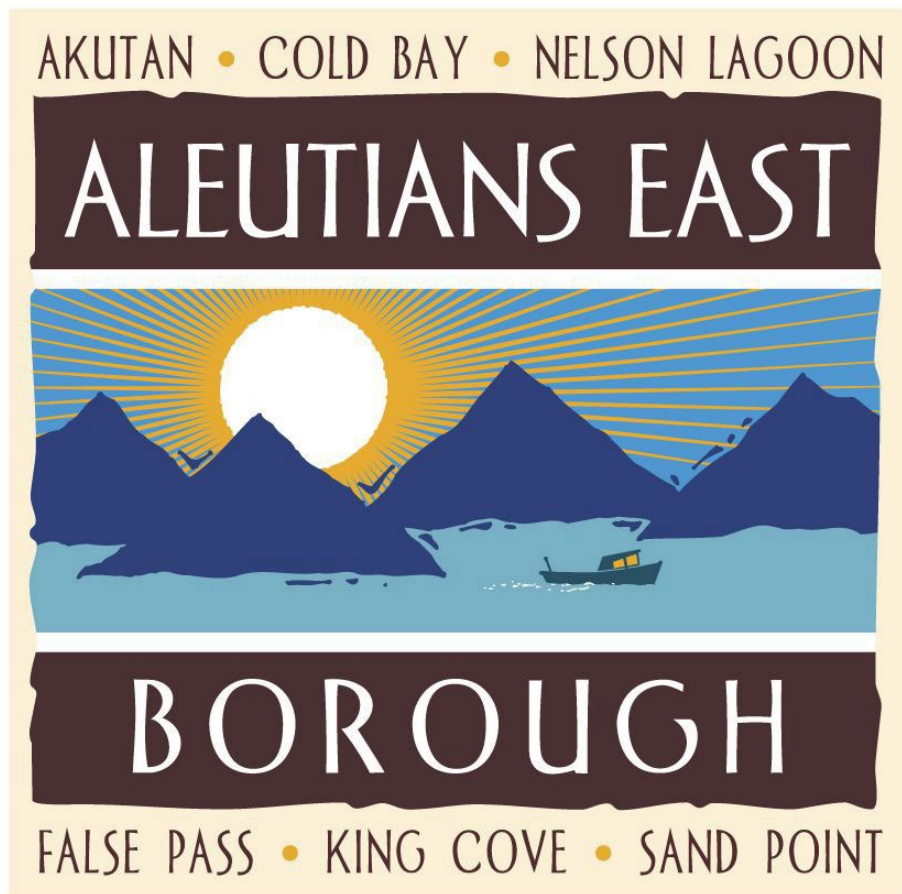


Aleutians East Borough Employee Handbook



January 11, 2024

Table of Contents

Chapter One

General Provisions	1
1.1 Authority	1
1.2 Purpose	1
1.3 Scope	1
1.4 Organization	1
1.5 Authority to Interpret	2
1.6 Revisions	2
1.7 Authorization to Vary from Strict Interpretation	2

Chapter Two

Employee Classification	3
2.1 Purpose	3
2.2 Review by Mayor	3
2.3 Non-Employees	3
2.4 Employee Classifications	3
2.5 Positions Exempted from the Borough's Classified Service	4
2.6 Confidential/Managerial Positions	4
2.7 Job-Sharing	5
2.8 Job Descriptions	5

Chapter Three

Recruitment and Hiring	6
3.1 Statement of Philosophy	6
3.2 In General	6
3.3 Recruitment Practices	6
3.4 Applications	6
3.5 Pre-Employment Background Investigation	7
3.6 Appointments	7
3.7 Probationary Period	8
3.8 Employment of Minors	8
3.9 Employment of Relatives	8
3.10 Compliance with Immigration Laws	9

Chapter Four

Wage and Salary Administration	11
4.1 General	11
4.2 Rates of Pay	11
4.3 Salary Adjustments	11
4.4 Timekeeping	12
4.5 Pay Dates	12
4.6 Workday and Workweek	13
4.7 Overtime Compensation	13
4.8 Business Travel	14

Chapter Five

Employee Benefits Administration	17
5.1 Eligibility for Benefits	17
5.2 Classes of Employee Benefits	17
5.3 Holidays	17
5.4 Vacation Leave	18
5.5 Sick Leave	19
5.6 Paid Administrative Leave	20
5.7 Leave Without Pay	22
5.8 Family Medical Leave	22
5.9 Bereavement Leave	24
5.10 Employee Health Coverage	24
5.11 Workers' Compensation Insurance	25
5.12 Life Insurance	25
5.13 Retirement Plan	25
5.14 Relocation Benefits	25
5.15 Tuition Reimbursement	26

Chapter Six

Standards of Conduct	27
6.1 General	27
6.2 Respectful Workplace	27
6.3 Work Schedules and Attendance	27
6.4 Appearance and Grooming	28
6.5 Conformance with Legal Standards	28
6.6 Outside Employment	28
6.7 Business Ethics and Conduct	29
6.8 Conflicts of Interest	29
6.9 Public Communications	30
6.10 Disclosure of Confidential Information	30
6.11 Use of Borough Property	30
6.12 Use of Telephone and Mail System	30
6.13 Use of Computers and Borough Email	31
6.14 Use of Borough Vehicles, Heavy Equipment and Other Equipment Owned, Leased or Rented by the Borough	31
6.15 Workplace Safety	32
6.16 Smoking	33
6.17 Drug and Alcohol-Free Workplace	33
6.18 Social Networking and Media	35
6.19 Workplace Violence	36
6.20 Compliance with Other Borough Policies and Procedures	37
6.21 Protection for Whistleblowers	38
6.22 Solicitation	38
6.23 Security Inspections	38

Chapter Seven		
Discrimination and Harassment		39
7.1	Equal Opportunity Employer	39
7.2	Disability Accommodations	39
7.3	Policy Against Sexual and Other Harassment	39
7.4	Complaint Procedure	41
7.5	Prohibition Against Retaliation	41
Chapter Eight		
Employee Discipline		42
8.1	General Statement of Policy	42
8.2	Ground for Discipline	42
8.3	Progressive Discipline	43
8.4	Pre-Deprivation Procedures	44
8.5	Grievance Policy and Procedure	45
Chapter Nine		
Performance Evaluation and Personnel Records		48
9.1	Performance Evaluations	48
9.2	Employee Records	49
9.3	Medical Records	49
9.4	Social Security Numbers	49
Chapter Ten		
Separations from the Borough Employment		51
10.1	Nature of Separation	51
10.2	Resignation	51
10.3	Retirement	51
10.4	Layoffs	51
10.5	Termination	51
10.6	Severance Pay	52
10.7	Effect of Separation on Employee Benefits	52
10.8	Exit Interviews	52
10.9	Return of Borough Property on Separation	52
10.10	Final Payment	52
Organizational Chart		
Organizational Chart		53
Employee Handbook Acknowledgment Form		
Employee Handbook Acknowledgment Form		54

CHAPTER ONE

GENERAL PROVISIONS

1.1 Authority. The provisions set forth herein have been adopted pursuant to Sections 7.10.020-.030 of the Code of the Aleutians East Borough of Alaska, and together constitute the Borough's personnel system, as authorized by AS 29.20.410.

1.2 Purpose. This handbook is intended to provide employees with a general understanding of the Borough's personnel policies. Employees are required to familiarize themselves with the contents of this handbook, not only because it answers many common questions concerning the terms and conditions of Borough employment, but also because it establishes general performance standards applicable to all employees. However, this handbook cannot anticipate every situation or answer every question about employment.

1.2.1 Extent of Rights Conferred by this Handbook. None of the benefits or policies set forth herein are intended because of their publication to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Aleutians East Borough. The contents of this document and procedures herein are presented as a matter of information for the general conditions of employment.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Aleutians East Borough and any of its employees. These policies are a set of guidelines for the implementation of personnel policies. The Aleutians East Borough and the employee will deal with each fairly and in good faith, in the administration of these at-will employment policies. The description of various employment standards or rules in these policies does not alter the at-will nature of these policies.

1.3 Scope. Except for those instances in which these policies and procedures conflict with the provisions of a negotiated contract, or with any federal, state or local law, they shall apply to all of the Borough's non-elected employees. These policies and procedures shall not apply to Borough election officials, members of the Borough Assembly, or individuals appointed to Borough boards and commissions unless such individuals are simultaneously employed by the Borough.

1.4 Organization. The Mayor is the Chief Personnel Officer for the Aleutians East Borough, but may authorize the Borough Administrator to serve as Personnel Officer upon written notification. The Mayor or designee shall be responsible for assisting in the preparation and maintenance of the Borough's Employee Classification Plan and its Salary Plan, and shall perform such other duties as may be required to enforce the policies and procedures set forth herein. All matters relating to the Borough's personnel shall be routed to the Mayor or designee, who shall maintain a complete system of personnel files and records. The Mayor or designee may perform any or all of these duties and responsibilities or assign them to another Borough employee.

- 1.5 Authority to Interpret.** The Mayor, as the Borough’s chief administrator and Personnel Officer, shall have final authority to interpret the provisions of this Handbook.
- 1.6 Revisions.** In order 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 this handbook. The Mayor shall recommend revisions to these policies based upon the Borough’s needs, the goal of increasing the effectiveness and productivity of its employees, the requirements of applicable state and federal laws, and the Borough Code. Such revisions shall become effective once approved by resolution of the Borough Assembly, and shall be applicable to all Borough employees, unless otherwise specified. Employees shall be notified in writing of any changes prior to their implementation, and shall be required to sign a form acknowledging their receipt and understanding of such changes. Should an employee have any questions regarding any policy or procedure, it is the employee’s responsibility to seek clarification from a supervisor, the Borough Administrator, or the Mayor.
- 1.7 Authorization to Vary from Strict Interpretation.** Unless otherwise required by federal, state, or local law, the Mayor shall have the authority to relax the rules and procedures set forth in this Handbook when their strict application as to a person or situation would result in undue hardship to an employee.

THIS EMPLOYEE HANDBOOK, DATED January 11, 2024 SUPERSEDES ALL PREVIOUS VERSIONS.

CHAPTER TWO

EMPLOYEE CLASSIFICATIONS

- 2.1 Purpose.** The Borough's Employee Classification Plan is intended to serve as a tool for assisting with the management of the Borough's personnel system, such as establishing appropriate performance standards, effectively administering employee salaries and benefits, and better equipping the Borough to more properly assess its staffing needs. It is the intent of the Aleutians East Borough to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.
- 2.2 Review by Mayor.** The Mayor shall from time to time review the Borough's Employee Classification Plan and make updates to it as necessary. The Mayor shall assign a classification and salary range to each position and make such reassignments to account for the reassignment of work duties, the reorganization of departments, or the addition or removal of positions.
- 2.3 Non-Employees.** Volunteers, contractors, consultants and the elected and appointed members of boards, committees, commissions are not considered to be Borough employees.
- 2.4 Employee Classifications.** All positions shall be assigned the following classifications:
- 2.4.1 Regular, Probationary, Temporary, or Contract.**
- 2.4.1.1 Regular Employees.** Employees who have been hired to work for the Borough on either a full-time or part-time basis, for whom no specific term of employment has been established, and who have successfully completed any applicable probationary period.
- 2.4.1.2 Probationary Employees.** Employees who have been hired for Regular employment but who have completed less than six months continuous service (or a longer period when required by State or Federal certification standards). All employees hired to fill a Regular position are considered Probationary employees for the first six months (or longer when required for State or Federal certification) and may be dismissed at any time during this period in the sole discretion of the employer.
- 2.4.1.3 Temporary Employees.** Employees who are hired as interim replacements, to temporarily work on a predetermined work schedule that does not extend beyond six (6) calendar months. If a temporary employee is hired into a regular or part-time classification, they are entitled to pro-rata sick leave and vacation leave accruals retroactive to their date of hire. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for the entire Aleutians East Borough's other benefit programs.

