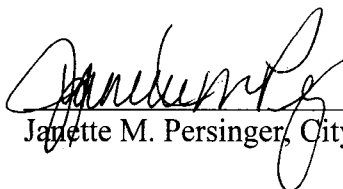
**2.58.660 Retirement.**

~~The city is a participant in the Federal Old Age Insurance Act and all employees of the city are subject to the provisions of the Federal Old Age Act, as amended.~~ It is not mandatory for each employee to retire from employment of the city upon reaching 65 years of age. Since the city is a participant in the Alaska Public Employees Retirement System, all full-time employees of the city are subject to the provisions as amended from time to time.

Section 10. Effective Date. This ordinance shall become effective upon adoption.

Passed and approved this 14<sup>th</sup> day of December, 2004.

  
John C. Combs, Mayor

  
Janette M. Persinger, City Clerk