

ALEUTIANS EAST BOROUGH

EMPLOYEE HANDBOOK

April 11, 2019

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GENERAL PROVISIONS

1.01 INTRODUCTORY STATEMENT

- A. This Employee Handbook (the handbook) is designed to acquaint employees with the Aleutians East Borough (the Borough or the AEB) and provide employees with information about working conditions, employee benefits and some of the policies affecting Borough employment. Employees should read, understand, and comply with all provisions of the handbook. It describes many employee responsibilities and outlines the programs developed by the Aleutians East Borough to benefit employees.
- B. One of the Borough's objectives is to provide a work environment that is safe and conducive to personal growth and to professional development. This handbook is intended to facilitate that goal.
- C. No handbook can anticipate every circumstance or question about policy. As the Borough continues to grow, we will inevitably need to change some of the policies described in this handbook. For that reason, the Borough reserves the right to revise, supplement, or rescind any policies or any portion(s) of the handbook from time to time as the AEB deems appropriate, in its sole and absolute discretion. Borough employees will be notified of such changes if and when they occur.

1.02 NATURE OF EMPLOYMENT

- A. This handbook is intended to provide Borough employees with a general understanding of the AEB's personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the Borough.
- B. However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and it is not intended to create contractual obligations of any kind. No Borough employee is bound to continue the employment relationship if the employee chooses at any time, in his or her sole discretion, to end the relationship. Similarly, for all employees who are not regular employees as defined in Section 1.04 of this handbook, including probationary, temporary and part-time employees, management and confidential employees who occupy positions that are designated as exempt or non-classified or are not otherwise subject to the merit system, the Aleutians East Borough may terminate the employment relationship at any time, with or without cause, so long as such termination does not constitute a violation of state or federal law or constitutions. Such employees do not have a right to a hearing regarding the termination. An employee who holds a classified position and who has acquired regular status may be terminated for cause at any time and has other rights, including the right (upon appropriate written request) to a hearing under certain conditions. Those rights are described more fully elsewhere in this handbook.
- C. To retain necessary flexibility in the administration of policies and procedures, the Aleutians East Borough reserves the right to change, revise, or eliminate any of the

policies and/or benefits described in the handbook. The only recognized deviations from the stated policies are those authorized in writing and signed by the Mayor of the Aleutians East Borough.

1.03 EMPLOYEE RELATIONS

- A. The Aleutians East Borough believes that the work conditions, wages and benefits it offers to its employees are competitive with those offered by other employers in this geographic area and in this type of employment. If employees have concerns about work conditions or compensation, they are strongly encouraged to discuss their concerns with their supervisors.
- B. The Borough's experience has been that when employees communicate candidly and directly with their supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The Borough is committed to responding effectively to concerns articulated by employees.
- C. Appointments and promotions are made on the basis of merit, except for the employees appointed to managerial or confidential positions that have been designated by ordinance as exempt from the merit system.
- D. Employees appointed to exempt or partially-exempt positions serve at the pleasure of the appointing authority, shall receive such benefits as are required by law and those as to which there is written agreement between the employee and the appointing authority, and may be terminated at any time, with or without cause, and without right to any hearing, grievance or other procedure, except as provided in the individual employee's contract of employment.
- E. Non-exempt employees who have acquired regular status may be terminated, demoted, suspended without pay, or made to suffer other direct adverse financial consequences only after being given an opportunity to explain or rebut the facts given as the basis for the adverse action. Written notice of the proposed adverse action shall be given to the employee as provided in this handbook, and shall contain a description of the facts which are the basis for the adverse action, the date upon which the adverse action will take effect, and the right of the employee at any reasonable time before the adverse action takes effect to explain or rebut the facts given. The provisions for a hearing under Section 6.15 of this handbook apply.

1.04 DEFINITIONS.

- A. **ANNUAL EVALUATION.** [See also Section 9.05A] The annual evaluation is a type of performance review. [Other performance reviews may take place at the end of an employee's probationary period, after a disciplinary action or corrective action plan has been completed, or at such other time as the AEB deems appropriate and beneficial.] The annual evaluation should be completed once each year, in the month which contains the anniversary date of the employee's start date in the current position. The annual evaluation may serve as the basis for a merit pay adjustment [see Section 9.05C].

- B. COMP TIME (COMPENSATORY TIME). [See also Sections 3.01.C (non-exempt employees and exempt employees), 4.03 (overtime), and 5.10 (comp time)]. Comp time is time for which an AEB employee will be paid and receive the benefits customarily due to that employee, even though the employee does not engage in any Borough work during the period in which the comp time is taken. Note that comp time must be taken within three (3) pay periods of the date when the comp time is earned, unless otherwise authorized in writing. [See footnote 10 to Section 4.03.]
- C. CHILD CARE ASSISTANCE. As a benefit of employment, the Borough provides flex-time scheduling, flexible leave, job sharing and sick leave benefits to eligible employees. [See also Section 10.03]
- D. CONFLICTS OF INTEREST. [See also Section 6.11 of this handbook and the Borough's 2-28-08 policy regarding financial disclosure¹.] A conflict of interest occurs when an individual or an organization has an interest that might compromise their impartiality or reliability. A conflict of interest exists even if no improper act results from it, and can create an appearance of impropriety that can undermine confidence in the conflicted individual or organization. Note that conflicts of interest include, but are not limited to, any official action in which a Borough employee or elected Borough official has a substantial personal or financial interest. (Examples: participating in a zoning decision which increases the value of one's own real property; hiring or being the supervisor of an immediate family member; or assigning a Borough contract to a business owned by a member of one's family.)
- E. COST-OF-LIVING ADJUSTMENTS [COLA]. [See also Section 9.05B]. A pay adjustment which may be given annually to employees who exhibit satisfactory performance as documented by evaluation. Cost-of-living adjustments:
 - 1. Are given only when funded by the Assembly; and
 - 2. Are based upon the Consumer Price Index (CPI) for Anchorage as computed for the preceding fiscal year.
- F. DRUG & ALCOHOL TESTING. [See also Section 6.03] The Borough has a program of drug and alcohol testing which is designed to enhance the Borough's policy on drug and alcohol use [see Section 6.02]. Note that drug and alcohol testing may be required:
 - 1. As a condition of an offer of Borough employment;
 - 2. After an employee has an accident while on the job;

1 The AEB's financial disclosure policy requires that "a Disclosure of Gratuity Received form shall be filed by every employee and elected official of the Aleutians East Borough (AEB) who has received a gratuity, from any source, having a value of more than fifty dollars (\$50.00)." This includes cash, checks, negotiable instruments, transportation, lodging, meals or gifts which are paid for by another individual or organization.

3. When an employee, when on the job, exhibits signs or symptoms of alcohol use or drug use; or
 4. Upon reasonable suspicion of illicit or inappropriate use of alcohol or drugs.
 5. Required drug and alcohol testing is paid for by the Borough and results of the tests become the property of the Borough.
- G. EVALUATION. [See "performance review" below.]
- H. EXEMPT. [See also Section 3.01B]. An exempt employee is excluded from specific provisions of federal wage and hour laws (in particular, such employees are not paid overtime). Each employee's job description should state whether that position is exempt. An employee who is not exempt is referred to as "non-exempt" and is entitled to overtime pay under specific provisions of federal and state laws.
- I. FAMILY [See also Sections 5.03 (family leave) and 5.07 (sick leave).] The individual's spouse or significant other, parent, step-parent, child, step-child, adopted child, grandparent, sibling, step-sibling, aunt, uncle, cousin, niece or nephew; or the spouse's or significant other's parent, step-parent, child, step-child, adopted child, grandparent, sibling, step-sibling, aunt, uncle, cousin, niece or nephew; or any person other than those previously listed, who is currently living in the same household with the individual or is legally dependent upon the individual². Whenever the term "family" (as distinct from "immediate family") is used in this handbook, it refers to this definition.
- J. FLEX-TIME SCHEDULING. [See also Section 4.02B]. A non-standard work schedule, established for the purpose of allowing employees to vary their starting and ending times each day, within established limits.
- K. FLOATING HOLIDAYS. [See also Section 4.01F]. Eligible employees (including all exempt employees and those non-exempt employees who have completed 90 calendar days of eligible service) may select two (2) additional holidays, in addition to the "recognized holidays" listed in Section 4.01A, for which they will receive paid time off. Note that all floating holidays must be scheduled with the prior written approval of the employee's supervisor.
- L. HOLIDAY TIME OFF. [See also Section 4.01A]. The "recognized holidays" which all eligible Borough employees may take as paid time off.
- M. IMMEDIATE FAMILY. [See also Sections 5.09A and 5.09E (bereavement leave)]. The individual's spouse or significant other, parent, step-parent, child, step-child, adopted child, sibling or step-sibling; or the spouse's or significant other's parent, step-parent, child, step-child, adopted child, sibling or step-sibling; or any person other than those previously listed, who is currently living in the same household with the individual or

2 A ward is legally dependent upon his or her guardian; a person listed as a dependent on an income tax return is a legal dependent of the individual(s) filing the return.

legally dependent upon the individual³. Whenever the term "immediate family" (as distinct from "family") is used in this handbook, it refers to this definition.

- N. LWOP (LEAVE WITHOUT PAY). [See also Section 5.09 of this handbook.] A period of no more than 120 work days every two (2) years, which an employee may take [after the employee has utilized all available annual leave, upon written request by the employee and approval by Mayor, Borough Administrator or designee] away from work, with no pay and no benefits. [There are exceptions during which benefits may accrue; see Section 5.09E]. Note that there is no guarantee of reinstatement in the employee's former position at the end of a period of LWOP.
- O. MERIT PAY. [See also Section 9.05C]. A pay adjustment awarded by the Borough to recognize truly superior employee performance. Merit pay [which is pay above the COLA for a given year] may be awarded at the sole discretion of the Borough Mayor or designee, based upon the formal evaluation and performance review process and other factors deemed relevant by the Borough Mayor or designee.
- P. NEPOTISM. Nepotism is a special type of conflict of interest, involving family members. In particular, nepotism includes any act by a public officer⁴ in appointing another to a position by reason of family relationship to the appointing authority. "Bestowal of patronage by public officers in appointing others to positions by reason of blood or marital relationship to [the] appointing authority."⁵ Like a conflict of interest, nepotism occurs when an individual has an interest that might compromise their impartiality or reliability. Nepotism can create an appearance of impropriety that can undermine confidence in the public officer or organization. [See definition of "family" in 1.04 I.]
- Q. PAID HOLIDAY TIME OFF. [See also Section 4.01]. Time off with pay, which may be taken by all eligible employees, immediately upon assignment to an eligible employment classification, on the "recognized holidays" listed in Section 4.01A.
- R. PAID LEAVE. [See also the vacation leave and sick leave sections of this handbook.] Paid time off is time away from work, which an employee is authorized to take, when the employee's absence from work does not result in any decrease in wages (or salary) and benefits which the employee normally receives.
- S. PAID SICK LEAVE. [See also Section 5.07]. Paid time off (with appropriate benefits) which may be used for an absence from work either due to the employee's own illness or injury, or the illness or injury of a family member who resides in the employee's household. [See Section 5.07C for situations to which paid sick leave may be extended.]

3 A ward is legally dependent upon his or her guardian; a person listed as a dependent on an income tax return is a legal dependent of the individual(s) filing the return.

4 Public officers include both elected officials and appointed officials.

5 Black's Law Dictionary, Revised Fourth Edition.

- T. PARTIALLY-EXEMPT. [See also Section 1.03D]. An employee who has been appointed to a job, the position description for which describes it as “partially exempt,” who serves at the pleasure of the appointing authority and receives such benefits as are required by law and those to which there is a written agreement between the employee and the appointing authority. Except when otherwise provided in the partially-exempt employee’s written contract, that employee may be terminated at any time, with or without cause, and without right to any hearing, grievance or other procedure.
- U. PERFORMANCE REVIEW. [See also footnote to Section 9.05]. An evaluation of a Borough employee’s work, normally completed by the employee’s supervisor, which may take place at the end of an employee’s probationary period (end-of-probation review); on the employee’s anniversary-of-employment date (annual review); when the employee is considered for merit pay (merit review); after a disciplinary action or corrective action plan has been completed (disciplinary review); or at such other time as the AEB deems appropriate and beneficial.
- V. PERS. The State of Alaska, Public Employees’ Retirement System. This is the system under which all eligible Borough employees may retire after 30 years of service.
- W. PROGRESSIVE DISCIPLINE. [See also Section 6.15, particularly subsections D. and E., of this handbook.] A sequence of steps which is normally followed when corrective action is appropriate for a Borough employee. Except in unusual circumstances, the sequence will involve an oral warning or a written warning for a first offense; a suspension or demotion or both for a second or subsequent offense; and termination of employment for a third or subsequent offense. Certain types of employee problems are serious enough to justify either suspension or termination of employment, without going through all of the usual progressive discipline steps.
- X. PTO (PAID TIME OFF). [See also Sections 4.01, 5.07, 5.08 and 10.02 of this handbook.] Time for which a Borough employee is paid (and, when eligible, continues to receive benefits), even though the employee is not working during that time. Examples of PTO include sick leave, paid vacation, holidays and floating holidays.
- Y. PUBLIC. Public place means a place to which people or a substantial group of persons have access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, schools, places of business or amusement, parks, playgrounds, and prisons.
- Z. REGULAR EMPLOYEE. [See also Section 1.03E of this handbook.] A Borough employee who is either exempt and working under a contract or job description which provides for an indefinite⁶ term of employment; or who is non-exempt and working

⁶ An indefinite term of employment is one which has no explicit ending date. If there is a definite ending date in the contract or job description, then it is a definite term of employment.

under a contract or job description which provides for an indefinite term of employment.