2.4.1.4 **Contract Employees.**

- A. **Project Employees:** Project Employees are those employees hired through Borough, State or Federal funding to perform a specific function over a designated funding period. Such employees' compensation, hours, benefits and terms of employment are governed by policies of the funding agency.
- B. **Contract Service Providers:** Contract Service Providers are persons who perform services for the Borough under a contract for a specific scope of work. Such persons are not employees of the Borough but are independent contractors whose services and compensation are governed by the terms and conditions of a specific contract.

2.4.2 **Full-Time or Part-Time.**

2.4.2.1 Full-Time Employees. Employees who are regularly scheduled to work forty (40) hours per week. Regular full-time employees are eligible for some benefits sponsored by the Aleutians East Borough, subject to the terms, conditions, and limitations of each benefit program.

2.4.2.2 Part-Time Employees. Employees who are regularly scheduled to work less than forty (40) 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.

2.4.3 Exempt or Nonexempt. Each employee is designated as either exempt or nonexempt. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees, due to their managerial nature, are excluded from specific provisions of federal and state wage and hour laws. An employee's classification as exempt or nonexempt may be changed by the Aleutians East Borough administration as it deems necessary.

2.5 Positions Exempted from the Borough's Classified Service. In addition, certain other positions are also expressly excluded from the Borough's classified service. As such, those Borough employees within the following classes of positions are employed at-will, may be dismissed at any time with or without cause, and are not eligible to challenge any employment action by means of the Borough's employee grievance or appeals processes:

2.5.1 Temporary and other non-regular hourly positions.

2.5.2 Positions designated as confidential/managerial in nature.

2.6 Confidential/Managerial Positions. Pursuant to AS 29.20.410, the Borough has designated certain positions as confidential/managerial in nature, and they are as a result excluded from the Borough's classified service. Confidential/managerial positions are determined by ordinance. Those individuals who serve in these positions are employed at will, may be dismissed at any time with or without cause, and are not eligible to challenge employment actions by means of the Borough's grievance or appeals procedures. The Borough's managerial/confidential positions include:

2.6.1 Administrator.

2.6.2 Clerk.

2.6.3 Borough Attorney.

2.6.4 Maintenance Director.

2.6.5 Natural Resources Department Director.

2.6.6 Finance Director.

2.7 Job-Sharing. Two regular part-time employees may split what would ordinarily be a single regular full-time position with the approval of the Mayor or the Mayor's designee.

2.8 Job Descriptions. The Borough makes every effort to create and maintain accurate job descriptions for all positions within the Borough. Each description includes a job summary section, a major duties section, a job requirements section, a skills section, a work environment section, a supervisory control/responsibilities section and a compensation section.

2.8.1 Purpose of Job Descriptions. The Borough maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations.

2.8.2 Preparation of Job Descriptions. The Administrator prepares job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

2.8.3 Job Descriptions Not All-Inclusive. Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the Borough Administrator or Mayor if you have any questions or concerns about your job description.

CHAPTER THREE

RECRUITMENT AND HIRING

- 3.1 Statement of Philosophy.** The Aleutians East Borough believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other Alaskan employers for the type of work involved. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

The Aleutians East Borough and the employee will deal with each fairly and in good faith, in the administration of these at-will employment policies. Our experience has shown that when employees deal openly and directly with supervisors, work environment, communications, and productivity improve. We believe that the Aleutians East Borough amply demonstrates its commitment to employees by responding effectively to employee concerns.

- 3.2 In General.** Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.

- 3.3 Recruitment Practices.** The Aleutians East Borough provides employees an opportunity to indicate their interest in open positions and advance within the municipality according to their skills and experience. In general, notices of all regular, full-time and part-time job openings are posted, although Aleutians East Borough reserves its discretionary right to not post a particular opening. Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring Administrator. Other recruiting sources may also be used to fill open positions in the best interest of the municipality.

Job openings will be posted within the Borough's Offices and other public places. Job postings will normally remain open for 10 working days. Job announcements shall state: the position's title; a description of duties; any applicable educational, certification, or licensure requirements; whether the position is exempt from overtime; a salary range, if known; the application deadline and means by which applications may be submitted; and, a statement regarding the Borough's status as an equal opportunity employer.

- 3.3.1 Internal Appointments.** It is the Borough's policy to give first consideration to current qualified employees to fill a vacant job position. The Borough is not required to publish notice or to take applications for vacant positions that it intends to fill with an individual who is already currently employed by the Borough in another capacity. If the Borough decides to publish notice for a job vacancy, position vacancies shall be provided to all employees before the announcement is made to external sources. If two or more otherwise equally-qualified applicants are competing for an open position, preference shall be given to the applicant who is a resident of the Borough.

- 3.4 Applications.** The Borough accepts applications for employment only when a position is open and it is actively recruiting to fill that position. It does not accept any unsolicited applications or resumes.

3.4.1 Accuracy of Information. The Aleutians East Borough relies upon the accuracy of information contained in the employment application, as well as the 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 Aleutians East Borough exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3.5 Pre-Employment Background Investigations. Applicants may be required to undergo a criminal background check. Such background checks are a condition of employment and may be subsequently required at any time during the individual's term of employment with the Borough. Failure to cooperate with or pass such a background check shall make an applicant ineligible for employment with the Borough and shall be grounds for termination for those who are already employed by the Borough. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Information obtained as the result of a background check shall be kept confidential.

3.5.1 Pre-Employment Drug Screening. Offers of Borough employment may be conditioned upon a prospective employee's ability to successfully pass a pre-employment drug screening prior to the individual's first date of employment.

3.5.2 Requests for Borough References. If reference checks are requested by prospective employers of present or past Borough employees, the Borough Administrator or designee will respond to those reference check inquiries. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No other employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

3.6 Appointments. Appointments are made by the Mayor in consultation with the Borough Administrator. Once the Borough Administrator has selected an individual for appointment to a position, the matter shall be submitted to the Mayor for final action. No offer of employment, transfer, or promotion is valid unless expressly authorized in writing by the Mayor or the Borough Administrator and shall not take effect until the starting date specified in that writing.

3.6.1 Temporary Appointments. Individuals may be appointed to temporary positions in order to complete special projects or to meet the Borough's seasonal needs. Such individuals may not continue within that position for any period longer than six months within any twelve-month period. Temporary employees shall not accrue leave, receive holiday pay, or be eligible for Borough-sponsored health or retirement benefits. Temporary employees are employed at will, may be terminated at any time with or without cause, and are ineligible to contest employment actions by means of the Borough's employee grievance and appeal procedures.

3.6.2 Emergency Appointments. Notwithstanding any other provisions of this Handbook, and subject only to the requirements of the Aleutian East Borough Code of Ordinances and any other applicable federal or state laws, the Mayor may, in the event of an emergency that threatens the health and safety of the residents of the Borough, employ an individual

using standards that vary from the Borough's general employment procedures, for a period no longer than 30 days for the purpose of addressing such emergency.

- 3.7 Probationary Period.** All regular employees are subject to a probationary period, which is intended to provide employees with the opportunity to demonstrate their ability to meet established performance goals, and for the Borough to determine the employee's suitability for the position. The Borough uses this period to evaluate employee capabilities, work habits, and overall performance.
- 3.7.1 Length of Probationary Period.** Unless otherwise waived by the Mayor in writing, the probationary period shall be the first six months of continual employment.
- 3.7.2 Transfers and Promotions Subject to Probationary Period.** Borough employees who, after completing an initial probationary period, are transferred or promoted to another position are subject to an additional 90-day probationary period. If, during that period, in the sole judgment of the Mayor in consultation with an employee's Department Head, if applicable, the employee is determined to have not achieved a satisfactory level of performance or is otherwise deemed to be unsuccessful within the position, the employee may be removed from the position. If this occurs, the employee may be permitted to return to his or her former position, or to a comparable position for which the employee is qualified, if it remains unfilled, and the Mayor determines it to be in the Borough's best interests.
- 3.7.3 Extension of Probationary Period.** If an employee's performance is deemed less than satisfactory prior to the end of any applicable probationary period, the period may be extended up to an additional six months.
- 3.7.4 Completion of Probationary Period.** Only those hours actually worked shall be credited against an employee's probationary period. If a temporary employee is hired on a permanent basis, at the Mayor's discretion, any hours worked during that period may be credited against the employee's probationary period. Upon satisfactory completion of the probationary period, new employees will be considered to have entered into the "regular" employee classification.
- 3.7.5 Dismissal During Probationary Period.** Employees are deemed to be employed at will during the probationary period and may be dismissed at any time before its expiration with or without cause, and without advance notice. The dismissal of a probationary employee is final and is not subject to review according to the Borough's employee grievance or appeals procedures.
- 3.8 Employment of Minors.** The Borough shall at all times adhere to the requirements of federal and state law regarding the permitted hours, minimum age, and permissible working conditions for individuals under the age of 18.
- 3.9 Employment of Relatives.** The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

3.9.1 Supervision of Immediate Family Members Generally Prohibited. Unless expressly waived in writing by the Mayor, no person shall act as a supervisor for any person employed by the Borough in any capacity who is a member of the supervisor's immediate family. Nor shall any person be appointed to a position with the Borough in which they would be directly supervised by a member of the individual's immediate family.

3.9.2 Individuals Deemed to Be Immediate Family Members. For the purposes of this section, an employee's "immediate family member" includes the individual's parents, spouse, children (natural, adopted, or otherwise), grandparents, grandchildren, brothers, sisters, aunts, uncles, nephews and nieces, sisters-in-law, brothers-in-law, sons-in-law, daughters-in-law, mothers-in-law or fathers-in-law and/or any other person with whom the employee is involved in a romantic relationship, or cohabitates. This policy applies to all employees without regard to gender or sexual orientation.

3.9.3 Duty to Disclose. Employees must immediately disclose to the Borough Administrator circumstances in which he or she would be required to supervise the work of an immediate family member, as defined in Section 3.9.2.

3.9.4 Recourse. In the event that the Borough becomes aware of a potential violation of this policy, it shall if necessary conduct an investigation to determine whether the violation was accidental or intentional. If the Mayor concludes that the violation was accidental, the employees shall be allowed thirty (30) days to determine which employee shall be reassigned to another open position, or terminated, should no such open position exist. In the event that the employees disagree or fail to provide the Borough with a proposed outcome, the Borough Administrator, in consultation with the Mayor, shall determine which employee shall be reassigned, if possible, or terminated, in accordance with the Aleutians East Borough Code of Ordinances, and any other applicable provisions of law. If it is determined that one or more employees has willfully violated this provision, those individuals may be subjected to disciplinary action, up to and including termination.

3.10 Compliance with Immigration Laws. The Borough is committed to employing only those who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. This documentation will be photocopied and attach to the Employment Verification Form I-9. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Borough within the past three years, or if their previous I-9 is no longer retained or valid.

Each Borough employee shall timely notify the Borough of changes in immigration status and shall timely provide updated I-9 forms and documentation 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.

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.

CHAPTER FOUR

WAGE AND SALARY ADMINISTRATION

- 4.1 General.** The Borough's pay practices comply with federal and state laws, mirror its commitment to providing Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, the Borough is committed to paying its employees equitable wages that are both proportional to the requirements and responsibilities of their positions and comparable to the pay received by similarly situated employees in the area.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices. The Borough Administrator is also available to answer specific questions about the salary administration program.

- 4.2 Rates of Pay.** Rates of pay shall be established in a schedule of salaries maintained by the Borough Administrator. Such schedule shall include a range of salaries for each position. When an individual is hired to fill a position, they are automatically assigned a rate of pay equal to the base step for that position in the salary schedule. If the Mayor, in consultation with the Borough Administrator, determines that the individual possesses skills, education or experience greater than that required for the position, the Mayor may, in his or her discretion, assign the employee a starting pay at a higher level than that reflected within the salary schedule.

4.2.1 Updates to Salary Schedule. The Mayor shall from time to time review the schedule of salaries to determine whether adjustments should be made. Such adjustments shall be made at the time that the Borough Assembly is undergoing the annual budgeting process and shall become effective upon the Borough Assembly's adoption of a budget reflecting such adjustments to the salary schedule.