- AA. RELATIVE. [See also Section 6.11]. The Aleutians East Borough defines a relative as any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.
- BB. SAFETY PROGRAM. [See also Section 6.05]. The Borough's program to ensure a safe and healthful work environment for Borough employees and visitors. This program is coordinated with the Borough's insurance carriers and all employees are encouraged to participate and make suggestions.
- CC. SEXUAL HARASSMENT. [See also Section 6.14]. Gender-based persecution or gender-based behavior which the victim perceives as oppressive, worrisome or provocative. Sexual harassment is unlawful and any Borough employee who observes or experiences sexual harassment should report it.
- DD. SICK LEAVE. [See also Section 5.07]. See "paid sick leave" [above].
- EE. TERMINATION. [See also Section 6.15C]. The end of a Borough employee's employment with the Borough. Termination may occur at the employee's option or at the Borough's initiative.
- FF. VACATION. [See also Section 10.02]. Paid time off (with the benefits for which the employee is eligible) to provide opportunities for rest, relaxation and personal pursuits. The amount of paid vacation time Borough employees receive each year increases with the length of their Borough employment. [See table, "Vacation Earning Schedule," in Section 10.02B].

1.05 SPEAKING FOR THE BOROUGH; LOBBYING.

- A. The Borough Mayor is the officially-designated spokesperson for the Borough. Some Borough employees (for example, the Borough Administrator and the Public Information Officer) have in their job descriptions some duties which require them to speak on the Borough's behalf in certain circumstances. Borough employees whose job descriptions do not explicitly include a duty to speak on the Borough's behalf should avoid doing so except when specifically authorized or instructed to do so by the appropriate supervisor. **A Borough employee should be involved in lobbying (either in Juneau or in Washington, D.C.) on the Borough's behalf only when specifically authorized to do so by the Borough Mayor.**

1.06 POLICIES AND PROCEDURES.

- A. Numerous policies and procedures regarding various matters (for example, reporting requirements when a Borough official or employee receives a gratuity), some of which may cover items not mentioned in this handbook, have been promulgated by the

Borough⁷. Such policies and procedures become effective on the date specified by the Borough Administrator in each policy or procedure. Questions about such policies and procedures should be directed to Mayor, Borough Administrator or designee.

COMPLIANCE WITH LAW

2.01 EQUAL EMPLOYMENT OPPORTUNITY

- A. In order to provide equal opportunities for employment and opportunities for advancement to all individuals except those applying for or appointed to positions that are exempt from the merit system, employment decisions at the Aleutians East Borough will be based on merit, qualifications, and abilities.
- B. Except where required or permitted by law, employment practices will not be influenced or affected by an applicant's or employee's race, color, religion, sex, national origin, age, marital status, disabilities, or any other characteristic protected by law. This non-discrimination policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination, and access to benefits and training for all employees, whether exempt from or covered by the merit system.
- C. Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Mayor, Borough Administrator or designee. Employees can raise concerns and make reports without fear of reprisal. Any Borough employee found to be engaging in any type of unlawful discrimination or harassment (including, but not limited to, sexual harassment) will be subject to disciplinary action, up to and including termination of employment.

2.02 IMMIGRATION LAW COMPLIANCE

- A. The Aleutians East Borough is committed to employing only United States citizens and aliens who are authorized to work in the United States. The AEB does not unlawfully discriminate on the basis of citizenship or national origin.
- B. In order to comply with the Immigration Reform and Control Act of 1986, each new employee must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility as a condition of employment. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Aleutians East Borough within the past three (3) years, or if their previous I-9 is no longer valid.

⁷ The Borough's intent is to incorporate existing policies and procedures into this Handbook. Policies and Procedures which are adopted in the future, will be circulated to the Borough Clerk, Borough Treasurer, and Borough employees as they are adopted. Any employee who has questions regarding policies and procedures, should ask their supervisor.

- C. Each Borough employee shall timely notify the AEB of changes in immigration status and shall timely provide updated I-9 forms and documentation to the AEB as such changes occur. Failure to provide timely notification or updated forms may be cause for disciplinary action, up to and including termination of Borough employment.
- D. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Mayor, Borough Administrator or designee. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

2.03 AFFIRMATIVE ACTION POLICY STATEMENT

- A. It is the Aleutians East Borough's policy to provide and promote equal employment opportunity for all persons and to prohibit discrimination. The Aleutians East Borough Assembly has directed all Borough staff to ensure that equal opportunity applies to and is an integral part of every personnel policy and practice in the employment, education, development, advancement and treatment of its employees.
- B. Except as otherwise provided in this paragraph, decisions regarding employment and promotions shall be based solely upon an individual's qualifications. When well-qualified individuals who are current AEB employees are available, appointments to fill vacancies shall be by promotion from within the Borough's current employees. When two or more otherwise-equally-qualified applicants are competing for a currently-open position, preference shall be given to the applicant who is a resident of the Borough.

2.04 DISABILITY ACCOMODATION

- A. The Aleutians East Borough is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.
- B. **Note that neither drug addiction nor alcohol addiction is a disability under the ADA or most other disability laws.**
- C. The Borough's hiring procedures are designed to provide employment opportunities to persons with disabilities. Pre-employment inquiries (which may include, but are not necessarily limited to, pre-employment physicals, reference checks, background checks and pre-employment drug testing) are made only regarding an applicant's ability to perform the duties of the position for which the individual is applying.
- D. Reasonable accommodation is available to all disabled employees, in situations where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation, in accordance with defined criteria. Employment decisions are not made based solely upon the disability of the individual.
- E. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as equal treatment in job

assignments, classifications, organizational structures, position descriptions, promotion and seniority lists.

- F. The Aleutians East Borough shall not discriminate against any qualified employees or applicants because they are related to a person with a disability. The AEB will comply with any state or local law that provides individuals with disabilities greater protection than the ADA.
- G. This policy is neither exhaustive nor exclusive. The Borough is committed to taking all other action necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

CLASSIFICATION OF POSITIONS

3.01 EMPLOYMENT CATEGORIES

- A. In this section, the AEB intends to clarify the definitions of employment classifications. We want all Borough employees to understand their employment status and eligibility for benefits. These classifications do not guarantee employment for any specified period of time.
- B. Each Borough employee is designated as either NON-EXEMPT or EXEMPT from federal wage and hour laws. NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal laws. EXEMPT Borough employees are excluded from specific provisions of federal wage and hour laws.
- C. In addition to the above categories, each Borough employee will belong to one other employment category; either:
 - 1. REGULAR FULL-TIME employees: this includes Borough employees who are not in temporary or probationary status and who are regularly scheduled to work the Aleutians East Borough's full-time (40 hour per week) schedule. Generally, such AEB employees are eligible for the Borough's benefit package, subject to the terms, conditions, and limitations of each benefit program.
 - 2. REGULAR PART-TIME employees: this includes Borough employees who are not assigned to temporary or probationary status and who are regularly scheduled to work less than the full-time work schedule, but at least twenty (20) hours per week. Regular part-time employees are eligible for some benefits sponsored by the Aleutians East Borough, subject to the terms, conditions, and limitations of each benefit program.
 - 3. PART-TIME employees: this includes Borough employees who are not assigned to temporary or probationary status and who are scheduled to work less than twenty (20) hours per week. While such Borough employees receive all legally mandated benefits (such as Social Security and Workers' Compensation), they are ineligible for all the AEB's other benefit programs.

4. PROBATIONARY employees: this includes Borough employees whose performance is being evaluated to determine whether further employment in a specific position within the Aleutians East Borough is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification (See Section 3.02).
5. TEMPORARY employees: this includes Borough employees who are hired as interim replacements or for temporary work, on a predetermined work schedule that does not extend beyond six (6) calendar months. A temporary employee may be terminated, demoted, or suspended with or without cause, at the discretion of the appointing authority⁸. If employees hired on a temporary basis become permanent employees, they are entitled to pro-rata sick leave and annual leave accruals retroactive to their date of hire.
6. PER DIEM employees: this includes Borough employees who are Regular Full-Time and Regular Part-Time employees and who accept additional compensation in lieu of participation in all but legally mandated benefit programs. The AEB offers this category in limited classifications and to limited numbers of employees. Individuals participating in this program must sign waivers of their rights to participate in the benefit programs applicable to regular employees. Service in this category cannot be credited in any way toward any benefit program, even if the employee is later assigned to a benefit-eligible category. A change to or from this category can be accomplished only with the prior written recommendation of the Borough Mayor, Borough Administrator, or designee.

3.02 PROBATIONARY PERIOD

- A. The probationary period is intended to give new employees the opportunity to demonstrate a satisfactory level of performance and to determine whether the new position meets their expectations. The Borough uses this probationary period to evaluate employee capabilities, work habits and overall performance. Either the employee or the AEB may end the employment relationship at will at any time during or after the probationary period, with or without cause, hearing, or advance notice.
- B. All new and rehired employees work on a probationary basis for the first six (6) months after their date of hire. Employees who are promoted or transferred within the Borough must complete a new probationary period of the same length with each promotion or transfer to a new position. Any significant absence⁹ will automatically extend a probationary period by the length of the absence. If the Borough

⁸ If the appointing authority is unavailable for any reason, the termination, demotion or suspension (or other disciplinary action) may be initiated and carried out by the appointing authority's designee.

⁹ The determination of whether an absence (which may be either contiguous days not at work or the aggregate of several separate absences) is a "significant absence" in the sense intended here shall be made by the employee's immediate supervisor. If there is a conflict regarding whether an absence has become a "significant absence" as used in this section, a final determination shall be made in writing by the Mayor, Borough Administrator or designee.

determines that the designated probationary period does not allow sufficient time to evaluate the employee's performance thoroughly, the probationary period may be extended for a specified period¹⁰.

- C. In cases of promotions or transfers within the Aleutians East Borough, an employee who, in the sole judgment of AEB management, is not successful in the new position can be removed from that position at any time during the new probationary period. If this occurs, the employee may be allowed to return to his or her former position or to a comparable job for which the employee is qualified, depending upon the availability of vacancies in such positions and the Borough's needs.
- D. Upon satisfactory completion of the probationary period, employees who are not in temporary positions and those who are scheduled to work 20 hours or more per week enter the "regular" employment classification.
- E. During the probationary period, new employees are eligible for those benefits that are required by law, such as Workers' Compensation insurance and Social Security. After a period of time which may vary according to the requirements of each specific benefit program, they may also be eligible for other Borough-provided benefits, each of which is subject to all of the terms and conditions of that particular benefit program. Employees should read the information for each specific benefit program for details of eligibility requirements.
- F. Benefits eligibility and employment status are not changed during any secondary or subsequent probationary period that results from a promotion or transfer within the Borough.

WORK SCHEDULE

4.01 HOLIDAYS

- A. The Aleutians East Borough shall grant holiday time off with pay to all Borough employees on each of the holidays listed below (which may be referred to as "recognized holidays"):
 - 1. New Year's Day (January 1)
 - 2. Presidents Day (third Monday in February)
 - 3. Memorial Day (last Monday in May)
 - 4. Independence Day (July 4)
 - 5. Labor Day (first Monday in September)

¹⁰ Such an extension of the probationary period shall be made in writing by the Mayor, Borough Administrator or designee. The end date of the extended probationary period shall be specified in the same document notifying the employee of the extension. No employee shall be subject to more than one (1) such extension of the probationary period.

6. Veteran's Day (November 11)
 7. Thanksgiving (fourth Thursday in November)
 8. Day after Thanksgiving
 9. Christmas (December 25)
- B. According to applicable restrictions, the Aleutians East Borough will grant paid holiday time off to all eligible¹¹ nonexempt employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Employees in the following classifications are eligible for holiday time off with pay: regular full-time employees and regular part-time employees.
 - C. A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.
 - D. If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, or sick leave), the employee will be ineligible for holiday pay¹².
 - E. If an eligible employee works on a recognized holiday, he or she will receive holiday pay plus wages at one and one-half times his or her straight-time rate for the hours worked on the holiday.
 - F. Along with the recognized holidays previously listed, eligible employees will receive two floating holidays during each calendar year. To be eligible for floating holidays, nonexempt employees must complete 90 calendar days of service in an eligible employment classification. All floating holidays must be scheduled with the prior written approval of the employee's supervisor.
 - G. Paid time off for each of the above holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

4.02 WORK SCHEDULES

- A. Work schedules for employees vary throughout the Borough. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may require variations in starting and ending times and/or variations in the total hours that may be scheduled for an employee to work during any given day and

11 Employees on Leave Without Pay (LWOP) status are not eligible for holiday pay. Paid holiday time off is granted only to those Borough employees who are in pay status both before and after the holiday in question.

12 The Borough's intent is to avoid any situation in which a Borough employee would earn or otherwise be entitled to double pay for any one time period, except when the employee actually works on a recognized holiday.

week. Work schedules may be changed to accommodate the changing needs of the AEB. Notice of such changes shall be provided by supervisors and shall be reasonable in the circumstances.

- B. Flex-time scheduling may be available in some cases. When granted, the purpose of flex-time is to allow employees to vary their starting and ending times each day, within established limits. Employees should consult their supervisors for the details of this program. When flex-time is granted, the approving supervisor shall provide explicit written authorization for the flex-time to each such employee, and a copy of the authorization shall be timely conveyed to the Mayor, Borough Administrator or designee.

4.03 OVERTIME

- A. When operating requirements or other needs cannot be met during regular Borough working hours, employees may be required to work overtime. Generally, employees will first be given the opportunity to volunteer for overtime work assignments. All overtime work must receive the supervisor's prior authorization¹³. Overtime assignments will be distributed as equitably as practicable to all employees qualified to perform the required work.
- B. Overtime compensation is paid to all nonexempt employees according to federal wage and hour regulations, the Fair Labor Standards Act [FLSA] and other applicable laws. Overtime pay is based on actual hours worked. Time off for sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of overtime calculations.
- C. Where there is a prior written agreement between a non-exempt employee and the Borough, as defined in Section 3.01 of this handbook, the employee may receive compensatory time off in lieu of paid overtime. Such compensatory time off shall be given in accordance with applicable federal law and regulations. Compensatory time is to be used within the shortest possible time period following the overtime worked¹⁴.

4.04 EMERGENCY CLOSINGS

- A. At times, emergencies such as severe weather, fires, power failures, earthquakes or tsunami warnings, can disrupt Borough operations. In extreme cases, these circumstances may require the closing of a work facility.
- B. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid. The provisions of this paragraph shall not apply to temporary Borough employees.

13 Any purported "overtime" which is worked without the prior authorization of the supervisor **is not work time and shall not be paid.**

14 Compensatory time must be taken within three (3) pay periods of the date when the compensatory time is earned, unless otherwise authorized in writing.

- C. During such emergency closings, AEB employees shall make all reasonable efforts to talk with their supervisors and follow their supervisors' orders.

4.05 ATTENDANCE AND PUNCTUALITY

- A. To maintain a safe and productive work environment, the Aleutians East Borough expects employees to be regular in attendance and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Aleutians East Borough. In the rare instances when employees cannot avoid being late for work or are unable to work as scheduled, they should notify their supervisor(s) as soon as possible (preferably in advance of the anticipated tardiness or absence).

LEAVE AND COMP TIME

5.01 JURY DUTY

- A. The Borough encourages employees to fulfill their civic responsibilities by serving as jurors when required. Employees in an eligible classification may request up to two weeks of paid jury duty leave for petit jury and four weeks for grand jury duty during any two (2) year period. The Mayor may extend the period of paid jury leave for cause. All such extensions must be in writing and must be completed prior to the first day of the extended jury duty period¹⁵. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.
- B. Employee classifications that qualify for jury duty leave are: regular full-time employees and regular part-time employees.
- C. If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request Leave Without Pay (LWOP) for the remainder of the time spent on jury duty.
- D. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor can accommodate their absence. Employees are expected to report for work whenever the court schedule permits. Any compensation received by the employee for jury duty while the employee is on paid jury duty leave becomes the property of the Aleutians East Borough and the employee shall turn in all such pay to the AEB immediately upon its receipt.
- E. Either the Aleutians East Borough or the employee may request an excuse from jury duty if, in the judgment of the Mayor, the Borough Administrator or designee, the employee's absence would create serious operational difficulties. All such

15 It is the intent of this section that such extensions may be granted for reasons such as extended travel required to fulfill the jury duty requirement or for an additional summons to jury duty during the two (2) year period.

determinations shall be made in writing, signed and dated by the Borough official making the determination.

- F. The Borough shall continue to provide health insurance and all other benefits to which the employee is normally entitled, for the full term of the jury duty absence. Benefit accruals, such as vacation, sick leave, or holiday benefits, shall continue during both paid and unpaid jury duty leave.

5.02 WITNESS DUTY

- A. The Aleutians East Borough encourages employees to appear in court for witness duty when subpoenaed to do so.
- B. **Immediately upon receipt of a subpoena** to be a witness, the employee shall show the subpoena to the employee's supervisor and allow a copy to be made. This will allow operating requirements to be adjusted, where necessary, to accommodate the employee's absence. The employee shall report for work whenever the court schedule permits.
- C. If an employee has been subpoenaed as a witness by the Aleutians East Borough, they will receive paid time off for the entire period of witness duty. Employees will be granted a maximum of forty (40) hours of paid time off to appear in court as a witness at the request of a party other than the Aleutians East Borough. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (e.g. vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid. Any compensation received by the employee for being a witness while on paid witness leave becomes the property of the Aleutians East Borough and the employee shall turn in all such pay to the AEB immediately upon its receipt.

5.03 FAMILY LEAVE

- A. Facts about the Family Medical Leave Act (FMLA).
 - 1. The FMLA requires employers to allow eligible employees a total of twelve (12) weeks of leave during any one year (interpreted to mean any 12 month period), for one or more of the following reasons:
 - a. The birth, adoption or foster care placement of a child;
 - b. The care of a child, spouse or parent with a serious health condition;
 - c. A serious health condition that makes the employee unable to perform the Borough job;
 - d. Military exigency [see FMLA 825.126]; or
 - e. Being a military care-giver caring for an injured service member [this qualifies for up to 26 weeks of leave in any single 12-month period per injury occurrence—see FMLA 825.127].

2. Not all Borough employees are eligible for FMLA leave. To be eligible for FMLA, the Borough employee must:
 - a. Have worked for the Borough for a minimum of twelve (12) months during the last seven (7) years; and
 - b. Have logged at least 1,250 hours of Borough work during the twelve (12) months immediately preceding the request for FMLA leave.
3. Two of the three types of FMLA leaves require the existence of a "serious health condition." The FMLA defines a serious health condition as a physical or mental condition involving either inpatient care (an overnight stay in a medical facility) or continuing treatment (defined as two or more doctor visits in a month) by a health care provider (see below for definition of provider). [See FMLA 825.113 and 825.115.]
4. Health care providers under the FMLA include (but are not necessarily limited to):
 - a. Licensed doctors of medicine or osteopathy.
 - b. Podiatrists and dentists.
 - c. Clinical psychologists and optometrists.
 - d. Chiropractors and nurse midwives.
 - e. Physician assistants and nurse practitioners.
 - f. Clinical social workers.
5. Returning service members are eligible for FMLA leave under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Such veterans are eligible to receive all benefits they would have been obtained if they had been employed continuously by the Borough.
6. A service member who falls under the newly-established "exigencies" category qualifies for FMLA leave. [See AMLA 825.126.] The "exigencies" include:
 - a. Short-notice deployment;
 - b. Military events and related activities;
 - c. Childcare and school activities;
 - d. Counseling;
 - e. Post-deployment activities;
 - f. Rest and recuperation;

- g. Financial and legal arrangements; and
 - h. Additional activities.
7. FMLA military care giver leave is not available for medical conditions related to military service, which manifest after a person is no longer in the military. [See FMLA 825.127.] Military care giver FMLA leave is available only to care for persons still in the military. NOTE: Regular FMLA benefits may be applicable to individuals providing care of former military members.
- B. The Borough complies with the Family and Medical Leave Act (FMLA) and may allow family leave without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to the birth or adoption of a child or the illness of a child, spouse, or parent. Employees in the following employment classification(s) are eligible to request family leave as described in this policy: regular full-time employees and regular part-time employees.
 - C. As soon as eligible employees become aware of the need for a family leave of absence, they should request the leave from their supervisors. If the employee wishes to use accrued vacation leave or sick leave as part of the family leave, that request should be incorporated in the initial request for family leave.
 - D. Employees requesting family leave related to the illness of a child, spouse, or parent, may (at the AEB's sole discretion) be required to provide a physician's statement verifying the illness, its beginning and expected ending dates, the need for the employee to provide care, and the estimated time required.
 - E. Eligible employees¹⁶ may request up to eighteen (18) weeks of family leave within any twenty-four (24) month period for illness, and up to eighteen (18) weeks of family leave within any twelve (12) month period because of pregnancy and childbirth or adoption. With the supervisor's prior written approval, an employee may take any available vacation leave as part of the approved period of leave.
 - F. Requests for family leave will be evaluated based on a number of factors, including anticipated work load requirements, staffing considerations, and hardship to the Aleutians East Borough's operations during the purposed period of absence. Requests that cannot be accommodated¹⁷ may be denied or deferred.
 - G. Subject to the terms, conditions and limitations of applicable insurance plans, the Borough will continue to provide health insurance benefits for the full period of the approved family leave.

16 Please see the federal Family and Medical Leave Act for details of eligibility requirements, especially regarding the requirements for the amount of time on the job which must be accrued before an individual is eligible for family leave.

17 The decision whether a request can be accommodated shall be within the sole discretion of the Borough.

- H. Benefit accruals, such as vacation, sick leave, or holiday benefits, shall be suspended during the period of any unpaid leave and shall resume upon return to active employment.
- I. Except when legally required, the Aleutians East Borough cannot and does not guarantee reinstatement after FMLA leave. When a period of family leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. If an employee fails to report to work immediately at the end of the approved leave period, the Borough may, at its sole discretion, deem the employee to have resigned.
- J. If an applicable state or federal law requires a more generous family leave benefit than provided under this section, the Borough will provide all family leave benefits pursuant to such law in lieu of the benefits provided under this section.

5.04 MILITARY LEAVE

- A. A military leave of absence will be granted to regular Borough employees, to attend scheduled drills or training or if called to active duty with the U.S. Armed Services. A temporary Borough employee is not eligible for military leave.
- B. Employees will continue to receive full pay while on military leave for two (2)-week training assignments and shorter absences. Any additional period of military leave, in excess of two (2) weeks, will be unpaid. However, employees may use any available paid time off accrued (i.e., vacation leave or sick leave) for the absence. Subject to the terms, conditions, and limitations of the applicable health insurance plans for which the employee is otherwise eligible, health insurance benefits will be provided by the Aleutians East Borough for the full term of the military leave of absence.
- C. Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence unless the employee is called to active duty.
- D. Employees on two (2)-week active duty training assignment or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing for reasonable travel time. Employees subject to military leave for more than two (2) weeks must apply for reinstatement according to all applicable state and federal laws.
- E. The requirements of any applicable federal or state law shall prevail over the requirements of this section to the extent such law is more beneficial to the Borough employee or former Borough employee. Every reasonable effort will be made to return eligible former employees to their previous position or a comparable position at the end of any period of military leave. Such employees will be treated as though they had been continuously employed by the Borough for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

5.05 MATERNITY-RELATED ABSENCES

- A. The Aleutians East Borough will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Requests for time off associated with pregnancy and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for an unpaid family leave.

5.06 LIFE-THREATENING ILLNESSES IN THE WORKPLACE

- A. Employees with life-threatening illnesses, such as cancer, heart disease and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their conditions. The Borough supports these endeavors as long as such employees are able to meet acceptable performance standards. As in the case of other disabilities, the Borough will make reasonable efforts to accommodate such employees, according to all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.
- B. Medical information concerning individual employees shall be confidential. The Borough shall take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees shall respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.
- C. Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Mayor, Borough Administrator or designee for information and referral to appropriate services and resources.