- 4.3 Salary Adjustments.** In general, adjustments to an employee's rate of pay shall occur only as provided by this section.

4.3.1 Annual Cost of Living Increases. The Borough Assembly may at its discretion authorize annual cost of living adjustments for regular employees in an amount not to exceed the Consumer Price Index for Urban Alaska as computed for the preceding fiscal year.

4.3.2 Merit-Based Pay Increases. 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 this Employee Handbook.

Merit-based increases may also 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. Merit-based pay increases are subject to appropriation by the Assembly.

4.3.3 Temporary Pay Increases. Employees may be eligible for a temporary pay increase if required to temporarily assume duties assigned to a position with a higher rate of pay. Such increases may not exceed a period of six months, unless otherwise approved by the Mayor. Once the employee ceases performing such additional duties, the employee's pay shall revert to his or her former salary, plus any applicable cost-of-living increases.

4.4 Timekeeping. Federal and state laws require the Borough to keep an accurate record of time worked in order to calculate employee pay and benefits. All non-exempt employees are required to record all time worked during each pay period on a time sheet provided by the Borough for this purpose. Entries must be recorded on a daily basis, in order to accurately reflect all hours worked. Non-exempt employees must submit time sheets to their supervisors by the first Monday following the close of a pay period, and supervisors shall turn in all timesheets to payroll by the end of that business day. It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

4.4.1 Completion of Time Sheets During Pre-Approved Absences. If an employee will be on approved leave on the date that time sheets become due, the employee shall turn in a time sheet for the payroll period by the end of the employee's last work day before the leave commences. The employee's time sheet must be accompanied by signed, approved leave slips for the dates of leave.

4.4.2 Failure to Submit Time Sheets When Due. An employee who does not submit, or arrange for the submission, of a time sheet by the deadline will receive only basic pay for the pay period, as determined by the employee's supervisor. The employee shall submit any overtime or leave on the time sheet for the next pay period, with notations, so that they may be accurately compensated.

4.4.3 Falsifying Time Sheet Information. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

4.5 Pay Dates. All employees are paid on a bi-weekly basis, or 26 times each year. Each paycheck will include the earnings for all work performed through the end of the previous payroll period.

4.5.1 Pay Periods. 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.

- 4.5.2 Direct Deposit.** Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Aleutians East Borough. An Authorization for Direct Deposits form can be received from the Borough Finance Director or Borough Administrator. Employees will receive an itemized statement of wages when the Aleutians East Borough makes direct deposits.
- 4.5.3 Pay Advances.** In the event of a personal emergency, employees may submit a written request for a pay advance to their supervisor or the Borough Administrator, indicating the nature of the emergency involved. Employees may request one pay advance per calendar year. The Borough Administrator will evaluate the request and determine whether a pay advance will be granted. The decision to grant or deny a pay advance may be made at the Borough Administrator's discretion.
- 4.5.4 Pay Deductions.** The Borough shall make such deductions from an employee's compensation as may be required by law, or as authorized by the employee. Such deductions may include, but are not limited to, any applicable federal withholding, or contributions toward the Borough's employer-sponsored health and retirement plans. Questions concerning such deductions should be directed to the Director of Finance or the Borough Administrator.
- 4.5.5 Administrative Pay Corrections.** The Aleutians East Borough takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay that an employee receives, the employee should promptly bring the discrepancy to the attention of his or her supervisor, or the Borough Administrator, so that it may be corrected as quickly as possible. Overpayments will generally be corrected in the next regular paycheck unless doing so would create a hardship for the employee. In that case, the Borough will attempt to arrange a reasonable repayment schedule with the employee to minimize any such hardship.
- 4.6 Workday and Workweek.** The Borough's standard workday commences at 12:00 a.m. and ends at 11:59 p.m. on the same day. The standard workweek consists of seven consecutive 24-hour periods beginning at 12:00 a.m. on Sunday and concluding at 11:59 p.m. the following Saturday.
- 4.7 Overtime Compensation.** When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must be preapproved by the employee's immediate supervisor.
 - 4.7.1 Employees Eligible for Overtime Compensation.** Overtime compensation is paid to all nonexempt employees who work in excess of 40 hours during any single workweek, in accordance with federal wage and hour restrictions. 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 determining whether an employee is eligible for overtime pay.

4.7.2 Rate of Pay for Overtime Compensation. The rate of pay for overtime hours is 1 ½ times the non-exempt employee’s regular hourly rate.

4.7.3 Rules Governing the Start and End of Scheduled Shifts. Non-exempt employees should report to work no more than ten minutes prior to their scheduled starting time nor stay more than ten minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

4.8 Business Travel. The Borough will pay the reasonable cost of travel for all employees who must do so for the purpose of conducting Borough business. All business travel must be approved in advance in writing by the Borough Mayor, Borough Administrator or designee. When approved, the Borough will reimburse the actual costs of travel, lodging, and other expenses directly related to accomplishing Borough objectives. Reimbursement will be limited to the reasonable costs of travel, as determined at the Borough’s sole discretion. The Borough may make alternate arrangements to cover employee living expenses when the Borough, in its sole discretion, deems such arrangements appropriate. Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

4.8.1 General Standards and Criteria. All Business Travel must comply with the following general standards.

4.8.1.1 Travel should begin at the day closest to the time of the meeting, conference, etc., which the person is attending.

4.8.1.2 Any expense for travel between the traveler’s residence and the Borough’s local headquarters shall not be reimbursed.

4.8.1.3 During periods of prolonged travel, either inside or outside the Borough, either the Borough Mayor or Borough Administrator, or designee 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 expense, etc.

4.8.2 Business Travel Without Prior Authorization. In the event that neither the Borough Mayor, Borough Administrator, or designee is available to authorize such expenses prior to travel, the person traveling may apply for reimbursement after the fact for reasonable costs incurred as a result of that travel, as authorized by this Section. However, there is no guarantee that such expenses will be reimbursed unless they are approved in advance.

4.8.3 Business Travel Expenses Eligible for Reimbursement. Generally, the following expenses incurred during the course of pre-approved Business Travel will be deemed eligible for reimbursement, so long as they are reasonable:

4.8.3.1 Airfare for travel in coach or economy class or the lowest available fare unless other arrangements are preapproved by the Borough Mayor or Borough Administrator. The costs for chartering an airplane or vessel must always be

approved in writing by the Borough Mayor or Borough Administrator in advance of the charter of the airplane or vessel to be eligible for reimbursement.

4.8.3.2 Car Rental and Parking Fees. The costs for car rental and associated fees, such as for parking, are eligible for reimbursement only if they are preapproved in writing prior to the first date of rental.

4.8.3.3 Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel, and taxi and ride service fares, plus reasonable tip.

4.8.3.4 Preapproved mileage costs for use of personal cars while on Borough business, at the standard IRS allowance in effect at the time of the reimbursement request. Current rates are available at: <https://www.irs.gov/tax-professionals/standard-mileage-rates>.

4.8.3.5 The actual costs for lodging while away from the Borough on Business Travel. Incidental expenses not authorized by this section that are incurred in association with covered lodging remain the responsibility of the employee.

4.8.3.6 Other pre-approved expenses directly related to accomplishing official Borough business while on Business Travel.

4.8.4 Per Diem. Employees on Business Travel that requires an overnight stay or is for a duration of ten (10) hours or more, including travel time, shall receive a daily rate per diem allowance, either before departure or upon return, as the employee requests. If traveling outside the Borough, the employee's per diem rate will be determined according to the federal Department of Defense local meals rate for the destination(s) that are in effect at the time of travel. If traveling within the Borough, the employee's per diem allowance will be determined according to the federal Department of Defense local meal rate for Cold Bay (if staying in Cold Bay, False Pass, King Cove, Nelson Lagoon, Port Moller Area, and Sand Point) and Dutch Harbor – Unalaska (if staying in Akutan).

4.8.4.1 Prepayment of Per Diem. Cash advances to cover reasonable anticipated expenses may be made to Borough employees after travel has been approved. Borough employees must submit a written request to the Borough Mayor, Borough Administrator or designee at least five (5) working days ahead of the anticipated travel date.

4.8.5 Duty to Report Accidents When on Business Travel. Employees who are involved in an accident while travelling on business must promptly report the incident to their immediate supervisor.

4.8.6 Duty to Report Business Travel Expenses. When travel is completed, employees should submit completed travel expense reports within 15 days. Reports should be accompanied by receipts for all individual expenses. In order to receive reimbursement for travel

expenses, all employees are required to send an email request to the Administrator and must include supporting documentation (i.e. receipts).

4.8.6.1 Use of Borough Credit Card. If an employee is using a Borough credit card in conjunction with business travel, the employee must submit all receipts and a credit card authorization form with the travel expense report.

4.8.7 Cancellation of Business Travel. If an employee's Business Travel has been cancelled, the employee is responsible for cancelling and receiving refunds for all travel arrangements. If the employee has received a cash advance to cover anticipated expenses including but not limited to lodging and meal per diem, the employee is required to remit any prepaid per diem to the Borough within 15 days of the cancellation.

4.8.8 Abuse of Business Travel Policies. Abuse of the Business Travel policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of Borough employment.

CHAPTER FIVE

EMPLOYEE BENEFITS ADMINISTRATION

5.1 Eligibility for Benefits. Benefits eligibility is dependent upon a variety of factors, including employee classification. Employees should direct questions regarding the benefits described in this chapter to their supervisor or the Borough Administrator. In addition, details of many of these programs can be found elsewhere in the employee handbook.

5.2 Classes of Employee Benefits. The Borough offers the following benefits programs to its employees, subject to various eligibility and program requirements.

Benefits Conversion on Termination	Flex-Time Scheduling	Relocation Assistance
Bereavement Leave	Life Insurance	Tax-Sheltered Annuities
Childcare Assistance	Medical Insurance	Travel Allowances
COBRA ¹	Membership Dues	Travel Insurance
Dental Insurance	Military Leave	Vacation Benefits
Drug Rehabilitation Assistance	Paid Holidays	Voting Time Off
Family Leave ²	Pension Plan	Witness / Jury Leave

5.3 Holidays. The Borough observes the following holidays:

New Year’s Day	January 1
President’s Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving	Fourth Thursday and Friday in November
Christmas Day	December 25

A recognized holiday that falls on a Saturday will be observed on the proceeding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

5.3.1 Holiday Pay. All regular employees will receive paid time off for Borough Holidays. Eligible employees who do not work on Borough Holidays will receive pay equal to the employee's

¹ Please reference Section 5.10.1 COBRA.

² Please reference Section 5.8 Family Medical Leave.

base rate of pay multiplied by the number of hours the employee would otherwise have worked on that day. Eligible employees who do work on a Borough Holiday shall receive holiday pay at the rate of 1.5 times their normal base rate of pay for every hour worked so long as they have received prior authorization to work on an observed holiday from a Department Head, the Borough Administrator, or the Mayor.

5.3.2 Floating Holidays. Regular employees will also receive two floating holidays during each calendar year. All floating holidays must be scheduled in advance with written approval of the employee’s supervisor.

5.4 Vacation Leave. The purpose of Vacation Leave is to provide employees with opportunities for rest, relaxation, and personal pursuits. Regular employees shall accrue hours of Vacation Leave based upon continuous years of service to the Borough, beginning on the employee’s first day serving in his or her position. Vacation Leave is paid at the employee’s base rate at the time of leave. Vacation Leave does not accrue during periods of administrative leave, leave without pay, or after an employee’s effective date of termination.

5.4.1 Rate of Accrual. Regular employees shall accrue Vacation Leave according to the following schedule:

Number of Years of Employment	Accrual Rate
Less Than 3 Years of Service	1 day per calendar month 12 days per year
3 – 7 Years of Service	1.5 days per calendar month 18 days per year
7+ Years of Service	2 days per calendar month 24 days per year

This accrual rate is based on a 40-hour work week and is pro-rated against the actual hours worked. The amount of paid vacation time employees receive increases with the length of their employment.

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. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. 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, employees must complete any applicable probationary period. After that time, employees can request use of earned vacation time including that accrued during the waiting period.