5.07 SICK LEAVE

- A. The Aleutians East Borough provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses, disability, or injuries. Eligible employee classifications are: regular full-time employees and regular part-time employees.
- B. Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day for every full month of service). Sick leave benefits are calculated on the basis of a "benefit year", which is the 12 month period that begins when the employee starts to earn sick leave benefits.
- C. Paid sick leave can be used in minimum increments of one-half day. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of a family member who resides in the employee's household. Paid sick leave benefits may be extended to other situations when prior written approval is obtained from the Mayor, Borough Administrator or designee.
- D. Employees who are unable to report to work due to illness or injury shall notify their direct supervisor before the scheduled start of their workday if possible. Absent other

arrangements, the employee shall notify the direct supervisor before work is scheduled to begin, on each additional day of absence.

- E. Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as overtime, incentives, commissions, bonuses, or shift differentials.
- F. As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as Workers' Compensation. Employees will be given the opportunity to apply for family leave and/or FMLA protection. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, Workers' Compensation or any Borough- provided disability insurance program(s). The combination of any such disability payments and sick leave benefits shall not exceed the employee's normal earnings for any given week or any given day.
- G. Unused paid sick leave benefits shall accumulate indefinitely. Employees with more than twenty (20) days of accrued sick leave may contribute as many days as they wish above the twenty (20) days to the Borough's sick leave bank. Donations may be made on July 1st of every year. Employees who have exhausted all paid leave as a result of sickness or injury, may apply in writing to the Sick Leave Bank. The Mayor, Borough Administrator, or designee will review all Sick Leave Bank requests and make a determination of the number of days to be granted to each applying employee, from the Sick Leave Bank. If the Sick Leave Bank becomes exhausted, the Administration may call for additional donations of sick leave.
- H. Paid sick leave benefits are intended solely to provide income protection if there is illness or injury, and may not be used for any other absence¹⁸. Unused sick leave benefits shall be forfeited upon termination of Borough employment¹⁹.
- I. Whenever an employee takes sick leave, a Request for Sick Leave form²⁰ shall be completed by the employee and submitted by the employee to the employee's supervisor (with a copy to the Finance Director). The Borough anticipates that in most circumstances, the form will be completed after the employee returns to work following the period of sick leave. However, there may be circumstances where it is more appropriate for the employee to submit the form either before the sick leave (for

18 All qualified employees may make donations to the Sick Leave Bank, as described in 5.07 G of this handbook. Note the provision that, "Donations may be made on July 1st of every year." With the prior written permission of the Borough Mayor or designee, donations may be made at any time of year.

19 When a donation of sick leave has been made per 5.07 G, that sick leave is deemed "used" at the time the donation is made. Therefore, sick leave which has previously been donated is not subject to forfeiture upon termination.

20 A copy of the Request for Sick Leave form is appended to this handbook. Questions about use of the form or the application of this paragraph should be addressed to the employee's Supervisor.

instance, when leave is taken for surgery) or during the period of sick leave. The following definitions, rules and procedures shall apply:

1. **Applicability.** This policy applies to all employees of the Aleutians East Borough who are eligible for sick leave benefits.
 2. **Definition:** Sick leave is paid time off (with appropriate benefits) which may be used for an absence from work either due to the employee's own illness or injury, or the illness or injury of a family member who resides in the employee's household. Sick leave is time for which an AEB employee will be paid and receive the benefits customarily due to that employee, even though the employee does not engage in any Borough work during the period in which the sick leave is taken.
- J. **How to monitor.**
1. It is the employee's responsibility to request sick leave timely, and the supervisor's responsibility to monitor sick leave for all employees supervised.
 2. All requests for sick leave must be submitted during the pay period in which the sick leave is requested.
- K. **Who will monitor.**
1. The supervisor will be the first line of monitoring requests for sick leave.
 2. In all cases where sick leave is requested and approved, the Mayor, Borough Administrator or designee may also track and monitor sick leave.
- L. **Must be logged and turned in each pay period.**
1. During each pay period, every non-exempt Borough employee shall submit to the Borough Finance Director an accurate record of:
 - a. All sick leave requested;
 - b. All sick leave approved (note: in order to be "sick leave approved," the employee must document appropriate approval by the employee's supervisor); and
 - c. All sick leave not approved or disallowed (i.e., sick leave requested but not granted, which the employee must take as leave without pay [LWOP] during the current pay period).
 - d. Absent approval for sick leave from the employee's immediate supervisor, the Borough is not required to grant paid sick leave.
- M. **Prior permission of supervisor required.**
1. The only exception to this requirement is in the case of a bona-fide emergency; and

2. Determination of whether a given situation is an emergency shall be made by the supervisor, unless the supervisor defers the decision to the Mayor, Borough Administrator or designee.
- N. When sick leave may be taken.
- O. It is the responsibility of the employee to request sick leave.
1. Sick leave must be requested in the pay period in which the requested sick leave was taken.
 2. In exigent circumstances, the Mayor, Borough Administrator or designee may, at his sole discretion, approve sick leave after the pay period in which the requested sick leave was taken.
 - a. Absent written approval from the Mayor, Borough Administrator or designee, sick leave may not be taken back-to-back with other leave or paid time off.
 3. The employee wishing to take sick leave back-to-back with any other types of leave or paid time off discussed above shall bear the burden of proving to the satisfaction of the Mayor, Borough Administrator or designee, that exigent circumstances which justify the exception to the general rule do, in fact, exist.
 - a. The decision of the Mayor, Borough Administrator or designee shall be final.
 - b. If the employee has submitted a written request to take sick leave back-to-back with other leave or paid time off as an exception to the above, the Mayor, Borough Administrator or designee shall provide a written response to the employee's request.

5.08 TIME OFF TO VOTE

- A. The Aleutians East Borough encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the Borough will grant up to two (2) hours of paid time to vote, for each election.
- B. Employees should request time off to vote from their supervisor at least two (2) working days before each election day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever (in the AEB's sole discretion) provides the least disruption to the normal work schedule.

5.09 BEREAVEMENT LEAVE

- A. If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately.

- B. Up to five (5) days of paid bereavement leave will be provided to eligible employees (regular full-time and regular part-time employees).
- C. Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as overtime, incentives, commissions, bonuses, or shift differentials.
- D. Approval of bereavement leave is contingent upon the employee's absence not causing unusual operating problems. Any employee may, with the supervisor's prior written approval, use any available paid leave (vacation or sick leave) for additional time off as necessary.
- E. The Borough defines "immediate family" as the individual's spouse or significant other, parent, step-parent, child, step-child, adopted child, sibling or step-sibling; or the spouse's or significant other's parent, step-parent, child, step-child, adopted child, sibling or step-sibling; or any person other than those previously listed who is currently living in the same household with the individual or is legally dependent upon the individual²¹.

5.10 LEAVE WITHOUT PAY (LWOP)

- A. The Mayor, Borough Administrator or designee may grant leave without pay (LWOP) to any permanent employee of the Aleutians East Borough (AEB).
- B. In order to be considered valid, a request for LWOP must be:
 - 1. Made on the official Borough LWOP Request Form²²;
 - 2. The LWOP Request Form shall be completed, signed and dated by the Borough employee requesting the LWOP; and
 - 3. Whenever feasible, the LWOP Request Form shall be submitted to the Mayor, Borough Administrator or designee a minimum of thirty (30) days prior to the date when the requested LWOP will begin²³.
- C. A request for LWOP shall be considered in conjunction with the circumstances involved and the interests of the AEB, which shall include but need not be limited to:
 - 1. Representations made and documented at the time the employee was initially hired;

21 A ward is legally dependent upon his or her guardian; a person listed as a dependent on an income tax return is a legal dependent of the individual(s) filing the return.

22 This form is available at the end of this handbook.

23 It is understood that there may be circumstances in which it is not feasible to request LWOP thirty (30) days prior to the date the requested leave would begin. The Mayor, Borough Administrator or designee shall have the discretion to consider such requests, and approve or deny such, on a case-by-case basis.

2. Anticipated work load requirements;
 3. Staffing considerations during the period of the LWOP requested;
 4. The duration of the proposed period of LWOP; and
 5. Other factors which the Mayor, Borough Administrator or designee may deem relevant at the time the request for LWOP is being considered²⁴.
- D. LWOP shall only be granted to an employee after that employee has utilized all available annual leave.
- E. The general rule is that an employee on LWOP shall not accrue benefits, including medical insurance, PERS retirement, sick leave or vacation leave. The administrator signing the LWOP request form shall have the discretion to make exceptions from this general policy. If such exceptions are made:
1. The exception shall be documented in writing on the same document which grants the LWOP.
 2. The exception shall be explicit as to which type(s) of benefit(s) are being granted during the period of the LWOP, with all benefits not explicitly listed being deemed denied; and
 3. If the LWOP form is not signed and dated by an appropriate AEB administrator, the exception shall be deemed not granted, and the general rule (no benefits accrue during a period of LWOP) shall apply.
- F. LWOP shall not exceed one hundred twenty (120) work days every two (2) years. Exceptions may be granted, in writing, by the Mayor, Borough Administrator or designee.
- G. LWOP may include, but need not be limited to, family leave, maternity leave, education leave or leave for other personal obligations.
1. When a period of LWOP ends, the AEB will make reasonable efforts to return the employee to the same position or a similar available position. However, the AEB cannot, and does not, guarantee reinstatement in all cases.

5.11 COMPENSATORY TIME (COMP TIME).

- A. Effective immediately, a Request for Comp Time form²⁵ must be completed by the employee, submitted by the employee to the employee's supervisor, and signed by

24 Other factors may include consistency with existing AEB policy, including Section 105 (Conflicts of Interest), Section 106 (Outside Employment), Section 502 (Work Schedules), etc., and further considerations which the administrator processing the request deems relevant.

25 A copy of the Request for Comp Time form is appended to this handbook. Questions about use of the form or the application of this Comp Time Policy should be addressed to the Mayor, Borough Administrator or designee.

the supervisor, before the employee engages in any work for which the employee expects comp time. The following definitions, rules and procedures shall apply:

1. Applicability. This policy applies to all non-exempt employees²⁶ of the Aleutians East Borough, in situations where they may:
 - a. Work in excess of eight (8) hours per day; or
 - b. Work in excess of forty (40) hours per week.
2. Definition: Comp time is time for which an AEB employee will be paid and receive the benefits customarily due to that employee, even though the employee does not engage in any Borough work during the period in which the comp time is taken.
 - a. Comp time is a special type of overtime. That is why it is addressed in Section 506 (Overtime) of the Employee Handbook. [See especially the third paragraph of Section 506.]
 - b. In other words, comp time is one form of paid time off.
3. How overtime is normally paid.
 - a. Generally, an employee who works overtime²⁷ shall turn in that time as overtime and shall be paid for overtime as required by federal and state statutes and regulations²⁸.
 - b. The possibility of taking comp time may be an option²⁹.

26 Every AEB employee should be categorized as either "exempt" or "non-exempt" in the applicable job description. Note that according to Section 201 of the Employee Handbook, exempt employees "are excluded from specific provisions of federal wage and hour laws." Among other things, exempt employees are not eligible to be paid overtime or to accrue compensatory time (comp time). Any AEB employee requiring clarification of this matter should ask the employee's immediate supervisor or the Mayor, Borough Administrator or designee.

27 The first paragraph of Section 506 (Overtime) of the Employee Handbook requires that "All overtime work must receive the supervisor's prior authorization." [Emphasis added.] This requirement has been in place at least since July 1, 1994. This means that no after-the-fact claims for overtime can be allowed. Allowing such claims would violate the Borough Code. That is doubly true for any claims of overtime (or comp time, which is a special type of overtime) which were not timely submitted during the pay period in which the extra time was worked.

28 Note: As required by Section 506 (Overtime) of the Employee Handbook, ". . . overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations."

29 Section 506 (Overtime) of the Employee Handbook provides that, "Where there is a **prior written agreement** between a NONEXEMPT employee as defined in Section 201 and the Borough, the employee **may** receive compensatory time off in lieu of paid overtime." [Emphasis added.]

- c. Note that absent a prior written agreement, all overtime must be turned in at the end of the pay period in which it was earned, and the Borough must pay for that overtime at the appropriate rate (normally time-and-one-half).
4. How to monitor.
 - a. It is the employee's responsibility to request timely, and the supervisor's responsibility to monitor, both overtime and comp time.
 - b. All requests for comp time or overtime must be submitted during the pay period in which the extra time was worked.
 - c. Note that both comp time and overtime are normally computed at time-and-one-half of the normal hourly rate.
5. Who will monitor.
 - a. The supervisor will be the first line of monitoring requests for comp time and overtime.
 - b. In all cases where comp time is requested and approved, the Mayor, Borough Administrator or designee will also track and monitor comp time.
6. Must be logged and turned in each pay period.
 - a. During each pay period, every non-exempt Borough employee shall submit to the Borough Finance Director an accurate record of:
 - i. All overtime worked;
 - ii. All comp time earned (note: in order to be "comp time earned," the employee must document prior approval by the employee's supervisor); and
 - iii. All comp time taken (i.e., comp time earned during prior pay periods, which the employee has taken as paid time off during the current pay period).
7. Absent prior written approval for comp time from the employee's immediate supervisor, the Borough is required to pay overtime.
 - a. Prior permission of supervisor required.
 - b. The only exception to this requirement is in the case of a bona-fide emergency; and
 - c. Determination of whether a given situation is an emergency shall be made by the supervisor, unless the supervisor defers the decision to the Mayor, Borough Administrator or designee.
8. How comp time is computed.

- a. Comp time is normally computed at one hundred fifty percent (150%) of the overtime worked;
 - b. For example, a non-exempt AEB employee who has worked 50 hours during a 40-hour work week (and who has the appropriately signed-off prior written permission in place) will have earned $(1.5) \times (10 \text{ hours}) = 15$ hours of comp time. [Note that absent the prior written permission, the Borough is required to pay that individual time-and-a-half for those 10 hours, which amounts to 15 hours of pay for the 10 hours of additional work.]
 - i. When comp time may be taken.
 - c. It is the responsibility of the employee to request comp time³⁰ and, when approved, take it, in a timely fashion.
 - d. Comp time must be taken within three (3) pay periods after the comp time is earned.
 - e. In exigent circumstances³¹, the Mayor, Borough Administrator or designee may, at his sole discretion, approve taking comp time beyond the third (3rd) pay period after the comp time was earned.
 - f. Under no circumstances may comp time be taken beyond ninety (90) days after the comp time was earned.
 - g. Comp time which is not timely taken shall be forfeited. [Note: when comp time is forfeited, federal wage and hour laws require that the Borough pay the employee for that forfeited comp time at the appropriate overtime rate.]
9. Comp time may not be taken back-to-back with other leave or paid time off.
- a. Except in exigent circumstances, comp time may not be taken back-to-back with:
 - i. Vacation time off (annual leave)
 - ii. Sick leave;
 - iii. Leave taken under the Family and Medical Leave Act (FMLA);
 - iv. Bereavement leave;
 - v. Time off to vote;

30 Comp time may be taken **only at a time approved in advance by the employee's supervisor**. No supervisor shall unreasonably withhold permission for an employee to take comp time.

31 The employee requesting the extension of the time period during which comp time may be taken shall bear the burden of proving to the satisfaction of the Mayor, Borough Administrator or designee, that exigent circumstances do, in fact, exist in the situation for which the extension is being requested.

- vi. Jury duty;
 - vii. Military leave; or
 - viii. Witness duty.
10. The employee wishing to take comp time back-to-back with any of the types of leave or paid time off discussed above shall bear the burden of proving to the satisfaction of the Mayor, Borough Administrator or designee, that exigent circumstances which justify the exception to the general rule do, in fact, exist.
- a. The decision of the Mayor, Borough Administrator or designee shall be final.
 - b. If the employee has submitted a written request to take comp time back-to-back with other leave or paid time off as an exception to the above, the Mayor, Borough Administrator or designee shall provide a written response to the employee's request.

EMPLOYEE CONDUCT

6.01 EMPLOYEE CONDUCT AND WORK RULES

- A. To assure orderly operations and provide the best possible work environment, the Aleutians East Borough expects employees to follow rules of conduct that will protect the interests and safety of all Borough employees and the organization.
- B. It is not possible to list all the forms of behavior that are unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment³²:
 - 1. Violation of any federal, state or local law (other than minor traffic offenses);
 - 2. Theft or inappropriate removal, possession or private use of Borough property;
 - 3. Falsification of timekeeping records;
 - 4. Working under the influence of alcohol or non-prescribed drugs³³;
 - 5. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating Borough-owned vehicles or equipment;
 - 6. Fighting in the workplace;

³² Note: this is not intended to be an exhaustive list.

³³ This includes working under the influence of prescribed drugs if the prescribing medical professional, or the label on the prescription container, indicates the drug should not be used in certain situations and the employee is taking the drug while working under any of those proscribed situations.

7. Threatening violence in the workplace;
8. Boisterous or disruptive activity in the workplace;
9. Negligence or improper conduct leading to injury of the employee, injury of others, damage of Borough-owned property or damage to other property;
10. Other disrespectful conduct;
11. Slander or libel of a Borough official;
12. Violation of safety or health rules;
13. Smoking in prohibited areas³⁴;
14. Sexual or other unlawful harassment;
15. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
16. Substantial absenteeism or excessive tardiness;
17. Any absence without appropriate notice to the supervisor;
18. Unauthorized absence from the employee's assigned work station during the workday;
19. Unauthorized use of telephones, facsimile machines, mail system, computers, copy machines or other Borough-owned or equipment leased by the Borough;
20. Unauthorized disclosure of confidential information;
21. Violation of personnel policies;
22. Unsatisfactory performance; or
23. Conduct unbecoming a Borough employee or inclined to give others an unfavorable opinion regarding the Borough, whether such conduct occurs on or off the clock.

6.02 DRUG AND ALCOHOL USE

- A. The Borough intends to provide a drug-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs satisfactorily³⁵. [See also Section 6.03, Drug and alcohol Testing.]

34 Note: Smoking is prohibited on all Borough property and in all Borough vehicles.

35 See, among other things, United States Department of Commerce Form CD-511, "Certifications Regarding Debarment, Suspension and other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

- B. While on Borough premises and while conducting business-related activities off Borough premises, no employee may use, consume, possess, distribute, sell or be under the influence of alcohol or marijuana or engage in the unlawful manufacture, distribution, dispensation, possession, or use or be under the influence of, illegal drugs. Violations of this policy may, at the Borough's sole discretion³⁶, lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have other legal consequences.
- C. The use of drugs properly prescribed for a Borough employee is permitted on the job only if the use of such drugs does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner.
- D. To inform employees about important provisions of the policy, the Borough has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy. For more information, employees should make inquiries to the Mayor, Borough Administrator or designee.
- E. Employees with questions or concerns about substance dependence or abuse are encouraged to discuss these matters with their supervisor or with the Mayor, Borough Administrator or designee, to receive assistance or referrals to appropriate resources in the community.
- F. Employees with drug or alcohol problems that have not resulted in, or been the subject of, disciplinary action, may request approval to take time off to participate in a rehabilitation or treatment program through the Aleutians East Borough's health insurance benefit coverage, if available (and if the employee is eligible for coverage). Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Borough policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the Borough undue hardship.
- G. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Borough of a criminal conviction for drug-related activity occurring in the workplace. Reports of convictions and of charges relating to illegal drug use or possession, marijuana-involved or alcohol-involved offenses (including but not limited to DUIs) must be made in writing to the Mayor, Borough Administrator or designee within five (5) days of the conviction.
- H. Employees with questions on the policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or with the Mayor,

This is a form which the AEB frequently must sign when obtaining federal grants. The AEB intends to comply fully with the Drug-Free Workplace Requirements articulated in that form.

36 This decision normally will be made by the Mayor or Borough Administrator. In unusual circumstances, the decision may be made by another individual (a designee).

Borough Administrator or designee. There shall be no adverse action taken against any Borough employee because of questions raised under this section.

6.03 DRUG AND ALCOHOL TESTING [See also Section 10.01C, regarding the benefits available for drug and alcohol rehabilitation.]

- A. Maintaining safe work environment. The Aleutians East Borough is committed to providing a safe, healthy, efficient, and productive work environment for all employees. In keeping with this commitment, the following categories of employees may³⁷ be asked to provide body substance samples (e.g., breath, blood and/or urine) to screen for the illicit use of drugs:
1. Employees holding positions which the Borough, in its sole discretion, deems safety sensitive;
 2. Applicants for positions which the Borough deems safety sensitive;
 3. Employees holding positions for which drug testing is required by law; and
 4. Applicants for positions for which drug testing is required by law.
- B. When drug or alcohol testing may be required. Borough employees and applicants for Borough employment may be required to participate in drug and alcohol testing under several circumstances (please see enumerated situations below). The Borough shall make reasonable efforts to protect the confidentiality of all drug test results. Drug tests may be required in any of the following situations:
1. Pre-employment. Before a job applicant for a drug-testing-designated position (see 6.03 a. above) receives an offer of employment from the Borough, the applicant must pass a drug screening.
 2. Accident when on duty. If the Borough employee is involved in an accident³⁸ while on duty, the employee shall be relieved of duty as quickly as is consistent with the interests of safety and shall be escorted³⁹ to a facility where a drug test shall be administered.

37 Whether a particular employee is required to provide such a sample is a matter within the sole discretion of the Borough. Any Borough employee who is appropriately directed by the Borough Mayor, the Borough Administrator or designee, to provide a sample for drug or alcohol testing and who refuses to do so, shall be subject to Borough discipline, which may include immediate termination of Borough employment.

38 For employees required by DOT or Coast Guard regulations to be subject to drug and alcohol testing, this includes motor vehicle accidents of all types, even when driving their personal vehicle. For other Borough employees, this requirement applies when that employee is involved in an on-the-job accident or incident which a reasonable person might conclude involved either drugs or alcohol, either as a cause or as a contributing factor. When in doubt, the employee or the employee's supervisor should immediately speak with the Mayor, Borough Administrator or designee to obtain clarification.

39 The escort requirement is for two purposes: the employee's protection, and to ensure that there can be no credible, after-the-fact, allegations that the results of the test were affected by anything the employee did

- a. As a condition of continued Borough employment, the employee shall submit to such testing and provide the sample(s) requested.
 - b. The Borough shall bear all costs related to the drug/alcohol testing.
 - c. The testing agency shall be informed that results of the drug/alcohol testing shall be provided directly to the Mayor, Borough Administrator or designee as expeditiously as possible.
 - d. The employee may request a copy of the results.
3. Exhibited behavior. Drug or alcohol testing shall be required if the employee exhibits signs or symptoms of alcohol or drug use as determined by the Mayor, Borough Administrator or designee, based either upon first-hand observations or reported, reliable observations.
 4. Reasonable suspicion. If the Borough Mayor, Borough Administrator or designee has a reasonable suspicion that a Borough Employee is engaged in the illicit or inappropriate use of alcohol or drugs, any one of them may reduce that suspicion to writing and then require that the Borough employee take a drug test.
 5. As part of a well-described employee group. The Borough Mayor or Borough Administrator, or designee, may at any time designate a group of Borough employees to be subject to tests for drugs and/or alcohol. The group shall consist of no fewer than three (3) employees and shall be clearly described.
Note: every full-time, permanent Borough employee who accepts a Borough paycheck is subject to this policy.
 6. As provided in Section 10.01 of this Employee Handbook, one of the employee benefits available is a drug and alcohol rehabilitation program. An employee who fails a drug or alcohol test may⁴⁰ be continued as a Borough employee, contingent upon:
 - a. Completion of a comprehensive drug and alcohol screening and evaluation completed by an appropriately certified medical professional; and

while on the way to the testing facility. When possible, the escort should be the employee's supervisor. If the supervisor is not available within a reasonable period of time, another Borough employee or a law enforcement officer may serve as the escort.

40 First, every Borough employee should be aware that in such circumstances, continued Borough employment is conditioned upon successfully complying with: a) drug and alcohol screening and evaluation; b) all requirements for completion of any recommended drug or alcohol treatment program; and c) drug and alcohol testing required after completion of the treatment program. Second, there may be circumstances (for example, intentional assault committed while under the influence of alcohol and/or drugs) in which the Borough will deem it inappropriate for the employee to continue as a Borough employee, regardless of the employee's success in screening, evaluation, treatment and/or subsequent testing. In such matters, the Borough's written decision shall be final.

- b. Successful completion of the drug or alcohol rehabilitation program recommended by the certified medical professional who signed the comprehensive drug and alcohol screening and evaluation; and
- c. Successfully passing all subsequent drug and alcohol testing which may be recommended by the certified medical professional or by responsible officials of the drug or alcohol rehabilitation program, or required by the Mayor, Borough Administrator or designee.

6.04 SMOKING

- A. In keeping with the Aleutians East Borough's intent to provide a safe and healthful work environment, smoking of tobacco and marijuana products, including vaporizers (e-cigarettes), for marijuana, tobacco or herbal preparations is prohibited throughout the workplace⁴¹. This policy applies equally to all Borough employees, to all elected officials and to all members of the public.