- 5.4.2 Vacation Pay.** Vacation Leave is paid at the employee's base rate of pay at the time that the leave is used. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.
- 5.4.3 Using Vacation Leave.** Employees must request advance approval from their supervisors prior to using Vacation Leave. The decision of whether to grant Vacation Leave is based on a number of factors, including the Borough's scheduling needs and staffing requirements. 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.
- 5.4.4 Minimum Use of Vacation Leave Mandatory.** All employees must use a minimum of five (5) days of accrued Vacation Leave per calendar year. Leave cash-outs do not satisfy this requirement.
- 5.4.5 Effect of Termination Upon Accrued Leave.** Upon termination of employment, employees will be paid for any unused Vacation Leave that has accrued through the last day of work. However, if an employee has been terminated by the Borough for cause, the Borough may in its sole discretion consider any unused Vacation Leave to have been forfeited.
- 5.4.6 Donation of Vacation Leave to Other Employees.** Employees may donate Vacation Leave to other employees whose Vacation Leave has been exhausted, if approved by the Borough Administrator. The Borough Administrator shall normally approve such donations only in such instances in which the individual to receive the donation faces some serious or life-threatening illness or injury or is experiencing some comparable emergency. Donated Vacation Leave shall be used only after the receiving employee has taken all of his/her vacation and sick leave. If the Borough Administrator approves a donation of Vacation Leave, it shall be computed according to the rate of pay of the employee who has received it.
- 5.4.7 Cashing Out Vacation Leave.** Employees may once per year request that the Borough cash out a maximum of eighty (80) hours of unused Vacation Leave. All such requests must be in writing and may be approved only if the Borough Administrator or Designee finds that doing so will be in the Borough's best interests. The Borough Administrator or Designee may approve any additional Vacation Leave cash out in an amount not to exceed forty (40) hours, if it is determined to be in the best interest of the Borough. Depending on the circumstances, additional cash-out requests may be approved.
- 5.5 Sick Leave.** The Borough provides paid sick leave benefits to all regular employees for periods of temporary absence due to illnesses, disability, or injury. 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. Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other absence. Unused paid sick leave benefits shall accumulate indefinitely. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

- 5.5.1 Rate of Accrual.** 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. This accrual rate is based on a 40-hour work week.
- 5.5.2 Use of Sick Leave.** Paid sick leave may be used in minimum increments of one hour. 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.
- 5.5.3 Notice Requirements.** 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.
- 5.5.4 Use of Sick Leave in Conjunction with Workers’ Compensation Claims.** 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. 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.
- 5.5.5 Donation to Leave Bank.** 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. Employee’s 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.
- 5.6 Paid Administrative Leave.** An employee may receive regular pay and credit for Vacation Leave and longevity for the time that the employee remains on administrative leave; however, such time will not be credited as hours worked for the purposes of computing overtime pay. Notwithstanding the examples provided in this section, any employee may be placed on paid administrative leave if the Borough Administrator finds it to be in the Borough’s best interests, including instances in which an employee is the subject of a Borough investigation related to a charge of misconduct.
- 5.6.1 Jury Duty.** The Borough encourages employees to fulfill their civic responsibilities by serving as jurors when required. Regular employees 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 period. 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.

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. 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.

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.

5.6.2 Witness Leave. The Borough encourages employees to appear in court for witness duty when subpoenaed to do so. 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. The employee shall report for work whenever the court schedule permits.

If an employee has been subpoenaed as a witness by the Borough, they will receive paid time off for the entire period of Witness Leave. 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 Borough immediately upon its receipt.

5.6.3 Military Leave. Regular employees who are members of the Armed Forces Reserve or National Guard will be allowed Military Leave for training. Military Leave will be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services. The portion of any military leaves of absence in excess of two weeks will be unpaid; however, employees may use any available paid time off for the absence. Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

- 5.6.4 Voting Leave.** The 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 nonworking hours, the Aleutians East Borough will grant paid time off to vote. Employees should request time off to vote from their supervisor at least two (2) working days prior to the 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.
- 5.6.5 Emergency Closures.** 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. 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. During such emergency closings, Borough employees shall make all reasonable efforts to talk with their supervisors and follow their supervisors' orders.
- 5.7 Leave Without Pay.** The Mayor, Borough Administrator or designee may grant leave without pay (LWOP) to any regular employee. Requests for LWOP shall be considered in light of the circumstances involved and the interests of the Borough, including anticipated work load requirements and staffing considerations during the proposed period of absence.
- 5.7.1 Requests.** Such leave shall only be considered when the employee submits a written LWOP Request Form setting forth the reasons for the proposed leave, and when it is desirable to retain the services of the employee for the future. When a period of LWOP ends, the Borough will make reasonable efforts to return the employee to the same position or a similar available position. However, the Borough cannot, and does not, guarantee reinstatement in all cases.
- 5.7.2 Exhaustion of Paid Leave.** All employees shall be required to exhaust any accrued paid time off (PTO) before taking unpaid leave, except for those employees who are absent while drawing Workers' Compensation Pay.
- 5.7.3 Nonaccrual of Benefits During Leave Without Pay.** Benefit accruals, such as sick leave, or holiday benefits, will be suspended during periods of LWOP and will resume upon return to active employment.
- 5.8 Family Medical Leave.** In compliance with applicable provisions of state and federal law, eligible employees may take paid or unpaid, job-protected leave for specified family and medical reasons. During the time that an employee is on Family Medical Leave, the Borough will maintain coverage for the employee under the group health plan at the level and under the conditions that coverage would have been provided if the employee had been employed continuously from the date the leave began to the date the employee returns from leave. Employees who pay premiums for health insurance coverage by paycheck deduction will still be responsible for those premiums while on leave without pay. The Borough's obligation to maintain health insurance coverage will cease if an employee's premium is thirty (30) calendar days late. The Borough may recover the costs for maintaining health insurance coverage for an employee on unpaid leave if the employee fails to return from the entitled leave period for a reason other than the recurrence or

continuation of a serious health condition or other circumstances beyond the control of the employee.

5.8.1 Eligibility for Family Medical Leave. Employees are eligible for Family Medical Leave authorized purposes if they have been employed at least thirty-five (35) hours a week for six consecutive months or seventeen and one-half (17.5) hours a week for twelve (12) consecutive months immediately preceding the period of leave.

5.8.2 Nature of Leave. Those who meet the definition of “eligible” under state and federal guidelines are entitled to:

- Twenty-four workweeks in any 24-month period with a maximum of eighteen workweeks allowed in any 12-month period (i.e. an employee who opts to take eighteen workweeks in the first 12 months would then have six workweeks remaining to take in the following 12-months) for:
 - The purpose of caring for the employee’s spouse, child, or parent who has a serious health condition;
 - A serious health condition that requires the employee to be absent from the employee’s job or unable to perform the essential functions of his or her job;
- Up to eighteen workweeks within a 12-month period may be taken for:
 - Pregnancy and birth of a child of the employee, or the placement of a child, other than the employee’s stepchild, with the employee for adoption. The right to take this leave for this reason expires on the date one year after the birth or placement of the child. The 12-month period will be calculated from the day the employee first utilizes family/medical leave.
- Twelve workweeks of leave in a 12-month period for any “qualifying exigency” of a military member who is on covered active duty and is a qualified family member.
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member (qualified family member) recovering from a serious illness or injury sustained in the line of duty while on active duty. A “covered service member” is defined as a member in the Armed Forces (including the National Guard or Reserves) or a veteran who was active in the Armed Forces within the last five years.

5.8.3 Married Individuals Both Employed by Borough. Married individuals who are both employed by the Borough may be restricted to a combined total of 18 workweeks of leave within any 12-month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

- 5.8.4 Applicability to Work-Related Injuries.** Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with applicable laws covering occupational disabilities.
- 5.8.5 Family Medical Leave Requests.** Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. Employees requesting family leave related to the serious health condition of themselves, a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for Family Medical Leave and its beginning and expected ending dates.
- 5.8.6 Exhaustion of Paid Leave.** Eligible employees must first use any accrued sick leave, followed by any accrued vacation leave, during any period of Family Medical Leave. Employees may choose to retain a balance of five (5) days of paid vacation leave before switching to leave without pay. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during leave without pay and will resume upon return to active employment.
- 5.8.7 Return Following Leave.** So the employee's return to work can be properly scheduled, an employee on Family Medical Leave must provide the Borough at least two weeks advance notice of the date the employee intends to return to work. Unless the Borough's business circumstances have changed to make it impossible or unreasonable, when an employee returns from leave, the Borough shall restore the employee to the position of employment held by the employee when the leave began; or to a substantially similar position with substantially similar benefits, pay, and other terms and conditions of employment. If an employee fails to return to work on the agreed upon return date, the Borough will assume that the employee has resigned.
- 5.9 Bereavement Leave.** Regular employees shall be entitled to up to five (5) days of paid bereavement leave annually, in the event of the death of an immediate family member. 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. If an employee wishes to take bereavement leave, the employee should notify his or her supervisor immediately. The approval of bereavement leave is contingent upon the Borough Administrator's determination that the employee's absence will not cause 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.
- 5.9.1 Immediate Family Member.** For the purposes of this section, the Borough defines "immediate family member" as the individual's spouse or significant other, parent, step-parent, grandparent, 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, or is legally dependent upon, the employee.
- 5.10 Employee Health Coverage.** The Borough offers health coverage to regular employees within eligible employment classifications. Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the Aleutians East Borough

and the insurance carrier. Details of the Borough's health coverage plan are described in the Summary Plan Description (SPD) provided to eligible employees. Employees should contact the Borough Administrator for more information about health coverage benefits and eligibility.

5.10.1 COBRA. A change in employment classification that would result in loss of eligibility to participate in the Borough's employee health coverage plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). When an eligible employee elects COBRA continuation coverage, the employee or beneficiary pays the full cost of coverage at the Borough's group rates plus an administration fee. The Borough will provide each eligible employee with a written notice describing the employee's rights and obligations under COBRA if the employee becomes eligible for coverage under the Borough's health coverage plan. Note: under COBRA there is a requirement that the employer have 20 or more employees in the prior year.

5.11 Workers' Compensation Insurance. The Aleutians East Borough provides a comprehensive workers' compensation insurance program at no cost to its employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment.

5.11.1 Obligation to Notify Borough of Injury or Illness. Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

5.11.2 Applicability. 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 any off-duty recreational, social, or athletic activity sponsored by the Borough.

5.12 Life Insurance. Eligible employees may apply for life insurance coverage benefits as offered by the Borough.

5.13 Retirement Plan. The Borough participates in the State of Alaska Public Employees Retirement System. Employees should contact the Borough Administrator or Finance Director with questions regarding eligibility and program requirements.

5.14 Relocation Benefits. 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 various factors including 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. 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. For specific information regarding the terms and extent of relocation benefits, please contact the Mayor, Borough Administrator or designee.

- 5.15 Tuition Reimbursement.** Borough employees may be eligible to receive reimbursement of up to \$200.00 per semester hour for preapproved college courses that the employee completes. Tuition reimbursement program availability may vary year to year, subject to funding.
- 5.15.1 Eligible Employees.** Regular full-time employees with at least five years of service are eligible for the program.
- 5.15.2 Eligible Expenses.** The costs of tuition for courses that relate to an employee's job duties are eligible for reimbursement if they begin after June 30, 2019. To be eligible for reimbursement, the employee must successfully complete the course with a passing grade of C- or greater. Audited courses are not eligible for reimbursement, nor are any fees, materials, and other associated costs.
- 5.15.3 Preapproval Required.** Only those courses that have been preapproved by the Borough Administrator are eligible for reimbursement. Reimbursement requests may be authorized or denied at the Borough Administrator's discretion.
- 5.15.4 Maximum Reimbursement Amount.** An eligible employee's annual reimbursement amount may not exceed \$2,400.00 per fiscal year, and a lifetime maximum of \$10,000.00.
- 5.15.5 Reimbursement Requests.** To receive reimbursement under this section, an employee must submit an official transcript showing successful completion of the course, as well as documentation sufficient for the Borough Administrator to verify that the employee has paid for the course.
- 5.15.6 Repayment.** Employees who falsify information related to reimbursement requests, or who separate from Borough employment for any reason other than layoff must repay the Borough for any reimbursement amounts received in the one-year period preceding the separation.