6.05 SAFETY

- A. To provide a safe and healthful work environment for Borough employees and visitors, the Borough has established a workplace safety program. This program is a top priority for the Borough. Department heads shall implement, administer, monitor, and evaluate the safety program. The safety program's success depends on the alertness and personal commitment of all.
- B. The Borough provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, and other written communications.
- C. Every Borough employee shall obey all safety rules and exercise caution in all work activities⁴². Employees must immediately report any unsafe condition to the appropriate supervisor. No adverse action shall be taken against a Borough employee for reporting an unsafe condition. Employees who violate safety standards, cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such dangerous situations, may be subject to disciplinary action, up to and including termination of employment.
- D. In the case of accidents that result in injury, regardless of how significant or insignificant the injury may appear, employees shall immediately notify the Mayor,

41 This includes all Borough-owned and Borough-leased property, and applies to all Borough-owned and Borough-leased vehicles.

42 The AEB prefers that all Borough employees be self-policing, practice good housekeeping, self-correct dangerous situations (for example, removing barriers to quick access to fire extinguishers), etc.

Borough Administrator or designee⁴³. Such reports are necessary to comply with insurance and Workers' Compensation statutes, policies and procedures.

6.06 USE OF EQUIPMENT

- A. Equipment is essential in accomplishing job duties, is often expensive and may be difficult to replace. When using Borough property, all Borough employees shall exercise due care, perform required maintenance, and follow all applicable operating instructions, safety standards, and guidelines.
- B. Please notify the supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to Borough employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.
- C. The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination of employment.

6.07 USE OF TELEPHONES

- A. Employees are required to reimburse the Borough for any charges resulting from their personal use of the Borough's telephone, facsimile, postage or other machines.
- B. To assure effective telephone communications, employees should always identify themselves by name, use an approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

6.08 REST PERIODS

- A. During each eight (8)-hour work day, full-time non-exempt employees are provided with two rest periods. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees shall not be absent from their work stations beyond the allotted rest period time. Violation of the requirement that employees not abuse either the duration or frequency of rest periods may result in disciplinary action, up to and including termination of employment.

6.09 PERSONAL APPEARANCE

- A. Dress, grooming, and personal cleanliness contribute to the morale of all employees and affect the image that the Borough presents to the public. During business hours, employees are expected to present a clean and neat appearance and to dress

⁴³ Such notification shall be in writing and shall provide the information required by AEB policy. Except when not practicable, such notification shall be made on an AEB-approved form and shall be made within twenty-four (24) hours of the injury.

according to the requirements of their positions. Consult your supervisor if you have questions about what constitutes appropriate attire.

6.10 OUTSIDE EMPLOYMENT

- A. An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the Borough. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the Borough's scheduling demands, regardless of any existing outside work requirements.
- B. If the Borough determines that an employee's outside work interferes with that Borough employee's performance or ability to meet the requirements of the Borough as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed by the Borough. Outside employment which has an actual or potential adverse impact on the Aleutians East Borough may be deemed to be a conflict of interest.

6.11 CONFLICTS OF INTEREST [See also Section 1.04, Definition of Nepotism]

- A. An actual or potential conflict of interest occurs when an individual is in a position to influence a decision that may result in a personal or financial gain for that individual or for a family member as a result of the Borough's business dealings. [See definition of "family" in Section 1.04I of this handbook.]
- B. Every Borough employee has an obligation to conduct Borough business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Borough can reasonably be expected to accomplish the public's business. The purpose of these guidelines is to provide general direction. If any employee requires further clarification regarding issues related to the subject of acceptable standards of conduct, that employee should inquire of the Mayor, Borough Administrator or designee.
- C. No "presumption of guilt" is created by the mere existence of a relationship with private firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she fully disclose⁴⁴ the nature of such influence to an administrative superior in the Borough as soon as possible, so that safeguards can be established to protect the Borough and all other affected parties.
- D. Personal gain may result not only in cases where an employee or relative has significant ownership in a private firm with which the Borough does business, but also when an employee or relative receives any profit, commission, kickback, bribe, substantial gift [i.e., one having a value in excess of one hundred dollars (\$100.00)],

⁴⁴ All such disclosures shall be in writing.

or special consideration as a result of, or in the anticipation or hope of, any transaction or business dealings involving the Borough.

- E. In addition to the foregoing policy and framework, State law [AS 29.20.010 (a)(4)] prohibits a municipal employee from participating in any official action in which the employee has a substantial financial interest. Employees are considered to have a substantial financial interest in matters affecting their immediate families. [See definition of "immediate family" in Section 1.04M of this handbook.]

6.12 SECURITY INSPECTIONS

- A. The Borough wishes to maintain a work environment that is free of illegal drugs, alcohol, marijuana, firearms, explosives, and other improper materials. To achieve this goal, the Borough prohibits the possession, transfer, sale, or use of such substances and materials on its premises. The Borough requires the personal cooperation of all employees in administering this policy.
- B. Desks, lockers, and other storage devices provided by the Borough are for the convenience of employees but remain the sole property of the Borough. Such storage devices and any articles found within them, can be inspected by an agent or representative of the Borough at any time, either with or without prior notice⁴⁵ and without regard to whether such storage devices are locked. All Borough employees must make arrangements for off-site⁴⁶ storage of personal materials or items which they expect to be protected from such inspections.

6.13 SOLICITATION

- A. To ensure a productive and harmonious work environment, persons not employed by the Borough may not solicit or distribute literature in the workplace at any time for any purpose.
- B. The Borough recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods when Borough employees are not on duty.)
- C. The posting of written solicitations on Borough bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for information regarding Workers' Compensation, Alaska State disability insurance, unemployment insurance and notices of other rights and obligations of employees.

45 Such inspections may be made with or without a search warrant. Note: no search warrant is required for such inspections.

46 As used here, "off-site" means not on real property owned or leased by the AEB and not in any vehicle or container owned or leased by the AEB.

6.14 SEXUAL AND OTHER UNLAWFUL HARASSMENT

- A. The Aleutians East Borough is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes or comments based on an individual's sex, race, age, religion, or any other legally protected characteristic(s) will not be tolerated. As a non-inclusive example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.
- B. Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report this matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Mayor, Borough Administrator or designee. The Borough shall not take any adverse action against a Borough employee who asks questions, raises concerns or make reports under this section.
- C. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise the Mayor, Borough Administrator or designee, who will handle the matter in a timely and confidential manner.
- D. Any Borough employee who engages in sexual or unlawful harassment shall be subject to disciplinary action, up to and including termination of employment.

6.15 PROGRESSIVE DISCIPLINE

- A. The purpose of this policy is to state the Borough's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is one which is corrective in nature, does not have to be enforced and comes from employee self-discipline, good leadership and fair supervision at all levels of Borough employment.
- B. The Borough is committed to ensuring fair treatment of all Borough employees and in making certain that disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.
- C. See the definitions section of this handbook (Section 1.04) for the meanings of specific terms (e.g., the definition of "termination," which makes it clear that the concept of termination includes the possibility of immediate termination in some circumstances). Disciplinary action may call for any (or a combination of) these actions: oral warning; written warning with or without demotion; suspension with pay; suspension without pay; or termination of employment⁴⁷. Which disciplinary action is appropriate depends on the severity of the problem and the number of prior disciplinary actions and occurrences. When the appropriate Borough official deems it appropriate, one or more of the above actions may be bypassed.

⁴⁷ Depending on the severity of the offense, both suspension and termination may be immediate. Less severe offenses may require less immediate discipline.

- D. Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for an oral warning or a written warning; the next offense may be followed by a suspension or a demotion or both; and a subsequent offense may require a termination of employment. Some offenses may be so severe as to require immediate termination.
- E. The Borough is very aware that certain types of employee problems are serious enough to justify either suspension or termination of employment, without going through all of the usual progressive disciplinary steps.
- F. While it is impossible to list every type of behavior that may be deemed a serious offense, the EMPLOYEE CONDUCT AND WORK RULES policy [See Sections 6.01 through 6.15, inclusive, of this handbook] includes example of problems that may result in immediate suspension or termination of employment. Not all problems listed are necessarily serious offenses, but each of the listed problems is an example of unsatisfactory conduct that may trigger progressive discipline.
- G. By using progressive discipline, the Borough intends that most employee problems will be corrected at an early stage, benefiting both the employee and the Borough.
- H. When taking disciplinary action involving demotion, suspension without pay, termination, or other action adversely affecting a regular employee's pay, the supervisor must inform the employee in writing of the employee's right to a hearing. Each regular, non-exempt Borough employee who is subject to demotion, suspension without pay, termination or any other action adversely affecting the regular employee's pay has the right to a hearing if the employee makes a written request for a hearing within three (3) business days of the date the decision is received by the employee. If the employee makes a written request for a hearing, the supervisor or other person designated by the Mayor or Borough Administrator, shall provide the hearing within five (5) working days of the date the employee's written request is received.
- I. At the hearing, the employee shall be given the opportunity to explain or rebut the facts or allegations that form the basis for the disciplinary action. The employee may call witnesses on the employee's behalf and may be assisted or represented by another person at the hearing. At the conclusion of the hearing, the person conducting the hearing shall consider all the relevant, reliable evidence and render a written decision as quickly as possible. The employee shall remain in the pre-disciplinary pay status until the decision is made, reduced to writing and mailed or hand-delivered to the employee.
- J. If the employee is dissatisfied with the decision, the employee may appeal the decision to the Borough Administrator. The Administrator or the Administrator's designee shall hear the appeal at the earliest reasonable time. The employee may call witnesses on the employee's behalf (each of whom may be cross-examined by the AEB's representative and examined by the Administrator or the Administrator's designee), may be assisted or represented by another person at the hearing, and may

cross-examine all witnesses presented by the AEB. After the hearing, the officer hearing the appeal shall consider the relevant, reliable evidence presented and render a written decision, including findings of fact and conclusions of law, within ten (10) working days unless the parties stipulate to a different time line. This decision is the final Borough decision and shall be delivered to the employee. It shall contain a notice to the employee of his or her right to appeal the decision to the Superior Court in accordance with the applicable rules of court.

SEPARATION FROM BOROUGH EMPLOYMENT

7.01 EMPLOYMENT TERMINATION

- A. There can be many reasons for termination of employment. Below are examples of some of the most common circumstances under which employment is terminated:
1. RESIGNATION – employment termination initiated by an employee who chooses to leave the Borough voluntarily. To be considered eligible for rehire, the Borough employee shall provide at least two (2) weeks’ written notice of resignation to the Mayor, Borough Administrator or designee.
 2. DISCHARGE – employment termination initiated by the Borough.
 3. LAYOFF – involuntary employment termination initiated by the Borough for non-disciplinary reasons such as lack of work or lack of funds.
 4. MEDICAL TERMINATION – employment termination initiated by the employee or by the Borough when an employee is unable, for health reasons, to continue to work.
 5. RETIREMENT – voluntary retirement from active employment status, initiated by the employee.
- B. EXIT INTERVIEWS - The Aleutians East Borough will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the Borough, or return of Borough-owned property. Suggestions, complaints, and questions can also be voiced. Employees will receive their final pay according to applicable state law.
- C. BENEFITS UPON TERMINATION - Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee’s expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of terms, conditions, and limitations of such continuance.

7.02 RETURN OF PROPERTY

- A. Employees are responsible for all AEB property, materials, or written information (including access materials such as keys and pass cards) issued to them or in their possession or control.
- B. Employees shall return all such Borough property immediately upon request or upon termination of employment, whichever is earlier. The Borough may take any action it deems appropriate to recover or protect its property.

7.03 SEVERENCE PAY

- A. The Borough generally does not provide severance pay to individuals who have been Borough employees. The Borough never grants severance pay to non-exempt employees whose employment is terminated. However, the Borough reserves the right to make exceptions to the above policy⁴⁸ in its sole and absolute discretion.

RECORDS

8.01 NON-DISCLOSURE

- A. The protection of confidential information is vital to the interests and the success of the Borough. Such confidential information includes, but is not limited to, the following: confidential financial information received from a business, labor relation strategies, and medical records of employees or clients.
- B. Employees who are privy to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Any employee who improperly discloses confidential information will be subject to disciplinary action, up to and including possible termination of employment and legal action, even if he or she does not actually benefit from the disclosed information.

8.02 ACCESS TO PERSONNEL FILES

- A. The Borough maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, reference checks, training records, documentation of performance appraisals and salary increases, letters of recommendation, disciplinary matters, and other employment records.
- B. Personnel files are the property of the Borough, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Borough who have legitimate reason to review information in a file are allowed to do so.
- C. Employees who wish to review their own file should contact the Borough Clerk with reasonable advance notice. Employees may review their own personnel files in the

48 One common exception is severance pay as provided for in the individual employment contracts of certain exempt Borough employees.

Borough offices and in the presence of an individual appointed by the Borough to maintain the file. Information in an employee's personnel file is confidential except such information as would be public information in the personnel file of a state employee. [See AS 39.25.080.]

8.03 EMPLOYMENT REFERENCE CHECKS

- A. It is the policy of the Borough to check the employment references of all applicants to ensure that individuals are well qualified and have a strong potential to be productive and successful.
- B. We will respond to all reference check inquiries from other employers. Responses to such inquiries will only confirm dates of employment, wage rates, and positions held. No other employment data will be release without a written authorization and released signed by the individual who is the subject of the inquiry.

8.04 PERSONNEL DATA CHANGES

- A. It is the responsibility of each employee to notify the Borough promptly of any changes in personnel data. Personal mailing addresses, telephone numbers, marital status, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should always be accurate and current.

8.05 EMPLOYMENT APPLICATIONS

- A. The Borough relies upon the accuracy of information contained in the employment application, as well as accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Borough's exclusion of the individual from further consideration for employment. If the person has already been hired, such misrepresentation may result in termination of employment, either immediately upon discovery of the misrepresentation or thereafter.

PAY AND COMPENSATION

9.01 PAYDAYS

- A. All employees are paid on a bi-weekly basis, or 26 times each year. Each paycheck will include earnings for all work performed through the end of the previous payroll period.
- B. The first day in each two-week payroll period is a Sunday, and the last day is the second following Saturday. Pay shall be distributed on the Friday immediately following the end of a pay period, unless that day is a holiday, in which case it will be distributed on the first Borough business day immediately preceding the holiday.

- C. Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Borough. Employees will receive an itemized statement of wages and withholding when the Borough makes direct deposits.

9.02 PAY ADVANCES

- A. In the event of a personal emergency, employees may submit a written request for a pay advance to their supervisor or manager, indicating the nature of the emergency involved. The supervisor or manager will evaluate the request and determine whether a pay advance will be granted.
- B. If a regular payday falls during an employee's vacation, the employee's paycheck will be available immediately upon his or her return from vacation (unless the paycheck is direct-deposited, in which case the direct deposit will be made on the customary date).

9.03 ADMINISTRATIVE PAY CORRECTIONS

- A. The Borough takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.
- B. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the employee's supervisor so the corrections can be made quickly. Once underpayments are identified, they will be corrected in the next regular paycheck.
- C. Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the Borough will attempt to arrange a repayment schedule with the employee to minimize the inconvenience to all involved.

9.04 PAY DEDUCTIONS

- A. The law requires that the Borough make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Borough also must deduct Medicare taxes on each employee's earnings.

9.05 ANNUAL EVALUATION⁴⁹ AND SALARY ADJUSTMENT

- A. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's probationary period in any new position. This probationary period allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal

⁴⁹ The annual evaluation is a type of performance review. Other performance reviews may take place at the end of an employee's probationary period, after a disciplinary action or corrective action plan has been completed, or at such other time as the AEB deems appropriate and beneficial.

performance reviews are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

- B. Cost of living adjustments funded by the Assembly will be given annually to regular employees and will be based upon the Consumer Price Index for Anchorage as computed for the preceding fiscal year.
- C. Merit-based pay adjustments are awarded by the Borough in an effort to recognize truly superior employee performance. Merit-based pay is pay above the cost of living allowance that is given to employees annually for satisfactory performance. Employees become eligible for a one-time, 2.5% merit-based pay increase on the 10th, 15th, 20th, and 25th year of Borough employment. An employee shall receive such an increase only after a performance evaluation reflects the employee's satisfactory performance of his or her work duties. Any other pay adjustments shall be made in accordance with section 9.05(D) of this Employee Handbook.
- D. Merit-based increases other than those described in Section 9.05(C) may be awarded when an employee has reached some tangible, professional milestone, such as the completion of educational courses, degrees, or certifications that directly relate to the employee's work duties for the Borough. Such increases shall be awarded at the Mayor's sole discretion. As a general rule, such compensation may be awarded at any level up to and including the amount of the cost of living adjustment; however, the Mayor may deviate from this guideline with the approval of the Assembly.

BENEFITS

10.01 EMPLOYEE BENEFITS

- A. Eligible employees of the Borough are provided a wide range of benefits. A number of the programs (such as Social Security, Workers' Compensation, state disability, and unemployment insurance) cover all Borough employees in the manner prescribed by law.
- B. Benefits eligibility is dependent upon a variety of factors, including employee classification. Each employee's supervisor can identify the programs for which that employee is eligible. Details of many of these programs can be found elsewhere in this Employee Handbook.
- C. The following benefit programs are available⁵⁰ to eligible Borough employees:
 - 1. Benefit Conversion at Termination

⁵⁰ Note that not all benefits are available to all Borough employees. Each employee should see the detail in this Employee Handbook regarding each of the benefits offered, and then consult the supervisor if questions still remain.

2. Bereavement Leave
3. Child Care Assistance
4. COBRA
5. Dental Insurance
6. Drug Rehabilitation Program [Refer to Section 6.03]
7. Family Leave
8. Flex-time Scheduling
9. Life Insurance
10. Major Medical Insurance
11. Medical Insurance
12. Membership Dues
13. Military Leave
14. Pay Advances
15. Pension Plan
16. Relocation Assistance
17. Tax-Sheltered Annuities
18. Travel Allowances
19. Travel Insurance
20. Vacation Benefits
21. Voting Time Off
22. Witness Duty Leave

D. Some benefit programs require contributions from the employee [example: COBRA], but most are fully paid by the Borough.

10.02 VACATION BENEFITS

A. Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees and regular part-time employees are eligible to earn and use vacation time as described in this policy. The amount of paid vacation time Borough employees receive each year increases with the length of their Borough employment as shown in the following schedule.

B. VACATION EARNING SCHEDULE

YEARS OF ELIGIBLE SERVICE	VACATION DAYS	VACATION DAYS EACH YEAR
(full-time equivalent)	SEMIMONTHLY	EACH YEAR
Upon initial eligibility	.500 days	12 days
After 3 years	.750 days	18 days
After 7 years	1.00 days	24 days

- C. The length of eligible service is calculated on the basis of a “benefit year”. This is the 12 month period that begins when the employee starts to earn vacation time.
- D. Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. However, before vacation time can be used, a waiting period of ninety (90) calendar days must be completed. After that time, employees can request use of earned vacation time including that accrued during the waiting period.
- E. Paid vacation time can be used in minimum increments of one-half (1/2) day. To take vacation, employees shall request advance written approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.
- F. Vacation time off is paid at the employee’s base rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.
- G. Employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. If there is available vacation time that is not used by the end of the benefit year, employees may accrue it and carry it to the next benefit year.
- H. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work. At the employee’s option, that unused vacation time may be used to earn more credit in the PERS system⁵¹.

10.03 CHILD CARE ASSISTANCE

- A. The Borough provides child care assistance to all eligible employees as a benefit of employment. Eligible employee classifications are regular full-time employees and regular part-time employees.

51 This option will be available so long as it is acceptable to the PERS system.

- B. Given below is a brief description of child care assistance that may be provided when feasible. For more detailed information, please contact the Mayor, Borough Administrator.
1. **FLEX-TIME SCHEDULING:** Employees may request the opportunity to vary their work schedules (within employer-defined limits) to better accommodate child care responsibilities.
 2. **FLEXIBLE LEAVE:** The Borough recognizes that the fulfillment of child care responsibilities can provide a compelling reason for time-off requests. Where feasible, the employee's needs will be accommodated.
 3. **JOB SHARING:** Two part-time employees may split what would ordinarily be a single full-time position.
 4. **SICK LEAVE BENEFITS:** Employees may use accrued sick leave benefits in the event of the illness of the employee's child.

10.04 RELOCATION BENEFITS

- A. Those employees eligible for relocation benefits will be determined, in the Borough's sole discretion, by the Mayor or Borough Administrator on a case-by-case basis, taking into account the availability of funds to pay the relocation costs and other factors. When the Borough asks employees to relocate to a new area, certain relocation benefits may be provided to facilitate the transition. Relocation may be available to any eligible transferred or newly-hired employee who must relocate in order to reside within 50 miles of the new place of work.
- B. Employees must request relocation assistance for specific items before the date of the expenses are incurred. The Borough will reimburse expenses only if the employee has received advance written approval, incurs reasonable expenses, and submits satisfactory proof of the expense within thirty (30) calendar days of the date the expense was incurred.
- C. For specific information regarding the terms and extent of relocation benefits, please contact the Mayor, Borough Administrator or designee.

10.05 WORKERS' COMPENSATION INSURANCE

- A. The Borough provides a comprehensive Workers' Compensation Insurance program at no cost to the Borough employee. This program covers any injury or illness sustained during employment that requires medical, surgical or hospital treatment. Subject to applicable legal requirements, Workers' Compensation Insurance provides benefits after a short waiting period or, if the Borough employee is hospitalized, immediately.
- B. Employees who sustain work-related injuries or illnesses shall immediately inform their supervisor, in writing, of the injuries or illnesses. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible Borough employee to qualify for coverage quickly.

- C. Neither the Borough nor the insurance carrier will be liable for the payment of Workers' Compensation benefits for injuries that occur during an employee's voluntary participation in off-duty recreational, social, or athletic activity, whether or not such activity is sponsored by the Borough.

10.06 BENEFITS CONTINUATION (COBRA)

- A. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Borough's health plan when a "qualifying event" would normally result in the loss of eligibility.
- B. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.
- C. Under COBRA, the former Borough employee or beneficiary pays the full cost of coverage at the Borough's group rate, plus an administration fee.
- D. The Borough provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Borough's health insurance plan. The notice contains important information about the employee's rights and obligations.

TRAVEL AND PER DIEM

11.01 BUSINESS TRAVEL EXPENSES

- A. The Borough will pay for the cost of travel for all elected officials, appointed officials and employees (Borough travelers) who must travel on Borough business.
 - 1. The general rule is, to be eligible for reimbursement, official business travel must be approved in advance, in writing, by the Borough Mayor or the Borough Administrator.
 - 2. In cases where neither the Mayor nor the Administrator is available to authorize such expenses ahead of time, the person traveling may apply for reimbursement after the fact. However, there is no guarantee that such expenses will be reimbursed unless they are approved in advance (i.e., before the fact).
 - 3. The cost of travel includes the cost of airplane tickets and charters of airplanes or vessels.
 - a. The cost of airplane tickets should be included as part of the written request submitted for advance written approval, as contemplated in A.1. above.

- b. The charter of an airplane or vessel must be approved in writing by the Mayor (or, in the Mayor's absence, by the Borough Administrator), in advance of the charter of the airplane or vessel.
 - c. Travel should begin at the day closest to the time of the meeting, conference, etc., which the person is attending.
 - d. The Borough will not pay for the cost of travel of any elected official, appointed official or employee who must travel from outside of the Borough to the Borough for meetings, or to return to a work site inside of the Borough, if the travel did not begin within the Borough. Exception: For those Borough employees stationed at work sites outside of the Borough, travel will be paid from the work site to the Borough, and back to the work site.
4. Cash advances to cover reasonable anticipated expenses may be made to Borough travelers after travel has been approved. Borough travelers should submit a written request to the Borough Mayor, Borough Administrator or designee at least five (5) working days ahead of the anticipated travel date, when travel advances are needed.
- B. Officials and employees whose travel plans have been approved should make all travel arrangements through the designated travel agency.
- C. The following per diem schedule applies⁵² for all elected officials, appointed officials and employees of the Aleutians East Borough who are required to travel on the Borough's behalf:
- 1. \$200.00 per day for travel within the Borough;
 - 2. \$200.00 per day for travel outside of the Borough, unless such travel involves staying in Washington, D.C., or vicinity;
 - 3. \$250.00 per day for travel involving a stay in Washington, D.C., or vicinity.
- D. When prior approval has been obtained, the Borough will pay a daily per diem rate⁵³ as listed in Paragraph C above, for meals and lodging.

52 In the event that the hotel is charged to a Borough credit card or account, the meal allowance is \$65.00 per day unless the traveler is in Washington, D.C., where the meal allowance is \$75.00 per day. [This change to the Travel & Per Diem Policy which was approved on March 16, 2000, was made by Bob Juettner, per e-mail from Roxann dated May 4, 2009.]

53 During periods of prolonged travel, either inside or outside of the Borough, either the Borough Mayor, or, in the absence of the Borough Mayor, the Borough Administrator, may find it in the best financial interest of the Borough to waive per diem and provide other arrangements such as room and board, actual expenses, etc.