CHAPTER SIX

STANDARDS OF CONDUCT

6.1 General. The Borough holds its employees to the utmost standards of professionalism, efficiency, honesty, and integrity. In addition to the standards, policies and procedures set forth in other chapters of this Handbook, employees are expected to adhere to those set forth below. Failure to do so may result in disciplinary action, up to and including termination.

6.1.1 Applicability. The standards of conduct set forth in this chapter apply not only to all Borough employees, but also to its volunteers.

6.1.2 Summary of Standards. In addition to the other standards established by this Handbook, Borough Employees are as a general matter expected to:

- Responsibly use all time spent performing work for the Borough;
- Carry out the directives of supervisors and cooperate with other employees;
- Observe all applicable health and safety rules;
- Maintain the quality of the services they provide to the Borough and to its citizens;
- Responsibly use and maintain Borough property;
- Demonstrate respect for other employees, members of the public, and their property;
- Maintain appropriate standards of dress and grooming while performing work duties on the Borough's behalf; and,
- Protect from disclosure any confidential information in the Borough's possession.

6.2 Respectful Workplace. The Borough expects every employee to behave in a civil and respectful manner both during working hours, and when present at the workplace during non-working hours. Employees are not permitted to shout or use abusive or demeaning language in the workplace. Similarly, the Borough will not tolerate its employees to be subjected to such behavior by any customer, contractor, vendor, or any other member of the public. Employees should report any conduct in violation of this policy to the employee's supervisor or to the Borough Administrator as soon as possible.

6.3 Work Schedules and Attendance. Work schedules for employees vary throughout the Borough. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Work schedules may be altered to

accommodate the Borough's needs. Notice of such changes shall be provided by supervisors and shall be reasonable in the circumstances.

- 6.3.1 Punctuality.** To maintain a safe and productive work environment, the Aleutians East Borough expects employees to be reliable and to be punctual in reporting for scheduled work. All Borough employees are expected to report to duty by the start of all regularly scheduled shifts. Absenteeism and tardiness place a burden on other employees and on the Borough. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.
- 6.3.2 Rest Periods.** During each eight (8)-hour work day, full-time, non-exempt employees are provided with two 15-minute 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.
- 6.3.3 Requests for Modifications to Work Schedules.** Employees may request modifications to their standard work schedules to vary their starting and ending times each day, within established limits. When granted, the approving supervisor shall provide explicit written authorization for the modification to each such employee, and a copy of the authorization shall be timely conveyed to the Mayor, Borough Administrator or designee.
- 6.4 Appearance and Grooming.** Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Aleutians East Borough presents to the public. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees should direct questions regarding what constitutes appropriate attire to their supervisor or to the Borough Administrator.
- 6.5 Conformance with Legal Standards.** The Borough does not violate the law and does not tolerate employees who do. All employees shall abide by any and all laws and regulations that may be applicable to the performance of their official duties and responsibilities, and shall conduct themselves with reasonable care. If an employee believes that anyone employed by or associated with the Borough has requested or directed him or her to do anything that violates the law, or has prohibited the employee from doing anything that the law requires the employee to do, the employee must report this immediately to a supervisor.
- 6.6 Outside Employment.** An employee may hold a job with another organization as long as they satisfactorily perform their job responsibilities with the Borough. If an employee wishes to engage in outside employment, they must give the Mayor written notice. 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. If the Borough determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Aleutians East Borough as they are modified from time to time, the employee may be asked

to terminate the outside employment if they wish to remain with the Borough. Outside employment which has an actual or potential adverse impact the Borough may be deemed to be a conflict of interest.

6.6.1 Prohibited During Borough Work Hours. Employees may not engage in work for any other employer during his or her scheduled work hours for the Borough. This includes any work related to self-employment or volunteer service.

6.6.2 Use of Borough Resources Prohibited. Unless otherwise preapproved by the Borough Administrator, employees are prohibited from at any time using Borough facilities, equipment, labor, supplies, or any other resources to perform work for another employer, including self-employment or volunteer service.

6.7 Business Ethics and Conduct. The successful business operation and reputation of the Borough is built upon the principles of fair dealing and relies upon the ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. The Borough is dependent upon our customers' trust and we are dedicated to preserving it. Employees owe a duty to Borough, and the general public, to act in a way that merits the public's trust and confidence. All employees must comply with all applicable laws and regulations when conducting the Borough's business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor [if appropriate], or any of management including the Mayor for advice and consultation. Compliance with this policy of business ethics and conduct is the responsibility of every Borough employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

6.8 Conflicts of Interest. Employees have an obligation to conduct business in a manner that is impartial, unbiased, and fundamentally fair. Consequently, employees are prohibited from participating in any official Borough action in which the employee has a substantial financial interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Employees should contact the Mayor or Borough Administrator for more information or with any questions about conflicts of interest.

6.8.1 Instances in Which Conflicts of Interest Exist. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal financial gain for that employee or for a relative of the employee as a result of the Borough's actions. Personal gain may result not only when an employee or relative has a significant ownership in a firm with which the Borough does business, but also when an employee or relative receives any kickback, bribe, substantial gift, [i.e., one having a value in excess of one hundred dollars (\$100.00)], or special consideration as a result of any transaction or business dealings involving the Borough.

- 6.8.2 Persons Presumed to Be an Employee’s Relative.** For the purposes of this policy, the term “relative” includes an employee’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, or is legally dependent upon, the employee.
- 6.8.3 Association Not Sufficient to Constitute a Conflict of Interest.** The mere existence of a relationship with outside firms does not itself create a prohibited conflict of interest. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose in writing to the Mayor as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.
- 6.9 Public Communications.** The Borough Mayor is the officially-designated spokesperson for the Borough. Some Borough employees (for example, the Borough Administrator) 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 Borough Administrator or Mayor.
- 6.10 Disclosure of Confidential Information.** The protection of confidential information is vital to the interests and the success of the Borough. Such confidential information may include, but is not limited to: Confidential financial information received from a business, labor relation strategies, and medical records of employees or clients. Consequently, employees are prohibited from disclosing any confidential information to which they have access by virtue of their employment with the Borough without the express prior authorization of the Borough Administrator or Mayor. 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 termination of employment, as well as legal action, even if they do not actually benefit from the information disclosed in violation of this section or any applicable non-disclosure agreement.
- 6.11 Use of Borough Property.** Employees may be required to use Borough-owned equipment during the course of their work duties that is expensive and may be difficult to replace. When using the Borough’s property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. In addition, employees must immediately notify a supervisor if any Borough-owned 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 employees or others. Your supervisor can answer any questions about an employee’s responsibility for maintenance and care of equipment used on the job.
- 6.12 Use of Telephone and Mail System.** Employees should practice discretion in using company telephones when making local personal calls and are required to reimburse the Borough for any charges resulting from their personal use of the telephone, facsimile, postage and other machines. To ensure effective telephone communications, employees should always speak in a

courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

6.13 Use of Computers and Borough Email. Computers and other electronic devices, computer files, the Borough's Email system, Internet access and software furnished to employees are the Borough property and are intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and Email usage may be monitored. Computers furnished to employees are the property of the Aleutians East Borough. As such, computer usage and files may be monitored or accessed.

6.13.1 Prohibited Uses. The Borough strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, the Aleutians East Borough prohibits the use of computers and the Email system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters. The Borough purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Aleutians East Borough prohibits the illegal duplication of software and its related documentation. Employees are prohibited from reproducing such software for use on more than one computer without the express authorization of the Borough Administrator. Employees should notify their immediate supervisor, or the Mayor or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

6.13.2 Right to Monitor Employee Use. Although the Borough permits employees to make reasonable occasional personal use of such items, Employees have no privacy interests in such use. Email and Internet communications can be traced to the sender even after they have been "deleted". In addition, the Borough may be required to produce Email messages, Internet communications, or other communications or information sent from, received by, or stored on such items, in connection with legal proceedings. The Borough may regularly review, audit, and download Email messages, Internet communications, or other communications or information sent from, received by, or stored on such items to ensure quality control, employee safety, security, or in connection with legal proceedings. Because the Borough is sensitive to the privacy concerns of its employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner. Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business reason to protect confidentiality or an ongoing investigation.

6.14 Use of Borough Vehicles, Heavy Equipment and Other Equipment Owned, Leased or Rented by the Borough. Vehicles, heavy equipment and other equipment owned, leased or rented by the Borough ("other equipment") may be essential in accomplishing job duties, which can be

expensive and difficult to replace. It is the employee's responsibility to operate the vehicle, heavy equipment or other equipment in a safe manner to prevent injuries and property damage. When using Borough-owned vehicles, heavy equipment or other equipment, employees are expected to exercise care and follow all operating instructions, safety standards, and guidelines. Employees must have a current Alaska Driver's License to operate Borough-owned vehicles and equipment. Any person who operates heavy equipment must have a current State of Alaska Commercial Driver's License. Only authorized persons shall use the Aleutians East Borough heavy equipment. Generally, only Public Works employees may be authorized to use heavy equipment by the Aleutians East Borough Public Works Foreman, except in the case of repair testing by a mechanic.

6.14.1 Personal Use Prohibited. Borough-owned vehicles, heavy equipment and other equipment are not to be used for personal use unless authorized in writing by the Mayor, Borough Administrator, or designee. The improper, careless, negligent, destructive, or unsafe use or operation of vehicles, heavy equipment or other equipment, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

6.14.2 Use by Contractors. If individuals and/or construction and building contractors desire to have the Aleutians East Borough heavy equipment operator services, they must sign a "Borough Services Agreement," which releases the Aleutians East Borough from liability for injuries and property damage. The Borough Public Works Foreman shall determine whether the individual or contractor's personnel are qualified to operate the Aleutians East Borough heavy equipment, otherwise an operator is provided.

6.14.3 Duty to Notify Borough of Damage. Employees must notify a supervisor or the Borough Administrator if any vehicles, heavy equipment or other equipment 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 employees or others. Questions regarding an employee's responsibility for maintenance and care of vehicles, heavy equipment or other equipment used on the job should be directed to the employee's supervisor or the Borough Administrator.

6.15 Workplace Safety. The Borough is committed to providing a safe and healthy environment for both its employees and visitors. To do so, the Borough has established a Workplace Safety Program. The Safety Program has been developed to ensure that the Borough's employment practices comply with all applicable federal and state laws and regulations relating to safety and health. Department Heads shall implement, administer, monitor, and evaluate the safety program. Each employee is responsible for helping to prevent the occurrence of hazardous situations in the workplace by actively identifying and assessing risks and taking appropriate measures to reduce their potential impacts upon other employees and the public.

6.15.1 Safety Standards. The Borough provides information to employees about workplace safety and health issues, regular internal communication channels such as employee meetings, bulletin board postings, memos, and other written communications. The Borough prefers that all employees be self-policing, practice good housekeeping, and take the initiative to report safety concerns to the Borough so that it may take action to correct dangerous situations (for example, removing barriers to quick access to fire extinguishers), etc.