1. Other expenses directly related to accomplishing business travel objectives will be reimbursed by the Borough. Borough travelers are required to limit expenses to reasonable amounts, and reimbursement will be limited to reasonable amounts, as determined by the Borough in its sole discretion. The Borough may make alternate arrangements to cover employee living expenses⁵⁴ when the Borough, in its sole discretion, deems such arrangements appropriate.
 2. Car rental costs will be paid only upon prior written approval by the Borough Mayor, Borough Administrator or designee, and then only if the Borough official determines the rental will be beneficial to the Borough.
 3. Cash advances (“travel advances”) to cover reasonable expenses may be made to Borough travelers after travel has been approved. Borough travelers shall submit a written request for a cash advance to the Borough Mayor, Borough Administrator or designee when a travel advance is needed.
- E. Any elected official, appointed official or Borough employee who is involved in an accident or incident while traveling on official Borough business must promptly report the accident or incident, in writing, to appropriate authorities as required by law, and to the Borough Mayor, Borough Administrator or designee.
- F. Vehicles owned, leased or rented by the Borough may not be used for personal use without prior written approval.
- G. Resident travel.⁵⁵ There are times when it is in the best interest of the Borough for residents to attend meetings that are related to the well being of the Borough and its residents. [Examples: Board of Fisheries, the North Pacific Fisheries Management Council, Pacific Halibut Commission, etc.] Rules applicable to resident travel include:
1. The Borough Mayor will determine which meetings require resident attendance and which residents will be sent at the Borough’s expense. The Mayor will make every attempt to distribute the opportunity to attend the meetings equitably among residents and their communities.
 2. The Borough will pay the cost of travel from the Borough to the meetings and back to the Borough. The Borough will pay per diem at the same rate as for other Borough travelers.
 3. In order to maximize resident participation, the Borough will only pay travel costs and per diem for one member per household per meeting.
 4. Residents requesting travel and/or per diem to attend a meeting **must do so in writing prior to the beginning of the meeting.**

54 For example, making lodging payments directly to a hotel, providing living quarters, paying for food and preparation, etc.

55 “Resident travel” is travel by a Borough resident who is not an elected official, appointed official or Borough employee. The requirements for resident travel were amended in November, 2004.

5. The Mayor is authorized to require that residents traveling at the Borough's expense must actively participate in the meetings. This may take the form of daily attendance at the meetings, testifying during the course of the meetings and/or prohibitions against deal-making at meetings. All such requirements shall be established in writing, in advance of the travel. Failure to abide by the Mayor's requirements will result in the forfeiture of future Borough-financed travel and may require the resident to repay to the Borough some or all of the funds advanced by the Borough.
 6. In order to maximize the participation of residents at these meetings, the Borough may agree to cost-share the expenses with other organizations. [For example, a village corporation may pay the cost of travel while the Borough pays the per diem.] The Borough will not pay additional per diem to anyone already receiving per diem under a cost-sharing agreement.
- H. Borough travelers shall submit travel expense reports within fifteen (15) days. Reports must be accompanied by acceptable receipts⁵⁶ for all individual expenses.
 - I. Borough travelers should contact the Borough Mayor, Borough Administrator or designee for guidance and assistance regarding procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other issues pertaining to travel undertaken to accomplish official Borough business.
 - J. Abuse of the travel and per diem policies listed in this handbook, including but not limited to falsifying expense reports to reflect costs not actually incurred by the Borough traveler, may be grounds for disciplinary action, up to and including termination of Borough employment.

56 Generally, receipts will be deemed acceptable for Borough purposes if they would be considered sufficient documentation for the IRS or otherwise acceptable for normal expenses of a business or by generally accepted accounting principles.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

CRIMINAL HISTORY, DRIVING, BACKGROUND, AND CREDIT CHECK AUTHORIZATION FORM

PLEASE READ COMPLETE ALL SECTIONS, AND THEN SIGN

CONVICTION REPORTING

Please check all statements that apply:

- I have never been convicted of a crime in this or any other state.*
- I do not have a record of founded child or dependent adult abuse in this or any other state*
- I have been convicted of, or found guilty of: _____ Explain the circumstances, sentence, etc.*

*** Please include deferred judgments.**

While a conviction in itself may not prohibit employment, all factors surrounding the conviction will be considered in respect to the job duties. I understand that depending upon the nature of the conviction I may be denied employment. If I become an employee, I also agree to self report any criminal convictions which occur after I become an employee (if offered employment). **I understand that by signing below, I am giving permission for the Aleutians East Borough (AEB) to check the child and/or adult abuse registries and the Federal and State agencies for criminal records. The post-employment discovery of conviction information not provided here will subject me to the AEB's disciplinary policy. This will likely result in termination of my employment.**

SAFE DRIVING STATEMENT

Please check read the complete statement and the appropriate box/s below:

I currently have a valid driver's license. Driver's license #: _____ State: _____

*I do not currently have a valid driver's license.

- I understand that this may prevent Aleutians East Borough from offering me employment, or it may restrict the type of position and/or location offered to me.
- I also understand that before I may be allowed to drive on agency business, a Motor Vehicle Records check will be conducted.

CREDIT HISTORY

- I authorize the investigation of my credit information.

Release of my credit information is authorized whether such information is of record or not and is for the purpose of determining my suitability for employment with the Aleutians East Borough.

CONDITIONS OF EMPLOYMENT

I authorize investigation of all statements contained in this application supplement. I authorize my former employers, educational institutions, consumer reporting agencies, my personal references (listed or unlisted), and Federal and State agencies to give any information they may have regarding my employment history, personal background, credit history, driving record and criminal history and hereby release them and their organizations from all liability for any damage whatsoever for issuing same to the Aleutians East Borough.

If employed by Aleutians East Borough: I will faithfully, diligently, and to the best of my ability perform duties of employment, and accept and obey all rules, regulations, code, provisions, policies and procedures, and policies of employment issued, or to be issued by the AEB. **I understand that misrepresentation or omission of facts in this supplement or my application for employment is cause for dismissal.**

Further, I understand and agree that **my employment is "at will"** and is therefore for no definite period and may, regardless of the date of payment of my wages and salary, be terminated at any time, for any reason, or no reason, and without any previous notice.

I have read the foregoing and hereby affix my signature as verification of all statements and authorizations herein.

Signature

Date

Printed Name

Birth Date

Social Security Number

We consider applicants for all positions without regard to race, color, religion, sex, national origin, age, marital or veteran status, or the presence of a non-job-related medical condition or disability. In accordance with Alaska State Law, the Aleutians East Borough prohibits smoking except in authorized outdoor areas.

ALEUTIANS EAST BOROUGH TRAVEL REQUEST & REPORT FORM

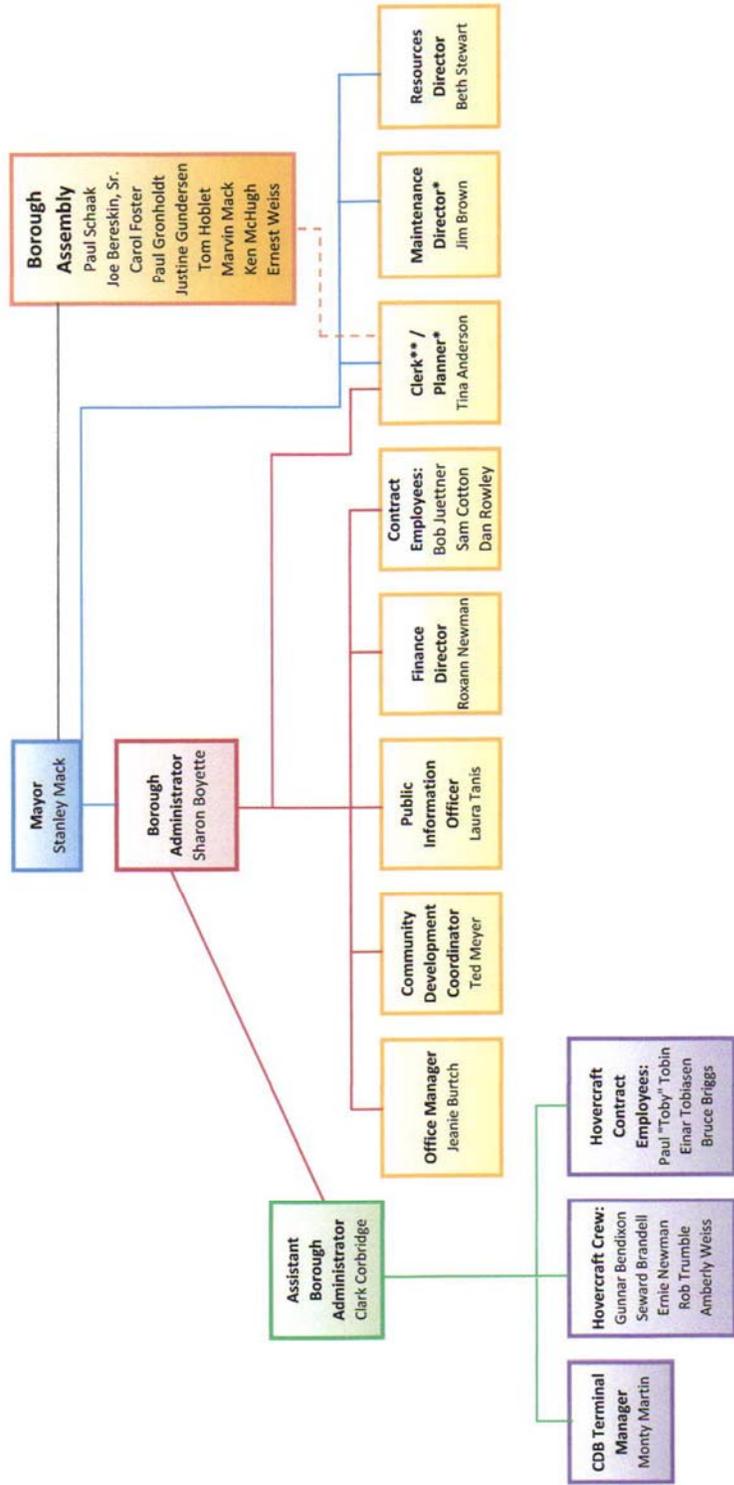
Aleutians East Borough Travel Request			
Date Submitted		<p style="text-align: center; color: red; font-weight: bold;"><i>IMPORTANT NOTICE</i></p> <p style="text-align: center; color: red; font-style: italic;">By signing and submitting this form you agree that the requested funds will be used for the purposes stated in this form. Failure to provide an expense report with receipts within 10 business days of your return date can result in a payroll deduction to cover the funds advanced to you.</p>	
Traveler Name			
Traveler Address			
E-mail			
Phone			
Purpose of Travel			
Destination			
Destination			
Destination			
Departure Date			
Return Date			
Total Advance Requested	\$0.00		
Approved By (print name)			
Approval Signature			
Traveler Signature		Date Signed	

Anticipated Expenses				
Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare				\$0.00
Ground Transportation/Parking			1	\$0.00
Conference/Registration Fees			1	\$0.00
Lodging			1	\$0.00
Meals and Tips			1	\$0.00
Miscellaneous			1	\$0.00
Grand Total				\$0.00

Report of Actual Expenses				
(Attach Receipts & Submit to Accounting)				
Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare				\$0.00
Ground Transportation/Parking			1	\$0.00
Conference/Registration Fees			1	\$0.00
Lodging			1	\$0.00
Meals and Tips			1	\$0.00
Miscellaneous			1	\$0.00
Grand Total				\$0.00

AEB ORGANIZATIONAL CHART – March 2009

ALEUTIANS EAST BOROUGH (AEB) ORGANIZATIONAL CHART March 2009



* Day to day supervision by Mayor.
** Section 2.28.010 of the Borough Code provides that, "The Borough Clerk shall be appointed by the Mayor and shall hold office at the pleasure of the Assembly"

4/24/2009 1:48 PM

EMPLOYEE ACKNOWLEDGMENT FORM

The *Employee Handbook* describes important information about the Aleutians East Borough, and I understand I should consult with the Mayor, Borough Administrator or designee regarding any questions not answered in the handbook.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Assembly of the Aleutians East Borough has authority to adopt any revisions or additions to the policies in this handbook.

As an employee of the Aleutians East Borough I will faithfully, diligently, and to the best of my ability perform duties of employment, and accept and obey all rules, regulations, code, provisions, policies and procedures, and policies of employment issued, or to be issued by the AEB.

I have entered into my employment relationship with the Aleutians East Borough voluntarily and acknowledge that my employment is for no definite period and may, regardless of the date of payment of my wages and salary, be terminated by the Aleutians East Borough at any time, for any reason, or no reason, and without any previous notice. I also understand that I may terminate my voluntary employment relationship with the Aleutians East Borough for any reason, or no reason, with two weeks written notice.

Furthermore, I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read, understand and comply with the policies contained in this handbook and any revisions or additions made to it.

Employee's Signature

Employee's Title

Employee's Printed Name

Date