- 6.15.2 Supervisor Responsibilities.** Each supervisor is responsible for: providing safe work procedures and environments; informing and training employees in safe work habits; detecting and correcting unsafe practices and conditions; investigating accidents and preparing accident reports; and, encouraging employees to report unsafe conditions and to submit practical safety suggestions.
- 6.15.3 Employee Responsibilities.** Each employee is responsible for: obeying safety rules and exercise caution in all work activities; practicing safe work habits; promptly reporting all accidents and injuries; immediately reporting any unsafe condition; and, knowing the location and use of fire extinguishers fire exits and the best method for reporting fires.
- 6.15.4 Violation of Safety Standards and Practices.** Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.
- 6.15.5 Duty to Report Work-Related Injuries and Illnesses.** In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor. Such reports are necessary to comply with applicable laws and initiate insurance and workers' compensation benefits. Such notification shall be in writing and shall provide the information required by Borough policy. Except when not practicable, such notification shall be made on a Borough-approved form and shall be made within twenty-four (24) hours of the injury. Employees who are involved in an on-the-job accident or unusual occurrence that involves damage to Borough property or physical injury may be subject to post-accident drug and alcohol testing as provided by Section 6.17.6.
- 6.15.6 Illnesses in the Workplace.** The Borough wishes to maintain a safe workplace and encourage and/or adopt practices protecting the health of employees, visitors or others. We also want to ensure the continuity of business operations in the event of a severe influenza pandemic. Many times, with the best of intentions, employees report to work even though they feel ill. We provide employees with paid sick time to compensate employees who are unable to work due to illness. During flu season and/or an influenza pandemic, it is critical that employees do not report to work while they are ill.
- 6.16 Smoking.** In keeping with the Borough's intent to provide a safe and healthful work environment, the use of tobacco, including vaporizers (e-cigarettes), is prohibited throughout the workplace as provided in AS 18.35.300. This includes all Borough-owned and Borough-leased property, and applies to all Borough-owned and Borough-leased vehicles. This policy applies equally to all employees, customers, and visitors. Smoking is allowed only at designated smoking areas outside.
- 6.17 Drug and Alcohol-Free Workplace.** It is the Borough's policy to provide a workplace that is free of both drugs and alcohol. 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.

- 6.17.1 General Prohibition.** In accordance with the Drug-Free Workplace Act of 1988, and to promote awareness among employees, the Borough informs all its employees that drug or alcohol abuse in the workplace creates a dangerous environment for the employee engaged in the drug or alcohol abuse and endangers the health, safety and welfare of all employees and other persons. It is the Borough's policy to maintain a workplace free of the influence or use of drugs and alcohol. The unauthorized use, possession, manufacture, distribution or sale of alcohol or an illegal drug, controlled substance or drug paraphernalia on or in Borough-owned property (including Borough-supplied vehicles), while on Borough business, or during working hours, are strictly prohibited. No employee may report for duty or be on duty while under the influence of controlled substances or alcohol. All employees, including those who are subject to drug and alcohol testing only upon reasonable cause, must comply with this prohibition. Actions may be taken against employees for violation of this policy, up to and including termination of employment.
- 6.17.2 Scope of Prohibition.** For the purposes of this policy, the terms "controlled substance" and "drug" means any Controlled Substance listed in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812), and as further defined by federal regulations (21 C.F.R. 1308.11 – 1308.15). This list includes, but is not limited to, marijuana, heroin, PCP, cocaine and amphetamines. The term "alcohol" shall mean ethanol, isopropanol, or methanol.
- 6.17.3 Authorized Use of Prescribed Medication.** The legal use of prescribed drugs is permitted on the job so long as: (1) the employee holds a current prescription for the drug issued by a licensed health care provider; and, (2) it does not impair the employee's ability to perform the essential functions of his or her job effectively and in a safe manner that does not endanger other individuals in the workplace.
- 6.17.4 Notification of Related Convictions.** Pursuant to 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.
- 6.17.5 Employee Resources.** Employees are encouraged to use any resources available to them to address personal drug and alcohol abuse issues. Employees with drug or alcohol problems that have not resulted in, or been the subject of, disciplinary action, may request 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). At the Borough's discretion, leave may be granted if the employee abides by all Borough policies, rules, and prohibitions relating to conduct in the workplace and granting the leave will not cause the Borough undue hardship.
- 6.17.6 Drug and Alcohol Testing.** The Borough is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of illegal drugs & alcohol and marijuana on the job may pose serious safety and health risks.

To help ensure a safe and healthy working environment, the Borough may request employees to provide a body substance samples (e.g., breath, blood and/or urine) from any employee under the circumstances described below. The Borough shall bear all costs related to the drug/alcohol testing. 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. The employee may request a copy of the results.

- **Pre-Employment Testing.** The Borough may require employees to pass a drug screening as a condition of employment prior to the first date of Borough employment.
- **Post-Accident Testing.** Employees who are involved in an accident while on duty, whether on or off the employer’s premises, may be required to submit to testing as part of the accident investigation process. Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described above may result in disciplinary action, up to and including termination. Questions concerning this policy or its administration should be directed to the Borough Administrator or Mayor.
- **Fitness for Duty Testing.** The Borough may require employees to undergo drug testing if significant and observable changes in employee performance, appearance, behavior, speech, etc., provide reasonable suspicion that the employee is under the influence of drugs during working hours. A fitness-for-duty evaluation may include the testing of a body substance sample. Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described above may result in disciplinary action, up to and including termination of employment. Questions concerning this policy or its administration should be directed to the Borough Administrator or Mayor.
- **Operators of Commercial Motor Vehicles.** All employees and job applicants whose job requires them to operate a Commercial Motor Vehicle (CMV) on a public road and who hold a Commercial Driver’s License (CDL) are subject to drug and alcohol testing as required by federal law pursuant to Code of Federal Policies and Procedures, 49 CFR Part 382, et. al, Subpart F, “Drug and Alcohol Use and Testing” Federal Highway Administration (FHWA) and the Omnibus Transportation Employee Testing Act of 1991.

6.18 Social Networking and Media. The Borough takes no position on an employee’s decision to start or maintain a blog or participate in other social networking activities. The Borough respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes. However, it is the right and duty of the company to protect itself from unauthorized disclosure of information. The Borough’s social networking policy includes rules and guidelines for company-authorized social networking and personal social networking. Employees are personally responsible for their commentary on blogs and social networking sites, and can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, including statements regarding the Borough. The Borough investigates and responds to all reports of violations of the

social networking policy and other related policies, and may take legal action where necessary against any employee who engages in prohibited or unlawful conduct. An employee who has questions relating to this policy, a personal blog or social networking should ask the Borough Administrator or supervisor.

6.18.1 Scope of Policy. Blogging and other forms of social media or technology include, but are not limited to, YouTube and other video sites, Wiki sites, sites such as Facebook, Pinterest, Tumblr, and Twitter, chat rooms, industry chat boards, personal blogs and other similar forms of online journals, diaries and personal newsletters not affiliated with the Aleutians East Borough. Unless specifically instructed, employees are not authorized to speak on behalf of the Borough.

6.18.2 Prohibited Conduct. Online conduct that violates provisions of this handbook, adversely affects the working conditions and/or work performance of any employee, breaches confidentiality, violates the reasonable expectation of privacy for the Borough's employees, officials, or residents, or otherwise reflects poorly upon the Borough, may be grounds for discipline up to and including termination. Employees may not use Borough equipment, including computers, company-licensed software or other electronic equipment, nor facilities or company time, to conduct personal blogging or social networking activities. Employees may not use blogs or social networking sites to harass, threaten, discriminate or disparage any employee or anyone associated with or doing business with the Borough.

6.18.3 Representations on Behalf of the Borough. Any employee who chooses to identify him/herself as a Borough employee must understand that some readers may view the employee as a spokesperson for the Borough. Because of this possibility, an employee who identifies him/herself as an Borough employee must take such precautions as may be reasonably necessary to ensure that readers understand that the views expressed in any blog or social network are the employee's own and not those of the Borough, nor of any other person or organization affiliated or doing business with the Borough. Employees may not post on personal blogs or other sites the name, trademark or logo of the Aleutians East Borough or any business with a connection to the Borough. Employees may not post company-privileged information, including copyrighted information or company issued documents.

6.18.4 Reporting Violations. The Borough strongly urges employees to report any violation, or possible or perceived violation, of this section to a supervisor or the Borough Administrator. Violations include discussions of the Borough and its employees and members, any discussion of proprietary information and any unlawful activity related to blogging or social networking.

6.19 Workplace Violence. The Borough is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Borough has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

- 6.19.1 Courtesy.** All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.
- 6.19.2 Prohibited Conduct.** Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.
- 6.19.3 Disclosure of Intent to Carry Firearm.** Employees must first disclose to the Borough management their intent to carry a concealed weapon before bringing it into the workplace.
- 6.19.4 Reporting Violations.** All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intervene or observe the occurrence. In addition, the Borough encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Mayor before the situation escalates into potential violence. The Borough is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Additionally, the Borough encourages employees to report any threats of violence or acts of violence that occur in their personal lives that could affect workplace security (i.e. issuance of a restraining order to protect the employee, threatening email received outside the workplace, etc.).
- 6.19.5 Investigations.** The Borough will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Borough may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.
- 6.20 Compliance with Other Borough Policies and Procedures.** Employees shall comply with all policies and procedures established for the employee's department. An employee also shall comply with all administrative or other policies and procedures established for all Borough employees. Department Heads are responsible to notify their employees of any established departmental policies and procedures and of any changes or revisions to departmental policies and procedures. All Borough employees are required to receive instruction on Borough policies and procedures when hired and will be required to acknowledge receipt of updated policies and procedures. Documentation of the receipt of revisions to the Borough Personnel Policies and Procedures will be kept by the Borough Administrator or designee.

- 6.21 Protection for Whistleblowers.** In compliance with the requirements of Alaska Statute 39.90.100, the Borough will not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment for any activities protected thereunder.
- 6.22 Solicitation.** 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. 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.) 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.
- 6.23 Security Inspections.** The Borough wishes to maintain a work environment that is free of illegal drugs, alcohol, marijuana, firearms, explosives, or other improper materials. To this end, the Borough prohibits the possession, transfer, sale, or use of such materials on its premises. The Borough requires the cooperation of all employees in administering this policy. Desks and other storage devices may be provided for the convenience of employees, but remain the sole property of the Borough. Accordingly, any agent or representative of the Borough, with the Mayor or the Borough Administrator's permission, may inspect them, either with or without prior notice.

CHAPTER SEVEN

DISCRIMINATION AND HARASSMENT

- 7.1 Equal Opportunity Employer.** The Aleutians East Borough is an equal opportunity employer. In order to provide equal employment and advancement opportunities to all individuals, applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, race, creed, color, religion, gender/sexual orientation, age, national origin or ancestry, marital status, change in marital status, physical or mental disability, pregnancy, parenthood or any other protected classes under relevant federal, state and local laws. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens. 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. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Any Borough employee found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.
- 7.2 Disability Accommodations.** The Borough is committed to complying fully with the requirements of the Americans with Disabilities Act (ADA), the Alaska Human Rights Act, and all other federal, state and local laws that ensure equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. This policy is neither exhaustive nor exclusive. The Borough is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws. This policy is neither exhaustive nor exclusive. The Borough is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.
- 7.2.1 Hiring Practices.** To ensure that the Borough's hiring procedures provide persons with disabilities meaningful employment opportunities, pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position applied for. In addition, the Borough will provide reasonable accommodations for applicants within its hiring process, as requested. The Borough shall not discriminate against any qualified employees or applicants because they are related to a person with a disability.
- 7.2.2 Accommodations.** The Borough shall provide employees who experience disabilities with such reasonable accommodations as may be required by any applicable federal, state or local law.
- 7.3 Policy Against Sexual and Other Harassment.** It is the Borough's policy to maintain a work environment free from unlawful discrimination and harassment for all employees. The Borough recognizes that all employees have the right to work in an environment that is free from discrimination, intimidation or harassment on the basis of their protected status. Employees found to have taken actions inconsistent with, or in violation of, the Borough's Equal Employment Opportunity and Anti-Harassment policies shall be subject to disciplinary action, up to and

including termination of employment. Persons who engage in or instigate such harassment will be subject to disciplinary actions up to and including termination. Additionally, managers and supervisors who knowingly permit harassments activity to occur without further action will be subject to disciplinary action up to and including termination.

7.3.1 Harassment, Defined. Harassment is defined as unwanted communication and/or conduct by a supervisor, coworker or non-employee in the workplace which threatens, intimidates, offends, creates a hostile working environment or adversely affects the employment relationship or working environment for an employee or applicant for employment and is based on the employee or applicant's race, color, religion, sex, gender, sexual orientation, national origin, age, disability, marital status, changes in marital status, pregnancy, parenthood, or genetic information. Harassment may include slurs, abusive language, threats, derogatory comments, unwelcome jokes, teasing and other such verbal or physical conduct.

7.3.2 Sexual Harassment. Sexual harassment is a form of harassment. The Borough is committed to providing its employees and applicants for employment an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. Sexual harassment is misconduct that is offensive, interferes with work productivity or deprives employees of the opportunity to work in an environment free from unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication, requests for sexual favors and other such verbal or physical misconduct. Sexual Harassment does not refer to casual conversation or compliments of a socially acceptable nature. Sexual harassment is a violation of the law.

7.3.2.1 Forms of Sexual Harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, written, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting such individual; or,
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

7.3.2.2 Examples of Sexual Harassment. Sexual harassment may include, but is not limited to:

- Sexual or suggestive comments, gestures, pictures or jokes;
- Sexual propositions or innuendo;
- Sexist remarks;

- Patting, pinching, grabbing or other unwanted touching;
- Unwanted sexual advances;
- Unwanted staring or leering;
- Granting or promising to grant employment benefits or opportunities because of an individual's submission to sexual advances or sexual favors;
- Harassment not of a sexual nature directed against an individual that concerns the individual's gender.

7.3.2.3 Applicability. This policy against sexual harassment applies to the conduct of a supervisor toward a subordinate; an employee toward another employee; an employee toward a non-employee; a non-employee, such as a member of the community seeking Borough services, volunteers, contractors, or business visitors toward an employee; or an employee toward an applicant for employment.

7.4 Complaint Procedure. Individuals who believe they have been discriminated against or harassed in any way, or are aware of activities occurring in the workplace that might constitute discrimination or harassment, must report the perceived discrimination or harassment immediately to an immediate supervisor, the Borough Administrator, the Mayor, or any other member of Borough management to whom the individual is comfortable speaking with.

7.4.1 Investigation by Borough. The Borough will investigate any report of alleged discrimination or harassment that it receives. The length of time it takes to perform the investigation will depend on the nature of the complaint. However, a complainant is free at any time to inquire about the status of the investigation. All information regarding any discrimination or harassment complaint will be kept confidential to the greatest extent possible consistent with the need to investigate and take action, and the due process rights of the subject of the complaint. The facts will determine the response to each allegation. The Borough has a zero-tolerance policy on harassment of any kind. Substantiated acts of discrimination or harassment by an employee will be met with appropriate disciplinary action, up to and including termination.

7.4.2 Administrative Leave. During the Borough's investigation, individuals who have been accused of sexual or other forms of harassment may be placed upon paid administrative leave.

7.5 Prohibition Against Retaliation. Reprisals against a person reporting allegations of discrimination or harassment will not be tolerated. No retaliatory action will be taken against any individual for assisting or participating in good faith in an investigation, proceeding or hearing related to any discrimination or harassment complaint. An employee who violates these provisions may be subject to disciplinary action, up to and including termination.

CHAPTER EIGHT

EMPLOYEE DISCIPLINE

- 8.1 General Statement of Policy.** In the event that an employee engages in misconduct by violating the Borough's employment policies, or fails to meet established performance standards, the employee may be subject to disciplinary action. Although in most cases the Borough will attempt to permit its employees an opportunity to improve prior to imposing formal discipline, whether, and the extent to which, an employee is disciplined will depend upon a variety of factors, including the frequency, nature, and severity of the misconduct. The Mayor, Borough Administrator or other designee shall be responsible for administering the Borough's employee discipline policies and procedures.
- 8.2 Grounds for Discipline.** It is impossible to provide an exhaustive list of the actions that may be sufficient to justify employee discipline. Some of the reasons that an employee may be disciplined include, but are by no means limited to:
- 8.2.1** Falsifying information on an application or resume, or otherwise being untruthful in the execution of official work duties.
 - 8.2.2** Theft, including time theft by means of falsifying information on time sheets.
 - 8.2.3** Insubordination.
 - 8.2.4** Excessive absences, tardiness, or failure to comply with the Borough's procedures for reporting absences, including failure to return to work after commercial fishing, or other absence.
 - 8.2.5** Use of alcohol or controlled substances or misuse of prescription medication while performing work duties. 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.
 - 8.2.6** Harassment or sexual harassment of other employees or members of the public, or making a false allegation of harassment or sexual harassment against another.
 - 8.2.7** Violating the Borough's safety standards.
 - 8.2.8** Failure to meet reasonable work standards and requirements, or to complete reasonable tasks as necessary.
 - 8.2.9** Negligence or improper conduct.
 - 8.2.10** Smoking in prohibited areas.
 - 8.2.11** Violating any of the policies and procedures set forth in this Handbook.

8.2.12 Engaging in other forms of misconduct, including misconduct that has an adverse effect upon the ability of any other employee to fully and efficiently execute his or her work duties.

8.3 Progressive Discipline. The Borough is committed to ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The primary purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. 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. However, the Borough is not required to address employee performance issues using progressive discipline, and if it elects to do so, it may begin with the disciplinary action that it, in its sole discretion, determines is warranted based upon the totality of the circumstances.

8.3.1 Statement of Purpose. It is the Borough’s policy to administer equitable and consistent discipline in instances where employees engage in unsatisfactory or improper conduct. Although it is the Borough’s policy that the best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels, it recognizes that there may exist instances in which employee misconduct, depending upon the circumstances, will warrant forms of disciplinary action that fall outside the scope of its progressive discipline system, such as suspension or immediate termination.

8.3.2 Forms of Discipline. Progressive discipline means that, with respect to most disciplinary problems, the Borough may elect to follow the following steps:

8.3.2.1 Verbal Warning. If an employee’s infraction is minor, isolated, or the circumstances otherwise do not warrant a more serious response, an employee may be issued an oral reprimand. Such reprimands should be made in such a way as to ensure confidentiality, and a written record of the reprimand will be placed within the employee’s personnel file. An employee who disagrees with an oral reprimand may submit a statement of disagreement to the Borough Administrator within five business days, which shall be appended to the written record in his or her file.

8.3.2.2 Written Reprimand. If the Borough, in its sole discretion, determines that an employee’s violation is greater in severity than that justifying merely an oral reprimand, or the employee has already received an oral warning regarding the same or similar violation, the employee may be issued a written reprimand. Such warnings shall clearly set out the policies that have been violated, explain what the employee should have done differently, and explain which disciplinary steps may be taken if the employee commits other violations. The written reprimand should be signed by the employee, who shall retain a copy, and placed within his or her personnel file. An employee who disagrees with a written reprimand may submit a statement of disagreement to the Borough Administrator within five business days, which shall be appended to the original maintained in his or her file.

8.3.2.4 Imposition of Performance Improvement Plan. Some circumstances may warrant the implementation of a disciplinary performance improvement plan. Like written reprimands, disciplinary performance improvement plans shall explain the ways in which the employee's behavior has violated the Borough's policies, or failed to meet performance expectations, and shall establish goals that the employee must meet within a set period of time. If the employee fails to meet the requirements of the plan, he or she shall be terminated. The employee shall be given a copy of the plan, and the original shall be placed within his or her personnel file. An employee who disagrees with a disciplinary performance improvement plan may submit a statement of disagreement to the Borough Administrator within five business days, which shall be appended to the original maintained in his or her file.

8.3.2.5 Suspension With or Without Pay, Demotion, Reassignment, or Termination. If an employee has a documented history of repeatedly failing to meet performance standards, or has engaged in misconduct that is severe, pervasive, or egregious, the employee may be suspended with or without pay, demoted, reassigned, or involuntarily terminated.

8.4 Pre-Deprivation Procedures. Except for temporary, confidential/managerial, and contract employees, who are employed at will and to whom these procedures are inapplicable, discipline involving an employee's suspension without pay, demotion, reassignment, or involuntarily termination shall be accomplished according to the following procedures.

8.4.1 Written Notice. Prior to taking the disciplinary action, the Borough shall give written notice that it intends to suspend without pay, demote, reassign, or involuntarily terminate the employee for disciplinary reasons. Such notice shall: describe with specificity the allegations against the employee; state the ways in which such allegations violate the Borough's employee policies; notify the employee of the disciplinary actions that are being contemplated; explain that the employee has a right to request a pre-deprivation hearing within five (5) business days, and that his or her failure to do so will effectively waive any such right; and, provide an overview of the hearing procedures.

8.4.2 Request for Hearing. Employees who receive notice under this section are entitled to a pre-deprivation hearing only if within five (5) business days of that notice they submit a written request to the Borough Administrator for such a hearing. An employee's failure to do so will be considered his or her knowing waiver of both the right to a pre-deprivation hearing, and to any appellate review of the Borough's disciplinary action.

8.4.3 Hearing Procedures. If an employee makes a written request for a hearing, such hearing shall be conducted within five (5) business days of the date that the Borough Administrator received the employee's written request. Pre-deprivation hearings shall be before the Mayor, Borough Administrator, or other designee, which may include a hearing officer appointed for this purpose. 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. Upon its conclusion, the

Borough shall consider all the relevant evidence and render a written decision within seven business days.

8.5 Grievance Policy and Procedure. The Borough has established a grievance procedure for eligible Borough employees (Sections 2.5 and 2.6 identify employee types / titles ineligible for this grievance policy) and defines Borough policy and practices for the review of certain employee complaints.

8.5.1 Statement of Purpose. This grievance policy and procedure encourages the settlement of disagreements informally at the employee-supervisor level, with the aim of resolving grievances as quickly as possible. It provides an orderly procedure to handle grievances through the various supervisory levels when necessary and discourages the filing of unfounded grievances.

8.5.2 Grievance Policy. Employees who believe that any working condition or personnel action is not fair or equitable or negatively impacts their job performance or could interfere with reasonable safety standards and practices are encouraged to utilize the procedure in Section 8.5.4 below.

8.5.3 Grievable Issues. Grievable issues must concern matters or specific incidents that have occurred; result from an act or omission by management regarding working conditions or other aspects of employee-employer relations over which the department head has control; arise out of a specific situation or act, which has resulted in perceived inequity or damage to the employee.

8.5.3.1 Examples of grievable issues:

- Written reprimands and suspensions of ten (10) working days (80 hours) or less.
- Working conditions.
- Employee/employer relations over which a department head has control.
- The application, operation, or alleged violation of Employee Handbook policy, or department policy.

8.5.3.2 Examples of non-grievable issues:

- An incident or issue subject to management rights.
- An incident or issue relating to a policy of the Mayor and Assembly, or state or federal law.
- An incident or issue that was reviewed via another grievance procedure.
- Employee Performance Evaluations.

- Probation failure of an original appointment or promotional employment.
- Equal Employment Opportunity Complaints.
- Employment status (e.g., status such as intermittent, permanent, temporary, seasonal, elected, probationary).
- Discharge of a permanent employee.

8.5.4 Grievance Procedure.

8.5.4.1 Grievance by employee only. Grievances may only be initiated by the employee concerned and may not be pursued without the affected employee's consent.

8.5.4.2 Initiating a grievance to supervisor. To initiate a grievance, the grieving employee must discuss the matter with the immediate supervisor within twenty (20) working days of the alleged incident. If the 20th day falls on a weekend or holiday, the following business day becomes the "20th working day." The supervisor must give a verbal reply to the grievant within five (5) working days from the date the grievance was presented.

8.5.4.3 Next level for grievance. If the grievance is not resolved at the previous level, the grievance is submitted in writing by the employee, dated and signed, to the next higher level of management within five (5) working days after the supervisor's verbal reply. The department head must reply in writing to the grievant within five (5) working days of receipt of the written grievance.

8.5.4.4 Final level for grievance. If the grievance is not resolved at the previous level, the written grievance and all related correspondence and records must be submitted by the employee to the Borough Mayor and Borough Administrator within five (5) working days of receipt of the department head's written reply. The Borough Mayor or Borough Administrator will convene a Grievance Committee comprised of a head of a department other than that within which the grieving employee works, one non-supervisory employee and the Borough Administrator to resolve the matter and make a determination. The Borough Mayor or Borough Administrator may decide to use a hearing officer in place of a Grievance Committee.

8.5.5 Time limits. The employee must comply with the time limits set forth in this procedure. The employee's failure to comply with the time limits constitutes an abandonment of the grievance unless both parties have mutually agreed, in writing, to extend the time limits set forth in this policy.

8.5.6 Grievance resolution. Any grievance shall be considered resolved at the completion of any step if all parties are satisfied or if the employee concerned chooses not to present the matter to the next step of the procedure within the prescribed period of time.

- 8.5.7 Repeat filing of grievance for same issue prohibited.** Once a grievance has been investigated and denied, repeated filing of grievances on the same issue will not be permitted.
- 8.5.8 Representation.** While the grievant may designate a representative at any step of the grievance procedure, a Grievance Committee or hearing officer is not required to recognize more than one (1) representative for any grievance.
- 8.5.9 Grievance of multiple employees.** If the grievance involves a group of employees or if a number of employees file separate grievances on the same matter, the grievances may be handled as a single grievance.
- 8.5.10 Prohibition Against Retaliation.** Following completion of the grievance process, department heads and supervisors shall ensure that the grievant does not experience any retaliation for having pursued the grievance. Any direction from the Borough Administrator associated with the grievance resolution is to be implemented as quickly as possible.

CHAPTER NINE

PERFORMANCE EVALUATIONS AND PERSONNEL RECORDS

9.1 Performance Evaluations. Although supervisors and employees are encouraged to regularly discuss issues related to job performance and to establish appropriate goals, the Borough conducts regular performance evaluations for all employees. Performance evaluations will be maintained in each employee's personnel file, and a copy will be provided to the employee each time an evaluation is conducted.

9.1.1 Purpose. The Borough uses performance evaluations for the following purposes:

9.1.1.1 To provide a basis for informed decisions on such matters as promotion, work assignments, training recognition, and continuation of employment;

9.1.1.2 To ensure employees remain advised of what is expected of them, and whether they are meeting these expectations;

9.1.1.3 To encourage the development of new skills that improve work performance, and increased commitment to both the Borough and meeting departmental goals and objectives;

9.1.1.4 To establish a basis for understanding and meeting an employee's own need for growth and development;

9.1.1.5 To foster an effective working partnership between supervisor and employee;

9.1.1.6 To determine the effectiveness of appointment and promotion decisions; and

9.1.1.7 To serve as a reference for employment-related decisions, such as the decision whether to grant a merit pay increase, to promote the employee to a new position, or to impose disciplinary measures.

9.1.2 Scheduled Performance Evaluations. Generally, performance evaluations are conducted on an annual basis; however, they may otherwise be completed from time to time as indicated below.

9.1.2.1 Prior to Completion of Probationary Period. Probationary employees, including employees who have been transferred or promoted to new positions, in most instances will undergo performance evaluations prior to the scheduled expiration of their probationary period. The purpose of this evaluation is to not only provide the employee with feedback regarding their performance, but also to make related determinations, such as whether to extend the probationary period, or to provide the employee with a salary adjustment.

9.1.2.2 Annual Performance Evaluations. The Borough will endeavor to provide regular employees shall receive a performance evaluation within the 14-day period prior

to their first anniversary date. After an employee's first annual performance evaluation has been completed, the employee will in most cases subsequently receive a performance evaluation prior to the completion of each fiscal year.

9.1.2.3 Discretionary Performance Evaluations. The Borough may conduct additional performance evaluations from time to time as deemed necessary to address specific performance-related matters, as may be necessary after a disciplinary action or corrective action plan has been completed, or at such other time as the Borough deems appropriate and beneficial.

9.2 Employee Records. The Borough maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment-related records. Personnel files are the property of the Aleutians East Borough, and access to the information they contain is restricted. The personnel records shall remain locked in the Finance Office at all times. Disciplinary records and performance appraisals shall remain locked in the Borough Administrator's Office. Generally, only supervisors and management personnel of the Aleutians East Borough and those who have a legitimate reason to review information in a file are allowed to do so.

9.2.1 Employee Inspection. Employees or former employee who wish to inspect and make copies of the employee's personnel file and other personnel information maintained by the employer concerning the employee should contact the Borough Administrator. With reasonable advance notice, employees may review their own personnel files in the Borough offices and in the presence of an individual appointed by the Borough to maintain the files. In accordance with applicable law, the 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. The Borough may require an employee or former employee who requests copies of material to pay the reasonable cost of duplication.

9.2.2 Changes to Personnel Information. It is the responsibility of each employee to promptly notify the Aleutians East Borough of any changes in personnel data. Personal mailing addresses, telephone numbers, 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. If any personnel data has changed notify the Borough Administrator.

9.3 Medical Records. Medical records shall be safely secured and kept separate from the employee's personnel file. Access to these files shall be restricted to the Mayor, Administrator or designee and the employee. Such records shall not be released for any reason other than a medical emergency, in which event they may be released to a licensed health care practitioner, unless the employee gives written consent allowing the release of his/her medical file.

9.4 Social Security Numbers. To protect employees' personal information, the Borough prohibits the use of employees Social Security numbers for identification purposes, except as allowed by law. Borough will continue to collect, use, or release Social Security numbers as required by state or federal law, and may use Social Security numbers for internal verification or administrative

purposes. Employees who have questions about this policy or who feel that their Social Security number has been used inappropriately by the Borough should contact the Borough Administrator.

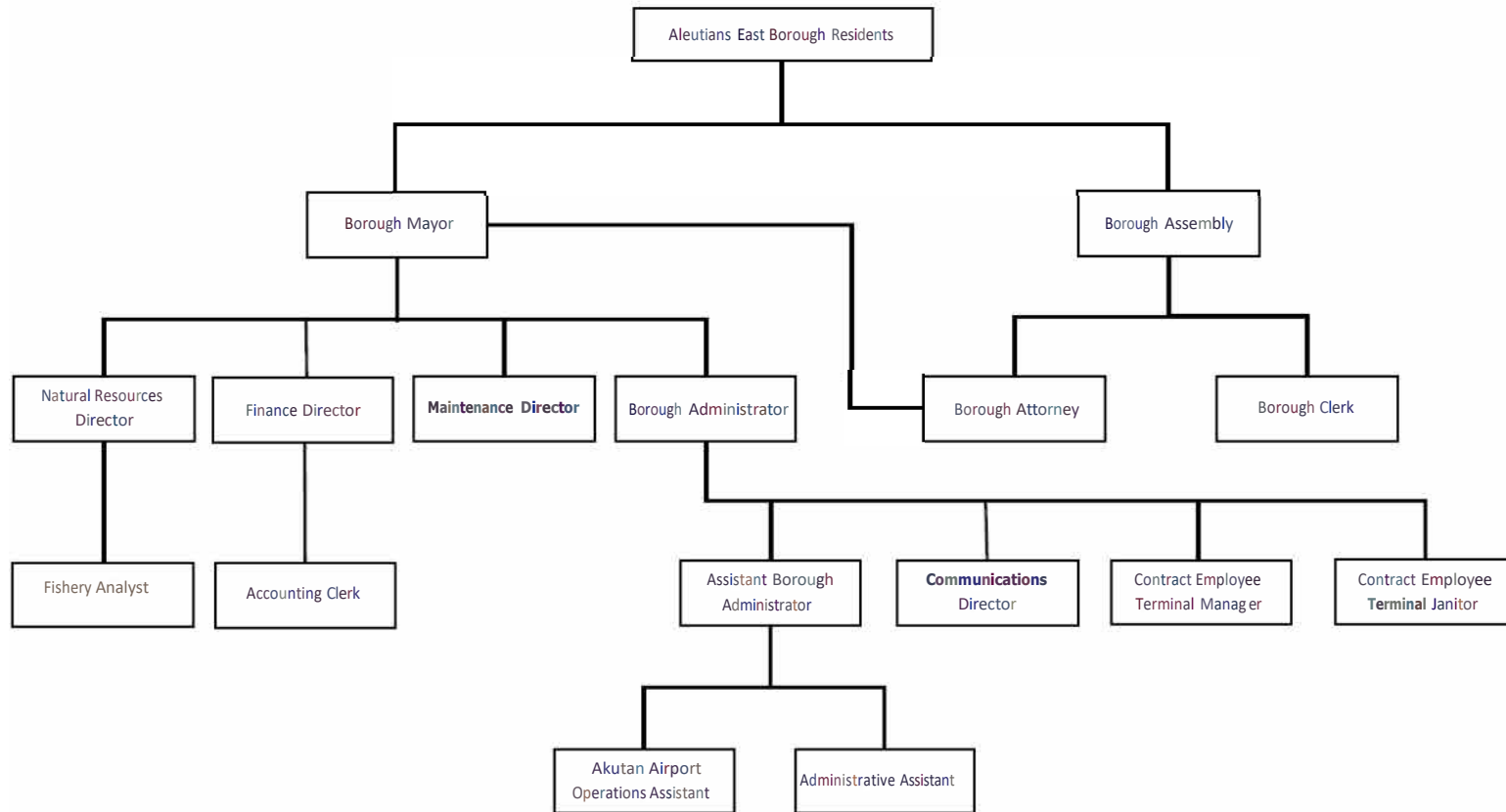
CHAPTER TEN

SEPARATIONS FROM BOROUGH EMPLOYMENT

- 10.1 Nature of Separations.** The termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. This chapter describes the common reasons for separations from employment with the Borough, as well as the policies and procedures that govern them. Since employment with the Borough is based on mutual consent, both the employee and the Borough have the right to terminate employment at will, with or without cause, at any time. Any questions regarding the termination of employment with the Borough should be directed to the Borough Administrator.
- 10.2 Resignation.** Unless otherwise specified by mutual agreement, employees may resign from Borough employment for any reason, and with or without notice. However, an employee may only resign in good standing, and remain eligible for employment with the Borough, if the employee submits a written resignation to the Borough at least 14 days prior to his or her last working date. This requirement may be waived upon approval by the Mayor where emergency circumstances do not permit such notice, or where the Borough is capable of making adequate arrangements to accommodate the vacancy that results.
- 10.2.1 Effective Date of Resignation.** An employee's effective date of resignation shall be the last date that they perform work for the Borough.
- 10.2.2 Acceptance by Borough; Effect of Acceptance.** A resignation is deemed to have been accepted by the Borough immediately upon its receipt. An employee may request to withdraw a tendered resignation prior to their effective resignation date; however, the decision to permit withdrawal is left to the sole discretion of the Mayor.
- 10.2.3 Resignation Due to Unexcused Absence.** The Borough may, at its sole discretion, deem employees as having abandoned their position with the Borough and resigned from employment if they fail to report to work for three or more consecutive scheduled shifts without providing the notice required by this Handbook.
- 10.3 Retirement.** Borough employees who participate in the State of Alaska Public Employees' Retirement Program (PERS) may be eligible to receive retirement benefits after dedicating a sufficient number of years of service to government entities that participate in the program, so long as they meet program criteria. Any questions should be directed to the Borough Administrator and/or Finance Director.
- 10.4 Layoffs.** The Borough maintains sole and exclusive authority to determine whether to lay off any employee whenever budgetary constraints necessitate a reduction in force, or some other reorganization of the Borough's workforce occurs. Employees who have been laid off are not entitled to any pre-deprivation hearing prior to their dismissal.
- 10.5 Termination.** Terminations are involuntary separations from Borough employment for reasons other than layoff. Except for confidential/managerial, temporary, and contract employees, who

may be terminated with or without cause at any time, involuntary terminations shall be accomplished pursuant to the procedures set forth at Section 8.4 of this Employee Handbook.

- 10.6 Severance Pay.** The Borough generally does not provide severance pay to individuals who have been 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 policy in its sole and absolute discretion. One common exception is severance pay as provided for in the individual employment contracts of certain exempt Borough employees.
- 10.7 Effect of Separation on Employee Benefits.** 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.
- 10.8 Exit Interviews.** The 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.
- 10.9 Return of Borough Property on Separation.** Employees are responsible for all property, materials, or written information (including access materials such as keys and pass cards) issued to them or in their possession or control. Employees must return all 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.
- 10.10 Final Payment.** Employees who experience a separation from Borough employment will receive their final pay in accordance with applicable state law



December 19, 2023

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.

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